

# Summary Record of Discussions of the 46<sup>th</sup> Session of the Indian Labour Conference

July 20-21, 2015, Vigyan Bhawan, New Delhi

- I. The 46<sup>th</sup> Session of the Indian Labour Conference was held on July 20-21, 2015 at Vigyan Bhawan, New Delhi. The Conference was inaugurated by the Hon'ble Prime Minister of India, Shri Narendra Modi. The Apex national level tripartite conference was attended by Shri Arun Jaitley Union Finance Ministers, Shri Thaawar Chand Gehlot, Union Minister for Social Justice & Empowerment, Shri Dharmendra Pradhan, Union Minister of State (Independent Charge) for Petroleum & Natural Gas, Shri Piyush Goyal Union Minister of State (Independent Charge) for Power and Dr. Jitendra Singh, Union Minister of State in the Prime Minister's Office, State Labour Ministers, Representatives of the Central Trade Union Organisations, Representatives of Central Organisation of Employers and Officials from Central Ministers/ Departments/State Governments/Union Territories and Public Sector Undertakings.
  
- II. The deliberations of the Conference focused on the following five key issues:
  - (i) Implementation of the Conclusions/Recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference, particularly on Contract Labour, Minimum Wages and Scheme Workers and Tripartite Mechanism
  - (ii) Social Security for the Workers in Organized Sector, Unorganised Sector and International Migrant workers
  - (iii) Amendment of Bonus Act - Removal of Conditions of Payment Ceiling, Eligibility Limits, Decisions to Pay Minimum Bonus without Linking to Loss when the Performance Indicator Satisfy Grant of Bonus
  - (iv) Labour Laws Amendments Proposed/Done either by the Central or State Governments
  - (v) Employment and Employment Generation

III. **INAUGURAL SESSION:** The 46<sup>th</sup> Session of ILC was inaugurated by Hon'ble Prime Minister of India, Shri Narendra Modi. Shri Arun Jaitley Union Finance Ministers, Shri Thaawar Chand Gehlot, Union Minister for Social Justice & Empowerment, Shri Dharmendra Pradhan, Union Minister of State (Independent Charge) for Petroleum & Natural Gas, Shri Piyush Goyal Union Minister of State (Independent Charge) for Power and Dr. Jitendra Singh, Union Minister of State in the Prime Minister's Office. Hon'ble Prime Minister also dedicated NCS portal and launched ESIC 2.0 Reforms on this occasion.

3.1 Shri Bandaru Dattatreya, Minister of State (Independent Charge), Labour & Employment, extended a hearty welcome to the Hon'ble Prime Minister and all the other distinguished dignitaries attending the Indian Labour Conference. He said that the presence of the Hon'ble Prime Minister signifies the importance that the government accords to promoting tripartism in the country. He highlighted that the tripartite process have contributed significantly in evolving and implementing various labour and employment policies and programmes, particularly those benefitting the unorganised sector workers in India. He reiterated that the Ministry of Labour & Employment is committed to further strengthen the process of tripartite dialogue. He expressed confidence that such dialogue can contribute meaningfully to the growth process in India. He said that Ministry of Labour & Employment has also organized more than 20 tripartite meetings and five Regional Labour Ministers' conferences in the last one year with a view to provide an opportunity for all the social partners to discuss about the emerging labour and employment scenario and providing inputs for formulating effective policy responses. He noted that the world of work is undergoing significant transformations which are primarily brought about by innovations and technological developments. He urged the social partners to suggest pragmatic measures to harness the benefits of the opportunities that the current transformations provide. He informed that Ministry of Labour & Employment is working towards the finalization of four new labour codes as a part of the exercise in reforming labour laws. He informed the august gathering number of steps initiated by MoLE in the recent past to promote social security, Employment Service and harmonious industrial relations. He noted that the National Career Service portal was an extremely important initiative aimed at effective job matching which is central to meet the aspirations, particularly of the young job seekers. He said that the ESIC Second Generation Reform is one of the key steps aimed to extend more effective social security services. He said that technology is being increasingly used in order to improve delivery of social security services.

3.2 Shri Baij Nath Rai, Vice President, Workers Group, complimented the Ministry for convening the 46<sup>th</sup> Session of the Indian Labour Conference (ILC) and sincerely thanked the Hon'ble Prime Minister and other Union Ministers for their presence. He said that the Indian Labour Conference has over the years evolved as one of the central pillars in influencing the formulation and implementation of labour and related policies in India. He also congratulated the central government for initiating a number of innovative schemes which will accelerate the process of development in the country. He, however, expressed concern that several of the recommendations of the previous ILCs have not been implemented. He said such a trend is neither in the interests of workers, nor employers or government as it will undermine the importance of the apex national tripartite forum. He said the trade unions are not against growth. However, it must be ensured that the growth process protects the interests of workers rather than leading to the exploitation of them. He said that the government policies are encouraging self-certification and also reducing the importance of labour inspection systems. This, he noted, is in contrary to the spirit of the ILO Convention 81 on Labour Inspection. He wanted the government to accept the charter of demand that has been submitted by the Central Trade Unions. He also drew attention to the fact that with increasing contractualisation, there is a tendency for wage differentials to widen which in turn is leading to significant income inequalities. Here, he wanted the government to ensure that the existing labour laws are strictly implemented. He held that there is a need to incentivize labour oriented industries and also provide additional marketing support to the micro and small manufacturing enterprises which have significant employment potential. He also noted that as the share of agriculture in gross domestic product (GDP) has declined significantly in the last three decades (recording only 13 per cent of the GDP most recently), there is a need to evolve policies to stimulate rural non-farm employment. He highlighted that among the different categories of workers, most marginalized ones like domestic workers, anganwadi workers, home based workers etc. must be provided with adequate wage and social security protection. He sincerely hoped that the government will be very serious in implementing all the recommendations of the previous as well as the present ILC. He also noted that the trade unions have demanded that the minimum wages should be fixed at Rs. 15,000/- whereas central government is persisting with National Floor Level Minimum Wages which presently is much below the suggested minimum wages. He also wanted the government to consider the possibility of establishing a Workers' Bank.

3.3 Shri R.G. Rajan, Vice President, Employers Group, expressed gratitude to the Ministry of Labour and Employment for organising the 46<sup>th</sup> Session of the ILC and also for inviting the Hon'ble Prime Minister to inaugurate the Conference. He said

that tripartism is an integral means for determining the course of the nation's development. He noted that this will become more effective only when the debates are healthy and constructive. He said that labour reforms in India are long overdue. Multiplicity of labour laws, he contended, is causing definitional ambiguities and leading to a host of operational problems at the ground level for the employers. He further added that the rigid labour laws also inhibit the employment generation capacities of the industry. He held that the existing labour laws were primarily formulated in the context of the manufacturing sector where as nearly 57 per cent of the national income of India is currently accounted by the service sector. In such a context, he opined that there is an imperative need to reform labour laws at the earliest and attune it to the emerging situation. He complimented the Ministry of Labour & Employment for initiating reform measures like the introduction of Shram Suvidha Portal, NCS Portal and codifying the various labour laws. He reiterated that the provision of social security for the workers in both organized and unorganised must be accorded a top priority in labour and employment policy formulation. He noted that the capacity of the industry to commit payments must be considered appropriately while raising the wages as well as planning to extend social security measures. He emphasized that with rapid technological progress, India is set to emerge as a global hub for manufacturing and hence every partner should strive hard to contribute to enhancing skill base of the economy.

- 3.4 Captain Abhimanyu Singh, Vice President, State Government, thanked the Hon'ble Prime Minister for his presence and also expressed gratitude to the new government for launching innovative and path breaking initiatives like Make in India, Skill India and Digital India. He said that these innovative policy measures will provide the necessary impetus for propelling India to a higher growth trajectory. He said that in order to ensure that the fruits of such growth and development are more equitably distributed, it is necessary that all the major social partners to work in harmony and cohesion. He highlighted that with India being one of the youngest countries in the world in terms of emerging demographic composition, generation of quality employment is very crucial to meet the aspirations of the youth. There is an imperative need, he felt, for improving the cost competitiveness in India so that Indian emerges as the manufacturing hub of the world. He opined that the tripartite forums like the ILC should deliberate as to how social partners can contribute to evolve India as the economic power of the world.
- 3.5 Shri Arun Jaitley, Union Minister of Finance and the Guest of Honor, emphasized the historical role of ILC in shaping policies and legislations. He appreciated that

in spite of differences among the social partners on various issues, the tradition ILC has been to arrive at meaningful consensus keeping nation's progress in the forefront. He highlighted that investment is central to spur up economic activity and also to generate quality employment in the country. He also drew attention to the fact that India is one of the few countries which is doing extremely well in a period when several countries are encountering sluggish economic growth. He said that high growth rate will inevitably protect the interest of workers. He reiterated the commitment of the government to dialogue with trade unions and employers. In fact, he said, that the Hon'ble Prime Minister has entrusted him the responsibility of heading an Inter-Ministerial Committee to discuss with the trade unions their charter of demands. He expressed the firm belief that whenever the country progresses, the benefit will percolate to each and every worker. He further stated that provision of adequate social security and effective delivery of the various social security measures remains as the key focus of the present government. He urged the social partners to deliberate the modalities through which investment flows can be enhanced and sustained in the country so that it provides impetus to quality employment generation.

- 3.6 In his inaugural address, the Hon'ble Prime Minister noted that the Indian Labour Conference with a remarkable history of nearly 75 years have provided invaluable inputs for the formulation of major policies pertaining to labour in India. He recalled that the ILC has been guided by visionary leaders like B.R. Ambedkar and V.V. Giri who made significant contributions to our country's development. He reiterated that the present government is committed to carry forward the principles and ethos of tripartism. He informed that the government has constituted an Inter-Ministerial Committee consisting of five Union Ministers to hold dialogue with Central Trade Unions regarding their charter of demand and other related labour issues.
- 3.7 Hon'ble Prime Minister said that the role of labour is very prominent in the process of nation building and that a country can prosper only if there is harmonious relationship between employers and workers. He stressed that bonds strong as family bond between employees and employers will not only strengthen the economy of the country, but will also ensure well-being of both entrepreneurs and workers. In this context, he said that there is a need to identify those firms in India which have been successful in establishing harmonious industrial relations over a considerable period of time. These case have to be studied so that one understands the key parameters which contribute to the evolving and sustenance of harmonious industrial relations.

- 3.8 Hon'ble Prime Minister emphasized that it is only when respect for labour becomes universal that laws aimed at their protection becomes effective. He noted that the recognition of the dignity of labour should become the social norm and be integrated as a critical component of educational curriculum in India. Hon'ble Prime Minister pondered as to how the nation can be happy if the labour force remains unsatisfied.
- 3.9 Hon'ble Prime Minister highlighted that with transformations being an integral part of the social and economic order, it is necessary for the tripartite partners to deliberate as to how the labour policies should respond to the challenges of change. He urged the employers that they should be prepared to recognize the innovative skills of labour and even develop capable employees as entrepreneurs. He said that there is a pertinent need to think differently and also to incentivise innovation. Hon'ble Prime Minister highlighted that incentivisation of employees and recognition of human resource development were the major contributory factors in the growth and diversification of information and communication technology in India.
- 3.10 Hon'ble Prime Minister said that the line dividing the welfare of an industry and the industrialists; the welfare of the nation and the government; and the welfare of the labourers and the trade unions is very delicate and needs to be treaded carefully.
- 3.11 Hon'ble Prime Minister noted that as India is one of the youngest countries in the world, there is an imperative need to provide skills to every aspiring youth to harness the demographic dividend. In this respect, he said that the expansion of apprenticeship programmes which the present government has initiated will go a long way in meeting the labour market aspirations of the new entrants to the labour market. He expressed his concern that only 3 lakh persons are currently engaged as apprentices in India which is extremely low as compared to other countries like China, Japan and Germany. He said that his government is confident to raise this to 20 lakhs with the active support of all major social partners. He highlighted that the government has also initiated measures to recognize and certify the informally/hereditarily acquired skill sets. Hon'ble Prime Minister also highlighted that the present government is committed to massive Skill Development in India under the Skill India programme. This initiative, he noted, will not only improve the labour market outcomes of the new entrants to the work force but also provide platform for India to meet the skill needs arising in different parts of the world. He hoped that all major social partners would contribute effectively in Skill India initiatives.

- 3.12 Hon'ble Prime Minister emphasized that the government is committed to expand the outreach of social security measures expressed the hope that that the three new schemes - Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY), Pradhan Mantri Suraksha Bima Yojana (PMSBY) and Atal Pension Yojana (APY) - will usher in an era of social security for all in the country.
- 3.13 Hon'ble Prime Minister said that India is at a crucial juncture in its development process and it is important that all the major social partners contribute to their utmost capacities to reap the opportunities available to us and thus evolve India as a global power.
- 3.14 Hon'ble Prime Minister also dedicated National Career Service Portal to the nation and launched ESIC - 2<sup>nd</sup> Generation Reforms Agenda.

The Ministry of Labour and Employment is implementing the National Career Service (NCS) Project by transforming the processes in the network of Employment Exchanges. The existing system of Employment Services follows ILO Convention 88 which mandates the Government to maintain a free Employment Service. The NCS project envisages setting up of Model Career Centres (MCCs) in order to efficiently connect the youth with job opportunities with the help of technology and assisted by guidance. The Career Centres, supported by a national portal and a knowledge-rich career content repository, would demonstrate the efficacy of good employment services in terms of local demand supply assessment, career counseling, job matching etc. The Career Centres would focus on career education through career counseling.

The ESIC Reform Agenda is a comprehensive agenda package meant to transform the Public Service Delivery System in ESIC through effective use of Information and Communication Technology. The agenda comprises many transformative initiatives. Electronic Health Records will be created which can be seen by the I.P. and his family online. The records will also include Laboratory Report in digital format and there will be no need to visit hospital for getting this information. In another initiative for quick service delivery the 24/7 Medical Helpline will be created and Doctors will be available to the I.P. directly. This Helpline will be toll-free and will also be available in regional languages. In a unique initiative under Swachh Bharat - Swasth Bharat Campaign of the Prime Minister, ESIC is going to take up a cleanliness drive across all the hospitals in the country through colour coding of bed sheets in the patient wards. This Operation, Indradhanush, will ensure the mandatory health

and hygiene in ESIC hospitals across the country through a very simple and effective manner.

- 3.15 Shri Shankar Aggarwal, Secretary, Labour & Employment, proposed a formal vote of thanks to the august gathering. Shri Aggarwal expressed his sincere gratitude to the Hon'ble Prime Minister for delivering the inaugural address and for highlighting some of the key issues that needs to be deliberated by the different social partners so that its outcomes can contribute significantly in the nation's development process. He also assured that the Ministry of Labour & Employment will initiate relevant follow up actions on each and every direction provided by the Hon'ble Prime Minister. He expressed his gratefulness to the Union Finance Minister for his gracious presence and also for his continued support to the Ministry of Labour and Employment. He also conveyed his gratitude to the Union Labour & Employment Minister for his invaluable guidance for undertaking various new initiatives aimed at protecting the interests of labour, particularly of those engaged in the unorganised sector. He also expressed sincere thanks to the union ministers, state labour ministers, senior officers from various state governments and union territory administration, representatives of trade union organisations, and employers' organisations and other participants of the conference and hoped that their creative exchanges would provide valuable inputs for the formulation and implementation of more effective labour and employment policies in India.

#### **IV. GENERAL DISCUSSIONS**

- 4.1 Shri Vrijesh Upadhyay, General Secretary, Bharatiya Mazdoor Sangh (BMS), highlighted that tripartite discussions must mandatorily precede any amendments planned in labour laws. He also noted that with growing requirement for quality employment generation, there is a need to promote and incentivise the growth of labour intensive industries. He expressed concern regarding the growing contractualisation of labour, particularly in the government and public sector undertakings and held that ensuring equal pay to the contract workers doing similar work as that of the regular workers and regularization of contract workers should be accorded top priority. He wanted the government to take additional measures to protect the interests of disadvantaged workers like anganwadi workers. He also said that steps must be taken immediately to ensure full utilization of the funds available in the construction welfare boards and thus scaling up welfare measures to the construction workers and their families.



- 4.2 Shri Sanjay Bhatia, President, All India Organisation of Employers (AIOE), said that it is encouraging to note that while prominent economies are experiencing sustained phase of sluggish growth, international organisations like IMF and World Bank data show that the Indian economy is growing at a much higher rate and also that the growth is expected to scale up further. He opined that such a situation has come about primarily due to the innovative schemes and flagship programmes initiated under the leadership of the Hon'ble Prime Minister. He appreciated the Ministry of Labour & Employment for bringing about procedural simplifications in compliance of labour laws and also in its efforts to rationalise and codify labour laws. He highlighted that with efficiency becoming the most important parameter to gauge the success of economies, it is imperative for the government to bring about necessary modifications in the labour policies to spur up productivity. He said that unemployment is emerging as a serious global problem. In India, the growth of unemployment, particularly among the youth, he emphasized, could have adverse consequences and can be tackled only by generating quality employment. He said that such a context highlights the need to evolve India as the manufacturing hub of the world. He suggested that industry should be appropriately incentivised to impart skill training among the new entrants to the labour market so that it scales up their employability.
- 4.3 Shri I. Hemochandra Singh, Minister for Labour and Employment, Government of Manipur, highlighted that the country has had a long and cherished history of almost 75 years of tripartite consultation and it continues to occupy a prominent role in public policy making. He observed that several important and concrete recommendations are made based on intense deliberations at the Indian Labour Conference. However, he emphasized that there is a need to conduct a detailed review of the follow up of these recommendations, particularly in terms of what has been implemented and what has not been implemented and the reasons related to it. He said that there is a plethora of labour laws and the resultant over logging is leading to weak implementation. The emphasis must therefore, he said, be on making sure that the laws that are in place are implemented effectively.
- 4.4 Dr. G. Sanjeeva Reddy, President, Indian National Trade Union Congress (INTUC), highlighted that although the ILC is arriving at very important recommendations through consensus, the follow up and implementation is not being taken up seriously. He noted that while significant discussions are centered around growth, not much emphasis is being given to the industries which are being closed down. He expressed the view that it must be the responsibility of the government to provide support to those industries which are facing closures as more closures will be detrimental to both employers and workers. He said that the

labour laws is not a major problem for operating industries in India as compared to several other issues like infrastructural problem, tax related problem and so on. What is needed, according to him, is that the employers and workers should deliberate and formulate necessary modifications in the labour laws rather than government imposing new labour laws. He stressed the need for ensuring that social security measures are expanded to cover all the unorganised sector workers.

- 4.5 Shri K.E. Raghunathan, National Honorary General Secretary, All India Manufacturers' Organization (AIMO), emphasized that the prosperity of the industry is central to infuse dynamism in the Indian economy. He expressed concern that the closure rate of industry is currently even more than the rate at which new industries are being set up. This, he said, should be viewed seriously and the existing laws modified in order to deal with the current and emerging situation. He said that there is a need to link salary with efficiency of the workers and the profitability of the organisation. He also wanted the issue of social security for unorganised sector to be deliberated more seriously. He said that the building cess amount meant for construction workers have not been utilised optimally. He reiterated that this is the time for action and implementation should be accorded top priority.
- 4.6 Shri Shahid Manzoor, Minister of Labour & Employment, Government of Uttar Pradesh, highlighted that the deliberations of the ILC will have relevance only if all the recommendations made in the recent ILCs are implemented. He informed that the Government of Uttar Pradesh has initiated several measures to improve the working conditions of the workers on the one hand and also to create a conducive environment in facilitating investment on the other. He said that the labour department has recently launched a web portal for the benefit of employers through which registration and renewal under seven major acts can now be done online. He also informed that the state has extended benefit to more than 21 lakh construction works from the cess collection under the Building and Other Construction Workers Welfare Cess Act 1996. He noted that the ESI Corporation has revised the earlier sub ceiling of 60:40 administrative and non-administrative expenses to 50:50 based on the decision of its 162<sup>nd</sup> meeting. Considering that the expenditure in the non-administrative expenditure is much less than the prescribed sub ceiling, he wanted the government either to restore to the earlier level of 60:40 or else to reimburse on actual expenditure basis removing the provision of sub ceiling. He also requested the Ministry of Labour & Employment and ESI to develop the ESI hospital at Pandu Nagar, Kanpur as a model hospital for the State.

- 4.7 Shri Gurudas Dasgupta, General Secretary, All India Trade Union Congress (AITUC), noted that the workers and workers organisations are never against investment and development as they generate jobs. He also stated that the trade unions are aware of the fact that if there is a lockout people lose jobs. The fundamental question according to him is whether the labour law should be completely diluted under the guise of growth and investment. Such a tendency, he stressed, will lead to further exploitation of the already marginalized working class. He highlighted that the existing labour laws must be implemented properly as violations are rampant. He noted that an overwhelming proportion of the contract workers are not even paid the minimum wages. He was of the firm view that growth cannot take place at the expense of disgruntled workers. He also expressed concern that the government is not seriously considering the charter of demands submitted by the central trade unions. He noted that building fruitful partnership of the social partners is a pre-requisite for development and such partnership should aim not just to create jobs but generate more and more decent jobs. He also wanted the government to identify the PF defaulters and make sure that they pay up their dues.
- 4.8 Shri R.K. Bhardwaj, Laghu Udyog Bharti, highlighted that harmonious industrial relations is a pre-requisite for facilitating growth and diversification of investment and generation of quality employment. He expressed concern that unemployment in India particularly, among the educated is growing and this can lead to social unrest. He pointed out that the micro, small and medium enterprises (MSMEs) have huge job potential and can be a very effective instrument for promoting equitable growth. He drew attention to the fact that thousands of manufacturing jobs are shifting from China and highlighted the need for India to take steps to raise the capacity of manufacturing sector to absorb these jobs. He said that the MSMEs should not be burdened with additional financial liabilities as they cannot remain competitive in such a situation. He said that although many state governments have announced steps towards ease of doing business for the large enterprises, there are hardly any reliefs being offered to the MSMEs. He requested the government that the requirement of obtaining factory licenses every year and getting building plans, which have already been approved by the concerned authority, be again passed by the Chief Inspector of Factories be done away with immediately.
- 4.9 Shri Harish Chandra Durgapal, Minister of Labour & Employment, Government of Uttarakhand, noted that the labour and employment policies must assume centrality in public policy aimed at inclusive development. This is particularly so, he said, as an overwhelming majority of workers are engaged in unorganised

activities and deprived of several social security benefits. He highlighted that the government of Uttarakhand is committed to provide all relevant social security support for the vulnerable and disadvantaged categories of workforce. He also expressed the view that organising the unorganised workers is very critical to ensure that their rights are protected. He opined that the State should play a proactive role in bringing about a more harmonious relation between trade unions and employers. This, he said, will provide necessary platform for promoting investment on the one hand and generation of quality employment on the other hand. He drew the attention of the central government that there is no ESI hospital in Uttarakhand. He informed that the Uttarakhand government has handed over the land to the central government for starting ESI dispensaries in many places in the state, but the task of constructing the dispensaries and operationalising them is yet to be initiated. He hoped that Ministry of Labour & Employment and ESIC will take all necessary steps in this regard so that it provides additional health care facilities and benefits to the workers.

4.10 Shri Harbajan Singh Sidhu, General Secretary, Hind Mazdoor Sabha (HMS), extended gratitude to the Hon'ble Prime Minister for sparing his valuable time to inaugurate this important national level tripartite deliberation. He expressed concern that although the ILC is considered as the Labour Parliament, successive governments have failed in implementing the key recommendations of the recent conferences. He said that the current trend of unilateral decision making in the context of labour and employment policies is a serious concern. He noted that during the last one and half years there has been a consistent effort on the part of the government not to discuss important labour law amendments with the trade unions. He wondered where the various provisions being included in the newly made labour law codes were emanating from. He opined that these amendments are being planned primarily with an objective to protect the interest of the corporate houses. He said that this trend is against the ILO Convention on tripartite consultation. He noted that the recent International Labour Conference has adopted the recommendation on informal economy which emphasized on ensuring freedom of association and right to collective bargaining for the informal sector workers. While this is being done at the global level he expressed concern that India is proposing to bring about labour law reforms where an overwhelming majority of workers will lose their rights to collective bargaining and freedom of association. He demanded that the recommendations of 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> sessions of ILC be implemented immediately.

4.11 Shri Pradeep Bharghav, Confederation of Indian Industries (CII), highlighted that employment generation needs to be seen as a concomitant to investment. It is only

when the levels of investment increases and acts as a catalyst for growth that more and more quality employment generation takes place. He noted that in an era of rapid technological transformations, continuous skilling and flexibility of workforce are essential for maintaining competitiveness. He also said that development of modern infrastructure and stronger governance (beyond labour laws) are necessary for stimulating growth and investment. He felt that all the three partners should consider their actions in an ethical perspective and introspect whether their actions are leading to equity. On the issue of skill, he felt that more cooperation among the employers and workers can yield productive results. He held that the role of government should be more in the nature of facilitating constructive dialogue between employers and trade unions. He hoped that the deliberations and recommendations of this conference would provide valuable inputs for the successful implementation of various programmes like Skill India, Digital India, Make in India etc.

4.12 Shri Vijay Kumar Ramniklal Rupani, Minister for Labour and Employment, Government of Gujarat, highlighted that during the last ten years, there have hardly been any strikes or lock-outs in Gujarat. He observed that all the three social partners should desire that the country should prosper and that such a thought processes itself will further strengthen the power of tripartism. He observed that the industry can prosper only when the workers are satisfied. He informed that the Gujarat Government has raised the minimum wages of unskilled workers to Rs. 285 per day and also increased the retrenchment compensation in the Special Economic Zones to sixty days of wages for every completed year of service. He concluded by observing that growth should not be at the cost of unsatisfied and dissatisfied workers.

4.13 Shri Tapan Sen, General Secretary, Centre of Indian Trade Unions (CITU), emphasized that the non-implementation of major recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> sessions of ILC clearly shows that tripartism is not being given its due recognition and importance in public policy making in India. This, he said is not in the interest of the growth and development processes of the country. He also observed that the claims of high growth is a superficial one as the benefit of the growth have not percolated to the working class of the country. In fact, he said that the recent evidences show that there is a continuous decline in the purchasing power of the workers, even in the organized manufacturing sector. He expressed concern that the Anganwadi workers and the Asha workers are not even entitled to one third of the minimum wages. This, he said, should immediately be looked into and the concerned ministries be advised to take necessary steps to include them under the 'Scheme Workers' so that they can at least get the prescribed

minimum wages. He also said that the capitalist led growth process being followed by the government is leading to wide income inequalities and exploitation. He reiterated that the workers will resist such tendencies through legitimate protests and strikes.

4.14 Shri Srinageshwar, Federation of Indian Chambers of Commerce and Industry (FICCI), complimented the Ministry of Labour & Employment for taking the necessary steps for bringing about the much needed labour reforms. He said that measures like codification and simplification of labour laws will significantly reduce operational difficulties and thereby stimulate investment and growth. He said that while undertaking labour law reforms, there is a need to make sure that the aspirations of the employees are also taken into consideration. He desired that labour reforms should also aim at generating jobs and also skilling the youth. He opined that incentivisation of industries could also result in more generation of quality jobs. He noted that use of technology for improving the services and compliance system can help both employers and employees. He emphasized that the tripartite dialogue should always be taken up in its true spirit and that each partner should be ready to accept pragmatic suggestions offered by the other partners. This can make tripartite process more constructive and also contribute to India's development process.

4.15 Shri Shibu Baby John, Minister for Labour and Skills, Kerala, observed that the present session of the ILC is more important than the previous ones because labour reforms are being discussed. He observed that economic growth cannot be achieved at the cost of compromising workers' rights. He also emphasized that although simplification of labour laws and procedures is a necessity, they should not be conceived by compromising decent working conditions. He suggested that there is a need to draw lessons from other fast growing developing countries regarding the modalities being adopted to protect the interests of their workers. He further highlighted that a critical appraisal should be undertaken to examine how many of the defaulting employers have been convicted for denial of payment of minimum wages to the workers engaged by them.

4.16 Shri P. Sankar Saha, General Secretary, All India United Trade Union Centre (AIUTUC), highlighted that there is a contradiction in the functioning of the government as on the one hand it speaks of development for all and on the other hand there is a dilution and non-implementation of all the existing labour laws. This, he said, is not acceptable. He noted that the argument that labour laws inhibit employment generation is based on perception and not on strong evidences. He said that modifications in labour laws should not be carried out

without due discussions in all relevant tripartite forums. He also emphasized that crisis is an inherent feature of the market economies world over and state intervention is a necessity to ward off the insecurities arising out of market failures.

4.17 Shri Ravi Wig, Chairman, Associated Chambers of Commerce & Industry of India (ASSOCHAM), complimented the Ministry of Labour and Employment for organising 46<sup>th</sup> ILC and also thanked the Hon'ble Prime Minister for his gracious presence. He highlighted that the employers and employers' organisations in the country are committed to protect the interests of the workers as it is only by improving the working conditions and the skills of the workforce that production can be enhanced. He expressed the view that the employers and workers should work together to make pragmatic laws that would result in the prosperity of workers, sustenance of the firms and development of the nation. As regards social security, he said that it would be desirable to have a comprehensive approach to social security in which the employers would be required to make one contribution covering various benefits. With regard to cess collected under the Building and Other Construction Workers Welfare Cess Act 1996, he noted that there is a need to utilise this money with honesty. He also stressed the need for making insurance mandatory for the construction workers.

4.18 Shri Prafulla Kumar Mallik, Minister of Labour & Employees State Insurance, Steel and Mines, Government of Odisha, said that the Government of Odisha welcomes the initiatives taken by the Government of India for initiating labour reforms as well as extending social security of workers. However, he noted that while the proposed amendments to the labour statutes should focus on simplifications of procedures, the interest of the workers should not be compromised. He also informed about the various innovative measures undertaken by the Government of Odisha for effective enforcement and service delivery. He said that Odisha government has recently introduced Composite Inspection Schemes which ensure that inspection schedules are drawn in a transparent manner and inspection under all labour statutes are conducted during a single visit. He also informed that the state government has taken pioneering initiatives to protect the unorganised workers including the migrant workers. He also urged the Ministry of Labour & Employment and ESIC to continue with the project of setting up an ESIC Medical College and Hospital at Bhubaneswar. He said that once the construction of the building is over, the state government will be ready to run the medical college and hospital as per the ESIC norms.

- 4.19 Shri S.P. Tiwari, General Secretary, Trade Union Coordination Centre (TUCC), highlighted that the FDI flows, particularly in the defence and railways sector, should be modulated to ensure that it does not hinder indigenous research and development. In many instances, he noted that FDI flows into these sectors are adversely impacting quality jobs being generated. In the case of railways, he said that the contract workers are facing extreme exploitation. He expressed the view that provision of micro credit and market support is required to promote small and medium enterprises which have huge potential to generate employment. Referring to the social security to the unorganised, he expressed concern that the funds collected under the Building and Other Construction Workers' Welfare Cess Act are not being utilised for extending welfare benefits for the construction workers. In fact, in some instances, he said that these funds are being diverted for other purposes thus even denying the Supreme Court directions. He also highlighted the immediate need to evolve schemes to protect the domestic workers in India and also to evolve a national policy on domestic workers. He also drew attention to the social security provisions for the international migrant workers. He said that only very insignificant percentage of workers are being covered under the social security schemes in spite of the fact that they contribute nearly \$ 70 billion as remittances. He also expressed the concern that the MOUs which have been signed between India and Gulf Cooperation Council countries for protecting the interests of the Indian workers working there are not being seriously implemented. He also proposed that a Tripartite Labour Law Review Commission be constituted to deliberate on the issues related to labour law amendments.
- 4.20 Shri Sahid Choudhari, Minister of Labour, Government of Tripura, observed that several important decisions of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> sessions of the Indian Labour Conference have not been implemented and hence a thorough review should be undertaken to understand as to why they were not implemented. He also stated that the proposed labour law reforms are anti-worker and no amendments should be brought about in labour laws without consulting the trade unions. He also highlighted the need to promote agro based industry as it would create considerable employment opportunities. He said that an ESIC hospital must be set up in Tripura so that it benefits the working class. He also informed that the Government of Tripura has taken a number of measures for providing social security for unorganised sector.
- 4.21 Ms. Manali Shah, National Secretary, Self Employed Women's Association (SEWA), highlighted that the social security needs of disadvantaged workers like beedi workers, mine workers, domestic workers are not being accorded the requisite priority. She also expressed concern that a substantial proportion of the



funds collected under the Building and Other Construction Workers' Welfare Cess Act for extending welfare benefits to the construction workers are remaining unutilized. In some cases, she said that there is also no proper information as to how the funds are being utilized. She also highlighted the need for ratifying the ILO Conventions relating to home based workers and domestic workers as these categories are overwhelmingly represented by women. She said that there is a pertinent need to identify and map the domestic workers in order to evolve more meaningful strategies for extending social security to them. She also opined that there is a requirement for constituting a tripartite committee to consider the recommendations of the 104<sup>th</sup> session of the International Labour Conference pertaining to transferring from informal to formal employment.

4.22 Shri Surendrapal Singh T.T., Minister of Labour, Government of Rajasthan, complimented the central government for initiating innovative programmes like Make in India, Skill India and Digital India. He said that such initiatives will take our country to new horizons of growth and development. He felt that these initiatives are not only creating favorable environment for attracting investments but also facilitating the generation of quality employment. He noted that the emphasis given for the upgradation of ITIs will immensely benefit the new job seekers. He informed that extending social security benefits is one of the core objectives of the Rajasthan government. He informed that the state government has recently introduced Bhamashah Yojana aimed at providing social security benefits to the unorganised sector workers. He also said that the Government of Rajasthan is committed to the enhanced use of technology to improve the service and delivery of the labour department. He said that as a part of the skill development programme, Rajasthan has also established Rajasthan Skill and Livelihood Cooperation and is committed to create six lakh additional employment opportunities during the next three years. He said that provision of entrepreneurship is also being considered as top priority for various skill development initiatives.

4.23 Shri Rajiv Dimri, National Secretary, All India Central Council of Trade Unions (AICCTU), highlighted that the emphasis being given by the government for facilitating FDI and financial flows are detrimental to protecting the interests of the workers. He expressed his concerns that the government is going ahead with altering labour policies without consulting trade unions. Such a situation, he contended, would reduce the importance of the tripartite forum like Indian Labour Conference. He opined that the neo-liberalization policies are only adding to the woes of the unorganised sector workers. He said that important recommendations

made to protect the interests of disadvantaged sections of the workforce in earlier ILCs are not being implemented by the government. This, he said, should be seriously reviewed so that the decisions of the Indian Labour Conference are honoured.

- 4.24 Thiru M. Shanmugam, General Secretary, Labour Progressive Federation (LPF), noted that the deliberations and recommendations of the Indian Labour Conference have been instrumental in the formulation of policies aimed at protecting the interests of workers. He expressed concern that several of the measures of the present government are more inclined to serve the interests of the employers and multinationals. He opined that the proposed labour law amendments are detrimental in protecting the workers' interest. He also highlighted that in spite of substantial fall in international crude prices, the benefits of the same are not being transferred to the common people. He wondered as to why the government is insisting of the introduction of Land Acquisition Bill when farmers are encountering different forms of insecurities. He highlighted that there is a pertinent need to expand the number of days of employment under the MGNREGA and also wanted the minimum wages to be raised to Rs. 15,000/-. He said that Scheme workers like Anganwadi workers must be provided with the wage and social security benefits that are available to the regular workers. He also urged the government to implement the charter of demands submitted by the trade unions. He drew the attention of the Ministry to the fact that although 12 unions have been recognized since 2008, opportunity of participating in most of the tripartite committees is restricted to seven unions. He said that his union would want proportionate representation based on strength of membership be given in all the committees henceforth for all recognized trade unions.
- 4.25 Shri Ashok Ghosh, Secretary, United Trade Union Congress (UTUC), emphasized that it is important to address the problems confronting labour as they have huge bearing on the society at large. He expressed concern that there has been a decline in the purchasing power of the labour and suggested that measures should be initiated to bring about more equitable share in value added so that it increases the purchasing power of workers and hence the economy. He also urged the government that the existing labour laws be implemented strictly as violations are widespread, particularly in terms of non-payment of minimum wages to the contract workers. He also urged the government to review the status of implementation of the recent Indian Labour Conference recommendations and take necessary steps to ensure that all the recommendations are implemented in true spirit.

- 4.26 Shri Deepak Jaiswal, National President, National Front of Indian Trade Unions (NFITU), noted that although the Government of India has initiated different programmes like Shram Suvidha, Shramev Jayate, Digital India and so on, it is yet to come out with a national employment strategy. This, he said is critical as it is only by situating employment at the centre that the society will benefit from these programmes. He also expressed concern that there is taking place large scale violation in the implementation of labour laws. He opined that they are opposed to the FDI in railways and privatisation of railways as it will lead to insecurity and risks to both the organisation and the workers. He emphasized that there is a pertinent need to generate regular employment as a part of the overall development strategy. He wanted the government to expedite the implementation of the recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> sessions of the Indian Labour Conference.
- 4.27 Captain Abhimanyu Singh, Vice Chairman, State Government complimented the social partners for highlighting the critical concerns confronting labour and employment. He hoped that detailed deliberations on the five core areas which have been identified would yield concrete recommendations which can be considered by the government. He said that tripartism is the most effective means to deliberate as to how the social partners can respond to the challenges emanating due to the transformations in the world of work.

## V. CONFERENCE COMMITTEE NO. 1

### **Implementation of the Conclusions/Recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference, particularly on Contract Labour, Minimum Wages and Scheme Workers and Tripartite Mechanism**

This Conference Committee was chaired by Shri Bajj Nath Rai, President, Bharatiya Mazdoor Sangh. Ms. Shalini Prasad, Labour Commissioner, Government of Uttar Pradesh was the Vice Chairperson and Shri Manish Gupta, Joint Secretary, Ministry of Labour and Employment was the Member Secretary.

At the outset, the Chairman extended a hearty welcome to all the members of the Committee and hoped that the deliberations of the Committee would be very fruitful. Thereafter he requested the Member Secretary of the Committee to introduce the agenda and initiate discussions.

#### **Views of Social Partners**

##### **Trade Unions**

The representatives of the trade unions expressed their dissatisfaction on the non-implementation of the recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> sessions of the Indian Labour Conference. Such a trend, they said would erode the importance of historical institutions like the ILC. They noted that there was a consensus reached earlier that the government should fix minimum wages as per the norms and criteria adopted by the 15<sup>th</sup> Indian Labour Conference and also as directed by the Supreme Court. They expressed dissatisfaction that the government had not fixed minimum wages accordingly. The trade unions informed that they had proposed National Minimum Wages of Rs. 15,000/- whereas the government was insisting on fixation of National Floor Level Minimum Wages which is much below the levels suggested by the trade unions. They expressed concern that the proposed amendments of the labour laws are being carried out without proper tripartite consultation. They highlighted that there has been a tendency to encourage contractualisation particularly in the government departments and undertakings. They said that the problem becomes more acute as there are rampant violations with respect to the implementation of the provisions of labour laws that govern the deployment of contract labour. They also urged the government to take necessary steps to provide wages similar to contract labour as that of the regular workers who do the same and similar work. They also wanted the government to provide universal social security and also take measures to improve the

delivery of social security services for the unorganised sector workers. They also emphasized that the funds collected under various laws for extending welfare benefits to construction workers and migrant workers are either remaining unutilized or are being diverted for other administrative and related purposes. They said that the recommendations of the Indian Labour Conference should be forwarded to the State Governments and action taken report obtained from them.

### **Employers' Organisations**

The representatives of the employers' organisations noted that the various recommendations which were arrived on the basis of consensus in the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference should be implemented and the action taken report presented before the Indian Labour Conference.

### **State Governments**

Representatives of the State Governments noted that in most cases the wage payment to the contract labour are now being made by cheque and it has significantly reduced the possibility of violations. It was also highlighted that as States are liable to implement the Indian Labour Conference recommendations, the Centre should extend the necessary logistical and capacity building support for implementation of various recommendations. They also informed that in several States, the Construction Welfare Boards have been constituted and these boards are providing different kinds of welfare benefits to the construction workers and their families. It was also noted that care must be taken to ensure that the core and non-core activities are properly identified in the context of the Contract Labour Act.

### **The Recommendations of the Conference Committee**

The Committee debated the recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference at length and expressed its concern over non-implementation of the conclusions, particularly on contract labour, minimum wages, scheme workers and tripartism. It was therefore, unanimously recommended that concrete measures should be undertaken to expeditiously implement the recommendations in letter and spirit. Periodic reviews should be undertaken by the stakeholders.

## **VI. CONFERENCE COMMITTEE NO. 2**

### **Social Security for the Workers in Organized Sector, Unorganised Sector and International Migrant workers**

The Conference Committee of the above agenda item was chaired by Shri Ravi Wig, ASSOCHAM. Shri Chandrashekar, INTUC was the Vice Chairman and Shri Deepak Kumar, Additional Secretary, Labour & Employment was the Member Secretary.

At the outset, the Chairman welcomed the representatives of the social partners and hoped that the deliberations of the Committee will provide pragmatic inputs for strengthening social security system in the country. Thereafter, the Member Secretary introduced the agenda item.

## **Views of the Social Partners**

### **State Governments**

Representatives of the State Governments highlighted the various initiatives being taken to expand the coverage of social security measures particularly for the unorganised sector workers in their respective States. It was emphasized that universalisation of social security must be accorded top most priority in labour and employment policy formulation. They also urged the Ministry of Labour & Employment to enhance the ceiling limit for ESI coverage from Rs. 15,000/- to Rs. 25,000/-. Several States also expressed the need to have more ESI hospitals and also to improve the facilities in the already existing ESI hospitals. It was also highlighted that there must be provision of health care in super specialty hospitals for the insured persons under the ESI. The representatives of the State Governments also highlighted the need for issuing social security smart cards to the unorganised sector workers in order to improve the service delivery as well as to ensure portability of benefits. There was also a suggestion to develop a directory of various central and state social security schemes to serve as an awareness tool on social security. It was also emphasized that the central government should formulate relevant guidelines from time to time on the implementation of the various social security schemes and inform the states accordingly.

### **Trade Unions**

Representatives of the trade unions noted that several categories of workers are still denied basic social security rights. In this regard, it was emphasized that the Anganwadi and Asha workers should be recognized as workers and be provided with all the social security benefits that the regular workers are eligible for. There was also a view that there should not be any ceiling for the coverage under ESI benefits. It was highlighted that in many states cess collected under the Building and Other Construction Workers' Welfare Cess Act is remaining unutilized. They urged all the State Governments to formulate welfare schemes for the benefits of the construction

workers and their families and implement them immediately. They also noted that the ESI hospitals should be managed by the ESI Corporation and not run on contract basis. It was emphasized that a single social security law which is being envisaged will be detrimental to meeting the social security needs of the workers. It was also highlighted that the social security provisions for the women workers both in organized and unorganised sector must be expanded as it can act as a catalyst to improve the labour force participation of women in the country. It was also stressed that the existing social security provisions for the Inter State Migrant Workers need to be reviewed as an overwhelming majority of the migrant workers are not obtaining the benefits under the existing law. They also urged the government to formulate social security schemes for home based and domestic workers.

### **Employers' Organisations**

The representatives of the employers' organisations highlighted the need to evolve a composite and comprehensive social security law and a single window social security system. It was emphasized that such a system would considerably improve the efficiency of social security delivery. It was also noted that every worker/citizen should have the freedom to choose social security options from the available alternatives. It was also highlighted that the expansion of social security benefits to the workers should be considered within the overall context of the paying capacities of the employers. Such norms particularly are relevant, they noted, in the context of micro and small enterprises.

### **The Recommendations of the Conference Committee**

- (i) Mechanism for identification and registration of unorganised workers should be provided. Special drive should be launched for the said purpose and, if required, direct registration by the Government.
- (ii) Schemes for organized/unorganised workers should be made efficient.
- (iii) Budgetary provisions should be made for those unorganised workers who are not covered under any specific social security schemes.
- (iv) The cost of registration of unorganised workers should be borne by the Central/State Government.
- (v) There should be proper utilisation of fund collected through building construction cess and administrative expenses should not be for what is not stipulated.

- (vi) The Anganwadi/Asha/Mid-day meal and other such workers, the Committee reiterated that they should be extended coverage under ESI/EPF.
- (vii) As regards ESIC, the following recommendations were given:
- a. ESIC to expand to cover all States/UTs. All districts where scheme is running at present should be covered fully.
  - b. The ESIC scheme to be expanded to unorganised sector by reducing the threshold from present 10. Self employed should be provided medical benefit, in phases.
  - c. The ESIC should directly run the health services in all the States. State should not be asked to bear the cost of medical expenses.
  - d. Medical facilities should be expanded at a fast pace; establishments of hospitals and dispensaries should be decided based on geographical necessity.
  - e. All construction workers should be covered under ESI.
  - f. ESI coverage for round the clock for medical benefit.
- (viii) As regards EPF, recommendations were:
- a. Medical Scheme to EPS pensioners from the surplus corpus of EDLI scheme.
  - b. Extension of coverage by reducing threshold from 20 to 10. Member of Laghu Udyog Bharati opposed this.
  - c. Coverage of both Inter State and International Migrant Workers under EPF Act.
  - d. EPF pension should be enhanced and linked with price index.
- (ix) Wages definition should be uniform for all labour laws.
- (x) There should be a mechanism so that employers can deposit social security contributions at single window.
- (xi) For construction workers, there should be a single contribution from employer.
- (xii) Implementation of the discussions taken by 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference with regard to Social Security.



## VII. CONFERENCE COMMITTEE NO. 3

### **Removal of Conditions on Payment Ceiling, Eligibility Limits, Decisions to Pay Minimum Bonus without Linking to Loss when the Performance Indicator Satisfy Grant of Bonus**

The deliberations of the committee were held under the Chairmanship of Captain Abhimanyu Singh, Hon'ble Minister of Labour, Government of Haryana. Shri Om Prakash Mittal, General Secretary, Laghu Udyog Bharti (LUB) was the Vice Chairman of the committee. Ms. Meenakshi Gupta Financial Advisor and Joint Secretary, Ministry of Labour and Employment and Shri B.B. Mallick, Director General (Labour Welfare) & Joint Secretary, Ministry of Labour and Employment were the Member Secretaries of the Committee.

At the outset, the Chairman welcomed the representatives and observed that the issue of bonus has been pending for long. He expressed the hope that all the partners would understand and appreciate the position of each other and give recommendations keeping in the view the larger national interest. The Vice Chairman also welcomed all the members. Thereafter, the Member Secretary introduced the subject. The agenda focused on the following three issues:- Removal of Calculation Ceiling; Removal of Eligibility Limit; and Decision to pay Minimum Bonus without Linking to loss when the performance indicator satisfy grant of bonus.

It was mentioned that last revision in the limits (Calculation Ceiling - Rs. 3,500/- and Eligibility Limit - Rs. 10,000/-) was made in 2007 based on the recommendations of the 41<sup>st</sup> Indian Labour Conference.

### **Views of Social Partners**

#### **Trade Unions**

The representatives of trade unions highlighted that the various kinds of ceilings under the Payment of Bonus Act were improper, irrational and unscientific from the very beginning. They noted that the Payment of Bonus Act was enacted basically to ensure minimum bonus to the workers. It was emphasized that since bonus is deferred wage, there should not be any ceiling for the purpose of eligibility and its calculation under the Bonus Act. It was reiterated that there cannot be any compromise on 8.33% or one month's wage whichever is higher as the minimum bonus. It was also noted that difference between small, medium and large enterprises is irrelevant as far as payment of minimum bonus is concerned as it is deferred wage. They stressed that since there is no ceiling on productivity, there should be no ceiling on bonus. They questioned the

usefulness of this deliberations as a cabinet note fixing various kinds of upper ceilings has already been circulated.

### **Employers' Organisations**

The representatives of the employers' organisations highlighted that removal of the upper ceiling may not be feasible as cost of living index changes every year and the bonus cannot be changed so frequently. It was emphasized that removal of various kinds of limits/ceilings may affect small employers quite adversely. They also noted that while making changes in various kinds of ceilings under the Payment of Bonus Act, there is a need to understand its implications on industrial relations situation. They wondered how meaningful is it to discuss the removal of various kinds of existing ceilings when the Government is proposing a Small Factories Act to facilitate small factories by way of giving exemptions to small employers from some of the existing laws, It was also felt that removal of upper ceilings would amount to more deferred wage and increase in the rate of attrition. They expressed the view that removal of upper eligibility ceilings may adversely affect the interest of low paid workers as a large part of the fund would go in the form of bonus to those drawing higher salary.

### **State Governments**

The State Government representatives were of the view that minimum limit of bonus (8.33%) may continue. They further observed that distinction between statutory bonus and productivity linked bonus is quite relevant.

### **The Recommendations of the Conference Committee are:**

- (i) The Trade Unions were of the view that all the ceilings under the Payment of Bonus Act, 1965 i.e. eligibility ceiling, calculation ceiling and maximum percent of bonus payable need to be removed. They further expressed that they would like to reiterate the stand taken by them in the Tripartite meeting held on 20 October, 2014.
- (ii) The Employers, representatives were of the view that total removal of various ceilings may lead to spurt in industrial relations issues. They observed that while making any change in the Payment of Bonus Act, 1965 productivity of the workers and paying capacity of the employers have to be taken into account. They further observed that they are not in favour of indexation of cost of living for the purpose of ceiling and bonus calculation. The term 'Employee' should be substituted by the term 'Workman' as defined under the Industrial

Disputes Act. The present system of prescribing limits both for eligibility and calculation should be retained.

- (iii) The State Government representatives were of the view that minimum limit of bonus (8.33%) may continue. Regarding limits with regard to calculation and payment ceiling it was stated that they had no comments to offer. They further observed that distinction between Statutory bonus and Productivity linked bonus is quite relevant in this regard.
- (iv) The State Government representatives also suggested that the Central Government may consider notifying the limits for eligibility of bonus and calculation of bonus through an administrative process based on tripartite mechanism rather than legislative process every time. Appropriate amendment to the Payment of Bonus Act, 1965 may have to be carried out accordingly.

#### **VIII. CONFERENCE COMMITTEE NO. 4**

##### **Labour Laws Amendments Proposed/Done either by the Central or State Governments**

The deliberations of this Conference Committee were chaired by Shri C.K. Saji Narayanan, Past President and Senior Activist, Bharatiya Mazdoor Sangh. Shri Ramanand, National Treasurer, All India Manufacturers' Organisation was the Vice Chairman. Shri Dheeraj Kumar, Joint Secretary, Ministry of Labour & Employment was the Member Secretary.

At the outset, the Chairman extended a warm welcome to the members of the Committee and hoped that would arrive at pragmatic recommendations pertaining to this very important agenda item. Thereafter the Member Secretary introduced the agenda item.

##### **Views of Social Partners**

###### **Trade Unions**

They objected to the labour law amendments made in the state of Rajasthan. It was highlighted that the amendments were made without holding consultations with the trade unions. Specific objections were raised with respect to the amendment made in Industrial Disputes Act, 1947 whereby the limit of the number of workers in an

enterprise which seeks government permission for closure has been raised from 100 to 300 and changes in the Factories Act 1948 whereby minimum requirement of workers was raised from 20 to 40 for coverage under the Act. It was highlighted that tripartite discussions must precede any move to amend labour laws. They highlighted that reforms in the sphere of labour laws should be discussed in the context of globalisation, recent economic slowdown and their adverse impacts on workers. They observed that labour laws were not being implemented properly. They emphasized that steep penal provisions should be introduced in case of violations. They also urged the government to strengthen the inspection machinery both at the Centre and the State levels, rather than restricting labour inspections. It was reiterated that need for universal coverage of labour laws in order to ensure that each and every worker is protected. That way, they noted, labour laws should become a catalyst for inclusive development. They contended that though certain labour laws are old, those are still relevant in the present context and efforts should not be made to dilute them through the so called reforms. They urged the government to implement the recommendations made by the Second National Commission on Labour with regards to social security coverage of the informal sector labour. They noted that State should ensure the right to reasonable wage and working conditions. It was also felt that tripartite initiatives to resolve industrial dispute should get priority. They also raised objections with regard to the recent amendments in Child Labour (P&R) Act 1986. They noted that even though India has ratified several ILO conventions, the commitments related to them are not being implemented seriously. They also resented the attempts made to introduce labour flexibility by amending the Industrial Disputes Act 1947. They urged the government to implement all the recommendations adopted in the 43<sup>rd</sup>, 44<sup>th</sup>, and 45<sup>th</sup> ILC.

### **Employers' Organisation**

Representatives of the employers' organisation welcomed the amendments that have been made in the labour laws and also complimented the government for initiating measures to codify and simplify the labour laws. They stressed that in an increasingly competitive environment there is a strong need to provide flexibility in terms of the working arrangements. It was also emphasized that definition of key terms like appropriate government, employers, wages etc. should be made uniform across all labour laws. They were of the view that the fixation of minimum wages should be left to the respective state governments. There was also a suggestion that the wages should be linked to production and productivity. However, it was opined that wages should never be allowed to fall below the minimum wages prescribed in the specific context. There was also a suggestion that the women workers should be allowed to work in all the three shifts. They also noted that harassment by the labour inspection machinery is still a reality. What is required, they felt, is to transform the inspection machinery as a

facilitator for evolving harmonious relations at the workplace. It was also highlighted that specific time limits should be fixed with respect to decisions to be arrived in the tripartite meeting. It was also emphasized that that the labour laws should be made conducive for the growth and proliferation of small manufacturing enterprises which have a huge potential for employment generation.

### **State Governments**

Representative of the state governments noted that tripartite discussions and consultative approach are critical for bringing about labour reforms. Although, several of the state governments were not in agreement with the attempts being made to reform labour laws, some of the representatives welcomed it. It was highlighted that rehabilitation of rescued child labour should be ensured while implementing child Labour (P&R) Act 1986. There was also a suggestion that amendments should be made in the Plantation labour Act in order to make it relevant in today's context. It was felt that universal education under Right to Education should be extended for children in all tea plantations. There was also a view that employers' should mandatorily be required to contribute towards the insurance and social security schemes. It was also opined that the retrenchment compensation should be enhanced to 60 days and re-skilling and training should be for a period of three months. With respect to reform of labour laws, it was noted that in many cases what is required is procedural changes instead of whole scale amendments. Representatives of some state governments noted that office bearers of the unions are being victimised by the employers when they demand their rights under the various labour laws. It was also felt that the processes of referring dispute to labour tribunals/ courts and subsequent court orders to the labour administration is a very time consuming process and hence there is an urgent need to evolve time saving alternative for dispute resolution. There was also suggestion that ceiling of Rs. 18,000/- under the Payment of Wages Act 1936 should be abolished.

### **The Recommendations of the Conference Committee are:**

1. The Committee reiterates historical role of tripartite mechanism functioning in the country before any enactment/ amendment of labour laws.
2. Any labour law amendments/enactments should take into account three purposes namely:
  - (i) Rights and welfare of workers;
  - (ii) Sustainability of enterprises and job creation; and
  - (iii) Industrial peace.
3. The Labour Laws need to be relooked and updated in a time bound manner.

4. Committee recommends that the overall exercise of the labour law amendments should be discussed in the tripartite forum and the broad and specific proposals should also be discussed in tripartite meetings.

## **IX. CONFERENCE COMMITTEE NO. 5**

### **Employment and Employment Generation**

The Conference Committee on Employment and Employment Generation was chaired by Shri Pradeep Bhargav, President, Confederation of Indian Industry. Shri A.D. Nagpal, Secretary, Hind Mazdoor Sabha was the Vice Chairman of the Committee Shri P.P. Mitra, Principal Labour & Employment Advisor, Ministry of Labour & Employment, Government of India acted as the Member-Secretary of the Committee.

At the outset, Chairman of the Committee extended a very hearty welcome to all the representatives of different social partners. He highlighted that employment generation is central to the process of accelerating growth and development. He also noted that quality employment growth and high economic growth can reinforce each other. In his opening remarks, the Vice Chairman emphasized that creation of productive employment opportunities is particularly vital for ensuring livelihoods of the poor and under privileged. He said that there is a need to promote sectors like agro industries to promote employment in rural areas which hosts the major part of India's population. Thereafter, the Member Secretary introduced the agenda item.

### **Views of Social partners**

#### **Trade Unions**

The representatives of the trade unions emphasized that all the recommendations of the 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference pertaining to employment generation must be implemented immediately. They stressed that there is a pertinent need to promote and protect women's employment by universalizing maternity protection and improving child care facilities. They noted that it is not correct to presume that human resources can be totally replaced by virtual world as is being envisaged under Digital India. What is needed, they highlighted, is to make human resources central to such endeavors. It was noted that unemployment has risen especially in rural areas and this is creating a serious discontent particularly about the youth. There was a suggestion that it would be appropriate to start smart village projects than smart cities project to meet the employment aspirations of the rural youth. A need was also expressed to

incentivise the growth of labour intensive industries. The trade unions highlighted that there is an immediate need to fill all the existing vacancies in the central governments and state governments. Concern was also expressed over the growing contractualisation in the government and public sector undertakings. It was highlighted that this is not a healthy trend and government should emerge as a model employer by desisting such tendencies. It was suggested that Recognition of Prior Learning (RPL) must be considered as a key strategy to promote employment. It was held that there is a pertinent need to review the experience of employment generation in Special Economic Zones before announcing new incentives for them in the name of ease of doing business. It was also opined that the recent amendments in the Apprenticeship Act were extremely anti-worker. It was emphasized that the employment generating capacity of the economy can be enhanced if the purchasing power is increased and raising the minimum wages to Rs. 15,000/- per month is an effective strategy to achieve this objective

### **Employers' Organisations**

The representatives of the employers' organisations highlighted that there is a need to identify and promote sectors and industries like solar power, bio power and so on which have the potential to generate employment in the future. It was emphasized that programmes and plans for skill development should be demand sensitive in the sense that they should primarily be oriented to generate those skills which will be demanded in future. They also noted that there should be active involvement of employers in implementing various skill development programmes. Considering that a large quantum of employment is generated by Micro Small and Medium Enterprises, it was felt there is a need to incentivise their operations particularly by providing concessional finance marketing support.

### **State Governments**

The representatives of the State Government highlighted that with the introduction of National Career Service (NCS) and similar initiatives at the state level, the labour department is required to be increasingly involved in activities like career guidance, counseling. Hence, there is a need to strengthen the capacities of the labour department's official to undertake these professional functions. It was emphasized that the NCS portal should have an organic and continuous engagement the state governments. They also noted that there is a shortage of assessors for certification and pragmatic modalities should be evolved to address this lacuna. They also expressed the view that as recognition of prior learning is being encouraged, there is a need to document the employment outcomes of those workers who have been covered under the recognition of prior learning initiatives.

### **The Recommendations of the Conference Committee are:**

- (i) The committee noted that the recommendations of 43<sup>rd</sup> to 45<sup>th</sup> ILC on Employment & Employability need to be fully implemented.
- (ii) Recognising the employment potential in micro and small industry, especially in rural areas, an effective single-window system be established to promote agro-based and micro & small industries with facility like concessional finance etc. A system for centralized marketing of products manufactured by these industries can also be developed.
- (iii) Enhance the outlays and threshold for public employment generation programmes in both rural and urban areas.
- (iv) Fill up vacant posts in Central Government, State Governments and Public Sector Undertakings in a time bound manner.
- (v) Reiterate the necessity for publishing quarterly employment and unemployment data.
- (vi) With Central and State Government moving to on-line systems for employment exchanges there is a need for capacity building of Employment Exchanges Officers for their revised roles under National Career Service (NCS). Need for integration of Central and State IT initiatives to avoid duplication.
- (vii) Utilisation of idle capacity in Vocational and Educational Institutions and closed/sick industry for demand responsive training.
- (viii) Enhance and expand areas for Recognition of Prior Learning (RPL) with effective assessment.
- (ix) Enhance number and improve quality of Assessors for Vocational Training and consider including ITI faculty for assessments.
- (x) To identify labour-intensive industries and new areas where jobs can be created like renewable energy and reusable resources etc. and providing employment linked training.
- (xi) Evolve strategies for increasing female workforce participation in both public and private employment.



## X. CONCLUDING SESSION

10.1 In his concluding remarks, Shri Bandaru Dattatreya, Minister of State (Independent Charge) Labour & Employment complimented the social partners for making the 46<sup>th</sup> session of the ILC a success. He reiterated that the present government is committed to strengthening and promoting tripartism in the country. He emphasized that the recommendations of 43<sup>rd</sup>, 44<sup>th</sup>, 45<sup>th</sup> and 46<sup>th</sup> sessions of the ILCs will be considered in the true tripartite spirit. He sought the cooperation of all the state governments in implementing the recommendations of the ILCs. He said the changes in labour laws will be undertaken through due tripartite consultations. He highlighted that conducive industrial relations atmosphere is a pre-requisite for growth in investment as well as generation of quality jobs. He was confident that the Inter-Ministerial group constituted to look into the demands of the trade unions will arrive at pragmatic conclusions and recommendations.

10.2 Shri Manish Kumar Gupta, Joint Secretary, Ministry of Labour and Employment expressed heartfelt gratitude to each and every one who participated in the ILC. He sincerely thanked the representatives of the major social partners for their valuable contribution during the deliberations. He also expressed his gratitude to the senior officials and staff members of the various sections of the Ministry of Labour and Employment for their ungrudging cooperation and professional support extended for successfully organising the 46<sup>th</sup> session of the ILC.

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**46th SESSION OF THE INDIAN LABOUR CONFERENCE**  
20th and 21st July 2015, VIGYAN BHAVAN, NEW DELHI

**LIST OF PARTICIPANTS**

**INAUGURAL SESSION**

**Shri Bandaru Dattatreya**  
**Minister of Labour & Employment**

**Chairman**

**Shri Baij Nath Rai**  
**Bharatiya Mazdoor Sangh**

**Vice Chairman (Workers' Group)**

**Shri R G Rajan**  
**Council of Indian Employers**

**Vice Chairman (Employers' Group)**

**Captain Abhimanyu**  
**Labour Minister, Government of Haryana**

**Vice Chairman (State Governments)**

S.No.	Name & Designation	Ministry/Department/Organisation
1	Sultan Singh, President	Bharatiya Mazdoor Sangh
2	Virjesh Upadhyay	Bharatiya Mazdoor Sangh
3	Saji Narayanan CK	Bharatiya Mazdoor Sangh
4	D.K.Dadashiva	Bharatiya Mazdoor Sangh
5	Inder Nair	Bharatiya Mazdoor Sangh
6	Raj Bihari Sharma*	Bharatiya Mazdoor Sangh
7	J. P. Siisodia*	Bharatiya Mazdoor Sangh
8	Pawan Kumar	Bharatiya Mazdoor Sangh
9	P. C. Sharma	Bharatiya Mazdoor Sangh
10	Chander Prakash Singh, Secretary	Indian National Trade Union Congress
11	Ashok Singh, President	Indian National Trade Union Congress
12	Dr. Sanjeeva Reddy, President	Indian National Trade Union Congress
13	R. Chander Prakash, Vice President	Indian National Trade Union Congress
14	Kuldeep Kumar	Indian National Trade Union Congress
15	Amarjit Kaur, Secretary	All India Trade Union Congress
16	H. Mahadevan	All India Trade Union Congress
17	Ravendra Kumar, President	All India Trade Union Congress
18	D.L.Sachdev, Secretary	All India Trade Union Congress
19	C. A. Raja Sridhar, President	Hind Mazdoor Sabha
20	Harbhajan Singh Gen. Secretary	Hind Mazdoor Sabha
21	Ram Kishore Tripathi, Secretary	Hind Mazdoor Sabha

22	Mukesh Galav, Secretary	Hind Mazdoor Sabha
23	A.D.Nasful	Hind Mazdoor Sabha
24	Kandikuppa Hemalata, Secretary	Centre of Indian Trade Unions
25	A. K. Padmunabha , President	Centre of Indian Trade Unions
26	A. R. Sindhu, Secretary	Centre of Indian Trade Unions
27	Swadesh Dev Roye, National Secretary	Centre of Indian Trade Unions
28	Sankar Saha, Gen. Secreary	All India United Trade Union Centre
29	S.P.Tiwari, Gen. Secretary	Trade Union Coordination Centre
30	Ravendra Kumar, Vice President	Trade Union Coordination Centre
31	Pusuluri Naranswami	Trade Union Coordination Centre
32	Manali Singh	Self Employed Women's Association
33	Sonia George	Self Employed Women's Association
34	Rajiv Dimri, Gen. Secretary	All India Central Council of Trade Unions
35	V.K.S.Gautam, National Secretary	All India Central Council of Trade Unions
36	Santosh Secretary, Secretary	All India Central Council of Trade Unions
37	S.N.Singh	Labour Progressive Federation
38	V.Subburaman	Labour Progressive Federation
39	Ashok Ghosh, Secretary	United Trades Union Congress
40	Manvendra Nath Singh	United Trades Union Congress
41	Subash Malgi	National Front of Indian Trade Unions
42	Virat Jaiswal	National Front of Indian Trade Unions
43	Shrikant Lachaile	National Front of Indian Trade Unions
44	Michael Dias	Council of Indian Employers
45	Dr. A.V. Sivarama Prasad	Council of Indian Employers
46	Shitangs* Page No. 4	Council of Indian Employers
47	G Ramanand	All India Manufacturers' Organization
48	Dr. S.S. Patil	All India Manufacturers' Organization
49	ML. Sharma, Director General	All India Manufacturers Organization
50	Jitendra Gupta	Laghu Udyog Bharati
51	R.K.Bhardwaj	Laghu Udyog Bharati
52	Om Prakash Mittal	Laghu Udyog Bharati
53	M.L.Dhawan	Laghu Udyog Bharati
54	N.K.Singh	Laghu Udyog Bharati
55	D.L. Sharma	Confederation of Indian Industry
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57	G.P.Srivastava, Chief Adviser	ASSOCHAM
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59	Kumar Digvijay, Joint Labour Commissioner	Government of Bihar
60	Dr. V.B. Bhasin Director ESI	Government of Chhattisgarh
61	S.L. Jangde Dy. Labour Commissioner	Government of Chhattisgarh
62	Dr. Rajender Dhar, Addl. Labour Comm.	Government of NCT of Delhi
63	Vijay Rupani Labour Minister	Government of Gujarat

64	K. O. Shah, Addl. Commissioner Labour	Government of Gujarat
65	Shri Sanjay Prasad, Pr. Secretary	Government of Gujarat
66	Anurag Rastogi, P.S to Labour Haryana	Government of Haryana
67	Anupam Malik, Addl. Labour Commissioner	Government of Haryana
68	S. Narasimha Murthy, Addl. Labour Comm.	Government of Karnataka
69	Shibu Baby John Labour Minister	Government of Kerala
70	R.G. Pandey, Addl. Commisisoner Labour	Government of Madhya Pradesh
71	Baldev Singh PS Labour & Admn.	Government of Maharashtra
72	M.N.Nampui, Labour Commissioner	Government of Meghalaya
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74	T. Chubayanger, Project Offier, Dte Of Lab.	Government of Nagaland
75	Prafulla Kumar Mallik, Labour Minister	Government of Odisha
76	Parmod Kumar Behera PS to Minister	Government of Odisha
77	Surender Pal Singh TT State Labour Minister	Government of Rajasthan
78	Naresh Goyal, PS	Government of Rajasthan
79	Rajat Kumar Mishra, Secretary Labour	Government of Rajasthan
80	Ravi Prakash Pareek, Addl. Labour Comm.	Government of Rajasthan
81	Kumar Jayant, Secretary (Labour)	Government of Tamil Nadu
82	P.Amudha , Commissioner of Labour	Government of Tamil Nadu
83	Shaid Choudhri , Labour Minister	Government of Tripura
84	Arun Kumar Sinha, Pr. Secretary	Government of Uttar Pradesh
85	Shahid Manzoor, Labour Minister UP	Government of Uttar Pradesh
86	P.K.Pundir, Dy. Director, Trg. Emp. Lucknow	Government of Uttar Pradesh
87	R.K. Sudhanshu, Secretary Labour	Government of Uttarakhand
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91	Deepak Kumar, Addl. Secretary	Ministry of Labour & Employment
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181	SC Mahto CIN(HR). Co.	GAIL(India) Ltd.

182	Avinash Kumar, GM(HR) CO.	NHPC Ltd.
183	Nitin Asthana DGM (AIR)	AIR India Ltd.
184	Sunil Kumar, Director HR	MTNL Bord
185	N.K. Joshi GM (HR)	MTNL
186	R.K Singh Dy. Director	Factory & Boilern, Uttarkand
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195	Rakesh Sharma RC Tripura Bhavan Delhi	Government of Tripura
196	Hitesh K. Lohia, PA to Lab. Minister	Government of Gujarat
197	SMA Rizvi, Director ESIS, UP	Government of Uttar Pradesh
198	Rodrigues , Comissioner Labour & Employmnet	Government of Goa
199	H. K. Jawala , Labour Commisssoner	Government of Maharashtra
200	Pankaj Kumar Dev, Comm.(Un organised Labour)	Government of Maharashtra
201	T.R. Azad, Dy. Labour Commissioner	Government of Himachal Pradesh
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203	Amit Kashyap, Labour Commissioner	Government of Himachal Pradesh
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205	H.S.Nande Labour Commisssoner Punjab	Government of Punjab
206	Harish Nayar, Addl. Labour Commisssoner	Government of Punjab
207	Harpreet Singh, Secretary Labour	Government of Telangana
208	Ahmad Nadeem, Commissioner Labour	Government of Telangana
209	Dr. Anuradha Dy. Labour Commissioner	Government of Haryana
210	Pradeep Srivastava, Addl. Labour Comm.	Government of Uttar Pradesh
211	Rita Bhadauria, Dy. Labour , Comm.	Government of Uttar Pradesh
212	Shalini Pandit, Labour Commissioner	Government of Odisha
213	Shalini Prasad, Lab. Commissioner	Government of Uttar Pradesh
214	Om Raj Goldie, Asstt. Director	Government of Punjab
215	K.R. Limboo, Jt. Labour Commissioner	Government of Sikkim
216	Shivrendra Chief Manager	IGL, Delhi

217	V. BalaKrishnan, Labour Commissioner	Government of Kerala
218	Vijay A. Ekka Manager	EIL
219	Rajesh Dadal AGM (HR)	Engineer's India Ltd.
220	Suchitra Dutta, ED	Indian Staffing Fedration
221	Ramen Pandey	Indian National Trade Union Congress
222	Prabhat Kumar, DLC	Government of Jharkhand
223	Ajit Kumar Panna Jt. Labour Commissioner	Government of Jharkhand
224	Pradeep Bharsava, Director	Commoms India Ltd.
225	D.L.Sharma	Vardman Textile, Ludhiana
226	Satyabrata Borgohain	NFFPCO Ltd., Shillong
227	R.S.Mina, Director	NHPC Ltd. Faridabad
228	P.Mohan Dass	CIL, Kolkatta
229	Homi R. Khusr Khan	EFI
230	R.S. Maker	EFI
231	RG Rajan, CMD	SCOPE
232	Sanjay Bhatai	Hindustan Tin Worker
233	Dr. Deepak Jaiswal	NFITU( DHN)
234	M.Shanmugam , General Secreary	Labour Progressive Federation
235	O.P Mittal	