

**Summary Record of Discussions of the 42nd Session of Indian Labour Conference held on
20 – 21 February, 2009 in New Delhi**

1. The 42nd Session of the Indian Labour Conference (ILC) was held on 20 - 21, February, 2009 at Convention Hall, Hotel Ashok, New Delhi and was inaugurated by Shri Pranab Mukharjee, Hon'ble Minister of External Affairs, Government of India. The national level tripartite conference was attended by senior level representatives of Central Trade Union Organisations, Employers' Organisations, State Governments and Central Ministries and Departments. The deliberations of the conference focused on four key themes namely:-

- (i) (a) All Issues connected with contractualisation of labour.
- (b) Issues related to Migrant Workers.
- (ii) Role of Social Partners in appropriate Skill Development for Employability.
- (iii) Issues relating to Sales Promotion Employees in India.
- (iv) Global Financial Crisis – its effects viz., large scale downsizing, layoffs, wage cut and job losses, etc.

INAUGURAL SESSION

2. Welcoming the delegates and dignitaries, Smt. Sudha Pillai, Secretary, Ministry of Labour and Employment said that ILC provides a unique environment to discuss all issues mentioned in the agenda and to initiate social dialogue between various stakeholders. During the course of her speech she highlighted important legislative and other initiatives taken up by the MoLE such as enhancement of wage ceiling, modification of Maternity Benefit Act, enactment of Unorganized Sector Social Security Act - 2008, up-gradation of 500 ITIs into Centre of Excellence, up-gradation of 1396 government ITIs in PPP mode, launching of Skill Development Initiative scheme for quantitative improvement in training capacity, setting up of 1500 new ITIs and 5000 Skill Development Centre in PPP mode among the other initiatives of the Ministry. She especially mentioned that the Social Security Act, 2008 is going to help a large number of unorganized workers. Lastly, she also appealed all the stakeholders to lend a helping hand to the government to carry forward these noble initiatives.

3. Shri Baijnath Rai, Bharatiya Mazdoor Sangh, representative of the workers organization, in his address mentioned about the present recessionary trends and its impact in the form of job loss, high attrition and closure of industry especially in the export oriented sector. He attributed the present situations to the globalization policy and requested the government to rethink its current policy on globalization. During his speech, he demanded various concessions from the governments namely, restructuring of the planning commission by including representative of farmers and workers, functional representation of the worker's organisations in the Parliament and State Assemblies, ensuring equity in the distribution by raising the income of the unorganized sector workers in line with the Government employees. He also said that in industry workers participation should not be confined to management only but it should extend to Board of Directors. He also called for more stringent and effective implementation of labour laws in all sectors and extending the application of labour laws into IT and IT enabled service, providing bailout packages for

stagnant agriculture and creation of job opportunity, revision of Contract Labour (A&R) Act, 1970 by bringing pro-labour amendment, among other things.

4. Shri S. Behuria, Chairman, Scope and Indian Oil Corporation and representative of the Employer's organisation, in his address complimented the Government for the Skill Development Initiative and said that this timely step would help people get employment in a scenario where recession is causing job losses. He highlighted the need for allowing appointment of flexible and contract worker to meet exigencies of Industry and supported provision of social security and minimum wages to contract workers as minimum conditions. He also urged upon the government to directly support the SSI sector in order to generate more employment. He also welcomed recent steps taken by Ministry of Labour & Employment with regard to skill development initiative scheme, setting up of skill development centre, and up-gradation of ITIs through PPP mode.

5. In his address, Dr. Montek Singh Ahluwalia, Deputy Chairperson, Planning Commission told that the ILC provides a unique platform for the various social partners to share views and arrive at commonly accepted and agreed upon objectives and agenda to achieve a flourishing Indian Industry, which *inter alia* promotes employment. He said that differences between employers and unions on various issues especially on contract workers should narrow down. Dr. Singh also reiterated that the world is facing an overall slowdown, which he termed as the worst crisis after the Great Depression of 1930s and hoped that the present crisis will be overcome through cooperation of all governments and social partners all over the world. He referred to the adverse impact of slowdown in the export oriented production sectors (such as gems, jewellery, textiles, leather, etc.) and highlighted the desirability of governmental interventions through monetary, credit and fiscal policies to revive the growth in domestic and foreign demand and for enabling increase in production and employment, the importance of National Rural Employment Guarantee Scheme as a safety valve to cushion the distressed reverse migration arising out of slowdown in economic activities such as construction was also emphasized.

6. In his presidential address, Shri Oscar Fernandes, Hon'ble Minister of State (I/C), Labour and Employment, Government of India, dealt at length the need for bringing labour into the centre stage in economic and social policy making. He dedicated the entire progress the nation has achieved, so far, to the self-less and concerted efforts of the labouring poor in the country. To acknowledge and recognize the contribution of labour, the Minister pleaded that the extended motto of the day needs to be "Jai Jawan, Jai Kisan and Jai Kamgar". The Minister also highlighted the commitment of the present government to the cause of working poor and common man (*Aam Admi*), giving ample references to various targeted policies and programmes being initiated and implemented in the recent past. He specifically highlighted that the recent labour legislation (Unorganised Workers' Social Security Act, 2008) providing social security to all the workers in the unorganized sector, is a unique one of its kind in the whole world.

7. In his inaugural address, Shri Pranab Mukherjee, Hon'ble Minister of External Affairs highlighted the fact that the world is facing an unprecedented financial crisis and that no country is isolated or insulated from the effects of this crisis on economic and social dimensions. He noted that the crisis is affecting the interests of all stakeholders and called upon the ILC, the Labour Parliament of India, to deliberate how the challenges confronting the society in general and the world of work in particular can be dealt with. He also urged the ILC delegates to convert the existing challenges into opportunities for evolving measures for sustaining growth with equity. He appealed the social partners to deliberate in detail on

the adverse implications of the crisis on labour and employment and said that the entire focus of these deliberations should aim in achieving the twin objectives of protecting the interest of labour, on the one hand, and promoting sustainable economic growth on the other. He emphasized that the Government of India is committed to deal with the crisis and prevent it from snow-balling into a situation that is similar to the Great Depression of the 1930s. Mr. Mukherjee also highlighted the recent governmental initiatives (such as fiscal and monetary measures to boost infrastructure, provision of adequate credit support to poorer sections and facilities for skill upgradation and reskilling of the workforce) to counter the adverse consequences of ongoing economic downslide. The Minister also underlined the relevance of targeted investment of the socially disadvantaged, as a means for strengthening domestic demand, empowerment and ownership of growth process. The Minister also released the National Policy on "Safety, Health and Environment at Workplace".

8. Shri S. Krishnan, Special Secretary, Ministry of Labour and Employment extended a formal vote of thanks to the august gathering. Shri Krishnan expressed his sincere gratitude to the Union Minister of External Affairs, Union Minister of Labour and Employment (I/C), the Chairman of the Planning Commission, Secretary (Labour and Employment), and to all the tripartite social partners and delegates, for making the Indian Labour Conference a success. He opined that, the enthusiasm and spirit shown by all the stakeholders to this apex tripartite consultation confirm their concern and commitment to the issues of labour. He underlined and reiterated the commitment of the Ministry of Labour and Employment to follow up and fulfill the concerns raised in this august forum of tripartite consultation.

Brief Interventions and General Discussion:

9. The session was chaired by Shri. S. Krishnan, Special Secretary, Ministry of Labour and Employment. At the outset, he introduced the themes short listed for the consideration of the 42nd Session of the ILC namely:-

- (1) All issues connected with contractualisation of labour and issues related to migrant labour ;
- (2) Role of social partners in appropriate skill development for employability;
- (3) Issues related to Sales Promotion Employees in India
- (4) Global Financial Crisis – its effects viz., large scale downsizing, layoffs, wage cut and job losses.

He informed that these themes were identified on the basis of the suggestions furnished by the concerned social partners. This was followed by the nomination of three Vice-Chairmen representing each of the tripartite constituents. Accordingly, the following were nominated, after getting the consent and consensus of the delegates.

1. Shri Baijnath Roy, BMS - representing the Workers Group.
2. Shri Ravi Wig, FICCI - representing the Employers Group.

3. Mr. P. K. Gurudasan, Labour Minister, Government of Kerala, representing the State Government.

This was followed by remarks of the Vice-Chairman from the tripartite constituents and interventions by representative of various stakeholders on the agenda items.

10. Shri P.K. Gurudasan, the Hon'ble Minister for Labour and Excise, Government of Kerala, while discussing various issues relating to contract labour said that the Kerala government had taken a consistent stand that contractualisation of labour has to be discouraged and the Contract Labour (Regulation and Abolition) Act should be amended so as to make it applicable to all establishment irrespective of the number of workers and the nature of work. He also informed that the Industrial Relations Board of Kerala has taken a decision to take adequate measures to implement the provisions of Interstate Migrant Workers (Regulation of Employment and Conditions of Service) Act, 1979. Highlighting the steps taken to promote skill development, the Hon'ble Minister informed that most of the ITIs are upgraded as Centre of Excellence by providing world class machineries, equipments and infrastructure. He also reiterated the Kerala government's resolve not to retrench workers in the name of economic crisis and said that the government has already announced special package to face the situation.

11. Shri Hasu Bhai Dave of Bharatiya Mazdoor Sangha (BMS) highlighted that not much importance has been given to the recession which had badly affected the country in the form of job losses, increasing use of contract labour, reduction in wages, increase in working hours and low bonus rates. He urged the government to initiate immediate steps to generate employment under its various rural development schemes for the unorganized sector labour to save them from destitution. He also called upon the government to curb imports and to give importance to agriculture, rural industry and social and infrastructural investment to deal with the crisis.

12. Mr. Sushil Kumar Gupta, National President, Laghu Udyog Bharati, urged the Government that the labour laws amendments should not be made in a piece-meal basis because every one move is co-related with others and will affect all other aspects of employer-employee relations. He also pleaded for one single, separate, simplified 'Industrial Act' for Micro and Small Industries which should cover areas like (a) minimum wages and (b) social security for both the employees and entrepreneurs. He also highlighted that Micro and Small Industry having only 10 or 20 workers is being subjected to same labour laws that are applicable to a large industry employing say more than 1000 workers thereby leading to corruption and exploitation of both workers and entrepreneur. In the end, Shri Gupta emphasized the need for strengthening social security measures including training of the uneducated workers working in the micro and small enterprise by setting up new training centres.

13. Shri Bhanwarlal Meghwal, Labour Minister, Rajasthan, highlighted that recession is affecting workers and Government should put in place anti recession policies by creating more and more employment and by providing appropriate wage to the workers. As employers are exploiting contract workers, he urged the government to come forward with suitable amendments of CLARA to protect the contract labour from exploitation and strengthening the enforcement machinery of contract labour Act. He also highlighted the need to cover all contract workers under EPF and ESI and to abolish employment of contract workers in core sector. For facilitating effective implementation of labour laws, he urged the

central government to simplify various labour laws and to help the state government with budgetary resources. Lastly, he also advocated for generating comprehensive awareness about Interstate Migrant Workman's Act and other labour legislations among the migrant workers.

14. Shri Sanjeeva Reddy, President of the Indian National Trade Union Congress (INTUC) in his opening remarks stated that lots of units especially those who are in the export processing sectors are affected by the global economic slowdown and there is job losses to the tune of 15 lakhs during 2008 and it is expected to go up to 1 crores during 2009. To deal with the situation he offered solution in the form of meeting the working capital requirement of affected units by the government and providing adequate retrenchment benefit to the retrenched workers by increasing the amount of compensation equal to 80 days of wage per year of service from the existing 15 days. He also urged the government to properly implement all labour laws especially those related to contract and construction workers. He also urged the government to apply all existing labour laws to sales promotion employees and to devise an appropriate implementation mechanism so as to distribute the cess collected from real estate companies to the construction workers. He ended his remarks by stating that 'workers should get a fare share of the industrial profit and prosperity'.

15. Shri B. C Prabhakaran of the Council of Indian Employers in his remarks said that the ongoing economic crisis could last long and to survive in a competitive market, managements are compelled to cut cost including wage cuts and urged the workers leaders to help the management in saving jobs by accepting cost cutting measures. He highlighted that existing labour laws is depriving employer's rights and requested the government not to restrict the labour laws further. He also suggested that shift should be made from employment to employability and emphasized to put in place a proper financial system as the present system is out of control.

16. Shri Awdesh Narayan Singh, Hon'ble Labour Minister of Bihar, while discussing the problem of labour in Bihar mentioned that there is preponderance use of contract labour both in unorganized as well as in the organised sector and their employment has increased tremendously over the years. He highlighted that the contract workers were most neglected and exploited in the country and their wages and service conditions are not satisfactory. He urged the government of India to amend the Contract Labour Act suitably to protect the workers. He also advocated to protect the rights of the Inter-State Migrant Workers, by better implementation of the 'Inter-State Migrant Workers' (Employment and Service Conditions) Act 1979'. He also said that his government is also committed towards strengthening its workforce with appropriate skills.

17. Shri H. Mahadevan, Deputy General Secretary, All India Trade Union Congress (AITUC) raised the demand of increasing the minimum wages which is comparatively low for a long time. He demanded to enhance the minimum wage, fixation of minimum wage by following need based approach and gradual movements towards a national minimum wage system. He also highlighted about the current economic crisis and its impact on working class especially casual and contract labour who are badly affected by it. He demanded to amend the contract labour act to abolish appointment of contract labour in permanent position and to put an end to the victimization of contract labour. To deal with the negative fall out of crisis he suggested to expand the employment guarantee scheme, enhancing investment in public infrastructure and to bail out workers and people and not the corporate sector responsible for generating the crisis.

18. Shri Shekhar Borker, Co-Chairman, Associated Chambers of Commerce & Industry of India (ASSOCHAM) said that the economic recession in India is not like that of America which is worst affected. He said India is suffering from economic slowdown and practically every sector has been badly hit especially the labour intensive units. To manage the situation, he said that industries are fumbling with ways and means to cut costs and down sizing and lay offs in some industries is rampant. He highlighted the importance of multi-skilling as a pre-requisite to enable the workers to be better utilized.

19. Shri Pritbhi Majhi, Honorable Labour Minister of Assam said that today the whole world was facing the problem of economic slowdown and during this hour of crisis, we should effectively and productively use our labour forces so that our industries can face the challenges posed by this global slow down. Now, it is the time that the industry and the labour should work together in overcoming the difficult situation and the threat to jobless has to be dealt with urgently and appropriately. In the context of contract labour, he said that while the existence of contract labour cannot be wiped out but to safeguard their interest and to protect them from exploitation and arbitrary termination/retrenchment requires serious attention on the part of the employers and government. Lastly, he thanked the Government of India for its support for various schemes for upgrading the infrastructure required for vocational training in the state.

20. Shri Umraomal Purohit, General Secretary, Hind Mazdoor Sabha (HMS) in his opening statement raised certain basic issues relating to contract workers, financial crisis, and implementation of labour laws. Firstly, he said that there is hardly any seriousness in discussing the problem of contract workers as the government is the biggest defaulter as most big PSUs employ nearly 50-90 per cent of total workers on contract are denied even the minimum wages. Secondly, he highlighted that in the alibi of global financial crisis workers are pushed to wall through lowering down their wages, increasing their working hours etc., though it widely admitted that Indian business is not suffering from the problem of losses but there are less profits. Thirdly he was very critical about non-implementation of various labour laws though this issue is a subject of discussion in many meetings without arriving at a logical conclusion. He also raised issues relating to non-implementation of arbitration awards, headless arbitration tribunals, and long delay in wage revision in the PSUs among other things.

21. Shri Nawab Malik, Hon'ble Labour Minister of Maharashtra, while addressing the gathering said that his government has taken several steps for the benefit of labour. Taking up the issue of contract labour, he mentioned that they require special protection and suggested that contract labourers should be given wages in cheque and facilities like ESIC and PF should also be extended to contract workers. With regard to migrant workers, he suggested that all workers whether engaged by contractors or not be covered by the Migrant Workers Act, 1979. He argued that service conditions of sales promotion employees should also be regulated by keeping check on their working hours by maintaining log books. Shri Malik also expressed his concern for child labour and cinema workers and suggested that the central government should empower the Maharashtra government for evolving measures for the welfare of these workers.

22. Shri M. K. Pandhe, President of Centre of Indian Trade Unions (CITU) in his interventions highlighted that over the years ILC has been devalued as various ministry and departments of the government are not attending the ILC and taking keen interest in its proceedings. He even stressed that captains of Indian industries are not attending the

meeting and are represented by industry bodies. As a result of this devaluation, majority decisions of the ILC since last five years have not been implemented. He also highlighted about growing job losses in the country especially that of contract workers due to present financial crisis. To deal with job losses, he demanded compulsory regularization of contract labour deployed in permanent jobs under the CLARA, extension of NREGS scheme to urban areas and universalisation of PDS, declaration of a bail out package for working class and SMEs, linking bailout package extended to industries with job and wage protection and enhancement of government social sector and infrastructural investment among other measures. He also demanded to amend ID Act to cover sales promotion employees directly under Section 2 (s), ensure minimum wage, working hours and social security benefits to migrant workers, protecting emigrants from the exploitation of recruiting agents.

Dr. Pandhe also highlighted that the government has enacted the Social Security Act 2008 without giving adequate attention to mutual discussions held in various foras regarding various provisions of the scheme. Even the proposed social security scheme of the NCEUS has not been given due attention while framing various schemes under the recently enacted unorganized sector social security act.

23. Shri S.P. Tiwari of Trade Union Co-ordination Centre, highlighted that in the context of phenomenal growth of unorganized sector there is a need to give renewed emphasis on welfare schemes and broader mechanism should be put in place to cater to the need of unorganized sector workers. In this regard he criticized the recently enacted Social Security Act (2008) as it has nothing new but amalgamation of all existing social security programmes under one umbrella. He also demanded to ban contractualisation and outsourcing in core public sector units and in government. He said that strict implementation of labour laws and effective functioning of statutory and non-statutory bodies is enough for workers welfare. He also advocated stimulus package for working class in line with that of stimulus package given to industries after identification of workers affected by economic slowdown.

24. Ms. Manali Shah, Member Executive Committee of Self Employed Women's Association (SEWA), highlighted that because of the global financial crisis there is a reduction in wages and working hours of the informal workers and even closure of small units operating in certain specific sectors. These changes in the world of work have impacted the employment and income of the informal workers negatively which in turn has seriously affected education of the children and nutrition and health of the family. During her intervention she specially raised problems faced by waste recyclers, construction workers, ready-made garment workers, small-scale factory workers, and agriculture and allied workers because of the financial crisis. She urged the government to devise and declare a five point revival package for informal economy on following lines: (a) skill up gradation training in workers areas; (b) working capital and revolving funds for the informal economy; (c) tools and equipments to rehabilitate these workers; (d) risk mitigation fund for the informal sector; (e) extending ESIC coverage to include informal workers. She also requested the government to immediately implement the Social Security Act 2008.

25. Shri D.L Sharma of Confederation of Indian Industries mentioned that the labour intensive exporting sectors like textile, leather, handicrafts, sports goods, food and food processing are the worst affected by the slowdown and workers in these sector are losing their jobs and said that the government would have to do lot more to support these industries for sustaining employment. On contract workers, he said that even though the contract workers were the employees of the contractor (i.e. immediate employer), the principal employer had to take the responsibility for payment of statutory wages, ESI and PF

to the contract labour transcending pure contractual master and servant relationship. Regarding Sales Promotion Employees Conditions Act, 1976 should not be extended to any other industry and there is no need for any statutory working rules for defining their functionalities such as 'job responsibility', 'job specification', 'personal office' as these are management prerogatives of assigning responsibilities. In the course of his intervention he also said to accord importance to the issue of employability and bridging the mismatch between skill demand and skill supply. He also proposed that industrial establishments which train people should be given accreditation and necessary certification and government can consider incentivising such establishments for training of unskilled workers to enhance their employability.

26. Shri M. Shanmugum, General Secretary, Labour Progressive Federation, highlighted that in case of Contract Labour (Regulation and Abolition) Act much attention has been given to the regulation, while abolition of contract labour in permanent/perennial jobs has not been attended to. He also said that CLRA also suffers from the problem of lack of effective implementation and non-payment of minimum wages especially by private establishments. He opined that it is the imperative need of the hour for both the central and state governments to abolish the contract labour system in the government departments as well as in the state owned public sector institutions. For dealing with off season migration from villages he proposed to expand the NREGS to all districts and to increase the number of working days per household gradually from present 100 days to 300 days. With regard to international migration, he proposed to set up one single nodal agency empowered with all powers to deal legal and safety aspects of the migrants. He also urged upon the government for regulating the service conditions of the sales promotion employees and to legitimize their services by bringing necessary amendment in the ID Act 1947 with immediate effect. On skill development front, he welcomed the recent steps undertaken by the government in this direction.

27. Shri Swapan Mukherjee, General Secretary, All India Central Council of Trade Unions brought to the notice of the august gathering that because of the financial crisis at least 20 lakh workers have been rendered jobless in just a few months and several units particularly export oriented ones like textiles, diamonds face ruin and workers all-round face severe wage cuts and increased workload. He emphasized that in order to solve the problem government should reverse the policies responsible for the crisis and demanded a declaration from the government to halt retrenchment/lay offs, wage cuts and closure, increase the purchasing power of common people, make massive public investment in agriculture and social infrastructure, revive close and sick public sector units, enact a separate law for agricultural workers, introduce unemployment allowance for all unemployed, forming a national commission for migrant labour and enact a law against atrocities on migrant labour, extension of minimum wage as recommended by the 6th Pay Commission to all unorganized workers of the country including agricultural labour, and ensure strictest implementation of the CLARA, the inter-state migrant workers act and other labour laws.

28. The proceedings of the first day of the Conference ended with the announcement of the following four Committees to deliberate on the agenda items in detail on the second day of the Conference:-

- (i) Conference Committee on "All Issues connected with Contractualisation of Labour and Issues related to Migrant Workers".

- (ii) Conference Committee on “Role of Social Partners in appropriate Skill Development for Employability”.
- (iii) Conference Committee on “Issues relating to Sales Promotion Employees in India”.
- (iv) Conference Committee on “Global Financial Crisis – its effect viz., large scale downsizing, layoffs, wage cut and job losses, etc.

29. The deliberations in the above noted four Conference Committees continued on 21.2.2009. The summary record of discussions and conclusions by the respective Conference Committees and adopted by the Conference is attached as Annexure- I to IV. The inaugural address by the Hon’ble External Affairs Minister and the speech of the Hon’ble Minister of State (IC) for Labour & Employment are attached at Annexure V & VI respectively. The list of participants is at Annexure-VII.

SUMMARY RECORD OF DISCUSSIONS BY THE CONFERENCE COMMITTEE ON “ALL ISSUES CONNECTED WITH CONTRACTUALIZATION OF LABOUR” AND “ISSUES RELATED TO MIGRANT WORKERS”

The committee was chaired by Shri P.K. Gurudasan, Hon'ble Minister for Labour and Excise, Government of Kerala. Mr. Anil Swarup, Director General (Labour Welfare), Ministry of Labour and Employment, Government of India was the Member Secretary. The Committee primarily focused on issues relating to contractualisation of labour. Issues of migrant worker could not be discussed thoroughly because of paucity of time. Views of various stakeholders on contractualisation are minuted in following paragraphs.

Views of Trade Unions

2. Several eminent trade unionists put forwarded their suggestion on contractualisation of labour issues. Prominent among them were: Mr. S.K. Pandey, BMS; Mr. P.S. Bisht, BMS; Mr. R.P. Singh, INTUC; Mr. S.N. Thakur, AITUC; Mr. Thampan Thomas, HMS; Mr. Md. Amin, CITU; and Mr. S.K. Sankar Saha, AIUTUC.

3. Raising the problems of contract labourers, the trade union delegates were of the view that due to structural changes and globalization, the number of contractual workers is increasing over time and even government undertakings are engaging a large number of contract workers these days. They highlighted that in most cases the contract workers are not even paid the statutory minimum wages and other benefits and always live in a condition of perpetual uncertainty.

4. To mitigate the problem of contract workers, representatives of various trade unions suggested the following measures:

- Abolishing the practice of contract labour. Non-employment of contract labour in permanent and perennial position. At present all the contract workers who are employed in permanent jobs must be regularized and these workers must be paid wages and allowances similar to that of permanent employees.
- Provision of social security benefits and job security to contract workers and payment of wages/salaries to contract workers through cheque and providing photo identity card and medical benefits to contract workers;
- At present contract labourers do not have any grievances redressal mechanism. There is a need for establishing such a mechanism so that contract labour could raise their grievances.
- It was observed that CLARA provides for minimum wages but the Minimum Wage Act of 1949 has little relevance now. Hence, it was suggested that the norms of need based Minimum Wages as fixed by ILC should be the basis for fixing wages of contract and other workers.
- Immediate implementation of Unorganized Workers Social Security Act 2008;

5. On migrant workers representatives of trade unions suggested the following:

- Extending legal protection to the migrant workers who are subjected to aggressive regional chauvinism and exploitation. Measures related to their jobs, wages and

living conditions must be legally protected. It was also suggested to set up of a National Commission for Migrant Workers on the lines of Women and SC & ST commission.

- Putting in place appropriate measures to safeguard the interests of the workers working in the Gulf and other countries who are forced to return jobless owing to economic slowdown. In the context of gulf countries, it was suggested to utilise the emigration deposit worth Rs. 10,000 crores lying with the Government of India for the welfare emigrants who are returning jobless.

Views of Employers Organisations

6. The Employers Group were represented by eminent personalities such as Shri M.K. Garg, Shri R.K. Bhardwaj, Mr. Bupinder Singh, Mr. Aravamudhan, Mr. Srinageshwar. The views of the representatives of employers are presented below.

- Contract labour system should not be abolished in the emerging context of competitive business environment as it will directly hamper industrial growth. They suggested that flexible employment is the best way to increase growth and employment in the present scenario.
- In the context of above, employer's representative in turn suggested to put emphasis on regulating the contract labour system and providing social security benefits to contract labourers.
- Responding to workers group's demand of regularizing contract workers working in perennial jobs, employers representatives said that it would be possible in specific cases depending upon the merit of the contract worker under consideration.

7. In the end, Shri P.K. Gurudasan, Chairperson of the conference committee summed up the discussion by suggesting that in matter of remuneration no distinction should be made between a permanent and a contract worker and everyone should be paid equal remuneration for equal work. Shri. Anil Swarup, Member Secretary of the committee, in his concluding remark said that contract labour had come to stay and hence, the issue should be looked into afresh. He suggested that social security benefits should be provided to all workers including contract workers and there is a need to constitute a task force to look into the problems of both contractual and migrant workers.

Conclusion of the Conference Committee on “All Issues connected with contractualization of Labour” and “Issues related to Migrant Workers”

The Group recognized the need for preventing exploitation of contract labour wherever it exists. There was a consensus that the issue required to be addressed on priority, especially in the wake of economic downturn. Hence, it was felt that the provisions relating to Contract Labour (Regulation and Abolition) Act, 1970 need to be revisited in the context of the following:

- The Employers’ Group felt that the Contract Labour has come to stay. Hence, banning of contract labour does not provide solution to the problems relating to contract labour. The inevitability of contract labour needs to be recognized. However, fresh thought has to be given to the protection of working conditions of contract labour. This protection mechanism needs to be clearly defined in the legislation itself so as to ensure that the contract labour is not exploited in terms of appropriate wages, working conditions and social security.
- The Workers’ Group unanimously maintained that the Act should be amended to provide for:-
 - a) Absorption of contract employees in regular jobs after prohibition under Section 10(2);
 - b) Insertion in the main Act provision for paying same wages and other benefits for same and similar nature of work.
 - c) The ceiling of 20 workers should be deleted.
 - d) License should not be given for employment of contract labour in perennial nature of jobs.
- With a view to evolving a strategy paper incorporating amendments to the existing legislation in the context of the views of respective groups, a task force be constituted. Apart from experts, it should consist of representatives from Workers and Employers so as to facilitate intensive interaction. However, this task force should consult all the stake holders and hold discussion with them. The Task Force should submit its report in six months.

In the context of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, on account of paucity of time, the group could not deliberate at length. It was, however, felt that a tripartite group consisting of representatives from Employers, Employees and the Government should examine the provisions in the Act with a view to facilitating greater social protection to the migrant workers and suggest amendments within six months. In the meanwhile, all efforts should be made for effective implementation of existing provisions.

SUMMARY RECORD OF DISCUSSIONS BY THE CONFERENCE COMMITTEE ON “ROLE OF SOCIAL PARTNERS IN APPROPRIATE SKILL DEVELOPMENT FOR EMPLOYABILITY”

The Conference Committee on Role of Social Partners in appropriate skill development for employability was chaired by Shri Ravi Dev. The member secretary of this committee was Shri Sharda Prasad, Director General (Employment and Training) Ministry of Labour & Employment, and Government of India. The committee discussed the following points (a) Role and responsibilities of Government (Central/ State/Local); (b) Role and responsibilities of employers/ industries; (c) Role and responsibilities of trade union and (d) Roles and responsibilities of civil society organizations and media.

2. Being concerned with the recession and its adverse impact on employment conditions of workers, the representative of Trade Unions, Employer’s Organisation and Government proposed following measures for appropriate skill development. In following paragraphs suggestions of trade union representatives have been presented followed by that of employers and government representative.

Views of Trade Unions

- Dwelling upon the crisis emerged due to economic meltdown; trade union representative said that one important step would be to enhance the skill base of workers so that they could avail new job opportunity in the emerging scenario.
- Emergent need to project (a) skill requirement of worker’s at least for ten years and (b) manpower requirement for skill development.
- Enhancement of duration of apprenticeship from the present one year to two year period.
- It was emphasized that there is an urgent need for providing skill training of employed workers.
- Putting maximum emphasis on providing skill training to women and enhancing women’s access to training facility by reducing eligible educational qualification.
- Women working in unorganized sector should be provided with specific skill development opportunities to realize their employment potentials. It was also pointed out that women working in the construction sector should be provided with training opportunity to enhance their work skills.
- Creation of a strong infrastructural base for skill development and involvement of all stakeholders in the process of skill development.

Views of Employers Organisations

- Undertaking immediate steps for continuous improvement of workers skills to keep them abreast about technological advancement.
- Initiating awareness on skill development programmes by various stakeholders such as principal of ITIs and other such training institutions, workers organization, etc.

- Working together of both private as well as in public sector technical institutions and designing and development of their respective skill training inputs in the light of emerging skill requirement of the labour market.
- Need for forging partnership among stakeholders entrusted with the task of skill development in the country.
- Providing opportunity to agricultural worker to acquire skill in emerging occupations to improve their productivity and employment mobility.

Views of Government Representatives

- Priority attention on practical training aspect by vocational training institution. In this regard it was highlighted that link between training & employment was essential;
- Provision of quality trainers to train instructors of vocational training institutes on a periodical basis;
- Provision of training facilities in remote areas for which priority studies are required to assess the need;
- Initiating skill mapping and revisiting Apprenticeship Act to make it user friendly;
- It was also suggested that boys who failed in general education should be allowed to join various skill courses/trades;
- Involvement of media to generate awareness about skill development activities and plans;
- Creation of a pool of skilled workers of international level; and
- Providing Private sector ITIs their due role in the overall skill development initiative.

Conclusions of the Conference Committee on “Role of Social Partners in appropriate Skill Development for Employability”

Towards the end, members of conference committee agreed to the following points:

1. Roles and responsibilities of Government (Central/State /Local)

- a) Setting up of priority and policy planning including skill deficit mapping.
- b) Providing regulatory framework and enabling environment for stakeholders.
- c) Devising financing mechanism, reward and promotional framework.
- d) Capacity building of social partners.
- e) Setting up of monitoring, evaluation and research mechanism.
- f) Facilitating international co-operation.
- g) Setting up of a national qualification framework and quality assurance mechanism.
- h) Preparation of work plans to meet sector-specific skill needs.
- i) Revisit Apprentices Act, 1961 for more functional implementation.
- j) Incentivising skill development by providing land and other infrastructural facilities.
- k) Implementation mechanism for bridging gap between school system and vocational training institutions.
- l) Training and motivation of Principals/Instructors
- m) Preparation of Information, Education and Communication strategy for skill development.
- n) Use of Panchayati Raj institutions for imparting training.
- o) Skill demand analysis and curriculum development.
- p) Facilitating training of trainers,
- q) Delivery of training in demand driven skills.

2. Roles and responsibilities of employers/industries:

- a) Owning Skill Development activities.

- b) Identification of competencies and setting up of competency standards,
- c) Skill demand analysis and curriculum development.
- d) Facilitating training of trainers.
- e) Delivery of training, monitoring and evaluation.
- f) Participation in examination and certification.
- g) Participation in affiliation and accreditation process.
- h) Sharing of work place experience, machinery and equipment.
- i) Support by way of physical, human and other resources.
- j) Facilitating employment of trained persons.
- k) Supporting skill development initiatives of other public and private agencies.
- l) Implementing apprenticeship schemes under the Apprentices Act, 1961.
- m) Investing in skill development activities.
- n) Encouraging workers for acquiring skills.

3. Roles and responsibilities of trade unions:

- a) Assist in developing competency standards.
- b) Assist in course designing, examination and certification.
- c) Raising awareness about the benefit of training, skill development plans and activities among the workers
- d) Promote skill upgradation and life-long learning among the workers.
- e) Running special skill development institutes for skill development of workers in collaboration with other stakeholders.
- f) Promoting investment on skill development among the employers.
- g) Facilitate improving status of VET trained persons.

4. Roles and responsibilities of civil society organizations and media:

- a) Raising awareness about skill development plans and activities among the public with active participation of media.
- b) Facilitate improving status of VET trained persons.

- c) Implementing skill development programmes.
- d) Assist in developing competency standards.
- e) Assist in course designing, examination and certification.
- f) Promote lifelong learning among the public.
- g) Promoting dignity of labour among the public
- h) Sharing experience of learning with others.

SUMMARY RECORD OF DISCUSSIONS BY THE CONFERENCE COMMITTEE ON “ISSUES RELATING TO SALES PROMOTION EMPLOYEES IN INDIA”

The Conference Committee on all issues connected with Sales Promotion Employees in India was chaired by Shri Baij Nath Rai, Secretary, Bhartiya Mazdoor Sangh (BMS). Shri S.K. Mukhopadhyaya, Chief Labour Commissioner, Ministry of Labour & Employment was the Member Secretary of the committee. In the meeting, following four issues were discussed: (a) Enforcement of Industrial Disputes (Amendment) Act, 1982 in section 2(j) defining Sales Promotion as an ‘Industry’; (b) Extension of Sales Promotion Employees (Condition of Service) Act, 1976 to scheduled industries other than pharmaceuticals; (c) Statutory working rules for the Sales Promotion Employees under SPE Act and (d) Amendment of the Industrial Disputes Act 1947 to include “sales Promotion employees” in keeping with ID Act, 1981 (West Bengal Amendment). Shri Mukhopadhyaya initiated the discussion on the above mentioned issues and subsequently invited representatives from various organisations to speak on the above four agenda points.

Views of Trade Unions

- Suitable amendment to ID Act may be made to treat sales promotion as a part of industry and workers involved in sales promotion as ‘workmen’;
- Extension of Sales Promotion Employees (Conditions of Service) Act, 1976 to scheduled industries 40 schedule industries other than pharmaceuticals. It was suggested that at least 10 industries must be included in the Act, if not forty;
- To strictly enforce the dispute redressal mechanism under ID Act, 1982. This will also provide sales promotion employees a platform for their ‘grievance redressal’.
- The sales promotion employees should be given weekly off and festival holidays.
- Inclusion of lakhs of sales promotion workers in Pharmaceutical industry, who don’t have any legislation for their security and regulation of service conditions under the definition of ‘workmen’ and extension of Sales Promotion Employees (Condition of Service) Act, 1976 to pharmaceutical industry. The retiring age of medical service representative should be 60 years and they should be given dearness allowance.

Views of Employers Organisations

- The representatives of employer’s organisations vehemently opposed to all the four agenda points. They stated that job of sales promotion employees is non-technical and employees are autonomous and independent in terms of choice of work time. Thus, they should not be included in the category of ‘workmen’, and not to provide sales promotion the status of ‘industry’ under the ID Act as it would act against the freedom of industry to utilize the services of such persons with greater flexibility.
- Sales promotion employees should be given decent working conditions and suitable TA/DA.

- Enactment of a Central Legislation for the Sales Promotion Employees Act.
- Removal of “Medical Sales Representative” from application of provisions of “The Sale Promotion Employers (conditioned of services) Act, 1976.

Conclusion of the Conference Committee on “Issues relating to Sales Promotion Employees in India”.

Conference Committee on “Issues relating to Sales Promotion Employees in India” deliberated on the following 4 demands raised by the Sales Promotion Employees on 21st February, 2009:

- (a) Enforcement of Industrial Disputes (Amendment) Act, 1982 in Section 2 (j) defining “Sales Promotion” as an ‘industry’.
- (b) Extension of Sales Promotion Employees (Conditions of Service) Act, 1976 to scheduled industries other than pharmaceuticals.
- (c) Statutory working rules for the Sales Promotion Employees under SPE Act.
- (d) Amendment of the Industrial Disputes Act 1947 to include “Sales Promotion Employees” in keeping with ID (West Bengal Amendment) Act, 1981.

At the end of the deliberation the representatives of various stakeholders agreed on the following points.

1. Consensus eluded us but we reached near consensus on many demands, for example, the trade unions did not press the demand relating to inclusion of sales promotion as industry provided sales promotion employees are included in the definition of workmen under Industrial Disputes Act.
2. The trade unions agreed that though they demanded Sales Promotion Employees Act be extended to 40 scheduled industries other than pharmaceutical industry, yet they agreed that it may be extended to reasonable number of industries, say 10 which may be further negotiated.
3. The Trade Unions also agreed that Statutory Working Rules for Sales Promotion Employees may be further discussed in view of coverage of Shops and Establishments Act.
4. The trade unions demanded that the sales promotion employees be included in the definition of workmen under I.D. Act so that they can get the benefit of dispute resolution mechanism. On the other hand employers urged that the dispute settlement mechanism be incorporated under Sales Promotion Employees Act and discussed further.

SUMMARY RECORD OF DISCUSSIONS BY THE CONFERENCE COMMITTEE ON “GLOBAL FINANCIAL CRISIS – ITS EFFECT ON LARGE SCALE DOWNSIZING, LAYOFFS, WAGE CUT AND JOB LOSSES, ETC.”

The Conference Committee on global financial crisis and its effects was chaired by Dr. Ashok Sahu, Labour and Employment Advisor, Ministry of Labour & Employment, Government of India. The member secretaries to this committee were Dr. Harcharan Singh, Deputy Director General and Smt. Amarjeet Kaur, Deputy Director General (Employment), Ministry of Labour & Employment. At the outset Dr. Sahu outlined the various facets of the ongoing economic slowdown and its impact on Indian economy in the form of reported layoffs, wage cuts and job losses. Thereafter, he called upon the representatives from trade unions, employers association and government to put forward their suggestions for dealing with the economic slowdown. The suggestions of the above three groups are summarized in subsequent paragraphs.

Views of Trade Unions

2. Representatives of the central and state level trade unions unanimously held the view that the ongoing crisis has severely affected the workers and the poor people in terms of job losses, wage cuts, retrenchment and lay offs and proposed following immediate measures to deal with the situation.

- Enhancing the budgetary allocation for social welfare and social security of unorganized workers to 3 per cent of GDP.
- Extending NREGs to urban areas. Restructuring the NREGS so as to provide employment to at least 2 person per household for 180 days each and enhancing wages paid under the scheme to Rs 200 per person per man-day apart from other provisions such as unemployment allowances etc. It was also suggested to implement NREGS diligently and aggressively so that flaws such as non-payment of minimum wages and other aspects can be taken care off.
- Ensuring universal access of the Public Distribution System in both rural and urban areas by expanding the distribution network, ensuring quantities supplied under PDS in consonance with consumption needs of the household and fixing the fair prices in line with minimum wages. It was also suggested to further strengthen the ICDS and to enhance the salary of *Anganwadi* workers.
- Some of the Trade Union representatives also proposed to make some amendment in the recently enacted Unorganized Sector Social Security Act 2008 on following lines:
 - Extending coverage of Indira Gandhi Old Age Pension Scheme so as to cover all below poverty line persons those who are above the age of 50 years. Enhancing the amount of pension benefit to Rs. 1000 from existing Rs. 200 per person per month.
 - Disabilities cover under *Aam Admi Bima Yozna* to be extended all persons in the rural landless households between the age group of 16-59 years. The

benefit coverage should be enhanced to Rs 1 Lakh and Rs. 2 Lakh in case of natural death and accidental death/ permanent disability respectively.

- Scholarship benefit of Rs. 750 per quarter to a maximum of three children studying between 5-8th standard and Rs. 1000 per quarter to children between 9-12th standard.
 - Rashtriya Swasthya Bima Yojana: Health Insurance to be pegged at Rs. 2 Lakh and the benefit of the schemes should be extended to workers other than building and construction workers.
 - Under national family benefit scheme maternity benefits should be equivalent to three months of minimum wages.
- Government should extend bail out package and other concession to companies which promise not to declare lay off, retrenchment, closure and wage cuts.
 - Further it was suggested that government should undertake a detailed sectoral analysis so as to extend a bail out packages to sector such as Textiles and garments, Gems and Jewelry, Diamond, IT, etc. and workers there in, which are badly affected by economic slowdown.
 - Wage cuts and job losses should not be a part of any adjustment policies owing to economic slowdown.
 - Employment of workers who have lost their jobs due to lay-offs and retrenchment must be meaningfully protected. These workers must be provided with 1 years of wage instead of 6 months wages under ESI.
 - Providing better working condition and enhancing productivity of the informal economy workers. This can be done by introducing separate legislation for improving working conditions and welfare of unorganized and agricultural workers.
 - More credit facilities to small scale, traditional, agricultural and rural sector. Extending re-financing package for export credit guarantee to medium and small scale sector.
 - All new infrastructure investment to be made exclusively under the public sector.
 - Review of export-import policy by increasing import duties to earlier levels, banning imports of items which are adversely affecting our production capacity, restoring quantitative restrictions on 1250 items withdrawn earlier by the government.
 - Tax concessions to industries should be linked to generation of employment and expansion of labour capacity and not for the purpose of modernizing the industries.
 - Restructuring of the public sector to build on existing capacity of indigenous technology especially in the capital goods and wage goods sector.
 - Regulation of the financial sector including strict regulation of foreign investment and introduction of a long term capital gain tax. Further, taxes such as long term capital gains, wealth tax, security transactions needs proper implementation.

- A cap on executive pay and bonus, higher personal income tax in the top income tax band, and introduction of taxation on assets.
- 8 hours a day work principle should be strictly implemented in all sectors particularly in informal sector and in IT and BPO/KPO sector so that more employment can be generated.
- Service sector is primarily covered under the Shops and Establishment Act which is under the States Act. The service sector especially IT companies should be covered under Industrial Employment (Standing Orders) Act to at least provide for orderly regulations of conditions of work of employees there in. Presently the definition of establishment covers only manufacturing sector. This can change by adopting definition of establishment as in PF Act.
- Formation of a high powered committee at the central level to monitor the impact of recession on working class.
- Fixation of National Minimum Wage which is in accordance with the poverty line and its strict implementation so that no body is paid below that level.
- Strengthening domestic market and enhancing purchasing power of common man.

Views of Employers Organisations

Employer's representative opined that the ongoing global crisis has created a situation of consistent decline in export and domestic demand, severe competition, choking of bank finances, and increase in non-tariff barrier by developed countries. The crisis has affected all the sectors specially the labour intensive sector. In order to remain competitive, Indian industry has responded in a variety of way to cut cost and reduce wastages of resources by adjusting, working hours and wages and in extreme scenario it has also resulted into some job losses as well. Further, the employers groups highlighted that the social partners have to understand that industry and labour have to co-exist and joint efforts have to be undertaken to reduce the pain created by the economic slowdown.

2. The following points were highlighted by the representatives of various employers association for effectively dealing with the crisis:

- As SSI is a labour intensive sector, it was suggested to effectively implement the scheme of factoring, waive collateral security, declare moratorium on NPA by banks for one year for the SSI and export oriented sector.
- Specific measures must be initiated to enhance employment in segments that are badly affected by economic slowdown, such as IT and IT enabled services, Textiles, Gems & Jewellery, automobile, Retail Trade, realty sector etc.
- Government should undertake huge investment in infrastructure such as on transport, power, port and housing with active involvement of industry. Government should also promote agro-based and food processing industries.
- Increasing government investment in renewable and solar energy.

- Enhancement of government spending on skill development, education, social security and employment generation programmes such as NREGS and FFW.
- Reduction in interest rates and excise duties and government should also fight against imposition of non-tariff barriers by developed countries.
- Labour Laws needs to be relooked and some sort of rationalization needs to be brought in. The employers groups also suggested bringing in accountability among labour inspectors who implement the labour laws at the ground.

Views of Government Representatives

3. The representative of both central and state governments highlighted that the global economic recession has already created a sense of insecurity amongst the vast cross-section of workforce in India. The impact of the recession was evident in the form of decline in industrial and service sector growth, weakening of rupee against dollar, its negative impact on stock markets and the overall effect of these downturns on the working class. To protect the workers, representatives of the government put forwarded following suggestions for consideration of the house.

- To come forward with appropriate economic package and social security measures for the unorganized sector workers and common man. In the context of social security it was pointed out that the central government should extend the NREGS to urban areas and the recently enacted social security Act 2008 must be gradually extended to all unorganized sector workers. Further it was also suggested to improve the conditions of work of the contract, casual and regular workers, as well as enhancing their skills and capabilities.
- To impart training to retrenched workers in emerging skills and entrepreneurial activities with collaborative efforts on the part of industry, trade unions and government. The company or firm who has retrenched workers must contribute financially towards this effort.
- Indian industry should treat the recession as an opportunity by reorienting their businesses from export oriented focus to cater to the domestic demand.
- It was highlighted that bilateral relationship between management and union is more important in such crisis.

Conclusion of the Conference Committee on “Global Financial Crisis – its effect on large scale downsizing, layoffs, wage cut and job losses, etc.”

In the end, the Conference committee put forwarded following recommendation for dealing with the crisis.

- Global Recession, economic slowdown in India: If the present situation continues, it may convert into recession.
- Most of the sectors affected are export oriented and labour intensive e.g. Gems and Jewellery, textile and garments, leather and leather products, engineering goods (capital goods, auto components, etc.) and BPO services, etc.
- Labour Intensive sectors - construction sector (specially cement and steel) and transport, automobile, civil aviation and tourism hit badly.
- The Conference committee is of the opinion that there should be a two-pronged strategy to deal with the present situation: (i) short term strategy and (ii) long term strategy.

(A) Short Term Strategy

- (i) The Quarterly assessment survey relating to impact on employment on account of economic slowdown should be carried out including unorganized sector as well.
- (ii) Strict implementation of labour laws for lay-off, retrenchment, closure etc. should be followed. Any change in the working conditions should be decided through mutual consent between employers and employees in those units affected by slowdown.
- (iii) A broad-based social security scheme including unemployment insurance should be devised to take care of workers adversely affected by economic slowdown.
- (iv) Small, medium, traditional and export-oriented units should be provided credit at concessional rate of interest by banks and other financial institutions.
- (v) Having an Urban Employment Guarantee Scheme has to be given serious thought.
- (vi) The scope of PDS applicable to BPL families should be widened both in terms of commodities and coverage.
- (vii) The areas/sectors with employment potential may be identified. Workers affected by economic slowdown may be trained/retrained for alternative employment. For this purpose, sensitization workshops may be held all over the country.
- (viii) Inter-Ministerial Group including all stakeholders should be formed so as to monitor the impact of economic slowdown on employment and oversee the implementation of the recommendations.

(B) Long Term Strategies:

- (i) National minimum wage should be fixed and enforced statutorily.
- (ii) Investment in infrastructure such as power, transport (roads, rail and water), redevelopment of ports, affordable urban and rural houses should be increased to generate employment.
- (iii) Suitable measures should be taken to safeguard the interests of people working outside India in view of Protectionist Policies followed by developed countries.
- (iv) Investment in non-conventional/renewable energy should be increased to reduce dependence on oil and its subsequent effect. This will also generate more job opportunities.
- (v) More importance to agro based industries should be given in view of the large population being dependent on agriculture.
- (vi) Steps should be taken to stimulate domestic demand so that consumer spending gets encouraged.

INAUGURAL ADDRESS BY

SHRI PRANAB MUKHERJEE, HON'BLE MINISTER OF EXTERNAL AFFAIRS

ON THE OCCASION OF 42ND SESSION OF INDIAN LABOUR CONFERENCE

20th FEBRUARY, 2009; 0930 hrs.

Shri Oscar Fernandes, Hon'ble Minister of State (Independent Charge) for Labour & Employment,

Shri Montek Singh Ahluwalia, Dy. Chairman, Planning Commission,

Smt. Sudha Pillai, Secretary for Labour & Employment,

Shri Hardeep Singh Puri, Secretary(ER), Ministry of External Affairs,

Shri Baijnath Rai, Representative of the Workers' Group,

Shri S. Behuria, Representative of the Employers' Group,

Dear friends from the labour movement,

Dear entrepreneurs,

Distinguished participants of the 42nd Session of the Indian Labour Conference,

Ladies & Gentleman!

I am delighted to be here at the 42nd Session of the Indian Labour Conference and to share with you some thoughts about the current challenges before our country as well as before our employer and worker friends alike. Your current session has, therefore, the opportunity to reflect on a turning point in our country's history. This moment represents challenges as well as opportunities and, therefore, demands of all of us careful decisions devoid of any narrow or sectional impulsiveness.

The world is going through a period of unprecedented economic crisis. The International Monetary Fund has, in its January, 2009 global economic forecast, predicted that the world economy would stall in the current year. At the projected growth rate of 0.5%, it is the lowest since the Second World War. Asserting that "uncertainty surrounding the outlook is unusually large", the IMF had predicted a 2.2% growth rate for 2009 just 3 months ago! There are still no indications as to how it will progress and as to when it will bottom out.

It is inevitable that a crisis of such proportions would leave no country untouched howsoever isolated it may consider itself to be. Hon'ble Prime Minister stated, at the G20 Washington Summit, that the negative impact of the crisis would affect a whole generation. The World Bank President has stated that the economic crisis has "already pushed an estimated 100 million people back into poverty." The International Labour Organization (ILO), in its most recent Global Employment Trends (GET) report, projects global unemployment rate to rise to 6.1% - or an increase of unemployed by 18 million - in 2009 comparison with 2007. These figures are, however, based on the IMF's November, 2008

growth projection of 2.2%. In the worst case scenario, the figures for the unemployed, the working poor and the vulnerable employed, i.e. contributing family workers or own-account workers, could be highly distressing.

The Government of India has been conscious of the magnitude of this still deepening crisis and has been taking steps to mitigate its impact on the Indian society. Of course, a global crisis requires a global response and India is playing an important role in fashioning it. The Union Government's response has been swift and, as recent developments indicate, beneficial. The RBI has taken special measures for massive injection of liquidity for the banks, non-banking finance companies and the mutual funds. The reflationary package administered through the record increase in Central Government expenditure and relaxation of prudential norms to assist the real estate and the housing sectors, has had the desirable impact. According to the ILO report mentioned earlier, South Asia, at 5.4% of unemployment rate in 2008, was amongst the lowest in the world. In contrast, the developed economies and the European Union region registered negative net employment creation last year.

In large measure, an economy like India's, which is quite substantially internally driven, would need to generate greater domestic demand to cushion itself against the economic turbulence abroad. We are already witnessing worrying signs of protectionism in the world's biggest economy. We will need to argue against this trend at the international fora. We will need to press for trade and aid flows to the developing countries. And, we will need to look at regional cooperation to strengthen our defences against such crises.

As the Government is doing internally, we need to invest more in infrastructure, provide adequate credit support to the poorer sections of society and to create better facilities for upgrading skills and for the re-skilling of the work force. The Government's approach of inclusive growth is the critical component of its strategy to ensure an early recovery from the current crisis. Jobs must be protected even if it means some reduction in compensation at various levels. Social welfare net needs strengthening because this will provide the base for socially harmonious shift in the pattern of employment. Strengthening of local demand, empowerment and ownership of the growth process can be ensured only through directed investment aimed at the socially disadvantaged sections of our society. Only then can we mitigate the trend for large scale labour migrations. Strengthening of the health and education services and the protection of the pension systems is the need of the hour if we, as a nation, are to turn this crisis into an opportunity. We must display the spirit of solidarity by sharing equally the pain of this crisis. A humane globalization is the answer to the current crisis and its attendant danger of social discord or, even, the heightened risk of terrorism.

Our Government is making all out efforts to ensure flow of credit to consumption, trade and investment and stimulating additional demand through public and private expenditure and investment. We have taken several measures to protect those who are most exposed. Measures comprise extending social protection and unemployment benefits, facilitating additional training and targeted safety nets. We are working in the direction of supporting productive, profitable and sustainable enterprises together with a strong social economy and a viable public sector so as to maximize employment.

Friends!

We have come a long way since the first Indian Labour Conference (ILC) was held in pre-independent India in 1940. I am glad to see that the able leaders from the three pillars

of Indian industry - trade union movement, business and government - are here to deliberate upon the unprecedented challenges before our country. Healthy dialogue amongst stake holders is vital, for creating a congenial climate of good industrial relations. I am pleased to note that Ministry of Labour & Employment has a very sound mechanism of social dialogue in place. The Indian Labour Conference has aptly been described as the Labour Parliament of India. It is a confluence of creative forces and energies, the testing ground of tripartite consultations which symbolizes consensus in decision making. Our Government is committed to working with labour and business class to create a new era of inclusive growth.

On this occasion, I would like to urge you all to strengthen our hands in our efforts to speed up the process of industrial development. We are firmly convinced that sustainable growth and development hinge on balanced economic, social and environmental policies. This will require strong coherence between financial, trade, employment and labour, development, social and environmental policies to support sustainable economic growth.

Thanks to our three pillars working together in a democratic, accommodative framework, we do not suffer from any self-doubt about our national model unlike the feeling in the west. Although still developing, India is a less socio-economically unequal society, as measured in terms of the Gini co-efficient, than many developed countries. We need to protect ourselves from the fall-out of this crisis unitedly, sagaciously and in the spirit of tripartite cooperation. We cannot be complacent given the nature of the crisis but I am sure that we have the capability and the resources to turn this into an opportunity to restructure our economy and to raise our stature in the world community even higher.

I wish your conference every success and look forward to the direction that your deliberations will provide in the interest of the growth and prosperity of our motherland.

Thank you!

PRESIDENTIAL ADDRESS BY
HON'BLE MINISTER OF STATE (IC) FOR LABOUR & EMPLOYMENT
42ND SESSION OF INDIAN LABOUR CONFERENCE
20 – 21, FEBRUARY, 2009 AT NEW DELHI

Adam Smith, philosopher and economist said: "Labour was the first price, the original purchase— money that was paid for all things. It was not by gold or by silver, but by labour, that all wealth of the world was originally purchased."

With this truth before us, I feel extremely privileged today to extend a warm welcome to Adarniya Videsh Mantri Shri Pranab Mukherjee ji, my Cabinet colleagues Shri Vyalari Ravi ji, Shri Raghuvansh Prasad Singh ji, Dr Montek Singh Ahluwalia ji, and to the distinguished Labour Ministers from States, distinguished representatives from Central Trade Unions, representatives of Employers, and senior officers from Central Ministries/Departments and the State Governments. As we all know this forum offers a unique opportunity to social partners to charter a course towards a meaningful and productive partnership which contributes to a vibrant economic future of India. This is the 42nd Session in a series. Tripartite consultations among Government, Employers' and Workers' organizations in industry commenced as early as in 1944 with the establishment of the Indian Labour Conference (ILC), the Standing Labour Committee (SLC) and over 35 tripartite bodies to deal with issues such as minimum wages, social security benefits, education and training, safety and health, etc. both in the organized and unorganized sector. The Government's Joint Consultative Machinery and the three-tier Permanent Negotiation Machinery in Indian Railways are exemplary steps in the recognition of the mechanism of social dialogue.

History is witness, that nations of the world that progressed, have been able to do so because the shoulders of its workforce were willing to carry the burden of the rest of the countrymen. Only when the inventions of creative geniuses were taken up for production by a country's labour they immediately translated into national wealth. The true national treasure of any country is its workforce and in India we have seen progress in all sectors by dint of the "*Khun-pasina*" of our people. I take this opportunity to salute our labourers wherever they are working and in whatever capacity. A leader cannot achieve anything without a shared vision, without the support of his team. It is only teamwork that leads to a winning podium and eventually a shining medal.

As we go about in the business of everyday life we never pay attention to what labour has gone into the making of everything that we consume and enjoy. Think of the car, aeroplane, railway train, food we eat, machines used by our industry, computers, running of our markets, airports, stations, ports, the making of films, the refining of our crude oil, making of fertilizer, steel, cement, maintaining our highways— each and everything that we wear, use and live by, is the product of someone's labour, the result of the perspiration of somebody's brow. We do not realize that someone, somewhere, ate less so that we could get our full meal; someone slept less so that we could sleep in comfort; someone worked overtime with less income so that our huge systems could run. That someone is our labourer, our farmer, our soldier, our worker, toiling in organized or unorganized sector.

Our Government was very much concerned about the welfare of this sea of humanity that is the engine to all development and economic growth. That's why we kept the Aam Admi in the centre, making him the focal point, for evolving all our policies, schemes and action agenda. We do not have to speak on every scheme our government brought. It is all there

before you. The legislation gaps were filled to the extent possible in the tenure, the policy was tailored to suit the common man, schemes were implemented, some of which have no parallel in the world. This has been the government of the Aam Admi. The Aam Admi of Mahatma Gandhi! Gandhi ji became an Aam Admi from a London Barrister because of the love for the country, its people, its freedom, that all of us deserved and desired. Gandhi Ji dressed, lived, ate, moved and behaved like an Aam Admi and he is our inspiration in the country, and in the UPA Government. I will say today that the Aam Admi of India is the Gandhi of the country, because he has learnt to serve the rest of the people as the Mahatma taught us.

Our former Prime Minister Lal Bahadur Shastri Ji gave us the slogan '*Jai Jawan Jai Kisan*'. In my humility and with full respect to our leader, I would like to expand it to become '*Jai Jawan, Jai Kisan, Jai Kamgaar*'.

These are the days of people becoming aware by movies like Slumdog Millionaire. We have to recognize the contribution of our workforce, improve their living standards, and enable them to raise their hands in joy and shout in exclamation— *Jai Ho*. They too have their dreams. In fact we must also say *Jai Ho* to them who make our lives so good and livable. It is our time to return to them what is due to them. We must remember that when we want to know the time, we look at our wrist watch, when we want to talk, we quickly flash out our mobile phone. Whose hands and whose labour went into the making of these things? Just like it is easy to be difficult; it is difficult to be easy. Just like it is simple to be complicated; it is complicated to become simple. We must not forget all those workers who make life easy and simple for us to live. I pay to them a tribute on your behalf and on my own behalf today.

Revolutions took place in the medieval world when the workers and the farmers were neglected. The French Queen Marie Antoinette said, when told of rioting peasants not having enough bread to eat—“If they do not have bread, why don't they eat cakes”. It is one of the most symbolic statements of that great divide between a people and its rulers. In our country we have been fortunate that we were blessed with leaders like Mahatma Gandhi, Pandit Jawaharlal Nehru, Indira Ji, Rajiv Ji, who kept on increasing the people orientation of the government. Indira Ji gave the nation its slogan of self-sufficiency—“Tighten your belts”. Many people left studies and became farmers by choice. The same choice is before each one of us today— to toil for the country, to build our nation or just to live selfish. Each man's work is important, rendered in whatever capacity and wherever. Recognition must be given to the true heroes of our times, the *Kamgaar*. Today Sonia Ji and Dr. Manmohan Singh are keeping that great tradition alive— the welfare of the common man and so she tells all of us to follow this in our respective Ministries and Departments.

This is the country with the philosophy of '*Vasudev Kutumbakam*' and '*Bahujan Hitay, Bahujan Sukhaay*'. This is the government whose policy is summarized in '*Garibi Hatao*', '*Roti Kapda aur Makan*' and now '*Rozgar Badhao*'. The interest and welfare of the common man is the common thread that imbues us with this energy and vision to strive towards making India the best nation for its citizens to live in this entire world.

I will recount to you the story of Mughal Emperor Humayun's, *bhisti*, the poor labourer who made a living by selling water in a *mashk*. He once saved Humayun's life and to honour him and as a matter of his thankfulness Humayun made him King for one day. A leather coin was also minted in his name! Symbolic, but the king knew how to honour his saviour. Today's workers are our unseen saviours! They keep toiling for our success. Therefore, I call upon

the industry and the bureaucracy to be sensitized towards their welfare. We have to be compassionate and we must understand that if we all grow, the nation will become stronger. We believe in not exclusive but inclusive growth and development.

The hands that makes our children' toys are hands that need to be held in a bond of warmth and care.

I have hope in all of you listening to me and that's why I decided to migrate from hardcore facts and figures to the core issue that deserves our singular attention today. Nevertheless some points I would like to make to you as you deliberate on issues in this Conference.

At present due to global slowdown, we are passing through a very difficult and crucial phase of our economy. I must point out that achieving a high level of economic growth will not be easy in the years ahead. During the last three years Indian Economy grew at an average annual rate of 8.6 percent. For the first time, the economy has shown signs of deceleration and according to Advance Estimates released by Central Statistical Organization grew at 7.1 per cent during 2008-09 as to 9.0% during 2007-08.

Our Government has taken a number of fiscal and financial steps to control and minimize the effect of economic slowdown on our industry and consequently on our workers. The 11th five year plan provides an opportunity to restructure policies to achieve a new vision based on faster, more broad-based and inclusive growth. It aims at making employment generation an integral part of the growth process and devise strategies to accelerate not only growth of employment but also of wages of the poorly paid. Hon'ble Prime Minister of India has recently emphasized the 'need for a growth process that is much more inclusive, a growth process that raises the income of the poor to bring about a much faster reduction in poverty, a growth process which generates expansion in good quality employment, and which also ensures access to essential services such as health and education for all sections of the community'. An environment for inclusive growth has been created by a few flagship schemes of the Government already in operation. The Prime Minister's Bharat Nirman Scheme targets critical areas of rural infrastructure which would enhance rural economic activities and generate both more income and more rural employment. National Rural Health Mission envisages providing effective and reliable primary health care facilities. National Rural Employment Guarantee Programme (NREGP) has now been extended to the entire country and is one of the largest social security measures in the world. It provides 100 days assured wage employment annually to every rural household and at least one third of the beneficiaries of this programme are women. The NREGA scheme will be helpful in providing employment opportunities to people who become unemployed, if they stay in rural areas due to economic slowdown are eligible as per guidelines of the scheme.

We are implementing various employment as well as self employment generation programmes, in addition to a number of poverty eradication programmes. Prominent self employment programmes for educated and uneducated unemployed people, particularly youth and women, include Swarna Jayanti Rozgar Yojna, Pradhan Mantri Rozgar Yojna, Swaranajanati Gram Swarajgar Yojna and the Rural Employment Programmes. We need to discuss and assess collectively the impact of economic slowdown on labour. I would urge upon my friends, to deliberate upon this issue comprehensively with an open mind to find ways and means to minimize its impact on labour & business.

Our Government has accorded high priority to the matter of ensuring the welfare and well being of workers, particularly those in the unorganized sector. The Unorganized Workers Social Security Act, 2008 has been enacted by the Government to provide social security to

workers in the unorganized sector. The Salient features of the Act include formulation of welfare schemes. The three main schemes initiated by the Government of India for implementation include:

- (i) Indira Gandhi Old Age Pension Scheme
- (ii) Aam Aadmi Bima Yojna launched on 2nd October, 2007
- (iii) Rashtriya Swasthiya Bima Yojna (RSBY)

Various other measures have also been taken for promoting the welfare of unorganized sector workers such as enhanced housing subsidy under the Revised Integrated Housing Scheme (RIHS) 2007-08 for beedi workers. During 2007-08, 38,978 houses have been constructed for beedi workers, which was double of the number of houses constructed in 2006-07. Under “Rajiv Gandhi Shramik Kalyan Yojana” employees who lose their employment due to retrenchment, closure of factories/establishments or permanent invalidity due to non-employment injury, after being insured for five or more years, are entitled to get unemployment allowance in cash equal to 50% of their wage up to 12 months during his/her entire service.

We firmly believe that economic and social emancipation of a nation depends, to a large extent, on the way it harnesses its human resources. We are among the top ten most skilled nations in the world. Accordingly, two national policies on employment and skill development are being formulated.

The Directorate General of Employment & Training is implementing a Scheme to upgrade 100 ITIs into “Centers of Excellence” for producing a multi skilled workforce of world standard. 400 more ITIs have been taken up for similar upgradation through World Bank assistance. A scheme “Upgradation of 1,396 Government through public-private partnerships” has been formulated at a total cost of Rs. 3,665 crore.

The Skill Development Initiative (SDI) scheme provide for quantitative improvement in training capacity of country. Under the scheme, one million persons would be trained or their existing skills tested and certified under Modular Employable Skills (MES) framework.

The issues connected with contract labour require a convergence of views on certain basic points. This issue has again been placed before the Conference.

Another important issue before the House relate to Migrant Workers—both domestic (within country) and international. As per census 2001, 314.54 million persons moved for various reasons within the country. Out of these, 29.90 million migrated for reasons of employment. In order to safeguard the economic and other interests of the migrant labourers, the Government has already enacted the inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. I have requested Chief Ministers of all States/Union Territories to ensure implementation of the Act in their States. In the present globalized world, International Migration is one of the effective tools for development. International Migration provides opportunities for the development of both the countries of origin as well as the destination.

In this year of Industrial Safety & Health, I feel happy to announce that we have just finalized the “National Policy on Safety, Health and Environment at workplace”. The policy provides a framework prescribing action at the national level and lays down the national goals and objectives.

I am looking forward to a very fruitful discussion on the important issues and am sure of very valuable inputs to facilitate government in the decision making process. With these words, I express my sincere gratitude to Pranab Da for blessing us all by his presence.

Before I end I would like to quote what Kahlil Gibran, the famous philosophical poet has written: "Always you have been told that work is a curse and labour a misfortune. But I say to you that when you work you fulfill a part of earth's furthest dream, assigned to you when that dream was born, and in keeping yourself with labour you are in truth loving life..."

JAI HIND AUR HIND KE KAMGAAR.

**42nd SESSION OF THE INDIAN LABOUR CONFERENCE
20 – 21 FEBRUARY, 2009, NEW DELHI
LIST OF PARTICIPANTS**

- Shri Oscar Fernandes, Minister of State (IC) for Labour & Emp. - Chairman
- Shri B.N.Rai, Bharatiya Mazdoor Sangh - Vice Chairman (Workers' Group)
- Shri Ravi Wig, FICCI - Vice Chairman (Employers' Group)
- Shri P.K.Gurudasan, Minister, Labour & Excise Government of Kerala - Vice Chairman (State Governments)

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250	Shri Subhash Bhatnagar, Coordinator	NCC-USW
251	Shri N.P.Samy, Secretary General	National Centre for Labour
252	Shri P.Narayanaswami, Vice President	National Centre for Labour
253	Shri D.P.Singh, Under Secretary	National Commission for Enterprises in the Unorganised Sector

CONFERENCE COMMITTEE ON "ROLE OF SOCIAL PARTNERS IN APPROPRIATE SKILL DEVELOPMENT FOR EMPLOYABILITY"

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20	Shri Pradip Kumar, Director (E&T)	Government of Bihar
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CONFERENCE COMMITTEE ON "ISSUES RELATING TO SALES PROMOTION EMPLOYEES IN INDIA"

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6	Shri Dharmendra Kumar	Trade Union Coordination Centre
7	Shri Santosh Kumar Roy, Secretary	All India Central Council of Trade Unions
8	Shri Ashok Ghosh	United Trades Union Congress
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12	Shri Dinesh Jumrani	Council of Indian Employers
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CONFERENCE COMMITTEE ON "GLOBAL FINANCIAL CRISIS - ITS EFFECT VIZ.,LARGE SCALE DOWNSIZING, LAYOFFS, WAGE CUT AND JOB LOSSES ETC'.

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29	Shri Raminder Singh, Labour Commissioner	Government of Punjab
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44	Shri V.R.Hanwate, Zonal Director, CBWE	Ministry of Labour & Employment
45	Shri S.K.Saxena, DG, DGFASLI	Ministry of Labour & Employment
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CONFERENCE COMMITTEE ON "ALL ISSUES CONNECTED WITH CONTRACTUALISATION OF LABOUR AND ISSUES RELATED TO MIGRANT WORKERS"

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19	Shri B.C.Prabhakar	Council of Indian Employers
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28	Shri A.Malik, Jt. Labour Commissioner	Government of Haryana
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