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**ActionAid Association** is an Indian organisation working for social and ecological justice in 24 states and two union territories. Together with supporters, allied organisations, communities, institutions and governments, we strive for equality, fraternity and liberty for all.

A WORKER'S

**AGENDA FOR**

**JUST FUTURES**

**act:onaid**

ActionAid Association (India)





## **A Workers' Agenda for Just Futures**

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ActionAid Association (India)

## A Workrs' Agenda for Just Futures

April, 2024




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## Introduction

An estimated 90% of India's workforce is in the informal sector, making it essential for the government to ensure workers' human rights, ensure dignified wages, social protection, and protection against discrimination. The pandemic saw the worsening of the already precarious conditions of migrant and informal workers. Workers lost livelihoods, wages, and workdays during and after the multiple lockdowns. A majority of the informal workers work in poorly regulated enterprises and such work engagements typically have issues regarding job insecurity, denial of minimum wages, decent work standards, and social protection.

The need for augmenting employment is urgent, especially in a post-COVID scenario. Youth unemployment and underemployment is a huge challenge that India is facing. As per the Periodic Labour Force Survey Report released in October 2023, 10% of youth overall (that is, aged between 15 and 29 years) and 15.7% urban youth were reported to be unemployed.

The pandemic brought into the forefront the sheer scale of migration streams that continue till now. It is almost four years since the first COVID-19 lockdowns were announced but most migrant workers are still enduring precarious conditions. Despite being abandoned by the cities, which they contributed to building, during the lockdowns, many returned seeking employment, given that rural livelihoods are insufficient to sustain their living. The national average daily wage for rural workers was Rs 345.7, according to a report released by the Reserve Bank of India (RBI) in 2023. Monthly, this amounts to Rs 10,716. In reality, many states fall far below this number, leading to insecurities of housing, food, employment, and healthcare for millions of Indians. Moreover, every year, thousands of workers across the country die due to insignificant and unreliable safety measures in factories and construction sites. In March 2021, the Union Ministry of Labour and Employment informed the Parliament that at least 6,500 workers had died on duty at factories, ports, mines and construction



sites in five years preceding the pandemic. This data is recorded only for registered factories, and does not take into account the number of workers dying or getting injured while working in the vast informal sector.

The NFHS 2019-21 report indicates substantial increase in levels of anaemia among Indian women (from 53% in 2015-16 to 57% in 2019-21), and though there has been a decrease in levels of wasting and stunting among children below the age of 5 years, the levels remain high – 36% are stunted or are too short for their age and 19% are wasting or are too thin for their height. These signs of enduring malnutrition call for ensuring employment and livelihood guarantee for all Indians, and with its immediate implementation for all historically, socially and religious marginalized groups whose proportional representation is higher among informal workers.

An overwhelming part of workers' income is spent on housing although several reports indicate that informal and migrant workers reside in poorly constructed urban settlements with several health and sanitation issues; they are also susceptible to fire hazards, and low access to basic utilities like water and electricity. In many rural areas as well, there remains a paucity of facilities such as education, healthcare, and transport links, necessitating migration as well as creating insecurities in the rural areas.

Difficulties remain around issues such as registration of workers. Many times, the registration is not authentic, leading to exploitation.

Informal and migrant workers' evictions and loss of housing are ongoing issues. New forms of work constitute new kinds of bondage for a large section of the unorganized sector. With the rise in gig workers, particularly in urban areas, efforts must be made to ensure that the workers are protected from exploitation.

## **Legislative Framework Needed**

### **Right to Work Act**

A national law is needed to guarantee work and a right to work for all people in India. Beyond the scheme-based commitments which some state governments and the central government have given in the form of urban employment schemes or the rural employment guarantee act

for 100 days of work, there needs to be a guarantee of full and dignified work for all people in India. Such a law will also pave the way for ensuring accountability for dignified work for all, and prevent exploitation of millions of working people in India, migrant or otherwise, including primarily the socially and economically discriminated against communities.

## **Abolition of Caste-Based Work**

A national law is needed to end all forms of caste-based work. While there has been part progress in this regard through the abolition of Manual Scavenging Act, or a series of "devdasi" prevention and prohibition of dedications acts or the Bonded Labour Act, several forms of caste-based work is perpetuated in practice in various occupations ranging from priests in temples to services such as burial/cremation services, removal of waste, begging, sex work and other every day services. India must see the full annihilation of caste in the world of work too. Such a law will ensure a more equal and caste-based discrimination free India. It is imperative to monitor and outlaw caste-based work in all its forms, a practice of discrimination embedded in society and supported/overlooked by the state. Subsequently enacted laws must also be cognizant of caste-based work and practices.

## **Redistribution and Social Remuneration of Care Work Act**

Such discrimination continues, beyond what the Equal Remuneration Act of 1976 defines in an antiquarian way the world of work. Beyond this 'world of work' lies a large domain of care work (often called domestic work) fundamental to the social reproduction in our country, which is heaped on the shoulders of women. ILO reports that on an average, women in the Asia Pacific region engage in 4 times more care work than men, leaving them little time and space for leisure and creativity. We need a national legislation to recognize and redistribute – and socially remunerate this work. Like the Prevention of Untouchability Act, this law could herald social awareness and eradication of this evil.

## **Amendments to Ensure Equal Remuneration**

Gender based discrimination in the world of work was sought to be ended with the passage of the Equal Remuneration Act 1976, which has now



been subsumed in the Code of Wages. While this law needs accountable and strict implementation as wage discrimination on account of gender continues, there are other facets of gender diversities which need attention in modern day India. Gender is not a binary, and strong forms of discrimination at the workplace continue to ail gender diversities – members of society who do not identify as men or women. Hence, the Code of Wages needs some amendments in this regard. Furthermore, the amendments need to take cognizance of the fact that wage discrimination at work is not only limited to wage equality, but rather starts from an assessment of work, its allocation as well as outsourcing, and contractual work.

## **Amendments to the Code of Wages**

### ***Minimum Standards and Ensuring Workers' Well-being***

#### **Revise the Minimum Wage Calculation**

It is essential that we thoroughly revise the current formula for calculating minimum wage. The updated formula should adequately reflect the actual cost of living. Moving beyond simple calorie intake, the formula should ensure that workers can afford a nutritious and balanced diet including protein and fat intake. Housing rent expenses needs to be developed over actual market rent. Also, the distinctively higher cost of living in urban areas must be acknowledged. The new formula should incorporate additional allowances for workers residing in urban areas, guaranteeing that their wages are sufficient to sustain a decent standard of living in these costlier environments. This revision is not merely an issue of economic fairness but also a crucial step towards achieving social justice, ensuring that all workers, regardless of their geographic location, can lead lives of dignity.

#### **Regularly Review Wages**

We should establish a robust mechanism for the regular review and adjustment of wages to ensure that they keep pace with inflation and changes in living costs. This mechanism should include periodic assessments of economic indicators and cost-of-living adjustments to guarantee that workers' wages remain fair and sufficient to meet their basic needs.

## **Regulate Working Hours and Overtime**

We must prioritize the strict regulation of working hours and overtime. This is essential for ensuring that workers receive fair compensation for their efforts, especially when they are required to work beyond standard hours. Strict regulation of working hours and overtime is crucial for safeguarding workers' health, preventing burnouts, and promoting a safe and healthy work environment. Implementing clear guidelines and penalties for non-compliance, the government can demonstrate its commitment to upholding labour rights and ensuring a fair and just workplace for all.

## **Establish a Clear Formula for Piece Rate Work**

We should establish a clear and transparent formula for fixing piece rate wages to ensure fair compensation for workers engaged in piece rate work. This formula should take into account the complexity and intensity of the work, the skill level required, and the average time taken to complete a piece of work. Additionally, we should set up a technical committee comprising representatives from both employers and employees. This committee should be tasked with advising on categorizing and setting piece rate wages, ensuring that the formula remains relevant and fair in changing economic and industry conditions.

## **Include Work Arduousness or Hazardous Nature in Wage Determination**

We must recognize the physical and mental toll that certain working conditions take on employees. It is imperative to amend regulations to include considerations of work arduousness or the hazardous nature in wage determination. This means taking into account factors such as extreme temperatures, high humidity, hazardous occupations, or underground work when setting the minimum wage. This will ensure that workers are fairly compensated for the additional risks and challenges that they face in their jobs. This adjustment is not just a matter of fairness, but also a reflection of our commitment to the well-being and safety of our workforce.

## **Implement a Standard Framework**

The government should establish and enforce a standard framework that clearly defines skill levels based on objective criteria developed in consultation with industry experts, labor unions, and educational

institutions. The implementation of such a framework will ensure fair compensation for workers' skills and expertise and a transparent basis for wage determination.

### **Cap Wage Deductions and Define 'Reasonable Cause' for Deductions**

We should establish a strict limit on wage deductions to guarantee that workers receive a substantial portion of their earnings. This measure is crucial to safeguard the financial security of employees and prevent excessive reductions in their take-home pay. We should clearly define the term "reasonable cause" for deductions from wages in the Wage Code to prevent arbitrary or unfair deductions. This definition should encompass specific circumstances under which deductions are permissible, ensuring transparency and fairness in the process.

### **Regularly Review the Wages**

We should establish a robust mechanism for a regular review and adjustment of wages to ensure that they keep pace with inflation and changes in living costs. This mechanism should include a periodic assessment of economic indicators and cost-of-living adjustments to guarantee that workers' wages remain fair and sufficient to meet their basic needs.

### ***Transparency and Fair Practices***

#### **Ensure Transparency in Wage Setting**

We must ensure transparency in the wage-setting process by establishing clear criteria and a methodology for determining wages. This involves openly communicating the factors and data used to set wage levels, enabling both employers and employees to understand the rationale behind wage decisions.

#### **Protect Piece Rate Workers**

We should implement robust protections for piece rate workers to ensure fair compensation and prevent exploitation. This includes establishing clear guidelines for determining piece rates that reflect the actual work performed and the skill required. Additionally, safeguards must be put in place to protect these workers from being subjected to unfair practices or conditions that undermine their rights and well-being.

## **Ensure Equal Representation in Technical Committees**

We should ensure equal representation of employees and employers in technical committees to uphold the principles of the tripartite mechanism. This mandate is crucial for fostering a balanced and inclusive decision-making process that reflects the interests and concerns of both the workers and employers.

## **Ensure Language Accessibility of Notices**

We should mandate that all notices pertaining to workers' rights and responsibilities are provided in the local or vernacular language. This will ensure that all workers, regardless of their linguistic background, have access to crucial information and can fully understand their legal entitlements and obligations.

## ***Enforcement and Worker Empowerment***

### **Mandate Regular Review and Renewal**

We must mandate a regular review of skill categorization and wage standards, with specified timelines and frequencies, to ensure that they stay aligned with economic and labor market changes. This approach will safeguard workers' purchasing power and ensure fairness in compensation. Regular updates are essential for reflecting evolving job roles and technological advancements in the workplace, ensuring that the workers are fairly classified and compensated for their skills.

### **Mandate Physical Inspections**

We should mandate regular physical inspections of workplaces by designated inspector-cum-facilitators to ensure strict compliance with labour laws and regulations. These officials will play a crucial role in identifying and rectifying any violations, ensuring that the workers' rights are protected and that workplace safety standards are upheld.

### **Provide Funding and Resources for Awareness**

We should allocate sufficient funding and resources to ensure the effective implementation of labour laws. This includes providing financial support for awareness campaigns aimed at educating both workers and employers about their rights and responsibilities under these laws. This will improve compliance and lead to a more harmonious working environment.

## **Strengthen Grievance Redressal Mechanisms**

We should establish robust and easily accessible grievance redressal mechanisms for workers. These mechanisms should effectively address concerns related to wages and working conditions, ensuring that workers have a platform to voice their grievances and seek resolutions.

## **Create a National Dashboard for Minimum Wage Compliance**

We should create a National Dashboard for Minimum Wage Compliance to monitor adherence to minimum wage laws. This dashboard will offer real-time information to both workers and employers, ensuring transparency and facilitating timely interventions for addressing any violations.

## **Integrate Technology for Worker Empowerment**

We should integrate technology for worker empowerment by leveraging digital tools for streamlining wage-related processes. This includes developing user-friendly platforms that provide workers with easy access to information about their wages, rights, and entitlements.

## **Ensure Access to Legal Remedies**

We should ensure that workers have easy access to legal remedies to challenge unfair wage practices and seek redressal. This includes setting up dedicated channels or mechanisms through which workers can file complaints and seek legal assistance without facing barriers such as high costs or complex procedures.

## ***Addressing Specific Issues***

We need to include all workers are represented in technical committees. This includes representatives informal and gig workers. We need to address the gender wage gap; we should conduct regular audits of pay structures to identify and rectify any disparities. Strict penalties are needed for employers who engage in discriminatory pay practices. Regularly revise dearness allowance, provide clarity on emergency work conditions and define 'reasonable cause' for absence, so workers are not unfairly penalized for absence with legitimate reason.

## **Amendments to the Code on Social Security**

### ***Universal and Efficient Social Security***

#### **Universal Social Security**

While the Code on Social Security 2020 has taken significant strides towards universal application, we need to commit more strongly to the principle and ensure that all workers are covered and this concept is fully integrated into the code. This means providing a comprehensive range of social security benefits that are accessible to every worker, regardless of their employment status, the level of wages they earn, the size of the establishment or the sector. The implementation of universal social security should be a priority with clear guidelines and mechanisms in place to ensure that all workers are protected under a unified and effective social security system.

#### **Centralized Social Security System**

We should immediately implement a centralized social security system to streamline the provision of benefits and ensure uniformity across states. This will eliminate the confusion and inefficiency caused by the current dual authority system where both central and state governments have overlapping responsibilities. A centralized system will facilitate easier management and monitoring, leading to better service delivery for workers.

#### **Mandatory Registration for Comprehensive Coverage**

We should mandate the registration of all establishments under the Social Security Code, 2020, to ensure that every worker irrespective of employment status or sector, is covered under social security schemes. This will promote equity and inclusivity, ensuring that all workers have access to essential benefits such as healthcare, pensions, and insurance.

#### **Unified Registration System for Seamless Access**

We should establish a unified registration system for all establishments and workers and eliminate fragmentation and confusion caused by multiple registration systems. This will ensure seamless access to social security benefits for all workers, regardless of the nature of their employment or the sector that they are working in.

## **Rational Division of Responsibilities**

We should clearly define and rationalize the division of responsibilities between the central and state governments in the provision of social security measures. This division should be based on a logical and efficient allocation of functions. The central government should focus on an overarching policy and financial support and the state governments should handle the day-to-day implementation and administration of social security schemes. This approach will minimize confusion, reduce bureaucratic hurdles, and enhance the overall effectiveness of the social security system.

## ***Expanding Social Security Benefits***

### **Expansion of Social Security Benefits**

We should broaden the scope of social security benefits to comprehensively cover all aspects of workers' welfare, including health, education, housing, and old-age protection. This expansion should ensure that no worker, regardless of her/his employment sector or geographical location, is left without an adequate social security coverage.

### **Universalization of Social Security**

We should explicitly incorporate universal social security as a legislative right in the code, ensuring that all workers, regardless of their employment category or sector, have access to essential social security benefits. This commitment to universal coverage is essential for promoting equity and inclusivity in the workforce, ensuring that no worker is left without basic social security protection.

## ***Streamlining Processes and Infrastructure***

We need to streamline and simplify Aadhaar-based registration for social security benefits, ensuring seamless data transfer to prevent duplication. We need to simplify procedures to encourage wider participation, leveraging existing infrastructure like EPFO, NPS, and ESIC for cost-effective delivery. We should establish a centralized portal for unorganized workers, facilitating easy registration, updates, and benefit access while enhancing data sharing among agencies.



## ***Transparency, Accessibility, and Worker Protection***

### **Transparency and Accessibility**

We should commit to transparency in the administration of social security schemes. It should also ensure that workers are well-informed about their entitlements and the procedures for accessing them. Bureaucratic obstacles that hinder the accessibility of benefits should be removed and mechanisms should be put in place to facilitate easy and direct access for all workers.

### **Protection of Existing Beneficiaries**

We should put in place measures to ensure that the benefits and rights of existing beneficiaries under state schemes are fully protected during the transition to the central system. This includes ensuring that there is no lapse in coverage and that workers continue to receive all the benefits that they are entitled to without any interruptions or reductions.

### **Accessible Contribution System for Informal Sector Workers**

We should implement an easily accessible contribution collection system for informal sector workers, ensuring that they can actively participate in social security schemes. This system should be designed to accommodate the unique challenges faced by informal workers like irregular incomes and lack of access to formal banking.

## ***Coordination and Support for Effective Implementation***

### **Interstate Coordination**

We should develop clear provisions and mechanisms for interstate coordination to support footloose workers who move across states in search of employment. This coordination is crucial for ensuring that these workers do not lose access to social security benefits due to their mobility. We should establish a framework that allows for the transfer of benefits and information between states, ensuring continuity of support for these workers regardless of their location.

### **Financial Support for State Boards**

We should allocate sufficient funds to state boards responsible for managing the social security schemes for unorganized workers. This

financial support is crucial for the effective implementation of programmes and for addressing the needs of a large and diverse workforce.

## ***Guidelines for Smooth Transition***

### **Clarification on Registration Process**

We should provide detailed instructions about the registration process, specifying whether existing registrations with state governments will be automatically transferred to the central portal or if workers need to register again. This clarity will help prevent any disruption in benefits and ensure a smooth transition for workers.

### **Guidelines for Transition**

We should provide clear and comprehensive guidelines outlining how existing social security schemes will transition to align with the new code. These guidelines should include timelines, procedures, and support mechanisms to ensure a smooth and transparent transition process for all stakeholders.

### **Continuity of Existing Schemes**

We should ensure that all existing social security schemes run by state governments are either continued without interruption or integrated seamlessly into the new central system. This approach will help maintain continuous coverage for workers and prevent any gaps in their social security protection.

### **Mandatory Employer Contributions to Social Security**

We should mandate that employers contribute to the social security benefits of their workers, reflecting the employers' responsibility towards the welfare of their workforce. This requirement should be enforced to ensure that employers recognize the value of their workers' productivity and contribute to their social security.

# **Amendments to the Occupational Safety, Health, and Working Conditions Code**

## ***Health and Safety Regulations***

### **Transparent and Timely Communication with Detailed Information**

Employers should be required to provide at least 30 days' notice before the commencement and cessation of any operation in establishments such as factories, mines, contract labour, and building or other construction work. This notice should include detailed information about the nature of the work, facilities provided, arrangements for storing explosives, and the number of workers likely to be employed. Additionally, the employers should transparently communicate with workers and their representatives any changes to the original notice in a timely manner to allow adequate preparation and adjustment. This will ensure that workers are well-informed and can take necessary action to protect their rights and well-being (Section 5).

### **Immediate and Comprehensive Investigation**

Amending Section 10 to require that any fatal accident or accident causing serious injury be immediately reported to the appropriate authorities, and that a comprehensive investigation be initiated within 24 hours of the incident. The investigation should be conducted by a team that includes representatives from the workers, safety experts, and government inspectors. The findings of the investigation, along with any corrective action taken, should be made public to ensure transparency and accountability. Additionally, the investigation should assess the root causes of the accident, including any failures in safety protocols, equipment malfunctions, or lapses in training, and recommend specific measures for preventing future incidents. This amendment will ensure a swift and thorough response to workplace accidents, prioritize worker safety, and foster a culture of accountability and continuous improvement in occupational health and safety practices.

### **Enhanced Transparency and Reporting**

We should mandate employers to publicly disclose all workplace accidents and injuries to improve transparency and accountability (Section 10).

## **Right to Refuse Unsafe Work**

Workers should be granted the unequivocal right to refuse tasks or assignments that they deem hazardous to their health and safety, without any fear of disciplinary action, termination, or any form of retaliation. This right must be enshrined in a legislation, ensuring that workers are protected when they raise concerns about unsafe conditions. Employers should be required to address these concerns promptly and effectively, and workers should have the option to report unresolved issues to relevant authorities. This right will empower workers to actively participate in maintaining a safe work environment. It also underscores the importance of their well-being in the workplace (Section 14).

## **Enhanced Whistleblower Protection**

Workers must be granted robust protection when they act as whistleblowers to report unsafe or hazardous conditions in their workplaces. This protection should include legal safeguards against any form of retaliation, including termination, demotion, or discrimination. Furthermore, there should be mechanisms in place for anonymous reporting to encourage more workers to come forward without fear of identification or reprisal. Employers should be mandated to investigate all reported concerns thoroughly and take appropriate corrective action. The rights of whistleblowers should be clearly communicated to all employees, and violations of protection should result in significant penalties for employers. This approach will not only safeguard individual workers but also promote a culture of safety and accountability in the workplace (Sections 13 and 14).

## **Unrestricted Access to Safety Records**

Workers should have the right to access comprehensive records of all workplace accidents and injuries, ensuring transparency and empowering them to advocate for necessary safety improvements. This access should be guaranteed without any barriers, allowing workers to make informed decisions about their safety and well-being at work (Section 33).

## **Public Reporting of Employer Violations**

Workers should have the right to access a publicly available database that records all instances of employer non-compliance with the code. This database should be regularly updated and be easily accessible, providing transparent and detailed information about violations, penalties imposed,

and corrective action taken. This transparency will empower workers to take informed decisions about their employment and hold employers accountable for their actions. It will also foster a culture of compliance and safety in the workplace, as employers will be more motivated to adhere to regulations knowing that their actions are subject to public scrutiny (Section 94).

### **Regulations for Specific Industries**

Government bodies, in partnership with industry experts, should create and enforce sector-specific safety standards, including identifying hazards, setting PPE and exposure limits, and ensuring compliance through inspections and recordkeeping. This targeted approach will enhance worker safety and reduce accidents (Section 134–138).

### ***Worker Rights and Protections***

#### **Protection for Gig and Informal Workers**

Gig and informal workers should receive the same safety and health protections as formal employees, including access to protective equipment and safe working conditions. Employers must be accountable for the well-being of all workers, ensuring that gig and informal workers do not feel vulnerable because of their employment status (Section 6).

#### **Access to Protective Measures for Vulnerable Groups**

Workers who belong to vulnerable groups, such as pregnant women, young workers, and workers with disabilities, should be afforded tailored protective measures to safeguard their health and safety in the workplace. This includes providing appropriate personal protective equipment, modifying work tasks to eliminate risks, and ensuring accessible facilities. Employers must proactively identify and mitigate any potential hazards that disproportionately affect these groups and provide necessary accommodations to enable them to work safely and effectively. This approach will not only protect the well-being of vulnerable workers but also uphold their right to equal opportunities and a discrimination-free work environment (Sections 6, 43, and 44).

#### **Right to Legal Representation**

Ensure that workers have the right to legal representation in proceedings

related to safety and health violations, with enforcement overseen by the appropriate government authorities (Sections 112 and 113).

### **Special Provisions for Women's Employment**

The code should prohibit all forms of gender discrimination, ensure safety and health provisions for women workers, provide adequate safeguards, and address the needs of pregnant women workers (Sections 43 and 44).

### ***Migrant Worker Rights: (Sections 59–65)***

#### **Equal Treatment for Migrant Workers**

Employers should ensure that the migrant workers receive the same wages, benefits, and working conditions as the local workers for performing the same or similar work, without any discrimination.

#### **Right to Adequate Housing**

Employers or authorities should provide interstate migrant workers with adequate housing facilities that meet basic standards of hygiene, safety, and privacy.

#### **Access to Education for Children**

We should provide access to education for the children of interstate migrant workers in the destination state, ensuring that language barriers and other challenges are addressed.

#### **Social Integration Programmes**

We should implement programmes for facilitating the social integration of interstate migrant workers in the local community, promoting cultural exchange and mutual respect.

#### **Legal Aid and Assistance**

We should ensure legal aid and assistance to interstate migrant workers to help them understand their rights and navigate legal processes in the destination state.

#### **Comprehensive Health Coverage**

We should ensure that interstate migrant workers have access to

comprehensive health coverage, including preventive care, treatment for occupational illnesses and injuries, and mental health services.

### **Protection from Exploitation**

We should strengthen measures to protect interstate migrant workers from exploitation by contractors or employers, including mechanisms for reporting and addressing grievances.

### **Training and Skill Development**

Employers or authorities should offer training and skill development opportunities to interstate migrant workers to enhance their employability and career progression.

### **Portable Social Security Benefits**

We should ensure that social security benefits, such as provident fund and insurance, are portable across states, allowing interstate migrant workers to seamlessly access the benefits regardless of their location.

### **Representation in Workers' Committees**

We should ensure that employers have representation of interstate migrant workers in workers' committees and safety committees, allowing them to actively participate in decision-making processes related to their welfare and working conditions.

### **Emergency Support Services**

We should establish emergency support services, including financial assistance and counselling for interstate migrant workers facing crises such as natural disasters, accidents, or health emergencies.

### ***Social Security and Benefits***

#### **Mandatory Social Security Contributions**

Employers must contribute to the Social Security Fund, ensuring financial support for workers in times of illness, injury, disability, or retirement (Chapter XIII).

#### **Offences and Penalties**

Penalties for offences by employers should be increased to act as a



deterrent, with specific recommendations for various sections (Sections 87-104).

## ***Working Hours and Compensation***

### **Maximum Working Hours**

Employers should ensure the maximum daily 8 hours of work and 48 hours per week, aligning with the International Labour Organization's standards. This will help ensure that workers have adequate rest and are not overburdened.

### **Clear Definition of Working Hours**

We should establish guidelines to ensure that working hours comprehensively cover all aspects of employment, including overtime, training sessions, and travel related to work duties. This approach will provide clarity and fairness in the calculation of working hours for employees.

### **Weekly Rest**

Employers should ensure that workers have at least one full day of rest every week, without any exceptions. This day should be a continuous 24-hour period to ensure proper rest and recuperation.

### **Cap on Overtime Hours**

We should propose and enforce a strict cap on the number of overtime hours allowed per week to prevent exploitation and ensure work-life balance.

### **Extra Wages for Overtime**

Workers should be paid twice the wage rate for overtime work, with clear definitions of 'rate of wages' and provisions for piece-rate workers (Section 27).

## **Amendments to the Industrial Relations Code**

### ***Trade Unions***

#### **Ensure Unconditional trade union Registration**

We should ensure that trade unions can be registered unconditionally, without any restrictions related to the number of workers, upholding their

fundamental right to form associations as guaranteed by the Constitution of India.

### **Ensure Transparency in Registrar Appointments**

We should ensure complete transparency and impartiality in the appointment of registrars and other officials responsible for overseeing the trade unions.

### **Lower the Registration Threshold for trade unions**

We should lower the threshold to maximum 5 % or 50 workers for trade union registration to enable more workers to form and join unions, enhancing their ability to advocate for their rights.

### **Ensure Complete Autonomy in Internal Governance**

We should ensure that trade unions have complete autonomy in managing their internal affairs, including the elections and removal of members and office bearers to promote effective representation and responsiveness to members' needs.

### **Provide Protection for trade union Applicants**

We should ensure that the trade union registration process is protected against disruptions due to changes in membership, fostering a supportive environment for union formation.

### **Implement Flexible Membership Requirements**

We should adopt more flexible membership requirements for registered trade unions, accommodating fluctuations in worker numbers and ensuring the sustainability of unions.

### **Ensure Universal Negotiation Representation**

We should ensure that all registered trade unions have an opportunity to participate in negotiations, promoting inclusivity and democracy in labour relations.

### **Set a 25 % Threshold for Sole Negotiating Union**

We should lower the threshold for recognizing a sole negotiating union to 25% , facilitating greater union participation in negotiations.

## **Mandate Equitable Representation in the Negotiating Councils**

We should ensure equitable representation in negotiating councils, reflecting the diverse interests of the workforce.

## **Enforce Absolute Transparency in the Agreement Process**

We should enforce transparency in the negotiation process, ensuring that agreements are reached through a fair and democratic process.

## **Allow Indefinite Validity for Recognition**

We should permit indefinite validity for the recognition of negotiating unions or councils, with periodic reviews to ensure their continued relevance and effectiveness.

## **Ensure Absolute Legal Immunity**

We should ensure that registered trade unions and their members are granted absolute legal immunity for actions taken in furtherance of industrial disputes, safeguarding their right to organize and advocate.

## **Provide Explicit Exemption from Liability**

We should provide clear provisions exempting trade unions from liability for wrongful actions committed by someone representing the union in the context of industrial disputes, provided there is no authorization or knowledge from the union's executive.

## **Ensure Absolute Protection from Penal Liability**

We should ensure that office-bearers and members of registered trade unions are provided absolute protection from penal liability for activities conducted in furtherance of the union's objectives, except when such activities involve an agreement to commit an offense. This protection is crucial for safeguarding the rights of workers to organize and advocate for their interests.

## **Ensure Conclusive Due Process**

We should ensure that the process for withdrawing or cancelling the registration of a trade union is fair, transparent, and provides ample opportunities for appeal, safeguarding the rights of the trade unions.

## **Implement Ironclad Protection from Arbitrary Cancellation**

We should implement strong protection against arbitrary cancellation of trade union registration, ensuring that any action taken is based on a thorough investigation and rigorous review.

## **Standing Orders**

**Ensure Universal Applicability of Standing Orders Provisions:** We should ensure that the provisions of standing orders apply to all industrial establishments, regardless of the number of workers, to provide comprehensive protection for all workers.

## **Strikes and Lockouts**

### **Immediate Right to Strike**

We should abolish the oppressive 60-day notice period. Workers must have the immediate right to strike in response to injustices and urgent issues, as delays often render their actions ineffective.

### **No Delays in Strike Action**

We should eliminate the 14-day waiting period after giving a notice. Workers must be able to act swiftly and decisively when their rights are violated, without undue delays that dilute the impact of their collective action.

### **End Post-Conciliation Restrictions**

We should remove the 7-day no-strike period following conciliation proceedings. Workers must have the right to take immediate action after conciliation fails, as waiting periods hamper their ability to respond effectively to unresolved disputes.

### **Speedy Tribunal Resolutions**

We should ensure expedited resolutions to disputes, as the current 60-day waiting period after tribunal's proceedings denies timely justice and prolongs hardships for workers.

### **Reform the Arbitration Process**

We should reform the arbitration process in favour of workers by reducing the 60-day restriction following arbitration. Lengthy procedures weaken workers' positions and extend their grievances.

## **Simplify Strike Notice Requirements**

We should streamline the procedures for strike notices, removing bureaucratic hurdles that suppress workers' voices and reduce the effectiveness of their actions.

## **Guaranteed Protection from Retaliation**

We should enforce strict protection against any form of retaliation from employers for workers' exercising their right to strike. Retaliation undermines the fundamental right to strike and creates a climate of fear and intimidation.

## **Unconditional Right to Strike**

In cases of immediate danger or gross violations of rights, we should grant workers the unconditional right to strike without any notice. Waiting for formalities in critical situations endangers workers' well-being and safety.

## **Transparent Reporting Obligations**

We should mandate full transparency from employers in reporting strike and lock-out notices. Transparency ensures accountability and prevents employers from manipulating the situation to their advantage.

## **Justice During Lock-Outs**

We should ensure fair treatment for workers during lock-outs, including prompt payment of wages and guaranteed job security. Lock-outs should not be used as a weapon to coerce or punish workers.

## **Unconditional Protection for Legal Strikes**

We should guarantee that strikes started legally remain protected throughout their duration, even if the dispute is later referred to legal proceedings. This protection is essential for upholding the integrity of workers' actions.

## **Legal Recognition for Retaliatory Strikes**

We should recognize strikes declared in response to illegal lock-outs as legal. This recognition is crucial for maintaining balance and fairness in industrial relations and ensuring that workers have the right to defend themselves against unlawful employer action.

## **Lay-Off Retrenchment and Closure**

### **Equal Rights for All Workers**

We should make sure that all workers, no matter where they work, get the same rights and benefits. This includes being told about any changes at work (Section 67), getting certain protections from the Industrial Disputes Act (Section 68), and having access to funds for learning new skills (Section 69). It is important that every worker is treated fairly, has job security, and can improve her/his skills for better opportunities.

### **No Exclusion of Seasonal and Intermittent Workers**

We should guarantee that workers in seasonal or intermittent establishments are not excluded from vital labour rights. These workers must be afforded the same protection as those in permanent establishments.

### **Full Wage Compensation for Laid-Off Workers**

We should mandate that employers provide 100% compensation of basic wages and dearness allowance to laid-off workers, ensuring their financial stability during periods of unemployment.

### **Unlimited Compensation Period**

We should eliminate the 45-day limit on lay-off compensation, providing continuous support to workers till they can return to work, regardless of the duration of their lay-off.

### **Absolute Protection from Unfair Retrenchment**

We should strengthen legal protection for laid-off workers, ensuring that they are not unfairly retrenched and that any retrenchment decisions are made transparently and with due consideration.

### **Enforced Muster Roll Compliance**

We should strictly enforce the requirement for employers to maintain accurate muster roll records, holding them accountable for any discrepancies or failures to comply, to safeguard workers' rights during lay-offs.

### **Ensure Compatibility in Alternative Employment**

We should mandate that any alternative employment offered during lay-

offs must be suitable for the worker's skills and previous job roles, ensuring a genuine opportunity for continued employment.

### **Guarantee Unconditional Compensation**

We should ensure that compensation for laid-off workers is guaranteed, with clear rules that prevent arbitrary denial based on employer bias or discretion.

### **Enforce a 6-Month Notice Period for Retrenchment**

We should extend the notice period for retrenchment to 6 months, providing workers with sufficient time to find new employment and secure their financial situation.

### **Increase Retrenchment Compensation**

We should require that retrenchment compensation is increased to better support workers during their transition period after job loss.

### **Mandate a Transparent and Fair Retrenchment Process**

We should enforce a transparent and fair retrenchment process, ensuring that workers are informed in a timely manner with clear, justifiable reasons and have the ability to review and contest decisions.

### **Ensure Transparency in Retrenchment Order**

We should ensure that employers adhere to the 'last in, first out' principle in retrenchment decisions and provide transparent justifications for any deviations.

### **Guarantee Priority in Re-Employment**

We should mandate that retrenched workers are given priority for re-employment within one year, with clear procedures for their re-employment opportunities.

### **Enforce Protection in Ownership Transfers**

We should enforce protection for workers during ownership or management transfers, ensuring that their services continue uninterrupted, their terms and conditions remain favourable, and their compensation rights are preserved in case of retrenchment.



### **Enforce a 180-day Notice Period for Closure**

We should mandate a 180-day notice period for the closure of any undertaking, providing workers with sufficient time to prepare for the change.

### **Include All Industrial Establishments in Closure Protection**

We should ensure that all industrial establishments, regardless of their size, are covered by the notice requirements for closure, offering equal protection to all workers.

### **Apply Strict Criteria for Government Exemptions**

We should apply strict criteria for granting exemptions from the notice requirements, ensuring that exemptions are only given in truly exceptional circumstances and with full transparency.

### **Ensure Increased Compensation for Closure**

We should mandate a minimum of 6 months' pay as compensation for workers affected by closures, providing them with adequate financial security.

## **Agenda for Specific Categories of Workers**

Our colonial past, and the post-colonial world dominated by unequal trade terms, has largely caused India's economic development to be marked with great disparities in economic growth, infrastructure, and living standards within and across different regions of the country. Despite India's remarkable economic progress in recent decades, marked by high GDP growth rates and urbanization, these advancements have not been evenly distributed. In India today we have a diverse mix of agriculture, modern industry, services and a vast informal sector. India's vast and diverse population, comprising different ethnicities, languages, and cultures, contributes to the diverse economic practices to create a wide array of work practices and occupations. This diversity is reflected in the informal sector, where individuals often engage in niche activities suited to their cultural and regional backgrounds. Enduring tribal and caste identities, their traditional occupations, means of livelihood and the related bias and discrimination they face. As a result of the diversities

of India's working people, there is a need to examine the precarities and challenges specific occupational groups and sections face to get a better sense of the tailor-made agenda for just futures each occupation or trade needs. What follows is an indicative list of occupational categories and an outline of what each group needs.

## **Agricultural Workers**

Though agriculture contributes just 14% of India's gross domestic product it employs more than half of its workforce. This workforce is made up of landless and holders of marginal and small plots of land, who are forced to seek employment for their livelihood. The overwhelming majority of this section of society comes from Dalit and tribal communities, and the social vulnerabilities they face are compounded by numerous issues that impede their livelihood and well-being. Foremost among these challenges is the prevalence of low wages, often inadequate to sustain a decent standard of living. Many economists argue that it is from this section of society that the phenomenon of seasonal or circular migration takes place in India, and which caused the massive reverse migration seen during the COVID-19 induced lockdowns.

It is a tragic context that surrounds hundreds of millions of workers in India, where neither the rural or urban economy can fully provide them with sustenance and they are trapped in a continuous journey between the two worlds. Large majorities of agricultural workers come to urban areas as a result of forced or distress migration.

Most agricultural workers endure harsh working conditions, with long hours of toil amidst minimal safety measures and access to basic amenities. Moreover, seasonal fluctuations in demand exacerbate the vulnerabilities of agricultural labourers, leading to precarious employment conditions and income insecurity. Lack of social security benefits and limited access to healthcare further compound their struggles, leaving them susceptible to exploitation and financial instability.

### ***Give Agricultural Workers the Identity of Farmers***

All agricultural workers need to be recognized as farmers. They should be registered and provided kisan/farmer identity cards, provided they can

show a suitable period of engagement as agricultural workers in any part of the country, regardless of their permanent residence.

This identity as farmers should allow access to agricultural workers to all compensations, grants, and subsidies declared for farmers.

### ***Land to the Landless***

Scholars have estimated that inequalities in landholdings have not changed much over the decades since independence, hence the incomplete land reform agenda needs to be revived. All available surplus land should be distributed to the landless in rural areas starting with land for houses, homestead land, and land for cultivation.

### ***Ensure Fair Wages***

1. Minimum wages should be doubled to at least Rs 600 per day for 8 hours of work, with breaks in between.
2. As skill in agricultural work primarily comes from experience, workers with more than 3 years of experience should be placed in the category of skilled workers.

### ***Strengthen MGNREGA***

Agricultural work is seasonal and very often agricultural workers are forced to work for wages well below the minimum wage. Hence, employment guarantee schemes like MGNREGA, must be strengthened and their budget allocations should be increased on the basis of demand. Under MGNREGA, the working days should be increased to 200 days and minimum wage should be Rs 800 for 8 hours of work per day and payment of wages should be ensured within 7 days (see more under the section on MGNREGA workers).

Create a More Robust Legislative Framework to Ensure Coverage of Agricultural Workers Under Labour laws

1. While the recently passed Labour codes mention agricultural labour, they do not deal with this occupational group in much detail. The National Commission on Rural Labour (1991) had recommended to the Central Government that by making necessary amendments in

the legal framework and the Constitution, we should create a legal framework which would provide for eight-hour working day, minimum wages, overtime at double rate, Employees State Insurance (ESI), Pension and Provident Fund. We should immediately implement this and other recommendations of the 'National Commission on Rural Labour.

2. We should ensure the good health of agricultural workers, including weekly leave, better working conditions and other social security, in accordance with the provisions of the 2001 convention of the International Labour Organization.

### ***Recognize, Protect and Promote Women Agricultural Workers***

Women's work as farmers, both on and off the field has been rendered invisible, both by patriarchal values and by the general neglect of agricultural workers.

1. A special drive must be undertaken to identify and help register women agricultural labourers.
2. The principle of equal wages for equal work should be applied to women labourers, and equity be maintained in the implementation of minimum wages.
3. Pension provision should be made to female agricultural labourers after the age of 55 years, including to single women.
4. Ensure prevention of sexual harassment of women agricultural workers. Wide publicity should be given to women agricultural labourers under the Protection from Sexual Violence at the Workplace Act. The District Committee should be trained on the Protection from Sexual Violence at the Workplace Act and legal action should be ensured in the case of women agricultural labourers. Strict action should be taken immediately against molestation and any kind of misbehaviour with women labourers. No woman worker should be forced to work for night shifts and the employer should be fully responsible for the transportation and safety of women working at night.

5. Wherever 5 or more women labourers work, there should be one trained midwife for every 5 children and arrangements for sports and nursery education for children aged 3-to-5 years. Wherever women labourers work, there should be arrangements for separate toilets, cleaning and resting places for them.
6. Agricultural women workers should get maternity benefits and child care support from the government.

### **Create Enforcement Mechanism for Minimum Wages and Labour Laws**

1. A permanent National Commission for Agricultural Workers should be set up to monitor and promote the welfare of agricultural workers.
2. To ensure that agricultural workers are not denied their rights, the state governments should set up inspectorates from the district to block levels. Apart from representatives of unions/organizations of rural labourers, landowners, representatives of rural industries, and activists working for civil and democratic rights should also be included in the inspectorates. These inspectorates will regularly monitor the implementation of labour laws and report non-compliance to all concerned authorities and the press. If any violation is taking place then an officer at the level of the Deputy Labour Commissioner should investigate it and take action against the culprits.
3. The Labour Department should ensure registration of agricultural labourers and all types of rural labourers. They should be given all kinds of social security including minimum wages, pension, PF, ESI, fixed working hours, and housing. Separate cells should be created at the state, district and block levels, to monitor the implementation of labour laws and settle disputes related to rural labourers.
4. To safeguard agricultural workers from the adverse effects of pesticides, a comprehensive policy should be formulated and implemented. This policy should include measures such as strict regulation of pesticide usage, mandatory training on safe handling practices, provision of protective equipment, and regular monitoring of pesticide residues in agricultural produce.

5. Special attention should be paid for monitoring the rights of women workers.

### ***Ensure Social Security and Access to Entitlements***

1. A 'Gramin Mazdoor Welfare Fund' ought to be established at district levels, financed by contributions from landowners, contractors, and rural industries, supplemented by government contributions. Possible funding sources include levies per acre of land or quintal of production, and special levies on industrial productivity.
2. The 'Agricultural Workers Social Security Scheme' initiated in 2001 remains largely ineffective; reforms should prioritize securing funds, establishing accountability, and registering laborers. Expansion to encompass all rural laborers is vital, with a State-level Rural Laborers Welfare Board and block-level branches for effective implementation.
3. Special provisions are needed to ensure access to education, food security, health care, social security, and skill development for agricultural workers' households, particularly migrants, to break the cycle of poverty.

### ***Promote Collective Farming***

1. Size of operational holdings remains a challenge for use of mechanization to reduce drudgery and increase productivity. We need to encourage the practice of collective farming by supporting cooperative forms of agriculture, including Farmer Producer Organizations (FPOs), and provide comprehensive support including input and credit assistance to farming, storage, processing, transportation, and marketing of agricultural output, particularly for landless agricultural workers and small and marginal farmers.
2. Keeping in mind the alternative which is increasing corporatizing of agriculture, and industrial scale agriculture, collective farming and the wider gains of solidarity economies, and with the active involvement of women agricultural workers and small and marginal farmers the spread of feminist values, the wider social gains of such initiatives need to be underscored and celebrated.

3. In the context of increased collective farming the Farmers' Right to Guaranteed Remunerative Minimum Support Prices for Agricultural Commodities Bill, 2018 to ensure remunerative prices for all agricultural produce, set at least 50% above the Cost of Cultivation (C2), even for transactions with private buyers, will go a long way in reducing rural distress.
4. Farmer's cooperatives should be allowed to open new government regulated mandis to pay the minimum support price declared by the government for grains and pulses, oilseeds and all millets. The minimum support price should be given legal status.
5. Farmers are being supplied electricity only during night hours to irrigate their fields. Daytime electricity supply should be ensured for irrigation purposes.
6. More focused action for recognizing and promoting women as farmers and schemes for promoting women-friendly farming.
7. Ensure in-situ soil testing at the farm level and support appropriate crop planning and cultivation.

### ***Promote Climate-friendly, Indigenous, and Organic Agriculture***

1. Make farming more water efficient.

Current estimates are that 80% of India's water use is for agriculture. And 60% of the use of irrigated water is used for wheat and paddy. To make Indian agriculture more water efficient we need to promote diversification of crops, and more climate friendly agriculture.

2. Farmers should be trained in climate-friendly farming and a campaign like using solar energy for farming should be started, under which instead of diesel pumps, solar pumps will be used for creating a network of agricultural feeders and cold storages and warehouses based on solar energy.
3. Promoting Indigenous and Organic farming:

We need a comprehensive legislation for promoting family based organic farming in all parts of the country, including promoting appropriate indigenous millets across the country.

We need to take measures to promote models of the Parampara Krishi Vikas Yojana (PKVY) in all the blocks in the country by involving at least 50 farmers per block. The budget allocation should be increased appropriately for promoting PKVY across the country.

There is a need to uphold the moratorium to stop promotion of genetically modified crops and bringing a legislation for creating a genetically modified crop-free India.

Agricultural universities, state agricultural research institutes, and seed corporations should collaborate with farmers to produce good quality local/ indigenous seeds. We should promote local farmers-based seed supply systems for each agro-climatic zone and ensure that the seeds are under farmers' control.

Farmers' indigenous seeds should be recognized in the government system and should be included in the government's seed supply chain.

New markets for organically produced millets, pulses, herbs, and vegetables need to be created in each district and keeping production levels in mind, special space and infrastructure should be provided for organic products in the huts in those areas.

Only indigenous seeds and organic methods used by farmers should be used as a matter of principle.

We should identify the organic farmers and arrange financial and technical assistance for them through a special scheme.

Many states have a large number of seed savers and seed saving institutions that have over the years preserved thousands of traditional seeds. Those individuals and institutions should be identified and provided both financial and infrastructural assistance by the government.

Farmer/ community level local/ indigenous seed banks, cooperatives should be promoted and supported. Good quality indigenous and area



specific seed production at the farmers' level should be conserved and supplied and traded.

More emphasis should be given to organic nutrient gardening programmes led by women farmers.

There should be no hindrance in the procurement of various indigenous paddy in government mandis. There should be a system of mandi facilities and minimum support price to the farmers cultivating indigenous paddy.

## **MGNREGA Workers**

The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) holds immense significance in India's socioeconomic landscape, particularly in rural areas. Enacted in 2005, MGNREGA aims to provide livelihood security and promote inclusive growth by guaranteeing 100 days of wage employment to every rural household willing to do unskilled manual work. This programme has several vital implications and has been instrumental in addressing various socioeconomic challenges.

MGNREGA serves as a crucial safety net for vulnerable populations, especially during periods of agricultural distress or economic downturns, something which was best observed during the pandemic. It acts as a buffer against poverty by providing a source of income and preventing extreme hardship in rural communities.

Moreover, MGNREGA plays a significant role in rural infrastructure development. Projects under MGNREGA focus on areas such as water conservation, soil rejuvenation, rural connectivity, and community assets like schools and healthcare centres. These initiatives not only improve living standards but also contribute to sustainable development and environmental conservation.

Despite its numerous benefits, MGNREGA workers face several challenges. One of the primary issues is delayed wage payments, which can lead to financial hardships and impact workers' livelihoods. In some cases, corruption and bureaucratic inefficiencies result in irregularities in the implementation of MGNREGA projects, affecting the quality and effectiveness of the work undertaken.

Furthermore, MGNREGA workers often lack access to social security benefits, healthcare, and proper working conditions. Safety concerns, inadequate infrastructure, and limited skill development opportunities also pose challenges to their well-being and long-term prospects.

Addressing the issues faced by MGNREGA workers is crucial for maximizing the programme's impact and ensuring sustainable rural development. Efforts to improve wage disbursement mechanisms, enhancing transparency, providing social protections, and investing in skill development can significantly enhance the effectiveness and outcomes of MGNREGA for rural communities. The Agenda for MGNREGA Workers outlines what can be done to ensure this.

### ***Implement Recommendations of the 37th Report of the Standing Committee on Rural Development & Panchayati Raj***

Implementation of the recommendations of the 37th Report of the Parliamentary Standing Committee on Rural Development & Panchayati Raj on increased allocation of budget, extending wage days, increasing wages, balanced implementation of the Aadhaar based payment system and electronic attendance recording to ensure better livelihoods and economic empowerment in rural areas.

### ***Ensure National Minimum Wage for MGNREGA Workers***

Implement a national minimum wage of Rs 800 per day for 8 hours of work as the present wage rate is insufficient to meet the increase in cost of basic goods. The average wage rate for unskilled manual workers had a compounded average annual growth rate of merely 4.5% from 2018-19 to 2023-24, which has been insufficient to cover rural inflation in most years.

### ***Increase the Number of Days of Guaranteed Employment***

There is an urgent need to increase the number of days of guaranteed work from 100 to 200 days to prevent distress migration arising from lack of sufficient work in rural areas.

### ***Ensure Proper Payment of Unemployment Allowance***

As per the 37th Report of the Parliamentary Standing Committee on Rural

Development & Panchayati Raj, only 3% of all MGNREGA workers eligible for unemployment allowance received it. Ensuring timely payment of unemployment allowance is an utmost need as MGNREGA is a demand based public works programme, and non-payment of allowances when work demand is not fulfilled goes against the objective of the act.

### ***Hike the Travelling Allowance***

The travelling allowance given to MGNREGA workers when they go for wages at a distance of more than 5 kilometres should be increased from 10% to 25%.

### ***Create Weekly Holiday for MGNREGA Workers***

Ensure a weekly holiday for MGNREGA workers in all the states to ensure their well-being. Providing a weekly day off will enable workers to rest and attend to their personal and family responsibilities.

### ***Explore Alternate Methods of Recording Attendance through a National Mobile Monitoring System***

Due to non-availability of smart phones, internet connectivity issues, necessity to remain at the site even after the work is completed for marking attendance, depending on another person's smart phone among others have become a hindrance in marking attendance by MGNREGA workers and hence losing out on timely payment of wages. While technology can be an enabler in transparency and fast delivery of public services, the intent of providing rural employment cannot be compromised due to gaps in implementation of the technology. Therefore, till all MGNREGA workers are made aware and capacitated to use the NMMS technology, alternate methods for recording attendance must be maintained.

### ***Roll back the Aadhaar-Based Payment System***

As per the 37th Report of the Parliamentary Standing Committee on Rural Development & Panchayati Raj, as on 21 November 2023, 14.12% of the total job card holders were not Aadhaar enabled under MGNREGA. There are practical constraints being faced by MGNREGA workers such as non-working of their Aadhar numbers, KYC compliance, and non-linkage of Aadhar with their bank accounts. Therefore, till such time all the major

bottlenecks associated with ABPS technology are not tackled sufficiently, including creating awareness among the MGNREGA workers, the system should not be made mandatory and alternative payment methods must continue.

### ***Facilitate Online Demand for MGNREGA Work***

Facilitate the application for demand for work under MGNREGA through the online portal while keeping the current offline method active.

### ***Create Accidental Insurance and Health Insurance***

There is an urgent need to increase the insurance cover provided to MGNREGA workers in case of work-related accidents. All households with MGNREGA job cards should be linked with the Ayushman Bharat health insurance scheme and given all the benefits of the scheme.

### ***Provide Adequate Worksite Facilities***

Ensure proper implementation of the provision of worksite facilities including a clean toilet, safe drinking water, crèches, and other sanitation facilities. Special arrangements should be made for safety standards for MGNREGA workers in the crises caused by climate change such as heat waves, drought, and excessive rainfall.

### ***Recognize Panchayat Commissioned Work Under MGNREGA Work List***

It should be ensured that development work commissioned by the panchayat which is part of MGNREGA work lists, should be solely done through MGNREGA workers and not contracted out to private players.

### ***Regulate Use of Machines***

It should be ensured that machines used for MGNREGA work do not replace human workers demanding work and strict implementation of the expenses on labour to capital ratio must be maintained.

### ***Fix Responsibility of Officers***

Government officials and elected representatives responsible for implementation and monitoring of MGNREGA work should be penalized

for non-compliance and delayed implementation of provisions as given in the act and rules.

### ***Extend Employment Guarantee to Urban Areas***

Extend the provisions of the MGNREGA scheme to urban areas through enactment of a National Urban Employment Guarantee Act.

## **Sugarcane Workers**

Sugarcane production in India is not just an agricultural activity but a mirror reflecting the broader social and economic challenges that the country is grappling with. It brings to light issues such as labour rights violations, social and economic inequalities, gender discrimination, and water scarcity. These problems are intertwined with the industry, impacting the lives of those who work in the fields. The workers, who are crucial for this agricultural sector, often find themselves at the mercy of a system that overlooks their basic rights and needs, leading to a cycle of poverty and exclusion.

The situation is particularly challenging for workers involved in sugarcane harvesting. Every year, millions migrate within the state or interstate in search of work in the sugarcane fields. Factors like the lack of alternative employment opportunities, unproductive agricultural land, and political conflicts over resources force people to migrate. The caste system, persecution of Tribals, and gender disparities exacerbate these challenges, with most workers falling into a vicious debt trap due to wage advances from contractors. Child labour is also prevalent, with many children accompanying their parents to the fields, leading to a loss of education and perpetuating the cycle of poverty. Women workers face additional burdens, such as long hours in the fields, limited access to sanitation, and restricted participation in decision-making.

It is in response to these challenges, that the Agenda for the Welfare and Protection of Sugarcane Workers has been developed. It outlines measures aimed at ensuring fair labour practices and sugarcane workers' rights, improving working conditions and safety, ensuring livelihood sustainability, expanding social security and protection, fostering education for children, implementing gender responsiveness measures, and strategizing for sustainable livelihoods and economic resilience in source villages. This

agenda seeks to serve as a roadmap for addressing the multifaceted issues faced by sugarcane workers and aims to create a more equitable and sustainable future for them and their families.

### ***Ensure Fair Labour Practices and Worker Rights***

**Transparent Recruitment Process:** Establish a transparent and fair recruitment process to prevent the formation of random groups by mukkadams (contractors). Workers should be grouped based on mutual consent and familiarity to enhance their collective bargaining power.

**Standardized Wage Rates:** Implement standardized wage rates for cane harvesters that are in line with the minimum wage set by the Government of India for agricultural labour. Ensure that workers are paid for the actual weight of cane harvested without any under-reporting.

**Fair Working Hours:** Regulate working hours to ensure that sugarcane workers are not overworked. Compensation for overtime work should be provided in accordance with labour laws.

**Leave Entitlements:** Guarantee leave entitlements for workers, including sick leave and emergency leave, without any unjustified wage deductions.

**Transparent Wage Settlement:** Mandate a transparent wage settlement process to prevent unexplained wage deductions and ensure that advances are fairly settled. Workers should receive a detailed breakdown of their earnings deductions.

**Oversight by Sugar Factories:** Sugar factories should oversee wage payments and ensure that contractors fully settle the dues with workers. This will hold the original employers accountable for fair labour practices.

**Grievance Redressal Mechanism:** Establish a robust grievance redressal mechanism for workers to report issues related to wages, working conditions, and other concerns. This mechanism should be accessible and efficient in resolving disputes.

**Skill Development and Livelihood Progression:** Provide skill development programmes and opportunities for livelihood progression beyond cane

harvesting. This will enable workers to diversify their income sources and reduce dependency on a single contractor.

**Social Security Benefits:** Ensure that sugarcane workers are covered under social security schemes, including health insurance, pension plans, and accident insurance, to provide a safety net for them and their families.

**Debt Relief Programmes:** Introduce debt relief programmes to assist workers in breaking the cycle of debt. This could include financial counselling, debt restructuring, and support for alternative livelihood opportunities.

### ***Improve Working Conditions and Safety:***

**Provision of Protective Gear:** Supply workers and their children with essential protective equipment, such as gumboots and warm clothing, to safeguard them against potential hazards during the cane cutting and loading process.

**Access to Medical Facilities:** Offer comprehensive medical facilities at no cost to all sugarcane workers and ensure that they have immediate access to healthcare services when needed.

**Accidental Insurance Coverage:** Implement a robust accidental insurance policy for sugarcane workers, providing financial security and support in the event of work-related accidents.

**Cattle Insurance:** Introduce insurance schemes specifically designed to protect the livestock of workers, ensuring compensation for any loss or damage to their cattle, which are often a crucial part of their livelihood.

**Provision of Essential Amenities:** Guarantee the availability of basic amenities, including clean drinking water, proper sanitation facilities, adequate lighting, and suitable accommodation, at all work sites to ensure a safe and healthy working environment.

**Improved Safety Measures for Women Workers:** Implement stringent safety protocols for the loading process, especially during late evenings. This should include well-lit working areas, secure and non-slippery ladders, and the provision of safety harnesses to prevent falls and injuries. Regular

safety audits should be conducted to ensure compliance with safety standards and to identify and mitigate potential hazards.

**Comprehensive Insurance and Compensation:** Provide all workers with comprehensive insurance coverage that includes compensation for accidents, injuries, and fatalities. This coverage should be mandatory and not contingent on loans or future wage deductions. Establish a transparent and accessible process for workers to claim insurance and compensation in the event of accidents.

**Prohibition of Child Labour:** Enforce a strict ban on child labour in all aspects of the cane cutting and loading process. Children should not be involved in any work-related activities, including the tying of sugarcane tops.

**Protection for Children:** Implement child protection measures, including the provision of safe and supervised areas for children who accompany their parents to the field. These areas should be equipped with educational and recreational facilities to keep children engaged and safe.

**Reporting and Documentation of Accidents:** Establish a mandatory reporting system for all accidents and injuries involving workers and children. This system should be monitored by an independent body to ensure transparency and accountability. Provide training to workers and supervisors on accident reporting and first aid to ensure prompt and effective response in case of emergencies.

**Alternatives to Head Loading:** Explore and implement alternative methods for loading sugarcane that reduce physical strain and risk of accidents for women workers. This could include the use of mechanical loaders or conveyor systems.

**Awareness and Training Programmes:** Conduct regular awareness and training programmes for workers and contractors on safety practices, child protection, and workers' rights. These programmes should aim to foster a culture of safety and respect for labour laws.

**Monitoring and Enforcement:** Establish a monitoring mechanism involving government authorities, labour unions, and civil society organizations to



ensure compliance with safety regulations and labour laws. Impose strict penalties on contractors and employers who violate safety norms or engage in practices involving child labour.

**Grievance Redressal Mechanism:** Establish a comprehensive system for the registration and prompt resolution of complaints and grievances, enabling workers to voice their concerns and seek redressal efficiently.

### ***Ensure Livelihood Sustainability***

**Mandatory Registration for Welfare Programmes:** We should ensure the mandatory registration of all sugarcane workers under the E-Shram scheme and other relevant welfare programmes. This registration is crucial for facilitating their access to various government benefits and social security measures, thereby enhancing their overall well-being and financial stability.

**Off-season Employment Opportunities:** Government officials should ensure that sugarcane workers are able to benefit from the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) during the off-season to address the challenge of seasonal unemployment. This will provide them with a guaranteed source of income when they are not engaged in cane cutting, thus ensuring livelihood sustainability throughout the year.

### ***Expand Social Security and Protection***

**Food Security for Migrant Families:** Ensure that families of sugarcane workers are eligible for food security benefits through relevant programmes, irrespective of whether they have migrated within the state or to a different state. This provision should apply uniformly to all sugarcane workers, ensuring that they have access to essential nutrition regardless of their location.

**Specialized Housing Assistance:** Offer specialized housing assistance to sugarcane workers under government schemes such as the PMAY and Gharukul Yojana. This initiative should aim to provide affordable and safe housing options for sugarcane workers and their families, recognizing the importance of stable and secure living conditions for their overall well-being.

**Comprehensive Social Security Coverage:** Guarantee comprehensive coverage of all family members of sugarcane workers under suitable social security schemes. This should include access to healthcare, education, and other social welfare benefits, ensuring a safety net for the entire family and enhancing their quality of life.

### ***Design Social Security Benefits for Sugarcane Workers***

**Inclusion in EPF and ESIC:** Ensure that all sugarcane workers are covered under social security schemes such as the Employees' Provident Fund (EPF) and the Employees' State Insurance Corporation (ESIC). This will provide them with financial security and access to healthcare services.

**Establishment of a Welfare Fund:** Address the funding concerns raised by the labour department by establishing a dedicated welfare fund for sugarcane workers. This fund should be supported by contributions from the government, industry stakeholders, and other relevant organizations.

**Water and Sanitation Facilities:** Ensure that all migrant settlements and work sites have access to clean drinking water and sanitation facilities to reduce the time and burden on children, especially girls, in fetching water.

**Strengthening Legal Frameworks:** Strengthen and enforce legal frameworks that protect the rights of migrant children, including the Right to Education Act, the Child Labour (Prohibition and Regulation) Act, and other relevant legislations.

### ***Ensure Education and Promote Rights for Migrants' Children***

**Enhanced Support for Shakhar Shalas and other farm site schools:** Ensure that Shakhar Shalas and other farm site schools are adequately funded, equipped, and staffed to provide quality education to children during the migration season. Regular monitoring and evaluation should be conducted to ensure their effectiveness and to hold sugar mills accountable for their operations.

**Seamless School Reintegration:** Implement policies and programmes that facilitate the smooth reintegration of migrant children into their local schools on returning to their villages. This should include academic support

to help them catch up on missed lessons and flexible admission policies to prevent dropouts due to non-attendance.

**Child Labour Prevention:** Enforce strict regulations to prevent the involvement of children in sugarcane cutting and other forms of labour. This should include regular inspections, penalties for violations, and awareness campaigns about the harmful effects of child labour on education and well-being.

**Specialized Education Programmes:** Develop specialized education programmes that cater to the unique needs of migrant children, including bridge courses, mobile schools, and digital learning platforms that can provide continuous education regardless of their location.

**Addressing Gender Disparities:** Implement targeted interventions to address the additional barriers faced by adolescent girls, such as providing safe transportation, separate sanitation facilities, and addressing the burden of care work and household chores.

**Enhanced Access to Anganwadi Centres:** Ensure that anganwadi centres are readily available at all migration destinations, providing essential health, nutrition, and early education services to children of migrant families, including those of sugarcane workers. These centres should be equipped to cater to the unique needs of migrant children, ensuring a seamless integration into their new communities.

**Ensuring Continuous Schooling:** Guarantee that children of sugarcane workers receive uninterrupted, compulsory education at their destination. This includes providing access to local schools, facilitating the transfer of school records, and offering support services to help children adapt to new educational environments, ensuring that their right to education is upheld regardless of their migratory status.

**Access to Residential Schools:** Facilitate the availability of residential schools for children from migrant sugarcane workers families. These schools should provide a stable and supportive environment for children to live and study, mitigating the disruptions caused by frequent migrations ensuring that their education remains a constant priority.

**Scholarship Opportunities:** Provide scholarships to children of sugarcane workers beyond the 8th grade, recognizing and rewarding their academic achievements. These scholarships should be designed to cover a range of educational expenses, including tuition fees, books, and other learning material, thereby encouraging continued education and opening up avenues for higher studies and future opportunities.

### ***Empower Women and Girls in Sugarcane Farms***

**Comprehensive Healthcare for Women:** Ensure that pregnant women and lactating mothers among the sugarcane workers receive a full range of healthcare benefits. These include regular medical check-ups, nutritional supplements, and access to maternal health services to ensure their well-being and that of their infants.

**Sanitation and Hygiene at Workplaces:** Provide clean and hygienic toilets exclusively for women at the workplace, along with a continuous supply of safe drinking water. This is crucial for maintaining their health and dignity, especially for those who are pregnant or have specific sanitary needs.

**Childcare Support at Work:** Establish crèche facilities at the workplace for children under the age of 5 years. This will enable working mothers to focus on their work without worrying about their children's safety and care, thereby supporting their continued employment.

**Preventing Sexual Harassment:** Effectively implement the Sexual Harassment of Women at the Workplace (Prevention, Prohibition, and Redressal) Act, 2013, to create a safe and respectful work environment for female sugarcane workers. Activate local committees to handle complaints and conduct awareness programmes to educate workers about their rights and the mechanisms available for redressal.

**Ensuring Equal Pay:** Guarantee that women receive equal wages for their work, in accordance with the principle of equal pay for equal work. This is essential for addressing gender-based wage discrimination and ensuring that women are fairly compensated for their contributions to the workforce.

**Equal Employment Opportunities:** We should ensure implementation of policies that guarantee equal employment opportunities for all women,

irrespective of their marital status or the presence of a male family member. This might involve abolishing the jodi practice or introducing alternative hiring practices that do not discriminate against single women or those without a male partner.

**Individual Wage Payments:** We should confirm the payment of wages on an individual basis, rather than as a couple, to ensure that women have direct control over their earnings. This policy will strengthen their financial independence and increase their bargaining power in the households.

**Transparency in Wage Distribution:** Government officials should establish transparency in the distribution of wages, with clear documentation and acknowledgment of each worker's contribution, to prevent wage discrimination and ensure fair compensation for women.

**Childcare Facilities:** The employer and mukhadam should ensure the establishment of crèche and anganwadi facilities at or near sugarcane farms to provide a safe and nurturing environment for children while their mothers are working. This will also help reduce the dropout rates of girls from schools.

## **Sexual and Reproductive Health Issues**

**Provision of Sanitation Facilities:** Ensure the construction and maintenance of adequate sanitation facilities, including toilets and bathing areas at source villages and in makeshift labour colonies. These facilities should be safe, private, and accessible to all workers, especially women.

**Menstrual Hygiene Management:** Implement comprehensive menstrual hygiene management programmes that provide access to sanitary pads, clean water, and safe disposal methods. Additionally, conduct awareness campaigns to educate women workers about menstrual hygiene practices and the importance of using sanitary products.

**Health Education and Awareness:** Launch health education initiatives to raise awareness about sexual and reproductive health, including the prevention and treatment of common infections like leucorrhoea, PID, and vaginitis. These programmes should also address the importance of regular medical check-ups and early treatment.

**Access to Medical Services:** Improve access to public health facilities in source villages and near labour camps, ensuring that workers can receive timely and appropriate medical treatment. This includes providing mobile health clinics and telemedicine services to reach remote areas.

**Training for Healthcare Providers:** Train local healthcare providers, including gynaecologists and community health workers, on the specific health needs of migrant women workers. This training should emphasize respectful and non-discriminatory treatment, as well as the dangers of unnecessary medical procedures like hysterectomies.

**Nutritional Support:** Implement programmes to address malnutrition and anaemia among women workers by providing access to nutritious food and supplements, particularly during pregnancy and menstruation.

**Regulation of Private Healthcare Practices:** Establish strict regulations and oversight mechanisms to prevent exploitation by private health practitioners and hospitals, particularly concerning unnecessary hysterectomies. This should include legal action against practitioners who deceive or coerce women into undergoing unwarranted surgeries.

**Financial Assistance for Medical Expenses:** Provide financial assistance or health insurance coverage to workers for medical expenses, including surgeries, to reduce dependence on wage advances from contractors thus preventing debt bondage.

### ***Provide Maternity Benefits for Women Workers***

**Enforcement of Maternity Benefits:** Ensure strict enforcement of the Maternity Benefit (Amendment) Act, 2017 for women workers in the sugarcane industry. This includes providing paid maternity leave of 26 weeks, which is essential for the health and well-being of both the mother and the child.

**Provision of Maternity Leave:** Mandate a minimum maternity leave of 6 weeks post-partum for all women workers, with full pay, to ensure adequate recovery time after childbirth. This leave should not be considered as leave without pay.

## ***Provide Sustainable Livelihoods and Economic Resilience at Source Villages***

Sugarcane workers migrate from regions experiencing agrarian distress, lack of alternative livelihood opportunities, and widespread indebtedness. To alleviate these challenges, the following interventions are required:

**Land Rights and Ownership:** Ensure the legal recognition and ownership of land for marginalized communities, with a focus on providing cultivable land to those who currently possess only small or uncultivable parcels. Implement land reform policies that prioritize the distribution of unused public land to Dalits, Tribals, NT-DNTs, VJNTs, and other historically marginalized communities for agriculture and cattle grazing.

**Water Access, Equity, and Infrastructure Management:** Develop and implement a fair water distribution system to ensure access to clean drinking water for all, while addressing contamination issues. Enhance public water supply infrastructure and actively involve marginalized communities in water management decisions to ensure that their needs are met and their voices are heard.

**Legal Protection and Redressal Mechanisms:** Strengthen legal protection for marginalized communities against discrimination and violence related to land and water conflicts. Establish accessible and efficient mechanisms for reporting and redressing grievances related to land and water rights violations.

**Enhanced Crop Insurance Coverage:** We should ensure a revision of the crop insurance schemes to provide comprehensive coverage that accurately reflects the actual losses incurred by farmers due to drought and other natural calamities. The compensation amounts should be substantial enough to cover the significant losses experienced by the farmers.

**Expansion of MGNREGA:** We should expand and effectively implement the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) to provide more job opportunities for the local population. It should ensure that a higher percentage of registered workers are employed under the scheme, with an increased number of workdays and higher wages, along with timely payment.

**Introduction of Alternative Livelihood Programmes:** We should introduce alternative livelihood programmes that leverage the skills and resources available in the region, particularly focusing on tribal communities engaged in forest produce. These programmes could encompass initiatives in sectors such as animal husbandry, poultry farming, horticulture, small-scale industries, and sustainable harvesting of forest produce, offering viable alternatives to traditional agriculture and enhancing the economic stability of tribal populations.

**Debt Relief Measures:** We should implement debt relief measures for farmers and workers, including waivers or restructuring of existing debts, particularly those incurred from local moneylenders at high interest rates. Additionally, we should introduce low-interest credit facilities to prevent farmers from falling into a debt trap.

**Financial Literacy and Credit Access:** We should promote financial literacy programmes to educate farmers and workers about managing finances, accessing institutional credit, and avoiding exploitative lending practices. Additionally, it should enhance the reach and accessibility of formal banking services in the region to provide fair credit options.

**Support for Migrant Workers:** We should ensure better working conditions, fair wages, and comprehensive social security measures for workers migrating to sugarcane-growing areas. It should mandate transparency in wage advances and provide debt counselling services to assist workers in managing their finances and preventing cycles of indebtedness.

**Agricultural Diversification and Resilience:** Encourage and support the diversification of agriculture to include crops that are more resilient to drought and other climatic challenges. Promote sustainable agricultural practices that can help mitigate the impact of prolonged droughts.

**Strengthening Local Economies:** Invest in the development of local infrastructure and industries to create more employment opportunities within the region. This will reduce the need for migration and help stabilize the local economy.



## **Plantation Workers**

### ***Conduct a Socioeconomic Survey of all Plantation Workers of India***

To develop and update welfare policies and programmes for plantation workers, there is a need to carry out a socioeconomic survey of all workers in plantations. The last such survey was done by the Labour Bureau in 2008-09 on the socioeconomic conditions of women workers in the plantation industry.

### ***Ensure Decent Wages***

- » The complexity of cultivation and harvesting techniques, the fragility of plantation crops, and the remote nature of plantation sites demands that plantation workers be recognized as skilled workers. There is a need to ensure that plantation workers are recognized as skilled workers and their wages are those of skilled workers.
- » Wages across states should be made uniform.
- » Wages in every plantation should be displayed prominently as the benefits are included in the wages of every plantation worker such as ration, health, housing, and education. The proportion should be cash portion 85% and benefits 15%. We should ensure that the owners provide the benefits.

### ***Ensure Registration and Provide Jobs***

There is a need to ensure that all workers in plantations are registered with the employer and with bodies made responsible by the labour department.

In plantation units employing more than 10 workers, it should be ensured that the jobs of workers are regularized, and all social security provisions such as PF, gratuity, and ESI facilities are ensured by the employer.

### ***Ensure Freedom from All Forms of Forced Work.***

There have been several reports and complaints to the NHRC of workers still in bondage/ bonded like conditions from plantation sites. While in

many cases there may be no physical confinement, loans are used to ensure that workers are forced to work for years for one landlord. There is a need to ensure that no such practices are perpetuated in the plantation sector, and efforts must be undertaken to identify, rescue, and rehabilitate bonded labour.

### ***Ensure Availability of Adequate Amenities and Facilities at plantations***

Need to ensure adequate drinking water, women's and men toilets, rest and creche facilities at the plucking and processing sites within the plantations. The numbers and locations of such sites needs to be worked out in each plantation in consultation with the registered workers union of the plantation.

### ***Provide Homestead Land, Housing, and other Amenities***

Workers are most often consigned to unliveable line housing in cramped and unsafe conditions in several plantation units. An assessment of housing conditions for safety, liveability of all plantations needs to be carried out by the housing department of each state and collectors in the district with plantations need to be made responsible for the housing rights of plantation workers. Standard Operating Procedures (SOPs) need to be developed for employers to abide by. Each worker's family working in a plantation for more than 5 years needs to be provided a house (assessed on safety norms) with kitchen, water supply, and toilet and electricity facilities. For workers who have spent more than 10 years in the plantations homestead land titles need to be given to each worker family.

### ***Provide Anganwadis and Schools***

Plantations are often in remote locations, isolated and spread out. There is a need to ensure that an adequate numbers of anganwadis and primary schools are set up within the plantations as it is not possible for small children to travel.

For secondary schools, free, safe, and timely transport needs to be provided for children to the nearest functional secondary schools and colleges for girls and boys.

In consonance/line with the scheme of educational stipend for wards of tea plantation workers (revised 2007) wards of plantation workers of all plantations need to be provided with a stipend (for hostel and tuition fees). The conditions (income ceiling at Rs 10,000 pa and limit of maximum of 40,000 pa per ward) need to be revised for inflation.

It is imperative to make schooling more inclusive so that the poorest and most vulnerable are included. For example, families who no longer work or are seasonal casual workers are at risk of exclusion, though their needs are considerably more.

### ***Ensure Access to Primary Healthcare and Occupational Health Centres***

It must be ensured that workers in plantations get 3 hours flexible leave for them/families to visit once every two weeks the nearest primary health centre and such time off is paid time off.

Safety gear needs to be provided by the employer, as per the Occupational Safety, Health, and Working Conditions Code, 2020.

Employers are needed to organize monthly visits of occupational health specialists and doctors at the plantation for diagnostic and advisory support. Further referrals and full support for treatment of the workers and their families are the responsibility of the employer.

The standards for the healthcare centres need to be studied and new standards recommended. The finances have to worked out with a shared responsibility between the companies and the government.

### ***Secure Rights of Women Workers in Plantations***

A majority of the workers in plantations are women. This is across all types of plantations. Women's work in plantations is undervalued and underpaid. Several reports, including the Labour Bureau's last report on the socioeconomic conditions of women workers in the plantation industry point to several forms of inequalities.

Apart from wage inequalities in allocation of work, in payment of wages, women workers have little stake in the management of plantations, and

little ownership (for example, where such house titles are given to workers in large estates). Women's safety is not assured in the plantation sector.

Anti-sexual harassment (ASH) cells have not been fully active or even constituted in several plantations. ASH committees need to be set up in every plantation.

Plantation wise assessment of condition of women workers in each plantation, will pave the way for a set of concrete actions in each plantation. This needs to include a review of women's representation in management/ workers unions, plantation level committees, medical facilities for women's health, safety, wages and ownership of assets given by the plantation industry.

There is a pressing need to establish women workers facilitation centres in all plantations to enable redress of grievances and linkage with entitlements.

Regular camps are needed at the plantation level and at the panchayat level for the registration of tribal plantation workers and providing support to access the necessary documents such as Aadhaar, income and caste certificates, ration card, and voter ID to access government services.

### ***Secure Rights of Migrant and Tribal Workers in Plantations***

Several plantations employ migrant and tribal workers and this adds a further layer of vulnerability for such workers when accessing their entitlements.

Such plantations need to, without delay, organize camps for workers to ensure that certificates of their tribal / caste status are given in the name of their original tribe, and such groups are scheduled in the host state under the category of Scheduled Tribes.

The Integrated Tribal Development Department, Labour Department, Women & Child Development Department, and Education Department should work collectively to address the tribal plantation workers' issues.

## ***Provide for Workers Ownership and Share in Plantations***

There are several private and other plantations which have not been operational or have been closed by owners. Workers of such closed plantations are in a precarious condition.

In the 1990s, downsizing the workforce was one of the core ingredients of structural adjustments that were carried out by businesses and later the government. This was the watershed moment when tea companies shed their responsibilities towards the worker communities who were brought to work in the remote gardens as indentured labour. This caused a large number of workers to be denied many of the facilities and welfare benefits that they were formerly entitled to. There is a need to study the status of casual workers and their rights to regular employment and benefits which they are currently deprived of.

For plantations which have been closed for more than a year and are on land leased by the state government, such lease needs to be transferred in the name of the workers cooperative developed for the purpose of operating and managing the plantation

All support including training, hand holding, technical and financial needs to be given by the state government through the plantation worker welfare boards in pursuit of making worker owned plantations successful. Furthermore, a share of workers in profits of the plantations, beyond the wage needs to be fixed.

## **Beedi Workers**

Approximately 4.4 million full-time workers are employed in India's beedi industry, with an additional 4 million jobs related to the sector. While about 96% of the total beedi workers are home-based, only 4% work in factories. Women constitute 84% of the home-based workforce. It is estimated that about 80% of home-based beedi workers live in rural areas, with the remaining 20% living in urban areas. The number of beedi workers increased from 4.47 million in 1993-94 to about 4.8 million in 2018. These figures highlight the significant number of individuals whose livelihoods depend on this sector. Beedi workers are vulnerable due to low wages, hazardous

work environments, systemic exploitation, precarious employment, lack of social security, and limited access to various welfare schemes.

The beedi industry's shift from direct company employment to a contractor system has weakened worker protection. Previously, workers had benefits and legal recourse. Now, as home-based employees of contractors, enforcing minimum wage, health insurance, and other regulations is much harder. This leads to exploitation by powerful contractors, trapping beedi workers, especially rural women, in a cycle of low wages and limited benefits. For the welfare of beedi workers, the Beedi Workers Welfare Cess Act (1976) taxes beedi production to fund welfare schemes (health, education, housing) for workers. However, speculators buying untaxed loose beedis allow some manufacturers to avoid contributing their fair share.

Comprehensive efforts are needed to improve the situation, including fair wages, safety regulations, social security benefits, skill development programmes, formal employment opportunities, and enforcement of labour laws to ensure the well-being and rights of beedi workers in India. The Agenda for Beedi Workers is an effort to outline comprehensive measures aimed at establishing a regulatory framework that guarantees beedi workers their rights and grants them access to social security benefits.

### ***Legislative and Policy Framework***

Revive the Beedi Workers' Welfare Fund by forming and activating tripartite committees (central and state levels) for effective functioning and transparency.

Reduction of Goods and Services Tax fixed for beedi (as GST imposed: 18% on beedi leaf and 28% tax on beedies, is in a higher slab in GST).

### ***Registration and Regulation of all Beedi Workers***

Undertake a detail survey of the beedi industries in various states and map the socioeconomic details of beedi worker families.

Compulsory registration of all beedi workers under the Beedi Workers Welfare Board and issuing everyone identity cards for inclusion under social security provisions.

The system of contract-based work for women engaged in beedi rolling should be abolished. The company /factory should directly employ women.

Implement stricter regulations in the beedi industry to eliminate child labour and ensure safe working conditions for beedi rollers.

### **Wage and Working Conditions**

- » Implement a uniform national minimum wage of approximately Rs 700 per 1,000 beedis or equivalent to a day's minimum wage. The wage rate should be tied to inflation rates and increased every six months.
- » All workers should get a wage receipt from the agent and it should be listed under the service records of the principal factory owner.
- » Strict adherence to the provisions in the Code on Occupational Safety and Health, 2020 to ensure protection of beedi workers from unfair labour practices.
- » Ensure that proper protection is provided in the form of gloves and masks to workers engaged in beedi rolling to prevent them from contracting TB and other lung related diseases.
- » Ensure a proper working environment with adequate light, ventilation, and access to basic amenities.
- » Beedi rolling factories should be provided with crèche facilities, adequate sanitation facilities including separate and clean toilets and menstrual hygiene products to ensure women's dignified employment in the sector.
- » Organize educational programmes to inform beedi workers about their rights and benefits under the various legislations and policies for them.

### **Social Security and Healthcare**

- » All beedi workers should be provided with comprehensive social security cover that includes a life and health insurance cover, old age and disability pension, and educational assistance for children through the revived Beedi Workers' Welfare Fund.

- » All beedi workers need to be covered under the Provident Fund, and the Employee State Insurance and provided pension and gratuity on retirement.
- » All women beedi workers should be provided with maternity benefits of paid leave of 26 weeks.
- » Establish or expand healthcare facilities near beedi worker communities and organize regular health camps for TB screening, eye care, and other essential check-ups.
- » Prioritize women's health needs in the healthcare scheme by including preventive screenings, reproductive health services, and coverage for specific women's health concerns.
- » Educational assistance should be provided to beedi workers' children to reduce their engagement in beedi making at the household level.
- » Expand full scholarships for beedi workers' children, with additional incentives for good academic performance.
- » Beedi workers should be provided housing under the PM-Awas Yojana or any public housing scheme on priority.

### ***Promotion of Alternate Livelihoods and Workers' Enterprises***

- » Invest in education and skill development programmes to equip beedi workers with new opportunities and explore alternative livelihoods suited to local resources, like support for small businesses or training for new industries. Provide financial and logistical support during career transitions.
- » Encourage and support the formation of workers' cooperatives to empower beedi workers and ensure fair profit distribution.

### **Fish Workers**

India's fisheries sector holds significant economic importance, ranking as the world's third-largest fish producer with a 7.96% global share in



production during fiscal year 2022–23. This sector contributes 1.09% to India's gross value added (GVA) and over 6.724% to the agricultural GVA, playing a crucial role in national income, exports, food security, and job creation. It sustains approximately 16 million fishers and fish farmers and about 30 million workers throughout the value chain, particularly from marginalized communities.

The Pradhan Mantri Matsya Sampada Yojana (PMMSY) launched in 2020 aims to boost India's fisheries sector over 5 years, focusing on inland and marine fisheries, fishermen welfare, infrastructure, aquatic health, ornamental fisheries, seaweed cultivation, and North East development. Achievements include new infrastructure units, disease labs, ornamental fish rearing, seaweed rafts, and North East projects, showcasing progress.

The sector's small-scale nature is a defining feature, offering nutrition, income, and livelihoods, especially to impoverished fishers. However, globalization's impact is altering this dynamic. The rapid growth of fishing fleets and equipment is causing ecological harm, depleting stocks, and affecting habitats, disproportionately affecting small-scale fish workers. They lack resources like trawlers for deep-sea fishing, leading to inadequate catches when larger trawlers dominate the sea.

Moreover, small-scale fish workers face challenges such as pollution, water resource diversion, encroachments, and destructive fishing practices. Certain policies often favour capital-intensive aquaculture and large-scale fishing over small-scale operations, further marginalizing these workers. The Coastal Aquaculture Authority (Amendment) Act, 2023, passed in August 2023, allows coastal aquaculture in Coastal Regulation Zones (CRZs) with exemptions and civil penalties for offenses. It enhances regulatory powers, bans aquaculture in sensitive areas, and promotes ease of business, aligning with technological advancements for sustainable coastal development. However, small scale fish workers argue that the amendments risk livelihoods, overlook environmental impacts like shrimp farming's degradation, and neglect small-scale fishers facing land issues and pollution. Balancing economic growth with environmental sustainability remains a concern.

Climate change further exacerbates these issues, causing extreme weather events, ocean acidification, coral bleaching, and sea-level rise,

impacting fish availability and coastal communities. These challenges result in falling productivity, and species' migration or extinction, resource conflicts, reduced market access, and uncertain incomes for fishers. Traditional methods and equipment are declining, compounding the difficulties faced by small-scale fishers. Moreover, climate related disasters like coastal erosion, cyclones, and storm surges are leading to loss of habitat, uprooting entire villages and communities and damaging the infrastructure and assets of fisher folk communities.

While India's fisheries sector contributes significantly to the economy and livelihoods, it faces challenges from globalization, ecological degradation, government policies, and climate change. Addressing these issues requires sustainable practices, resource protection, policy reforms supporting small-scale fishers, and adaptation strategies to mitigate climate impacts.

ActionAid Association has been engaged with the fish worker communities for more than 2 decades now across all states and union territories of India. In these 2 years, ActionAid has conducted several meetings with fish worker communities, including two state level conventions in Kanthi, West Bengal in 2022 and Patna, Bihar in 2023. ActionAid has also been engaged in supporting a fish farmers' producer organization in East Medinipur district of West Bengal. This document is an outcome of ActionAid's concrete grounded work with inland as well as coastal fish workers, including those engaged in fishing, fish farming and allied activities like fish drying, sorting, vending and making fishing equipment.

## ***Legislative and Policy Framework***

Enact a Law for Inland Fisherfolk and Small-Scale Fish Workers

Promulgate a comprehensive legislation which protects and promotes the traditional and customary rights and livelihoods of small scale fish workers. The main elements of such a legislation should include:

- a. Identification of small scale and traditional fish workers by the Department of Fisheries in each state government in consultation with local government institutions like the block and gram panchayat offices.

- b. The findings of the First Census of Water Bodies released in 2023 provides details about the water bodies where fishing activities are carried out. In all such water bodies as well as coastal waters and any part of the coastline including fish landing sites and fishing harbours, small scale fish workers should be given preferential right to practice their livelihood including fishing activity, parking the boats, drying, sorting and vending of fish, and repairing the nets. It is imperative to recognize small scale and traditional fish workers as non-consumptive stakeholders of water bodies.
- c. In any such water bodies where small-scale fish workers have preferential, traditional, and customary rights, commercial fishing activities need to be regulated.
- d. In any such water bodies where small-scale fish workers have preferential, traditional and customary rights, women should be provided equal access and control over them.
- e. All kind of taxation and licensing fee applicable to fishing needs to end in any such water bodies where small-scale fish workers have preferential, traditional, and customary rights. In 1991-92, the Government of Bihar ended the taxation on fishing in rivers applicable to small scale fish workers. This provision should be extended to all traditional small scale fish workers in the country in all such water bodies through proper legislation.
- f. In any such water bodies where small-scale fish workers have preferential, traditional, and customary rights, there should be an end to destructive fishing practices like use of poison, electric shocks, explosives, and mosquito nets in different inland water bodies as well as bottom trawling and use of mosquito nets in marine or coastal waters which are considered destructive fishing methods responsible for depletion of the natural fish stock.

### ***Enact a Law for Coastal Fisherfolk and Small-Scale Fish Workers***

Promulgate comprehensive legislation which protects fish workers, especially those residing in coastal regions from climate related disasters

like coastal erosion, cyclones, and storm surges leading to their loss of habitat. The legislation should include:

- » Proper rehabilitation and resettlement of affected households with homestead land, housing facilities with all forms of utilities like uninterrupted electricity connections, regular connection to drinking and general use water, and proper sanitation facilities.
- » The resettlement colonies need to be such that they ensure that fish worker communities can continue their existing livelihood practices through adequate and proper access to coastal waters and common land for allied activities. The resettlement colonies should be serviced by anganwadi and poshan abhiyan services, the public distribution system (PDS), primary and secondary schools, a primary health centre, and access to MGNREGA work.
- » Provision of compensation based on comprehensive assessment of losses and damages covering damages to land, housing, fishing equipment, boats, and other infrastructure.
- » Provision of emergency relief supplies, such as food, water, shelter, and medical aid in the aftermath of an extreme weather event or a climate-related disaster.
- » Implementation of early warning systems and disaster preparedness training to enable fishers to respond effectively to climate-related hazards and minimize loss of life and property is also needed.
- » Investments in climate-resilient infrastructure and technologies, such as storm-resistant boats and gear, to enhance the resilience of small-scale fishing operations to extreme weather events.
- » Support to community-based adaptation strategies that empower local fishers to identify and implement measures to cope with climate change impacts, such as mangrove restoration or sustainable fishing practices.

### ***Enact the Coastal Employment Guarantee Act***

On the lines of MGNREGA, we need a legislation which should focus on

rejuvenation and revival of water commons, conservation of coastal and marine biodiversity including mangroves that inter alia protect small scale and traditional fish workers' preferential access.

### ***Review the Coastal Aquaculture Authority (Amendment) Act***

A review of the Coastal Aquaculture Authority (Amendment) Act, 2023 should be carried out to ensure that intensive coastal aquaculture activities are regulated to protect the livelihoods of small-scale fish workers in coastal areas as well as protecting the coastal ecology and preventing pollution of fishing grounds and contamination of ground water.

Build a comprehensive policy with neighbouring countries to ensure safe and timely return of fisher folk

A comprehensive policy framework involving treaties with neighbouring countries to ensure the safe and timely repatriation of fisher folk who have been arrested by security forces of neighbouring countries on account of fishing in the exclusive economic zones of the said countries.

### ***Ensuring and Advancing Livelihoods***

- » Each and every fish worker, including fishers, fish farmers, and fish vendors and irrespective of caste, creed, gender, and religion, should be given government identity cards as recognition of their occupational dignity, rights, and entitlements.
- » The small scale fish workers should be provided access to land areas used for pre and post-harvest activities including sites for fish landing, fish drying, fish sorting, or for parking their boats and storing their fishing equipment.
- » Small-scale fish workers should be entitled to farming rights in government-owned water bodies and reservoirs, with preference over non-fish farmer investors, by ensuring that auction of such waterbodies is only reserved for collectives of fish workers like cooperatives, FFPOs or other informal collectives. Lease rent should be based on current yield rather than a standard yield, with a minimum 5-year moratorium on rent increases.

- » Small fish vendors should be protected against eviction from designated or undesignated marketplaces without their consent, with adequate rehabilitation measures in place in case of market reconstruction or new construction initiatives.
- » Small fish vendors should be made equal participants in the management of fish depots and fish retailing markets as well as the management of collecting and transporting fish from the fish depots and collection points.
- » Small scale fishers, fish farmers, and fish vendors should be encouraged and provided incentives to form and run organizations for economic self-empowerment like cooperatives, fish farmer producer organizations, and SHGs. The terms and conditions for their formation and running should be made easy and transparent.
- » Small scale fishers, fish farmers, and fish vendors should be protected from exploitation by money lenders and micro-finance companies and should enjoy priority in government finance including linking to banks and bank loans.
- » Small scale fishers, fish farmers, and fish vendors should be provided technology, information, training and assistance through the Fisheries Extension Officer regarding the following:
  - Development of boats, nets, maintenance of cold chain, weather, tides, release of water from reservoirs, upgradation of pond preparation techniques, hatchery and quality seeds and fingerlings, farming techniques, quality feed, and the market.
  - To enhance value addition through procedures like crab fattening and rearing of wild fish as well as manufacturing different value added products like fish pickles and papads with market access.
  - To diversify into gainful enterprises like ornamental fish breeding and rearing.
- » Small scale fish workers should be provided with infrastructure support that includes –

- Jetties / constructed landing stages for landing the catch
  - Fish drying platforms and solar driers
  - Light, drinking water, resting place, and toilet at the landing centre, fish depots, and retail markets
  - Roads and means of transport connecting the landing centres, fish depots, and retail markets
  - Cold storage, fish drying and processing facilities, and ice factories
  - Fish collection and auction and marketing facilities
  - Access to hatcheries and quality seeds, fish feed, and disease management
- » Small scale fish workers to be capacitated in diversification of livelihoods to reduce their vulnerability to climate change impacts.

### ***Social Security and Compensation***

- » Small scale fish workers should be provided with a comprehensive social security cover that includes housing for all fish workers, a life and health insurance cover, insurance cover for boats and nets, fish farming and vehicles employed for fish vending, old age and disability pensions, and educational assistance for children.
- » There needs to be greater awareness of the Pradhan Mantri Matsya Sampada Yojana and it should be ensured that subsidies and other provisions under the scheme are provided in proper time.
- » Small scale fish workers should be considered at par with farmers and should be eligible for Kisan Samman Nidhi or Machuara Samman Nidhi.
- » Small scale fish workers should be provided with livelihood support and compensation during the fish breeding season as catching fish is banned during this period. This can be done through providing employment through MGNREGA or other similar public works schemes.

## ***Policies and Programmes for Women Fish Workers***

- » There should be policies, public campaigns, and support mechanisms to break the gender division of labour in the fishing sector and ensure active support for promoting women's role in all aspects of fish working including fishing.
- » Reservation of water bodies in inland areas and access to fishing vessels in coastal areas need to be ensured for promoting and supporting women who are engaged in fishing.
- » Women's access to coastal land for fish drying, curing, and processing must be ensured. At least 50% area should be reserved for women in vending zones.
- » Provide basic amenities like toilets, resting places, and crèches for women fish workers at fish markets, fish depots, and places where women fish workers gather for work.
- » Organize and run women fish workers' cooperatives, production groups, and SHGs with special focus on sectors dominated by women fish workers like fish vending, canoe-based fishing, and crab and mussel collection.

## **Migrant Workers**

Migrant workers in India encounter myriad challenges that stem from their transient status and economic vulnerabilities. These workers mostly engage in informal employment, leaving them with little to no job security and making them susceptible to exploitative labour practices such as low wages and withheld benefits. Living conditions for migrant workers are typically substandard, lacking basic amenities like clean water, sanitation facilities, and adequate housing, which can lead to health risks and poor well-being.

One of the significant challenges faced by migrant workers is limited access to social services such as healthcare, education, and social welfare schemes. This lack of access is often due to their transient status, language barriers, and inadequate documentation, leaving them without crucial



support systems in time of need. Discrimination and social exclusion based on factors like ethnicity, language, or socioeconomic background further compound their struggles, making it challenging for them to integrate in their new communities.

Financial challenges also plague migrant workers, as they incur significant expenses related to migration, including transportation costs, recruitment fees, and accommodation expenses. Many migrant workers end up in debt often leading to forced labour practices, further exacerbating their vulnerabilities. Health and safety risks at workplaces also pose threats to migrant workers, as they may lack proper safety training, equipment, and access to healthcare services.

Addressing these challenges requires comprehensive efforts, including fair labour practices, social protection measures, improved living conditions, access to essential services, and initiatives promoting social inclusion and integration. Collaboration among governments, employers, civil society, and communities is crucial to protect migrant workers' rights and enhancing their overall well-being. The Agenda for Migrant Workers is an effort to outline comprehensive measures aimed at establishing a regulatory framework that guarantees migrant workers' rights and grants them access to social security benefits.

### ***Legal Provisions***

Review the Inter-State Migrant Workmen's Section in the Code on Occupational Safety and Health, 2020 to expand the provisions of the code to intra-state migrant workers, including registration, travel allowances, leave, and compensation for injuries or death.

### ***Registration of Migrant Workers and Oversight***

- » The Code on Occupational Safety and Health, 2020 has provisions for self-registration of migrant workers through maintenance of a portal, electronic or otherwise by the central and state governments on the basis of self-declaration and Aadhaar. There needs to be urgent operationalization of the database in all states and union territories and extensive campaigns need to be undertaken to ensure self-registration of migrant workers.

- » Gram panchayats and municipal wards, both in origin and destination areas should also maintain parallel systems for registering and keeping records of migrant workers – both interstate and intra-state.
- » Labour departments in each district should monitor such databases to register and monitor employers and establishments employing migrant workers.
- » Block level vigilance committees should be formed with active participation of local communities, workers' representatives, local elected representatives, and voluntary organizations under the district labour departments to assist the departments in monitoring unfair labour practices involving migrant workers.
- » Migrant workers' welfare boards should be created at the state and district levels to address grievances of migrant workers in the destination areas.

### ***Equal Treatment for Migrant Workers***

- » Ensure that migrant workers receive the same wages, benefits, and working conditions as local workers for performing the same or similar work, without any discrimination.
- » Ensure that migrant workers are adequately represented in workers' committees and safety committees, allowing them to actively participate in decision-making processes related to their welfare and working conditions, at par with local workers.

### ***Accommodation for Migrant Workers***

- » Migrant workers should be provided with government-subsidized social rental housing options. Workers' hostels should be made to cater to temporary migrant workers.
- » Separate accommodation facilities must be constructed and provided for women migrant workers to promote their livelihood and ensure their protection.

- » Housing facilities for migrant workers should include access to basic amenities like an uninterrupted electricity connection, regular connection to drinking and general use water, kitchen, and proper sanitation facilities.
- » Colonies for migrant workers should be serviced by anganwadi and poshan abhiyan services, PDS, primary and secondary schools, and primary health centres.
- » Effective monitoring of employers who have provided housing for migrant workers should be carried out by the labour inspectors and the proposed vigilance committees to ensure that such accommodation fulfils conditions of safety, security, and human dignity.

### ***Social Security for Migrant Workers***

- » Migrant workers should be provided with a comprehensive social security cover that includes life and health insurance cover, old age and disability pensions, and educational assistance for children, which are portable across states.
- » Interstate migrant workers should be allowed to register for social security schemes applicable for certain occupations in their destination states as well.
- » School-going children of migrant workers should be prevented from entering the labour force and educational facilities should be made accessible in both government and private institutions in source and destination states.
- » Ensure that migrant workers have access to comprehensive health coverage, including preventive care, treatment for occupational illnesses and injuries, and mental health services.
- » The operationalization of One Nation One Ration Card should be expedited to ensure that migrant workers can avail of the PDS benefits in their destination areas.

## ***Extension of Services to Migrant Workers***

- » Ensure that legal aid and assistance to migrant workers is adequately provided to help them to understand their rights and navigate legal processes in the destination regions.
- » The challenges faced by migrant workers in opening bank accounts due to address discrepancies arising from their different state origins need to be addressed to ensure their financial inclusion.
- » The right of every citizen to participate in electoral processes through voting must be ensured for migrant workers.

## ***Prevention of Distress Migration***

Local governments in out-migration areas must ensure that workers migrating out for work are not driven out by distress migration. Any household affected by distress migration should be provided with livelihood options through MGNREGA or other public works programmes on a priority.

## **Construction Workers**

The construction sector is the second highest employment provider in India after agriculture, accounting for 13% of the total workforce as per the Periodic Labour Force Survey 2022-23. In rural India, it provides employment to 19% male and 4.2% female workers whereas in urban India, it provides employment to 12.6% male and 3.1% female workers. However, the construction sector, like most other sectors, relies primarily on unorganized labour with more than 83% of all construction workers in the country being casual labour, 12% self-employed, and less than 5% being regularly employed.

Construction workers in India face a myriad of challenges that impact their livelihoods, safety, and overall well-being. Firstly, since many workers are employed informally, this leads to low wages, lack of job security, and limited access to benefits like health insurance and paid leave. Unsafe working conditions further exacerbate their situation, with inadequate safety standards on construction sites resulting in a high risk of accidents and occupational hazards. Moreover, lack of social security benefits

such as pensions and healthcare leaves workers vulnerable to financial hardships in times of illness or injury.

Health risks are prevalent due to exposure to hazardous materials and physical strain, compounded by limited access to healthcare services. Seasonal employment adds to the instability, with workers facing irregular income and job insecurity during lean periods. Many construction workers also lack formal training and opportunities for skill development, limiting their earning potential and job prospects in the industry.

Comprehensive efforts are needed to improve this situation, including fair wages, safety regulations, social security benefits, skill development programmes, formal employment opportunities, and enforcement of labour laws to ensure the well-being and rights of construction workers in India. The Agenda for Construction Workers is an effort to outline comprehensive measures aimed at establishing a regulatory framework that guarantees construction workers their rights and grants them access to social security benefits.

### ***Legal Provisions***

The definition of construction workers in the Building and Other Construction Workers Act, 1996 should be amended and expanded in line with supply and value chains in the construction world. This must be done to include more types of workers such as brick kiln and stone quarry workers.

### ***Registration of Construction Workers and their Oversight***

- » There is urgent need to speed up the registration process for construction workers under the Building and Other Construction Workers Welfare Board to ensure that they can avail of the benefits and protection under the act. The labour departments should take strong steps for the registration process. The process of registration should not be limited to online submissions. Support of unions and civil society groups should be taken to reach out to those not registered. The focus should be on ensuring that all women working alongside male members also get registered.
- » Ensure stringent implementation of the Building and Other Construction Workers Act, 1996, and subsequent rules. The government's Labour

Department should oversee the implementation of the BOCW Act and its rules on construction sites by appointing dedicated monitoring officers to ensure compliance and addressing any violations promptly.

- » Help desk support centres should be made operational in every central location for construction workers.

### ***Occupational Safety, Precautions and Amenities at the Workplace***

- » Strict adherence to the provisions in the Code on Occupational Safety and Health, 2020 to ensure protection of construction workers from accidents at the workplace.
- » All construction workers should receive comprehensive safety training before starting work. This includes training on how to use safety equipment, identifying hazards, handling materials safely, and responding to emergencies.
- » Employers must provide appropriate personal protective equipment such as helmets, safety goggles, gloves, steel-toed boots, and high-visibility vests. Workers should be trained on the correct use and maintenance of PPE.
- » The Labour Department should conduct regular inspections of construction sites to identify and address safety hazards.
- » Provide fire safety training, install fire extinguishers, and establish evacuation plans on construction sites. Ensure that electrical systems are properly installed and maintained to prevent fire hazards.
- » Conduct regular health checks for workers exposed to hazardous materials or working in physically demanding conditions. Monitor and address any health issues promptly.
- » Clean toilets, safe drinking water, and other sanitation facilities should be maintained at the worksite and employers should be fined in case of gaps.

## **Women in the Construction Sector**

- » Women's labour in the construction sector is not considered skill labour and is not adequately compensated. There should be policies, public campaigns, and support mechanisms to break the gender division of labour in the construction sector to ensure active support to women's role in all aspects of construction work.
- » A stock-taking committee with support from the local civil society groups should be formed and a ward level survey should be done to assess the situation of women workers in this sector. This is important for addressing their grievances and sexual harassment of women engaged in construction work. Moreover, awareness drives regarding the local committees as stipulated in the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 must be carried out to address complaints of sexual harassment.
- » Construction sites should be provided with crèche facilities, adequate sanitation facilities including separate and clean toilets and menstrual hygiene products to promote women's dignified employment in the construction sector.
- » All women construction workers should be provided with maternity benefits of paid leave for 26 weeks.

## **Social Security and Compensation Due to Ban on Construction**

- » All construction workers should be provided with comprehensive social security cover that includes a life and health insurance cover, old age and disability pension, and educational assistance for children.
- » It should be ensured that construction workers have access to comprehensive health coverage, including preventive care, treatment for occupational illnesses and injuries, and mental health services. The ESI scheme should be made available to all construction workers.
- »> Full compensation should be provided when construction work is stalled due to pollution, heat waves or other such factors. Immediate cash transfers should be made to affected construction workers.

## **Stone Quarry Workers**

The 2019 CAG report once again highlighted the issue of illegal quarrying and violations that are happening in the sector. Beyond the ones that are operating with permission, the Department of Mines and Geology and Indian Institute of Science estimated in 2019 that there were more than 500 illegal stone quarries that were operational and in violation of the law.

The condition of workers employed in stone quarries is precarious. The impact that stone quarries have on the lives of people around the sites and on the ecosystem is devastating. Safe zone regulations (500 metres from habitation and others) are regularly violated, and despite sustained pressure from environmentalists and civil society on the social, economic, and ecological damage such unregulated quarrying is causing, it continues unabated.

### ***Conduct a Survey and Close All Unauthorized Mines***

On the basis of an updated survey and assessment, there is need to close all unauthorized and illegal stone quarries. Workers in such quarries need to be registered and given adequate compensation and alternative employment options in state run enterprises.

### ***Consider Stone Quarry Workers Under BOCW and Set Up Miner Welfare Boards***

Stone quarries are part of the building and construction work value chains. Compulsory registration of quarry workers to avail of the benefits of BOCW schemes is urgently needed.

From the resources earmarked for the District Mineral Trust (from the district mineral fund), each licenced stone quarry needs to develop a welfare plan for workers employed in stone quarries to cover social security, health, housing, education, and other developmental needs of families of stone quarry workers.

The Mine Labour Welfare Board need to be formed in the states.



## ***Ensure Occupational Safety and Health of Stone Quarry Workers***

Robust safety policies should be implemented to prevent health hazards for stone quarry workers. This includes measures such as providing protective gear (like helmets, ear plugs, masks, gloves, and safety boots), ensuring proper ventilation, and conducting regular health screenings. For developing SOPs for protecting workers against occupational health hazards, improving access to occupational health diagnostics and medicine for all mineworkers, a roundtable consultation on the subject with doctors and government officials and experts should be organized at the state level to enable concrete action. Quarry owners are required to follow the requisite provisions of the Code of Occupation Health and Safety and this needs to be ensured for all quarries. This includes but is not limited to - rest breaks at regular intervals of two hours to protect from heat conditions, provision of safe drinking water at the site, separate rest room for men and women, creche and childcare centre, first aid box and regular medical check-ups.

## ***Special Care for Workers Suffering from Silicosis***

Silicosis is a lung disease caused by inhaling crystalline silica dust, which is found in sand, quartz, and other rocks. Mines, where workers are affected by silicosis should be closed immediately, as it shows insufficient concern for workers occupational health and safety. The pension of silicosis victims should be determined as half the minimum wage. We should plan an alternative livelihood for silicosis affected mineworkers and their families. They should link silicosis victims to skill development training and employment as per their health proficiency. A safe working environment should be ensured for the silicosis affected at workplaces. Nutritious food should be given in the diet for silicosis patients. Families of silicosis victims should get 200 working days of work under MNREGA/the urban employment guarantee scheme.

## ***Insurance Coverage***

Stone mining workers should be provided with insurance coverage that includes compensation in case of health issues and occupational diseases like TB and Silicosis.

## **Safety of Women Workers**

While the local complaints committees need to be activated, all measures including constitution of anti-sexual harassment committees at the quarry level need to be ensured.

## **Worker owned Stone Quarries**

As a policy going forward all new quarry licences should only be given to cooperatives and collectives of quarry workers. For quarries which are licenced and not illegal, and are deemed commercially viable, such licences need to be transferred in the name of workers collective developed for the purposes of operating and managing the quarry. All support including training, hand holding, and technical and financial needs to be given to the workers to make these successful.

## **Street Vendors**

Street vendors are an integral part of urban economies, providing affordable goods and services while contributing to the vibrancy and cultural diversity of cities. However, they often operate in a legal and social grey area, facing challenges such as lack of formal recognition, harassment by authorities, and vulnerability to exploitation. The absence of a clear legislative framework exacerbates these issues, leaving vendors without the protection and support that they need to thrive.

The demands highlighted in the People's Agenda for Street Vendor Protection and Support, such as the implementation of the Street Vendors Act, 2014, comprehensive vendor surveys, and the establishment of vending zones, are crucial for fostering a more inclusive and equitable environment for street vendors. These measures will not only legitimize their businesses but also equip them with the necessary infrastructure and social security benefits to operate safely and sustainably. Additionally, integrating street vending into urban planning and ensuring the representation of women vendors in decision-making processes are vital steps towards ensuring that their voices are heard in policy discussions, leading to more informed and effective decisions that benefit both the vendors and the wider community.

Implementing these measures is crucial for safeguarding the rights, dignity, and protection of street vendors, providing them with the necessary support for a more secure and prosperous future in this vital sector of our urban economies.

### ***Effective and Immediate Implementation of the Street Vendors Act***

Immediate implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is crucial for providing a legal framework for the protection and regulation of street vending activities. It guarantees the recognition of street vendors' rights and sets out guidelines for allocating vending zones and issuing licenses.

### ***Survey and Identification***

- » **A Comprehensive Vendor Survey:** the government authorities should conduct a thorough survey of all existing street vendors to grasp the scope and scale of street vending activities. Such a survey will aid in identifying vendors and assist in the planning of vending zones.
- » **Issuance of Vending Certificates:** Following the survey, vending certificates should be issued to all surveyed vendors, legitimizing their businesses and enabling them to operate within designated vending zones.

### ***Licensing and Identity Verification***

- » **Simplified Permit Process:** The process for obtaining vendor permits and licenses should be simplified and made more accessible. Permits should be provided at affordable costs to encourage compliance and reduce barriers to entry for aspiring vendors.
- » **Provision of Identity Cards and Licenses:** Identity cards and vending licenses should be provided to all street vendors, ensuring that they have the necessary documentation to operate legally and access various government schemes and benefits.

### ***Zoning and Infrastructure Development***

- » **Designation of Vending Zones:** Areas with a significant presence

of street vendors should be officially designated as vending zones, providing a structured space for vending activities.

- » **Establishment of Well-Equipped Vending Zones:** Vending zones should be equipped with essential infrastructure and facilities such as electricity, water supply, and sanitation to create a conducive environment for vending activities.
- » **Amenities in Vending Zones:** Clearly marked vending areas should be provided with appropriate amenities, including well-lit spaces, clean and well-maintained public toilets, secure storage options for overnight inventory, waste bins with training on responsible disposal, and easy access to public transport.

## ***Social Security and Welfare***

- » **Social Security Enrolment:** Street vendors should be enrolled in social security schemes like the Employees' State Insurance Corporation (ESIC) and Provident Fund (PF) to provide them with financial security and healthcare benefits.
- » **Access to Social Security:** Ensure access to social security for street vendors, including healthcare schemes, maternity leave provisions, and pension plans, to provide a safety net and improving their overall well-being.
- » **Provision of Housing:** Public housing should be allocated specifically for street vendors, with additional rental housing options for migrant vendors, to ensure that they have access to affordable living spaces.
- » **Establishment of the Street Vendor Welfare Boards:** Welfare boards should be established at both central and state levels to oversee the implementation of policies and programmes aimed at the welfare of street vendors.

## ***Market Regularization and Business Support***

- » **Regularization of Weekly Markets:** All weekly markets should be regularized, allowing street vendors to sell their goods in main markets and ensuring that they have access to a broader customer base.

- » **E-Commerce Policy Development:** An e-commerce policy should be developed to safeguard street vendors' interests in the digital marketplace and ensure their inclusion in the growing online retail sector.
- » **Integration in Digital Commerce:** Small businesses, including street vendors, should be integrated in the Open Network for Digital Commerce (ONDC) to facilitate their participation in e-commerce and expanding their market reach.

### ***Capacity Building and Empowerment***

- » **Training and Skill Enhancement:** Training programmes should be implemented to enhance street vendors' business skills and financial literacy, empowering them to manage their businesses more effectively.
- » **Support for Livelihoods:** Provide microloans, business development schemes, and access to bank accounts for financial stability. Government-supported programmes should be introduced to improve business skills, hygiene practices, and food safety, as well as initiatives to promote street food culture and creating a brand identity for street vendors.
- » **Access to Credit:** Affordable microfinance and credit facilities should be introduced to support the capital needs of street vendors, enabling them to invest in and grow their businesses.
- » **Digital Literacy and Payment Platforms:** Promote digital literacy among street vendors and provide access to digital payment platforms to encourage cashless transactions, increasing convenience and security for both vendors and customers.
- » **Grievance Redressal Mechanism:** Establish a grievance redressal mechanism to address the concerns and disputes of street vendors, ensuring a fair and transparent process for conflict resolution.

### ***Environmental Sustainability and Inclusivity***

**Promotion of Eco-Friendly Practices:** Street vendors should be encouraged to adopt sustainable and eco-friendly practices to reduce

their environmental impact and contribute to a cleaner, greener urban environment.

**Inclusive Policies for Marginalized Groups:** Policies should be inclusive, addressing the specific needs of women, differently-abled, and other marginalized groups in the street vending community, ensuring equal opportunities and access to resources.

## ***Urban Planning and Governance***

- » **Integration into Urban Planning:** Street vending should be integrated into urban planning and design, with vending zones strategically located and accessible to ensure the seamless integration of vending activities in the urban landscape.
- » **Representation in Governance:** Street vendors should be represented in local governance and decision-making bodies to ensure that their voices are heard in policy formulations and their interests are adequately represented.
- » **Partnerships with Municipalities:** Develop partnerships with local municipalities and urban planners to integrate street vending into the city landscapes, ensuring that vending activities are harmoniously incorporated into urban development plans.
- » **Formation of Vendor Unions:** Encourage the formation of street vendor associations, unions or cooperatives to strengthen their collective bargaining power and provide a unified voice for advocacy and negotiation.
- » **Allocation of Spaces in Urban Development:** Allocate designated spaces for street vendors in newly developed urban areas to prevent displacement and ensure their continued livelihood.
- » **Access to Basic Amenities:** Ensure that street vendors have access to basic amenities such as clean water, sanitation facilities, and waste disposal services in vending zones, improving their working conditions and public health.
- » **Inclusion in Policy Discussions:** Advocate for the inclusion of street

vendors in urban policy discussions and decision-making processes, ensuring that their perspectives and needs are considered in the formulation of urban development strategies.

- » **Activation of Vending Committees:** Activate dormant vending committees to facilitate a dialogue between street vendors, local authorities, and relevant stakeholders, ensuring the inclusion of street vendor representatives in discussions and decisions affecting their livelihoods.

### ***Protection and Security***

- » **Protection from Harassment:** The local government bodies and law enforcement agencies should collaborate to implement and enforce clear regulations and guidelines to ensure protection from harassment by authorities and customers and securing their goods and carts from arbitrary seizure by authorities.
- » **Measures to Reduce Exploitation:** Adopt and implement measures to reduce exploitation by middlemen who control access to prime vending locations, ensuring fair access to vending spaces for all vendors.
- » **Guidelines for Relocation:** Establish clear guidelines for relocation in case of infrastructure development, with proper compensation for affected vendors, to ensure their livelihoods are not adversely impacted.

### ***Public Health and Hygiene***

- » **Health and Safety Guidelines:** Introduce health and safety guidelines to ensure hygienic vending practices and consumer protection, promoting public health and safety.
- » **Clean and Hygienic Public Sanitation:** Instruct Urban Local Bodies (ULBs) to maintain clean and hygienic public sanitation facilities and safe drinking water facilities in market spaces, ensuring a healthy environment for both vendors and customers.

Here are some additional points focusing on the specific issues and needs of women street vendors:

## **Gender-Sensitive Policies**

- » **Gender-Sensitive Training Programmes:** Implement training programmes specifically designed to address the needs of women street vendors, covering topics such as business management, financial literacy, and legal rights, to empower women street vendors in their entrepreneurial endeavours.
- » **Safety Measures for Women Vendors:** Develop and enforce safety measures in vending zones to ensure the security of women street vendors, including adequate lighting, CCTV surveillance, and the presence of security personnel.
- » **Childcare Support:** Provide childcare facilities or support services in or near vending zones to assist women vendors who are also primary caregivers, enabling them to work without compromising the care of their children.
- » **Access to Sanitation Facilities:** Ensure access to clean and safe sanitation facilities for women street vendors, including separate toilets and changing rooms, to maintain hygiene and privacy.
- » **Representation in Decision-Making Bodies:** Ensure representation of women street vendors in vending committees and other decision-making bodies to advocate for policies and programmes that address their unique challenges and needs.
- » **Gender Mainstreaming in Policies:** Mainstream gender considerations in all policies and programmes related to street vending, ensuring that the needs of women vendors are integrated into the planning and implementation of initiatives.

## **Gig Workers**

Gig workers, constituting a significant segment of the unorganized sector, play an integral role in the modern economy by driving innovation and flexibility across various industries. Despite their crucial contributions, gig workers confront numerous challenges, including job insecurity, financial instability, and a lack of access to social security benefits. This vulnerable



workforce often finds itself without the same level of protection and rights afforded to traditional employees under conventional labour laws.

The gig economy, characterized by short-term contracts or freelance work, has witnessed rapid growth in recent years, particularly in sectors such as transportation, food delivery, and online services. However, this expansion has underscored the necessity for regulatory frameworks to safeguard the well-being of gig workers. The absence of such frameworks raises concerns about the potential exploitation of gig workers and the absence of mechanisms to address their grievances effectively.

This Agenda for Gig Workers should outline comprehensive measures aimed at establishing a regulatory framework that guarantees gig workers' rights and grants them access to social security benefits. This framework should encompass legislative protection, governance, and welfare structures, measures to enhance working conditions and worker empowerment, regulatory oversight, and financial considerations. Implementation of these measures is imperative to uphold the rights and dignity of gig workers.

### ***Foundational Legal Framework***

- » **Legislative Protection for Gig Workers:** We should enact a comprehensive central law that addresses the specific needs of gig workers, ensuring fair treatment and protection. This law should define clear standards for working conditions and compensation, promoting a level playing field across different sectors, so that all gig workers can benefit from a just and secure work environment.
- » **Equal Treatment and Non-Discrimination:** Gig workers should be protected from discrimination based on race, gender, age, religion, or any other characteristic. They should have the right to equal treatment and opportunities, including equal pay for equal work.
- » **Right to Collective Bargaining:** Gig workers should have the right to form associations or unions and engage in collective bargaining with aggregators or platforms to negotiate for better working conditions, wages, and benefits.

- » Social Security Access for Gig Workers: We should ensure that all gig workers have the right to access both general and specific social security schemes, based on their contributions.
- » Protection from Unfair Termination: Gig workers should be protected from unfair termination or deactivation from platforms. There should be clear guidelines and due process for addressing performance issues or disputes.

### ***Governance and Welfare Structures***

- » Establishment of the Gig Workers Welfare Board: This board should function as a regulatory and supervisory body, responsible for overseeing various aspects of gig workers' welfare. Its tasks should include the formulation and implementation of policies, monitoring compliance with labour laws, and ensuring access to social security benefits.
- » Establishment of a Gig Workers Board: A tripartite board for gig workers should be established, consisting of representatives from aggregator gig worker organizations, platform-based e-commerce operations, and the government.
- » Establishment of a Welfare Fund for Gig Workers: Implement a dedicated welfare fund for gig workers, financed through levies imposed on aggregators. This fund should provide financial assistance to gig workers during periods of unemployment or emergencies, ensuring a safety net for their financial stability.

### ***Working Conditions and Worker Empowerment***

- » Health and Safety Protection: Gig workers should be entitled to a safe working environment, with regulations in place to protect their health and safety. This includes the provision of necessary safety equipment and training, as well as compensation for work-related injuries and illnesses.
- » Fair Compensation and Travel Allowance: Gig workers should receive a minimum wage for the hours they work, ensuring fair compensation. Also, gig workers should be provided travel allowances to help them cover transportation costs and accessibility to work locations.

- » Access to Training and Skill Development: Gig workers should have access to training and skill development programmes to enhance their employability and adapt to changing market demands. These programmes should be accessible and affordable, ensuring that gig workers can continuously upgrade their skills.
- » Participation in Decision-Making: All gig workers should be entitled to actively participate in decision-making processes related to their welfare by having representation on the board.

### ***Regulatory Measures and Financial Aspects***

- » Regulation and Oversight of Aggregators: Conduct a comprehensive audit of aggregators to evaluate their adherence to commitments made to gig workers, promoting transparency and accountability in their activities.
- » Mandatory Registration of Aggregators: We should ensure that every aggregator must register with the government. This registration is essential for ensuring compliance with regulations and maintaining transparency in the gig economy.
- » Gig Workers Welfare Fee: We should establish a 'Gig Workers Welfare Fee.' This fee should be charged from companies (aggregators) that use online platforms to connect gig workers with customers.

### ***Registration and Database Management***

- » Registration and Unique Identification for Platform-Based Gig Workers: We should ensure that every gig worker has the right to be registered with the government on their engagement with any platform, regardless of the duration of their work, and should be issued a unique ID that is recognized across all platforms.
- » Database of Gig Workers and Aggregators: We should maintain a comprehensive database of all gig workers, including their employment details with one or more aggregators. This database should cover gig workers irrespective of their engagement duration with any platform. We should also keep a record of all aggregators operating within its jurisdiction.

- » **Aggregator's Responsibility for Gig Workers' Registration:** Aggregators should provide the state governments with a database of gig workers who are onboarded or registered with them, ensuring that every gig worker is appropriately registered with the government on their engagement with any platform.

### ***Access and Digital Empowerment***

- » **Digital Literacy and Access:** The government and aggregators should ensure that gig workers have access to digital literacy programmes and necessary technology to effectively participate in the gig economy.
- » **Access to Financial Services:** Gig workers should have access to financial services, including banking, credit, and insurance, tailored to their unique needs and working patterns.
- » **Transparency in Algorithmic Management:** Aggregators should ensure transparency in the use of algorithms for managing gig workers, including clear communication on how work assignments are allocated and performance is evaluated.

### ***Work-Life Balance and Sustainability***

**Sustainable Workload and Working Hours:** Regulations should be in place to prevent excessive workloads and ensure reasonable working hours for gig workers, promoting work-life balance and preventing burnouts.

### ***Gender Equality and Women's Safety***

- » **Gender-Sensitive Policies:** Implement policies that recognize the unique challenges faced by women gig workers, such as gender pay gaps, safety concerns, and caregiving responsibilities. Ensure that these policies promote gender equality and empower women in the gig economy.
- » **Safety Measures for Women Gig Workers:** Aggregators and we should ensure the safety of women gig workers, especially those working late hours or in isolated areas. This includes providing safety training, emergency support services, and safe transportation options.

- » **Maternity and Childcare Benefits:** Women gig workers should have access to maternity benefits and childcare support, enabling them to balance their work and family responsibilities. This includes paid maternity leave, access to affordable childcare services, and flexible working arrangements.
- » **Addressing Sexual Harassment:** Establish clear policies and mechanisms to prevent and address sexual harassment at the workplace. Women gig workers should have access to safe and confidential channels to report harassment and seek redressal.
- » **Skill Development for Women:** Provide targeted skill development programmes for women gig workers, focusing on sectors where women are under-represented or have the potential for higher earnings. These programmes should aim to enhance women's employability and economic empowerment.
- » **Legal Protection Against Discrimination:** Enforce legal protection against discrimination based on gender, ensuring that women gig workers are treated fairly and have equal opportunities in the gig economy.

## ***Grievance Redressal Mechanisms***

- » **Right to Voice Grievances and Access Redressal Mechanisms:** Every gig worker should have the right to voice her/his grievances and access an effective grievance redressal mechanism.
- » **Grievance Redressal Mechanism for Gig Workers:** We should establish a transparent and accessible grievance redressal mechanism for gig workers, ensuring timely resolution through a designated authority. This mechanism should provide legal assistance and maintain accessibility through online and physical platforms.

## **Domestic Workers**

### ***Legislative Action***

There is a pressing need to bring a legislation that recognizes domestic workers as workers, protects them from exploitation, clearly defines

domestic work, prescribes decent wages, social security benefits and grievance redressal mechanisms. The legislation should keep the following factors in mind:

- » Domestic worker to be understood as an expression for a person who is above 18 years of age, and is employed for remuneration in cash, in any household or households directly or indirectly through any agency, on a temporary or permanent, part time or full-time basis to do household work, including any relative of the employer.
- » The number of working hours and the nature of employment should define the employer-employee relationship in the case of domestic workers, further differentiating them as part-time, full-time, and live-in. However, keeping in mind the sector and nature of work, the state must define part-time, full-time, and live-in workers based on their working hours and their wages should be determined based on the landmark Supreme Court judgment in the Raptakos case.
- » The definition of an employer must be clearly defined, and should be understood as a person employing one or more domestic workers, who is directly or indirectly (if indirectly, then it should be defined whether the payment is through cheque or in cash as decided by the worker) for money, in whole or in part, as remuneration for the domestic work, irrespective of the number of domestic workers employed and the nature of employment or the time period for which this employment relationship exists.
- » Registration: Along with the registration of the worker, employers and the placement agencies which place domestic workers in specific private households, should be mandatorily registered with a prescribed fee, with the local bodies, especially in the case of live-in workers who are generally migrants.
  - Placement agencies should be registered with a prescribed fee under Shops and Establishment Act and governed by regulatory mechanisms whether or not recruitment and placement is their core business.

- We must facilitate the registration of domestic workers' organizations in the Industrial Relations Code 2020 and other laws where agencies of domestic workers' organizations are well recognized. It is pertinent to mention here that we must consider domestic workers' organizations as important stakeholders, and their views are taken in all policy level matters. Their right to form associations must be protected.
  - The workers should be allowed to 'self-declare' at the time of registration and should be provided with an identity card. Online registration should also be encouraged.
  - The listing of placement agencies should be transparent in the labour departments, so that the vulnerability of migrant workers is protected and employers can do informed recruitments.
  - Age specification should be done under this act. Sixteen to 18-year-olds should be considered as 'Young' domestic workers and must be provided with protection.
- » There should be strict punitive action against employers who employ children as domestic workers, migrant labourers as bonded domestic workers and there should be strict measures taken against employers who abuse their domestic workers.

### ***Amendment of Existing Legislation***

With a legislation in place, new amendments to existing laws/ policies accruing to domestic workers should also come into the framework.

- » Suitable amendments in the Labour Codes with a few of making domestic workers inclusive. For instance, there is need to include tasks like cooking, old age and childcare, care of animals and provide a living wage to domestic workers. Also amendments in the following laws that are:
- Sexual Harassment of Women at the Work Place (Prevention, Prohibition & Redressal) Act, 2013.

- Hazardous list under the Child Labour (Prohibition and Regulation) Act, 1986, (Child Labour Prohibition and Regulation Amendment Act, 2016)
- POCSO Act (Protection of Children From Sexual Offences Act), 2012
- Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Bonded Labour System (Abolition) Act, 1976

### **Minimum Wage**

- » There should be uniformity in the level of minimum wages at the central level, which must be consistent across all states and union territories.
- » Domestic workers should be ensured minimum wages, and the authority must ensure that such wages are paid as per their skill sets, under the Schedule of the Wage Code.
- » Minimum wages should be the living wages. Annual increment should be worked out considering the inflationary rate, along with one month's salary as bonus.
- » Compensation for overtime, and normal hours of work should be made applicable in the context of domestic workers.
- » While determining the wage on the central and state levels, the authorities must adhere to the 15th Indian Labour Conference guidelines and the Supreme Court Raptakos order.
- » The wage must be based on the needs' expenditure of the worker, location and hours of work, size of the house, number of family members, and the number of tasks performed.
- » Wages should be paid through the banking system so that the amount paid is recorded and even if work is done for a few days, payment should be made and this process needs to be monitored at the local level.



>> Minimum wage should be fixed on an hourly basis and should be according to the nature of work and not time alone.

### ***Grievance/ Dispute Redressal***

- » The Ministry of Labour and Employment should establish a grievance redressal and dispute resolution mechanism to address the violation of rights of domestic workers.
- » The mechanism must address rights pertaining to social protection, social security, protection from harassment, violence, untouchability and abuse (sexual and mental) at the workplace (in this case, private households), and other disputes within the arena of the workers.
- » The Labour Department should be the sole authority for all matters relating to disputes.
- » We must ensure that complaints of trafficking, abuse, harassment, and disputes are registered and investigated by the concerned authority and this should be a tripartite body with decent representation of domestic workers' organizations.
- » In cases of domestic workers being trafficked for forced labour and servitude, the involved placement agency needs to be punished according to relevant section(s) of the IPC or the CRPC.
- » We should set up a 24x7 helpline for grievances and support of migrant as well as other domestic workers, by setting interstate as well as international migration centres.
- » The police should not interfere in the dispute resolution process (in criminal cases, the correct enquiry process should be followed and fair settlement and fair access to justice should be provided).

### ***Establishing an Institutional Mechanism***

- » A tripartite institutional mechanism like a worker facilitation centre and domestic workers welfare board or localized ward/ panchayat/ neighbourhood committees which provide fair terms of employment, social security cover, social protection benefits, and grievance redressal

and dispute resolution, should be established. These should be made easily accessible to workers.

- » Inspection and enforcement agencies should be given autonomy to carry out detailed enquiries, along with the participation of local women's organizations and domestic workers' organizations and unions.

### ***Rest intervals and Leave***

- » Weekly offs should be ensured to domestic workers.
- » Domestic workers must be given paid and sick leave.

### ***Social Security***

- » Maternity protection has mostly been denied to this sector of workforce. Hence, social security benefits including maternity benefits and old age pension (from the age of 50 years) and facility of provident fund must be provided to them. In this area, amendments to the Maternity Benefit Act, 1961 should be brought about.
- » Access to entitlements such as adequate housing, quality education and health in public institutions, schemes and benefits which are available or will be made available to other categories of workers, should be made available to domestic workers as well as their children.
- » To promote an appropriate work-life balance, crèches may be built to support the children of domestic workers who cannot leave them alone at home, while at work.
- » Job security should be provided through establishment of model contracts of employment for domestic work and domestic workers' organizations, and should be made available free of charge to domestic workers, employers, and representative organizations.
- » Facility of loans should be provided to domestic workers by the state.
- » Appropriate legal action should be taken on reportage, in cases of caste, creed or religion-based discrimination.

- » Providing a toilet to the domestic worker should be the responsibility of the employer.
- » The policy is gender blind, there are persons of third gender also working in this sector. The policy is silent on discrimination and exclusion faced by them. Necessary provisions must be made for the third gender.
- » A month's notice needs to be served to the domestic worker by the employer before annulment of service and this should be applicable to a worker leaving service too.
- » Medical insurance of up to Rs 2 lakh per worker is suggested.
- » In case of live-in workers, who are provided accommodation by the employer, no deduction may be made from the remuneration with respect to that accommodation, unless otherwise agreed to by the worker; as the employer and employee have a power equation, therefore we demand that remuneration should always be in cash.

### ***For Employers/RWA Directives***

- » A directive should be published targeting all Resident Welfare Associations and employers to furnish all information about live-in domestic workers, and their health and working conditions.
- » Domestic workers must be accorded the right to collective bargaining.
- » Respective state governments must issue directions to RWAs to comply with the recommendations in the following section to ensure safety and stable livelihoods for domestic workers.
- » Domestic workers, like any other workers, are entitled to safe and dignified livelihoods. As per the government advisories on employee retention, we must institute norms against summary dismissal and in such an occurrence they must be taken back unconditionally. They must not be kept in the dark about their jobs or postponements, and adequate wage compensation to be given for the next three months.

- » Domestic workers must not be discriminated against or looked at as 'higher risk' individuals. They must not be advised to 'not take the lift' and no such discriminatory practices should be implemented.
- » Guards and facility managers must be trained on treating the domestic workers with due respect. Domestic workers must be given the contact number of a member of an internal/external Complaints committee for escalating any matters regarding discrimination, exploitation, or violation of their dignity.

### ***Skill Training***

- » Skill development programmes providing basic as well as highly specialized skills, should be promoted to make domestic work professional, enable an increase in wages, and ensure a better livelihood for domestic workers.
- » Workers should be given the freedom of pursuing skill development and professional training/studies or distant education programmes in her/his leisure time.
- » In this context, the skill training providers should be also registered with the respective bodies set up by the Ministry of Skill Development.

### ***Budgetary and Financial Provision***

- » Stakeholders like the Central Government, state governments, respective ministries and departments, workers' organizations, and civil society who are directly responsible for implementing the policy on domestic workers should make suitable allocation in the budget to ensure regular flow of finances.
- » The financial provision for promoting the interests of domestic workers should be specified, one of the recommendations is that the funds can be generated by imposition of a tax on the source of income for the welfare of the workers (like cess for the Swachh Bharat Abhiyan).

## **Rural Domestic Workers**

In many parts of rural India, domestic workers face extreme forms of oppression as they work in households. In many cases they do so as bonded

labour. In Punjab, women domestic workers are engaged in the specific arduous task of collecting cow dung and waste. These women, often from lower socioeconomic backgrounds like Scheduled Castes find themselves in this occupation due to lack of alternative livelihood opportunities. Their work is not only physically demanding and unhygienic but also socially stigmatized. They face exploitation, bonded labour, and discrimination. They have no or very limited access to social security, healthcare, and education for themselves and their children. The challenges they encounter perpetuate a cycle of poverty and marginalization, trapping them in a life of hardship.

We should take the following steps to address the demands of rural women domestic workers in dung and garbage:

### ***Implement Policies for Freedom from Bonded Labour***

Implement Policies for Freedom from Bonded Labour: We should enact and enforce policies to eradicate bonded labour among rural women domestic workers. Monitoring mechanisms should be established to ensure compliance with labour laws and provide immediate intervention in cases of bonded labour. Rehabilitation support, including legal assistance and vocational training, should be offered to freed workers. Awareness campaigns should educate both workers and employers about the legal and human rights' implications of bonded labour.

### ***Ensure Fair Wages***

Ensuring fair wages for rural women domestic workers is crucial for their dignity and economic empowerment. We should mandate wages as per the Wage Code and ensure regular monitoring for compliance.

### ***Launch a Debt Relief Campaign:***

We should initiate a comprehensive campaign to provide debt relief for rural women domestic workers. This campaign should aim to alleviate the burden of debt that many of these workers face, often as a result of borrowing from informal sources at high interest rates.

### ***Debt Assessment and Settlement Programmes***

Conduct a thorough assessment of the debt levels among these workers

to understand the magnitude of the problem and identify those in dire need of assistance. Implement debt settlement programmes that allow workers to negotiate with creditors to settle debts for a reduced amount, providing immediate relief.

### ***Protect from Microfinance Companies***

Government action is crucial in protecting rural women domestic workers from exploitation by private illegal microfinance companies. These companies often prey on the vulnerability of these workers, trapping them in cycles of high-interest debt that exacerbate their financial hardships. We should ensure that such companies operate within legal frameworks, offering fair and transparent financial services.

### ***Enhance Financial Inclusion***

Facilitate access to formal banking services, low-interest loans, and savings schemes to improve their financial stability and reduce dependence on informal lenders.

### ***Access to Formal Credit***

Facilitate access to formal credit sources, such as banks and microfinance institutions, which offer loans at regulated interest rates, reducing the reliance on informal lenders.

### ***Financial Literacy Training***

Provide financial literacy training to these workers, educating them about debt management, savings, budgeting, and the dangers of borrowing from informal sources.

### ***Legal Aid and Support***

Offer legal aid and support to workers who are victims of predatory lending practices, helping them negotiate fair terms or challenge exploitative contracts.

### ***Facilitate Registration***

We should facilitate the registration of rural women domestic workers, which is essential for recognizing their contributions and ensuring their

legal protection. The establishment of a simple and accessible registration system will allow the government to collect crucial data about these workers, leading to tailored policies and programmes. On registration, issuing an official identification card as proof of employment would grant these workers access to social security, health insurance, and legal aid.

### ***Establish a Welfare Board***

We should establish a Welfare Board to provide comprehensive social and economic assistance to rural women domestic workers. This board will serve as a centralized body to address the multifaceted challenges faced by these workers, including issues related to fair wages, safe working conditions, access to healthcare, and legal protection. The board will also facilitate the implementation of government schemes and programmes tailored to the needs of these workers, ensuring they receive the benefits that they are entitled to.

### ***Provide Housing and Toilet Facilities***

Implement the Pradhan Mantri Awas Yojana to provide them with housing and sanitation. Almost all of them are landless and without homestead land.

### ***Provide a Pension Arrangement***

We should establish a pension system for rural women domestic workers in dung and garbage to ensure their financial security in old age. This initiative will acknowledge their hard work and contributions, providing them with a dignified life. It will also demonstrate a commitment to their well-being and alleviate fears of financial instability.

### ***Enhance Occupational Health and Safety***

Develop and enforce regulations to ensure safe working conditions for these workers, including access to protective gear and proper waste management training.

### ***Establish Grievance Redressal Mechanisms***

Set up dedicated channels for these workers to report issues, seek assistance, and resolve disputes related to wages, working conditions, and rights violations.

## **Promote Skill Development**

Initiate skill development programmes to provide these workers with training in alternative livelihoods, empowering them to transition to more dignified and sustainable jobs.

## **Accredited Social Health Activists and Anganwadi Workers**

Accredited Social Health Activist (ASHA) and Anganwadi workers play vital roles in India's rural healthcare and education systems, respectively. ASHA workers were introduced under the National Rural Health Mission (NRHM) in 2005, while Anganwadi workers have been part of the Integrated Child Development Services (ICDS) since the 1970s. These workers are grassroots-level functionaries entrusted with crucial responsibilities, yet they face numerous challenges in fulfilling their duties effectively.

ASHA workers serve as a bridge between communities and the healthcare system. They promote maternal and child health, facilitate immunization drives, conduct health awareness programs, and assist in accessing healthcare services. Anganwadi workers, on the other hand, focus on early childhood care and education, providing nutrition, preschool education, and basic healthcare to children below six years of age and pregnant or lactating mothers.

Despite their critical roles, ASHA and Anganwadi workers encounter several challenges. The most significant challenge is the lack of recognition as frontline workers. This leads to ASHA and Anganwadi workers not being provided dignified wages, time-bound work hours, effective social security or other rights associated with dignified work. ASHA and Anganwadi workers often work long hours without proper compensation or benefits, leading to burnout and demotivation.

Many workers receive minimal training and face difficulties in handling complex health or educational issues. Moreover, insufficient infrastructure and supplies hinder their ability to deliver quality services. Additionally, they face social stigma and sometimes encounter resistance from communities, particularly regarding cultural beliefs related to health practices or education.



ASHA and Anganwadi workers are essential pillars of rural healthcare and education systems in India. Addressing the challenges they face, such as lack of recognition, inadequate training, workload issues, and, is crucial to improving the effectiveness of their services and ensuring better health and education outcomes for rural communities. The Agenda for ASHA and Anganwadi Workers outlines what can be done to address the same.

### ***Regular Employment Status***

ASHA and Anganwadi workers are considered as volunteers or part-time workers, leading to unstable employment conditions. It is necessary to grant them regular government employee status, providing them with job security, social security benefits, and fair compensation for their invaluable contributions to public health and childcare.

### ***Living Wages and Incentives***

ASHA and Anganwadi Workers need to be provided a fixed monthly wage that reflects the nature of their work and responsibilities at par with wages of skilled workers. The wages should be linked to inflation indices and updated every six months. Additionally, they should be paid performance-based incentives to motivate and reward their efforts in achieving healthcare and education goals.

### ***Timely payment of wages and incentives***

ASHA and Anganwadi Workers often face delay in payment of wages and incentives. It should be ensured that all wages and incentives are paid on a timely manner every month, consolidating all incentives into the single monthly payment.

### ***Payment of night time compensation***

ASHA workers who have to attend to pregnant women in case of any emergency during the night or in case of accompanying them for institutional admission for delivery at night must be paid additional compensation for the same and provided with safe and secure transport facilities.

### ***Fixed working hours and overtime compensation***

Working hours of ASHA and Anganwadi workers need to be fixed and

capped at eight hours daily. Any work beyond working hours arising out of emergency must be fairly compensated at the rate fixed by the Code on Wages, 2019.

### ***Provision of paid leave and social security***

ASHA and Anganwadi workers need to be provided paid leaves and social security benefits including EPF, pension, gratuity, health insurance, and maternity leave at par with those provided to Auxilliary Nurses and Midwives.

### ***Reporting and Mobile Applications***

ASHA and Anganwadi workers have to spend a significant time in compiling daily reports and feeding the data through mobile applications like the POSHAN tracker app. Time taken for preparing and submitting such reports should be accounted for in their daily work hours and they should be provided with allowances for expenses related to mobile phones and internet charges.

### ***Compensation for extra work***

ASHA and Anganwadi workers are often tasked by district and block officials to conduct government sponsored surveys or provide their services in government run programmes, awareness and enrolment camps, examination halls, etc. In case of such work being done by them, they should be provided daily allowances and travel allowances for the same.

### ***Training and Skill Development***

ASHA and Anganwadi workers require continuous training and skill development programs to enhance their knowledge and capabilities. They should be provided with regular and comprehensive training on healthcare practices, child development, nutrition, and community engagement strategies.

### ***Better Infrastructure and Resources***

Adequate infrastructure, including well-equipped healthcare centres and Anganwadi facilities, is crucial for effective service delivery. They should

be provided with sufficient supplies of medicines, educational materials, nutritional supplements, and supportive equipment to meet the needs of their communities.

### **Recognition and Respect**

Both ASHA and Anganwadi workers often face backlash from communities they serve when implementing certain interventions which might contradict the community's belief system. In such cases, the local government functionaries must carry out local level campaigns promoting and acknowledging their role as frontline workers and active participants in improving community health and education outcomes and ensure that the ASHA and Anganwadi workers are not threatened but respected for their contribution to the society.

### **Choultry Workers**

Choultry workers are those who do the cleaning and sometimes assist in the work of cooking in 'choutries' or marriage halls that are rented out for marriages or any related religious and social functions. Choultry workers constitute a sub-sect of domestic workers or self-employed home-based workers, and just as women dominate in terms of numbers employed in these sectors, a majority of choultry workers are women. Most of the women who go to work in choutries are from urban slum communities and come from the most socially and economically marginalized communities – largely Dalit and the urban and rural poor.

A recent survey by ActionAid Association revealed that in Karnataka the average income of choultry workers was between Rs 500 – 700 for 2 days and they got work for a maximum of 15 days a month and there was no room for negotiations. Employer/employee relationships are vague and established through two or even three levels of contractors, therefore accountability becomes difficult to establish. Most of off there is no kind of contract between the employee and employer and there is no basis for them to establish their identity as labour that can enable them to access basic rights and services as unorganized workers. It is this insecure, informal, and non-regulated nature of their work that makes the choultry workers susceptible to gender, class, and caste exploitation and discrimination.

The following recommendations made for restoring their dignity of labour and ensuring basic rights:

### ***Enumeration***

The first step towards recognizing and acknowledging this work will be for the related authorities in administration and the Labour Department to do a ward/panchayat wise enumeration of the workers in choultries and other such establishments.

### ***Registration***

The second step is to ensure their registration through the district administration as informal workers such that under the provisions of the Unorganized Workers Social Security Act, 2008 or the new Social Security Code whose rules still remain to be formulated, identity cards can be issued to them that will enable them to access all benefits due to them under law.

### ***Work contracts/employment letters***

There must be letters of employment issued by every contractor to the sub-contractor specifying the names and wages of each employee which could be the basis on which they can also obtain labour identity cards to access benefits available for all unorganized workers.

### ***Registration of contractors***

All contractors should be registered ward wise or in panchayats or municipalities such that they can be held responsible and accountable for ensuring decent working conditions for workers in choultries.

### ***Workers Facilitation Centres***

Workers facilitation centres, as mandated under the 9th clause of Chapter 4 of the Unorganized Workers Social Security Act, should be set up to spread information about available social security schemes, assist unorganized workers through all the registration steps, and help in enrolment for suitable schemes.

### ***Registering choultries, marriage halls, and other similar institutions as work spaces:***

The muzhrai, labour and other concerned departments should take responsibility for not only registering all such choultries and marriage halls that come under their purview but also ensure that there are no labour violations including minimum wages and proper working conditions.

### ***Minimum Wages, overtime, and bonus bank accounts***

Minimum wages should be fixed for choultry workers and the same rate as for domestic work should be applied and this amount along with overtime should be specified and this should be paid along with overtime and bonus. Therefore, the minimum wage for the work should be approximately Rs 1,000 for the 2 days of work that they do apart from overtime and bonus. The contractor who makes the payment should do so through transferring the money to the bank accounts of the employees and not hand the payment over to the sub-contractors who should be paid independently.

### ***Working Conditions***

Private rooms along with bathrooms should be provided to all the choultry workers along with uniforms and other protective equipment like gloves. There should also be provision of creches wherever possible or at least ensuring that the women are able to leave their babies in the nearest government set up community creches.

### ***Provision of transportation***

Given the vulnerability of the women who almost always go back late in the night after completing work it is the responsibility of the contractor/ choultry owner to provide them safe transportation back to their homes.

### ***Social Protection and skill development***

Strengthening access to social protection through the SC/ST commission, social welfare departments, Women's Commission, and labour departments to look into caste based discrimination and violations, provide appropriate protection measures with focus on old age pensions and health, housing, occupational health and skill development to enable higher earnings. The children of choultry workers in particular must be

supported with training and education such that they could be enabled to get out of the crushing cycle of poverty and degradation.

### ***Skill upgradation***

With the burgeoning of caterers and event management agencies younger women from these areas are being employed with better working conditions including outfitting them in uniforms that gives them more dignity of labour. The scope for this should be widened with a more systematic training of the young women so that they can handle themselves and the job more confidently and professionally.

### ***Public notices prohibiting discrimination***

All choultries and similar working places should have public notices stating that sexual harassment and caste discrimination are a crime and punishable under law. And if there are any such incidents, choultry owners must be held accountable and responsible.

### ***Access to Local Complaints Committees***

Under the provision of the POSH Act the district officer must form the Local Complaints Committee for the respective district that will receive and redress complaints of sexual harassment from women workers in the informal sector. Women must be made aware of the existence of LCCs and encouraged to go seek redressal if they continue to suffer from harassment despite their own efforts or those of the local contractors and choultry owners to challenge the violators.

### ***Monitoring by the Labour department***

Concerned labour officers should make routine visits to these places to ensure that there are no violations of basic labour rights including decent and human working conditions.

### ***Collectivization***

It is the responsibility of civil society organizations and trade unions to ensure the collectivization of these workers in specific areas and ensure that they have knowledge about their rights, facilitate their registration

as workers, and engender the necessary confidence to help them assert themselves with the concerned authorities.

### **Welfare Committee**

A committee comprising of members from the departments of labour, social welfare, muzhrai, women and SC/ST commission along with NGOs and unions working with the urban and rural poor must be set up to look into the different dimensions of this form of work that has gender, caste, and cultural dimensions. They must put in place codes to be followed in such work spaces with regard to proscribed, institutionalized, and discriminatory norms of gender and caste exploitation that are built into this work and ensure that these are widely publicized. Accountability mechanisms should be put into place to ensure that these codes are followed and enforced in these work spaces. The committee must also look into systemic ways of helping restore dignity and rights to the workers, facilitate upgradation of their skills, and ensure educational opportunities for their children.

### **Sanitation Workers**

The notions of purity and pollution linked to the caste system and the practice of untouchability, underlie the unsanitary practices in Indian society. These beliefs perpetuate the oppression of 'polluted castes,' who are forced to undertake manual scavenging, unclog manholes and clean other people's filth. The cheap availability of Dalit labour to do these dehumanizing jobs is one of the reasons modern garbage and sewage management systems have been neglected so far. We need to recognize that delinking the relationship between caste and sanitation continues the exploitative order. Over 400 people died while cleaning septic tanks in the period 2018-23 according to a reply in Parliament, whereas the deaths are in reality many times higher.

At least 22,327 Dalits die doing sanitation work every year. Safai Kamgar Vikas Sangh, a body representing sanitation workers of the Brihanmumbai Municipal Corporation (BMC), sought data under the Right to Information Act in 2006, and found that 288 workers had died in 2004-05, 316 in 2003-04, and 320 in 2002-03, in just 14 of the 24 wards of the BMC or about 25

deaths every month. These figures do not include civic hospital workers, gutter cleaners or sanitation workers on contract. The average life span of a manhole worker is just 45 years.

### ***Enhancing Compensation for Deaths Due to Manual Scavenging***

Enforcing the Supreme Court's 14 directives issued in October 2023, which include increasing compensation to Rs 30 lakh for sewer deaths, Rs 20 lakh for permanent disability or injury, and Rs10 lakh for disabilities.

### ***Mechanization of Sewer Cleaning***

It is estimated that three sanitation workers die every five days in India. Toxic gases, such as ammonia, carbon monoxide, and sulphur dioxide build up in septic tanks and sewers and can cause workers to lose consciousness or die. The task of sewer cleaning should be fully mechanized, and the workers involved in manual cleaning should be appropriately rehabilitated and provided with alternative employment opportunities. It should be made obligatory that the latest technology is provided for persons attending sewage disposal and it should be the responsibility of the union and state governments to provide sufficient funds for the purchase of machines and equipment under Article 266(3), read with Article 39(e), and Article 256 of the Indian Constitution.

### ***Prioritizing efficient and eco-friendly solid waste collection methods***

Incorporating segregation at the source, mechanized segregated collection using closed vehicles to prevent manual handling, containerized storage, local processing of biodegradable waste, recycling of dry waste, and scientifically disposing of rejects as outlined in the Ministry of Forest & Environment Rules, 2016.

### ***Formalization of Employment for Safai Karamcharis:***

Safai Karamcharis (sanitation workers) should be given the status of government employees and provided with the same benefits. These include access to healthcare, retirement benefits, and job security.



## ***Safety measures***

Proper equipment should be made available to the sanitation workers. Besides, regular health check-ups should be carried out by the municipalities once in six months.

## ***Recognition and Support for Waste Collecting Women:***

Women involved in waste collection (such as the Kachra Vechak Mahilaye in Maharashtra) should be recognized as employees and provided with social security benefits.

## ***Rehabilitation of Manual Scavengers As a Mission-based Programme***

Undertaking rehabilitation efforts for manual scavengers on a mission-oriented basis, offering skilling opportunities, and providing alternative employment within a fixed timeframe.

## ***Housing***

Cooperative societies should be constituted at the behest of the state apparatus and land should be made available for housing projects for sanitation workers.

## ***Liberation and Rehabilitation***

Sewer workers' liberation will come only when necessary technological changes are brought about, which will then render the occupation humane, dignified, and safe in ways which completely avoid any direct human contact with excreta. The liberation of these workers cannot be conceptualized in isolation because they will lose their only source of income without a meticulous road map for their meaningful rehabilitation as proposed for manual scavengers. The workers in regular or contract employment must not be terminated; rather they must all be given regular employment.

## ***Rag Pickers***

Rag pickers, often termed as Informal Waste Workers (IWWs), form an integral yet marginalized segment of society, silently shouldering the

weight of urban waste management systems across the globe. Despite their indispensable role in recycling and waste collection, rag pickers face multifaceted challenges rooted in social stigma and hazardous working conditions. Their labour, ranging from sorting through roadside dumps to handling disposal grounds, exposes them to a myriad of health problems, including mental disorders, respiratory infections, musculoskeletal issues, and stomach infections. Moreover, within the realm of waste picking, there exists a stark differentiation in the degree of stigmatization, particularly evident among those engaged in tasks like handling animal waste. As cities burgeon and waste generation escalates, the need to recognize and safeguard the rights of rag pickers becomes increasingly paramount. This entails a paradigm shift towards formalizing their work, offering social security measures, and fostering inclusivity within waste management frameworks. Through concerted efforts aimed at mitigating health risks, ensuring fair compensation, and combating societal prejudices, rag pickers can be rightfully acknowledged as environmental justice defenders, deserving of dignity, respect, and equitable opportunities for socioeconomic advancement.

***Protection and Recognition:***

- » Conduct city-based surveys to identify and assess working conditions, with urban local bodies leading participatory practices for the formalization and integration of rag pickers.
- » Identity cards should be provided to rag pickers and their management should be handled by urban local bodies.
- » Replace informal sector scavenging with organized recycling and recovery centres managed by municipal authorities.
- » Recognize rag pickers as environmental justice defenders and provide preferential access to waste sites.
- »> Creation of ward-level recycling and recovery centres and their management by ULBs.
- » There should be strong monitoring in the value chain to ensure children are not made part of rag picking.

- » Link initiatives with Swachh Bharat Abhiyan.
- » Ensuring strict compliance with laws of disposal of biohazardous waste.

### ***Social Security Measures:***

- » Provide dignified living wages, access to financial systems, and social welfare services like provident fund.
- » Provide compensation for injuries sustained while working and implement state schemes for support and transitioning out.
- » Enforce laws against exploitation and trafficking, especially for vulnerable women working as rag pickers.
- » It is important to ensure that the existing extended producer responsibility should be strictly enforced and through such strict enforcement a fund should be created to serve and professionalize and pay waste pickers.

### ***Safety from Occupational Hazards and Healthcare Access:***

- » Provision of uniforms, safety equipment like gloves, hats, boots, and other necessary items to mitigate occupational hazards.
- » Provide designated resting points with basic amenities like toilets, drinking water, kitchens, and first aid.
- » Address various health issues such as mental disorders, respiratory infections, musculoskeletal issues, and stomach infections through healthcare provisions.
- » Provide dedicated healthcare facilities including 24/7 clinic services and community health centres near informal settlements inhabited by rag pickers.
- » Dedicated women and children's health professional should be present at these clinics to ensure access to women rag pickers.

## **Education and Empowerment:**

- » Ensure universal access to scholarships for rag picker children and prevent their involvement in rag picking through strict monitoring.
- » Establish mobile schools, tuition classes, and vocational training programmes for children of rag pickers.
- » Support women-led cooperatives of rag pickers.

It is imperative to recognize that transitioning out of rag picking requires comprehensive support systems that offer viable alternatives and choices to individuals involved in this informal sector. While skill development programmes like the PM Dakshta Yojana play a crucial role, it is equally essential to provide clear pathways to alternative livelihoods beyond mere skill training. Mechanization of certain waste management processes can create opportunities for rag pickers to shift to safer and more sustainable occupations. However, this transition must be driven by the preferences and aspirations of the rag pickers themselves, ensuring that they have a say in shaping their future. By offering a range of options and empowering individuals to make informed choices, state schemes can facilitate a smoother and more dignified transition out of rag picking, ultimately improving the overall well-being and socioeconomic status of these workers.

## **Sex Workers**

It is estimated that India has over 3 million commercial sex workers. Approximately 2.9 million women or 1.1% of the adult women in India are commercial sex workers. The rest of India's sex worker population is comprised of male and transgender sex workers. Female, male, and transgender commercial sex workers in India often ply their trade within the confines of a designated red-light district, or they are 'flying' sex workers without a fixed place of operation. The Immoral Trafficking (Prevention) Act, 1956 (ITA) of India defines prostitution as 'sexual exploitation or abuse of persons for commercial purposes or for consideration of money or in any other kind.' ITA, 1956 also criminalizes living off of sex workers' earnings, and as a result, a sex worker's children and family members can be imprisoned for subsisting on his or her income.

Sex workers in India constitute a severely deprived segment of the population which lacks access to services and support from the health sector. Ascribing a criminal status to sex work often results in an increase in violence against sex workers who have little recourse against such acts of aggression.

The issue of sex work in India is multifaceted, encompassing social, economic, and legal complexities. While legitimate concerns about exploitation, trafficking, and the vulnerability of sex workers persist, it's crucial to also recognize and address their rights, health, and safety. Implementing comprehensive policies that prioritize decriminalization, destigmatization, and offering support and alternatives to sex workers can prove more effective in tackling the challenges they encounter and safeguarding their well-being. Moreover, raising broader societal awareness and promoting education are vital steps towards fostering a more compassionate and informed perspective on this issue, ultimately contributing to a more equitable and just society.

In India, sex work is technically legal, yet workers report facing significant stigma, harassment, and violence, particularly at the hands of law enforcement. To address these issues, sex worker collectives have emerged, advocating for the complete decriminalization of sex work and the acknowledgment of their labour as deserving of protections and rights. These efforts seek to empower sex workers and ensure their safety, dignity, and access to essential services.

It is imperative to refrain from using terminology that conflates human trafficking, sexual exploitation, and consensual sex work. Such conflation is inaccurate, as trafficking individuals into forced or coerced labour, including sexual exploitation, cannot be equated with consensual sex work. This misrepresentation not only undermines the rights of sex workers but also perpetuates further policing and abuse against them, despite being wrongly characterized as 'victims' of trafficking.

It is essential to ensure a distinct separation between women and girls, as they should not be grouped with adult women. Moreover, in the Indian context, terms like 'prostitution' and 'prostituted women' are not appropriate. The Supreme Court of India (SCI) has provided guidance

through its Handbook on Combating Gender Stereotypes, advising against the use of harmful gender stereotypes. Instead, the term 'sex worker' should be used in place of 'prostitute.'

The state machinery must refrain from using terms such as 'prostitute' or 'prostituted women,' and avoid grouping minors with 'sex workers,' which typically refers to adults engaged in consensual sex work. Additionally, it is important to differentiate between trafficking and voluntary engagement in sex work. To ensure a dignified and safe practice of sex work as decent work, a rights based approach rather than a victim based approach is required.

## ***Legislative Action***

### **Review of the Immoral Trafficking Act, 1956**

In its current form, the act assumes that all trafficking is done for the purpose of prostitution. This legislation, rather than prioritizing the prevention of trafficking, concentrates on its underlying motivations. Instead of addressing the diverse reasons behind human trafficking, it confines itself to addressing only one aspect of this multifaceted issue.

Sections 3(1) and 3(2) of the legislation criminalize the operation and provision of brothels, highlighting a paradoxical situation. While India doesn't criminalize prostitution itself, it targets the means through which prostitutes earn their livelihood. By outlawing brothels, the law fails to recognize them as potential sources of income for individuals engaged in consensual sex work.

This oversight pushes the profession underground, depriving sex workers of legitimate avenues to manage their businesses and attracting more clients. The criminalization of brothels also risks driving the establishment of illegal brothels, perpetuating criminal activities and undermining the rights of consenting sex workers.

Sections 4 and 6 of the law target individuals who knowingly benefit from the earnings of prostitutes, aiming to punish pimps or touts who may be facilitating prostitution. However, this fails to distinguish between those aiding voluntary sex workers and actual traffickers. As a result, traffickers

may escape punishment while individuals such as children of sex workers face legal repercussions.

Section 4 of the Immoral Traffic (Prevention) Act (ITPA) stipulates that individuals above the age of 18 who depend on the earnings of a sex worker may face imprisonment of up to 2 years. However, this provision fails to consider the circumstances of children of sex workers who are over 18 and may be pursuing higher education. Under this act, these individuals are essentially compelled to work to support themselves or continue their studies, unlike children of parents in other professions who may have more support. This is discriminatory and unjust, denying the children of sex workers above the age of 18 years the opportunity to lead normal lives and pursue their aspirations. They deserve equal rights and opportunities like any other individual.

Moreover, law enforcement practices often result in the indiscriminate detention or arrest of all sex workers during brothel raids. This not only perpetuates the re-victimization of trafficked individuals forced into prostitution but also violates the right to life, particularly for voluntarily consenting sex workers exercising their agency.

### ***Protection and Rehabilitation***

- » Prevention of Trafficking: Serious efforts should be made to prevent the trafficking of women and children into sex work.
- » Alternative Employment Opportunities: Programmes should be developed to provide alternative employment options for sex workers who wish to leave the profession. This could include vocational training, job placement assistance, and support for entrepreneurship initiatives.
- » Police Sensitization: The police often harass sex workers and pose a threat to their well-being. They must be sensitized and trained and punitive action should be taken against police officers who harass sex workers.
- » Sex workers who face violence also do not go to the police to register complaints out of fear of being harassed and arrested, thereby making

them even more vulnerable to facing crimes. The police must be instructed to register FIRs in the event of violence against sex workers.

### **Protection and Social Security**

- » Enumeration and provision of ID cards to enable smooth access to schemes such as the public distribution system by sex workers.
- » Measures should be taken to end discrimination against sex workers in accessing public welfare services, including healthcare, education for children, and job opportunities.
- » We should allocate funds for the welfare of sex workers.
- » Pension After the Age of 45 Years: Sex workers who reach the age of 45 years or older should be eligible to receive a pension.
- » Access to health is often hindered due to stigmatization. Sex workers also may not have safe access to abortions which can lead to unsafe practices. Access to healthcare must be ensured.

### **Children of Sex Workers**

Children of individuals involved in prostitution often confront a host of difficulties, such as social stigma, financial insecurity, and the risk of being exposed to unsafe or exploitative conditions. To mitigate these challenges, it is imperative to concentrate on delivering support, education, and resources aimed at enhancing their welfare and prospects. This may necessitate the implementation of government initiatives, community-based programmes, and social services tailored to meet their needs. Additionally, efforts to diminish the demand for prostitution through educational campaigns and policy reforms can play a crucial role in safeguarding the rights and well-being of these vulnerable children.

- » Scholarship for Children's Education: The welfare board should offer scholarships or financial assistance programmes to support the education of children of sex workers.



- » Secure right to health and education for all children: Children of sex workers endure psychological trauma, harassment, and discrimination, especially within school environments.
- » Robust anti-bullying and anti-discrimination policies in schools must be established.
- » Accessible mental health services must be provided to support children coping with trauma and harassment.