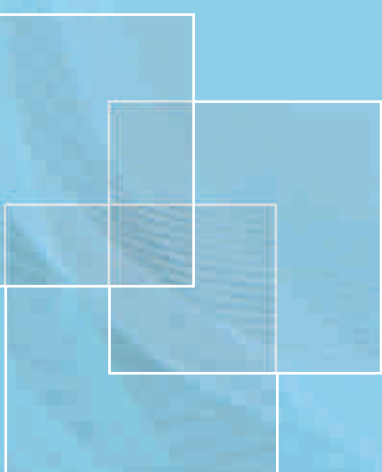




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REPORT OF THE INTUC / ILO / ACTRAV NATIONAL TRADE UNION CONFERENCE ON RATIFICATION OF ILO CORE CONVENTIONS

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ILO Decent Work Team for South Asia
New Delhi

Bureau for Workers' Activities
Geneva

**REPORT OF THE
INTUC / ILO / ACTRAV
NATIONAL TRADE UNION CONFERENCE
ON RATIFICATION OF ILO CORE CONVENTIONS**

**24-26 August, 2010
Jacaranda, India Habitat Center, New Delhi**

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PREFACE

During the last two decades, ILO/ACTRAV has been actively engaged in various activities in India. This has enabled a joint or co-ordinated initiative to strengthen the labour movement by increasing capacities of trade unions and workers' organizations, which ensures decent work, recognition of and compliance to core labour standards.

ACTRAV believes that to safeguard the interest of workers and their organizations, the government should be responsible in applying the provisions of the core conventions to achieve the Decent Work agenda. The Decent Work Agenda is anchored on the principles of freedom, equity, human dignity and security. The precondition to realize Decent Work is to honor the commitment imposed upon nations to ratify and apply core labour conventions.

I take this opportunity to convey ACTRAV's appreciation and support to the initiatives taken by the National Trade Unions of India namely AITUC, BMS, CITU, HMS and INTUC, to convene a national level conference in New Delhi on ratification of the ILO Core Conventions during August 2010. In the Asia Pacific region, similar campaigns and activities have been launched and Trade Unions in Malaysia, Vietnam, Fiji and Thailand have been actively engaged in convincing governments to honor their commitments to ratify the core conventions.

I take great pleasure in having participated in the conference to present my views and I remain optimistic that this conference which has involved all social partners would indeed serve as a trailblazer. On this occasion ILO/ACTRAV reassures its commitment and cooperation to the trade union movement in India in finding a ways forward towards the promotion of decent work and respect for the core labour standards.

Dan Cunniah
Director
ILO Bureau for Workers' Activities

ACKNOWLEDGEMENT

INTUC together with CITU, AITUC, BMS and HMS has every reason to be proud of having organized a National Level Conference in collaboration with ILO/ACTRAV with a view to exert greater positive influence on the Government of India to ratify the core conventions (C 87, C98, C 138 and C 182).

The INTUC express its appreciation of the persistent initiatives and interest taken by the ILO/ACTRAV with regard to the promotion of Decent work. The trade union movement in India is committed to translate this effort into reality and hopes that a consensus would be built in this conference for time- bound action.

Having voluntarily accepted the new economic order in the back drop of globalization, India with a massive work force and a plethora of labour reforms can brook no delay in ratifying the basic conventions enjoining on the workers, their legitimate fundamental right to freedom of association and the right to collective bargaining.

Dr. Sanjeeva Reddy
President, INTUC

ACRONYMS

ACTRAV	-	Bureau for Workers Activities(International Labour Office)
AITUC-	-	All India Trade Union Congress
BMS	-	Bharathiya Mazdoor Sangh
CAT	-	Central Administrative Tribunal
CITU	-	Centre of Indian Trade Unions
EPZ	-	Export Processing Zone
FACB	-	Freedom of Association and Collective Bargaining
FPRW	-	Fundamental Principles and Rights at Work
GDP	-	Gross Domestic Product
GUF	-	Global Union Federation
HMS	-	Hind Mazdoor Sabha
INTUC	-	Indian National Trade Union Congress
ILO	-	International Labour Organization
IT	-	Information Technology
JCM	-	Joint Consultative Machinery
NORMES	-	National Office for Research on Measurement and Evaluation Systems
SEZ	-	Special Economic Zone





BACKGROUND AND INTRODUCTION

India occupies a special place in the ILO by being one of its 44 founder members. It has been a permanent member also in the Governing Body of the I.L.O. India has so far ratified only 43 out of 188 conventions passed by the I.L.O, for various reasons. As part of the drive to increase respect for international labour standards, eight (8) conventions have been classified as fundamental to the achievement of basic human rights and decent work in a world labour market that is increasingly buffeted by the challenges of globalization. Out of the eight Core Conventions, India has ratified only four of them.

CORE CONVENTIONS OF ILO			
No.	TITLE	YEAR	RATIFIED BY INDIA
C-29	FORCED LABOUR	1930	1954
C-100	EQUAL REMUNERATION	1951	1958
C-105	FORCED LABOUR	1957	2000
C-111	DISCRIMINATION – EMPLOYMENT AND OCCUPATION	1958	1960
C-89	FREEDOM OF ASSOCIATION AND RIGHT TO ORGANISE 1948		–
C-98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING	1949	--
C-138	MINIMUM AGE	1973	--
C-182	WORST FORM OF CHILD LABOUR	1999	–

Regardless of non-ratification of these four Conventions, the very membership in ILO imposes an obligation on India to the Principles enshrined in the Constitution of I.L.O. and the Declaration of Philadelphia and the subsequent Declaration of Fundamental Principles and Rights at Work, 1998.

Ratification of these four conventions is important as it will guarantee the free exercise of workers' rights in the world's largest economy. Convention 87 has been ratified by 150 ILO member states while 140 member states have ratified Convention 98. Trade Unions believe that there is hardly any justification for India, a founder member of the ILO to postpone its commitment to the fundamental standards of decent work in a democratic society.

Declaration of Philadelphia 1944

1. Labour is not a commodity
2. Freedom of Expression and of Association are essential to progress
3. Poverty anywhere constitutes a danger to prosperity everywhere
4. All human beings, irrespective of race, creed, sex, have the right to pursue both their material well being and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity.

ACTRAV, the link between ILO and workers organizations around the globe feels that India would benefit greatly as the biggest democracy by ratifying the core conventions C 87 and C 98. In pursuance of ILO commitment to the cause of universal and everlasting peace based on social justice, the ILO/ACTRAV has been engaged in a persistent campaign of bringing pressure on governments to ratify the core conventions at the earliest.

After a national level discussion in New Delhi, the INTUC supported by ILO/ACTRAV convened a national conference in New Delhi from 24-26th August 2010, involving AITUC, BMS, CITU, HMS, INTUC and other social partners to discuss the urgent need for ratification of core conventions.

The objectives of the conference were to exert greater pressure and positively influence the ratification of the core conventions. The aim was also to reach a consensus on priorities for action in terms of ratification campaigns, achieve appropriate changes in policy, legislation and other forms of regulation, implementation and procedures.

The conference served as a spring board for the ILO and the national trade unions to push the agenda of ratification of conventions 87 and 98 forward by discussing the difficulties and modalities and to find a way forward towards the ratification at the earliest possible time. Short presentations on relevant experience in understanding labour market reforms in response to globalization were made during the conference. Very useful discussions took place during the conference resulting in the commitment of the Government of India towards early ratification of C138 and C182 besides the positive response by the government to move in the direction of ratification of C87 and C98.

It was resolved in the conference to convene at the earliest; the tripartite committees on conventions in order to formulate a time bound roadmap containing the commitment of social partners for the ratification of the fundamental conventions and set the time frame for 2012 at the latest. To this extent the conference has served its purpose with a note of optimism.

REPORT OF THE PROCEEDINGS

DAY I: 24 August, 2010

Inaugural Session:

The opening session involved introductory addresses by a panel of speakers, chaired by Mr.N.M. Adyanthaya, Vice President, INTUC and Member ILO Governing Body. The Chairperson called upon the panelists to share their views and experiences with regard to the ratifications of the core-conventions and hoped that their ideas and views would contribute to achieving the objectives of the conference.

Mr. G. Sanjeeva Reddy in his opening address deplored the not-so-satisfactory enforcement of the already existing constitutional safeguards on collective bargaining and freedom of association. He emphasized the need for strict implementation of the conventions along with their ratification. He hoped that the seminar would provide possible solutions to the larger questions faced by India in relation to ILO conventions.

Mr. Andre Bogui, Officer-in-Charge ILO Country Office for India, opined that India could not be isolated from the problems faced by the trade unions globally. That should however not be an excuse for India to keep ratification of core conventions pending. According to him, these conventions seek to address the challenges inherent in labor relations across the globe. His emphasis was on safeguarding the rights of trade unions which was essential to social justice, development and peace of a democratic nation state.

Mr. Noriyuki Suzuki, General Secretary ITUC – AP, Singapore, in his discussion dealt with a new dimension not covered by the other speakers - that of the unorganized sector. He argued that the conventions and connected legislations, however important as they were, influenced only a paltry 10 percent of the total work force. He strongly pleaded for finding a way to integrate the unorganized sector into the legal framework devised for the welfare of the workers. He corroborated with Mr. Bogui's statement that a stable society would remain a pipe dream without rights to guarantee the welfare of the working class.

Mr. Dan Cunniah, Director ACTRAV/ILO Geneva, gave a glimpse of the conventions - C.87 & C.98 and argued for the imperative need for India to ratify them without further delay. He underscored that these conventions stood as guarantors of fundamental rights without which a democracy remained crippled. The Indian Government would stand tall in the community of nations by ratifying these conventions, he said. He pleaded for a joint review by the Government of India and the ILO, of the obstacles likely to arise in the way of implementation of these conventions. Quoting from World Bank Research, he averred that the freedom of association and collective bargaining were never detrimental or deterrent to foreign investment and economic growth. He concluded his address with a famous talisman prescribed by Mahatma Gandhi that in case of doubt and dilemma, one should refer to the poorest and the weakest of the country for a solution.

Mr. P.C. Chaturvedi, Secretary Ministry of Labour and Employment, Government of India, summarizing the argument put forward by the speakers in favour of the ratification desired that there ought to be some flexibility in the conventions, so that there might not arise any trivial technical hindrances for their implementations. Setting at rest any controversy over the granting of rights to the workers, he opined that the ratification was delayed only because a legal frame work to support and implement such a right was not yet in place. He assured that necessary steps could be speeded up in that direction in consultation with all the stake holders.

Session 2: Conference Overview and Methodology:

Mr. P.J. Raju, Secretary INTUC, presenting the conference overview, as listed in the Agenda, said that the aim of the conference was to focus on a national level trade union discussion on the ILO's fundamental conventions and to find the possibility of ratifications of the core conventions (C-87, C-98 C-138 and C-182) and to reach a consensus on priorities for action in terms of ratification campaigns, achieving appropriate changes in policy, legislation/ other forms of regulation, institutions and procedures. According to Mr.Raju, the Hon'ble Minister for Labour and Employment, Sri Mallikarjun Kharge, had kindly agreed to address the concluding session of the conference. He hoped that the objectives of the conference would find fulfillment by way of conclusions and recommendations and requested each participant to join in all the deliberations of the conference and especially in the preparation of the conclusion.

He wished a meaningful participation and experience of not only trade union colleagues, but also the representatives of Global Union Federations (GUFs) and thanked one and all for their acceptance of the invitation to the conference.

Session 3: Presentation by Ms. Ramapriya Gopalakrishnan, National Consultant, on “Challenges, Prospects and Opportunities of Ratification of the ILO Core Conventions in India”:

Ms. Ramapriya Gopalakrishnan at the outset explained the scope, content and impact of C.87 and C.98 in the light of ILO Declaration of fundamental principles of rights at work and ILO Declaration on social justice for a fair globalization 2006. She discussed threadbare the extent to which the provisions in the Trade Unions Act, 1926 and the Industrial Disputes Act 1947 dealing with freedom of association and collective bargaining conform to these international standards. While bringing out the several incongruities between the laws and their implementation, she underscored her point by quoting that the minimum age to become a member of a registered trade union was 15 years under the Child Labour Act, whereas children as young as 12, were known to be working in factories thereby falling outside the purview of law and as a result, falling prey to exploitation.

She also chartered certain areas of concern in the constitutional provisions for the rights of workers and trade unions. For instance, a trade union could be registered with a minimum of 10% of the workers in the industry subject to a minimum of seven and a maximum of 100. The trade union once registered, must meet this requirement at all times failing which its registration would be cancelled. Similarly, though the Industrial Disputes Act, 1947 recognizes the right to strike of workers, the Government under which the concerned industry / establishment falls, holds the right to prohibit the strike. Her presentation elaborated on other such discrepancies where the Indian laws relating to trade unions and trade union leaders fell short of international standards.

In the next part of her presentation, she critically analyzed the stand of the Indian Government on the issue of ratifications of these Conventions. To the argument put forward by Mr. Chaturvedi that India could ratify the conventions once the provisions for their implementation were attained in Indian law and practice, she remarked that “achieving compliance with the provisions is a continuing process and if it were to be a criterion for ratification, hardly any convention could be ratified by the country”.

She devoted in her paper a few paragraphs on the excluded categories of workers from the scope of laws with special reference to agricultural workers, domestic workers, teachers and government servants. She examined the reasons given by the Government for not ratifying the conventions which included inter alia the following:

- It can ratify the conventions only when the implementation of their provisions is fully achieved in Indian law and in practice.
- Ratification would involve the granting of union rights to Government employees and this would affect their impartiality and political neutrality.
- Since the Government employees are allowed to form associations, enjoy fair working conditions and fair wages, have alternative dispute redressal mechanisms such as JCM and CAT, they do not need additional rights.
- The guarantees of the two conventions are by and large available to workers in India and the national laws and constitutional provisions would suffice.
- Supervisory and managerial employees should not have trade union rights.
- Ratification implies initiating cumbersome complex and relatively slow procedures.

She deftly and logically argued against each of these points of view. Finally, she dealt with the consequences of India's failure to ratify the convention and highlighted the benefits of ratification.

She concluded the paper by taking the view that India should re-examine its stance and take the lead by ratifying all the eight fundamental conventions of the ILO and this would also be in consonance with India's constitutional democratic values.

Immediately after her presentation, there was an open forum in which certain questions were raised from the floor. She explained them logically in detail.

Session 4: Presentation by Dan Cunniah on “Respect for Fundamental Workers’ Rights: A key goal for a new global economic order”:

In his paper, he discussed the need for every economy to strike a balance between international trade commitments and national policies, degenerate working conditions in factories worldwide, inadequate labour laws and the need for trade unions to ensure a legitimate platform for redressing workers' grievances.

It is necessary, especially for developing countries to maintain the right balance between the demands of international trade on the one hand and interests of the local population on the other. For developing and under-developed countries, the lure of International Trade benefits for certain

sections of the population can lead to sacrificing the rights of the workers. Though dangerous, this is the trend that is gaining currency in the global market where market values have taken precedence over human values. Due to lax labour laws, the living and working conditions of workers' are in disgraceful states, across the world. He also stated that in the process of reforming obsolete labour laws even the workers of the unorganized sector need to be taken into account for an all round development.

For trade unions to develop it is essential to guarantee fundamental human rights to the workers. Despite safeguards, trade union leaders all over the world continue to be murdered, abducted and harassed by those in power. To prevent such atrocities and pave the way for smooth functioning of trade unions, the ratification and implementation of Conventions 87 and 98 are a must. Trade unions are necessary also because they provide a platform for expressing collective and individual views. **In countries that have no Trade Unions, workers have to take to streets to make their grievances heard.**

Thus, ratifying these core conventions of ILO can prove to be an important step in the movement for reforming labour laws and labour relations worldwide.

Session 5: Plenary discussions and conclusion of the day:

In this session of the conference, the participants discussed their respective experiences with trade unions. To provide cohesion to the discussion, the participants were specifically asked to share the problems, challenges and issues they might have encountered in

1. Forming trade unions (Formal or informal)
2. Recruiting members
3. Dealing with employers / management
4. Dealing with the Ministry of Labor (State or Central level)
5. Others

The outcome of the discussion was summarized by Mrs. Veena Singh, Chairperson, INTUC Women's Wing. The primary obstacles that the participants faced were mentioned as follows

1. **Forming Trade Unions remains one of the key problems, especially in the rural and unorganized sector. It is nearly impossible to unionize . Rural workers, contract labourers and daily wage labourers. This is partly because they are scattered and cannot be brought together for consolidated agitations, and partly because they continue to be ignorant of the rights of trade unions and hence remain apprehensive and skeptical of joining/forming unions. Registration under the Trade Unions Act of 1926 is yet another problem area. Authorities and employers come together to prevent formation of trade unions. In States like Chhattisgarh where the State Government is in opposition to the Central Government, registering of trade unions becomes an additional problem.**
2. **Recruiting members is a problem for similar reasons. Despite their rights, union members continue to be evicted/ victimized by the employer. As a result, several workers prefer staying away from unions fearing the wrath of those in power.**
3. **The minimum wage that is fixed by the Government is between Rs. 130 and 150, which is far too less as a daily allowance. Most people are of the opinion that a worker working in a large scale production unit needs to have a higher 'minimum' wage than a small scale factory worker. Similarly, a contract labourer, who works as much as a regular worker, ought to be paid as much. But in practice there is a vast difference between wages of contract workers and regular workers. The contractor rarely provides for incentives and perks like provident fund etc. :**

The open house discussion between the panelists and the participants from major national trade union centers further consolidated the need for amendment of existing labour laws and implementation of ILO core conventions, bringing to an end Day One of the National Trade Union Conference

DAY II: 25 August 2010

Session 6: “Achieving Decent Work and Sustainable Development through Fundamental Workers' Rights” by Karen Curtis, Deputy Director, NORMES

The session was chaired by Ms. Veena Singh and co-chaired by Ms Christine Nathan, ILO, Bangkok. Ms. Curtis in her presentation discussed Fundamental Principles and Rights at Work (FPRW), Decent Work and sustainable development. She commented that no one called into question the moral imperative behind FPRW and that there was a need to re-confirm that this is actually positive to economic development with FPRW being in fact essential to sustainable economic development. The challenges for India that were mentioned on Day One were challenges common to many countries in the world, she added. “There is a need to increase awareness and the trade unions can play a key role in the ratifications with the work that unions can do in this aspect being much larger than what the Government can do. The Government of India has already ratified four out of eight core conventions”.

- C29 and C105: Eradication of Forced Labour ratified in the year 1954 and 2000, respectively.
- C100: Equal Remuneration Convention ratified in 1958
- C111: Discrimination (Employment and Occupation) Convention, ratified in 1960

The Government itself has linked the question of FPRW and economic development in India. The issue here, according to Ms. Curtis, is the impact of Freedom of Association and Collective Bargaining (FACB) on economic development. Studies have proved FACB to be actually extraordinarily crucial to sustainable development. Since FACB is the least ratified of all ILO Core Conventions, most of the world workers are not covered by the Freedom of Association Convention and thus, the change brought about would not only be for India but for many other countries as well, such as China. Ms. Kurtis further added that Freedom of Association is essential to sustained progress and that we have to look at all issues concerning labour in a much more holistic way. FACB is crucial to attaining ILO’s four strategic objectives:

- Environment
- Social Dialogue
- Social protection
- Rights at Work

Ms. Kurtis affirmed that the countries that have already incorporated the ratifications and where these conventions have already been put into practice have seen progress. All information regarding this has been included in a report which is to be published by ILO soon. For economic development to be sustained, it is imperative for the ratifications to be put into practice.

Collective bargaining is also an important tool, Ms. Kurtis stated. Good relations between labour unions and employers manage to solve most of the difficulties faced. Since it leads to lesser strikes, Collective Bargaining is also an ideal tool for the employer. It is vital that minimum standards be maintained at the Workplace and basic rights at work be given to all workers. An employer who is not interested in Collective Bargaining is not interested in productivity. Pertaining to the part of her presentation that dealt with child labour, Ms. Kurtis commented that it was important to reach out to the agricultural sector since it contained the highest ratio of child labour.

Ms. Nathan translated Ms. Kurtis' presentation into Hindi and Ms. Singh offered a summary of the same to the participants to make the points absolutely clear to all present. Ms. Singh commented that monitoring mechanisms could have better implementation in the rural sector if unions would submit data to ILO, since it is an international organization. Ms. Singh also pointed out that if all unite to eradicate child labour it would definitely be a great achievement. Ms. Kurtis added that although ILO did not have sanctioning power, it could call upon its member states to review its relations with the defaulting country the basic approach being through dialogue.

Ms. Singh presented an abstract of the previous session and stated that though there was no legal framework, there was a need to employ pressure tactics against the companies that did not treat their employees well. The forum was then thrown open to the participants inviting questions regarding what had been discussed earlier in the presentation.

A majority of the comments were centered on the issue of child labour. The first remark that was put forward was that elimination of child labour was not an easy process due to questioning from other unions and parties on the one hand, and the friction prevailing between different unions on the other. The need for harmony between various trade unions was stressed upon, and on this there was unanimous agreement from all the participants. *Another observation made was regarding the widespread prevalence of child beggars in the capital city of New Delhi. Every traffic light signal has children begging for alms and this situation has not received due attention. There are also a lot of tea stalls in the city and all have children between the ages 4 and 11 working and the city is insensitive to their plight. He asked whether it was not essential to start the change within New Delhi itself to which all were in agreement as well.*

A participant added that although in rural India people worked in the agricultural sector, it was the moral responsibility of all to disallow children from doing heavy labour.

Regarding child labour, another point raised was about the role played by the Government after the child was rescued from labour, in providing for issues like education and food for the child. It also remains to be seen whether the defaulting employers actually do get punished. A participant pointed

out that the punishment for defaulting employers needed to be increased in order to cut down the prevalence of child labor. Another added that the solutions to these problems that had been employed should be published for others to emulate.

Ms. Curtis replied that the report regarding child labour she had mentioned earlier had a section that addressed steps taken by the Government towards eradication of child labour and the impact of these steps. The report stresses on the need to continue working on this in India and the steps to be further taken by the Government. There is also a section on the role of trade unions in helping to combat child labour.

Another query was regarding what categories of workers should/ could be unionized in rural and urban centers. Ms. Kurtis answered that ILO believes that all workers must have the right to organize, whether self-employed or otherwise or under a specific scheme, and have a voice through that organization.

Ms. Curtis continued with saying that supervisory mechanisms did admit that there might be some restrictions on the Right to Strike. The scenario is different with government employees for they have certain guarantee of employment unlike the private sector and this also demands certain loyalty. This area requires some examination from the Government to have some mechanism for recognizing representative organizations. The Government needs to protect workers' rights by ensuring that employers do not exploit them and create yellow unions and also by recognizing organizations the workers have chosen to represent them.

Ms. Singh summarized this part of the presentation by stating that ILO, in its supervisory or lobby facility was willing to help to bring unions and the Government on a common platform to bring about the ratification. Ms. Singh also thanked Ms. Curtis for giving a detailed presentation on how unions could work with the government in bringing about a change and also thanked Ms. Nathan for translating the presentation into Hindi for the participants and closed the session.

The Decent Work Concept is based on the understanding that work is a source of personal dignity, family stability, peace in the community, democracies that deliver for people and economic growth that expands opportunities for productive jobs and enterprise development.

- ILO

Any Decent Work has four dimensions:

First, people should have enough work as a source of income.

Second, there should be some basic rights at work, as expressed in the ILO's core labour standards such as Freedom of Association, freedom from Discrimination, freedom from forced labour and freedom from child labour.

Third, there should be institutions to ensure security such as

1. Formal social insurance systems which provide for contingencies such as illness, unemployment, old age, informal mechanisms of solidarity and sharing.
2. Investment in work place safety.
3. Labour market institutions and policies which protect workers against fluctuations in employment.

Fourth, there should be representation and social dialogue.

- ILO

Session 7: Group Work

The group work saw all the participants divided into three groups on the basis of their area of interest and expertise. The three groups thus formed and their venues allotted were:

- Public Sector and Transport
- Industry, Manufacturing and Emerging Sectors (IT, EPZs etc)
- Agriculture, Informal and Rural Workers

Each group was asked to discuss the following questions within the group:

- **Why do you think ratification of the ILO Core Conventions is important and beneficial in the sectors that you belong? Give your reasons.**
- **What according to you, should be done in this regard:**
 - a) **By trade unions**
 - b) **By employers**
 - c) **By the Government (Ministry of Labour, Parliament, etc)**
 - d) **By the ILO**

The groups were also asked to elect a chairman and a reporter and to prepare a report of their group for discussion in the plenary.

Session 8: The Economic, Social and Political Dividends of Fundamental Workers' Rights (Panel Discussion)

This session was moderated by Ms. Susamma Varghese, National Project Coordinator, ILO Chennai, who introduced the topic. It was followed by a panel discussion by Dr. Kamala Sankaran, Delhi University and Mr. Michael Dias, Representative of Employers Group.

Dr. Kamala Sankaran began by thanking INTUC and ILO for inviting her to the session. One of the core issues being addressed was the question as to why the Indian Government had not ratified 87, 98, 182 and 138 ILO Core Conventions. Dr. Kamala Sankaran pointed out that there was a tussle in South Asia regarding the effect of the ratification and that the Indian Government did not want to ratify conventions 87 and 98 because it would result in giving civil servants the freedom to strike. Looking at strike statistics it can be observed that majority of the strikes in the country are by Government employees forming thus perhaps the core reason for the reluctance of the Government to ratify conventions 87 and 98.

The Joint Consultative Machinery (JCM) which was formed for the Government employees was not an adequate mechanism that met the criteria of conventions 87 and 98, she stated, because there was no collective bargaining or trade union agreement in JCM. She also said that there was a need to amend the mechanism of JCM to meet core conventions 87 and 98.

Another issue pointed out by her was the reality that over 80 per cent of India's workforce was in the informal sector of which over 60 per cent were self-employed and the problem lay

in how to give trade union rights to them. Whenever self-employed workers attempted to get their trade unions registered the immediate question raised was how they could form a trade union and how they could claim to be workers under the Act. While pushing for ratification, the need for unorganized self-employed workers to form trade unions must be addressed as well.

Dr. Kamala Sankaran further said that there was no central law governing working conditions in the agricultural sector which comprised 60 per cent of the workforce, since the government is strongly opposed to such a law. Unless trade union rights are given to the self-employed / vulnerable workers there can be no empowerment.

“Without giving equal rights to all workers, whether self-employed or otherwise, how can the trade union movement grow?” was the question posed by her. “By not ratifying conventions 87 and 98, the Government has failed to be a model employer. Another issue India has to address is whether the industry can function without giving minimum wages and how there can be talks of progress without fulfilling this minimum condition” she asked.

Dr Sankaran said “it is unfortunate that what little enforcement of labour laws that used to exist in India before had also disappeared and that the Right to Collective Bargaining which currently does not cover Government employees needs to be expanded in order to accommodate them”.

Mr. Michael Dias, representing Indian employers, was the second panelist for the session and he said that Indian employers welcome all these conventions. Regarding Convention 98 he commented that the right to organize and collective bargaining convention was fundamental to democracy and secularism and that it was impossible to take a position against this. He said that the freedom of association is included in the Fundamental Rights under the constitution and therefore needs to be ratified.

Mr. Dias asserted that it is time that trade union representatives and leaders do some soul-searching and that time had come for employers and trade unions to sit down together and work out a middle path forgetting the government and labour authorities. He said that he was explaining from his own experience and gave an example of GAP where he had worked and said that the employers made sure that the employees were getting minimum wages, payment for extra-time and that there was no child labour.

Indian economy today has become a global economy. Mr. Dias said that there was a need to ensure that basic mechanisms were in place. He also stated that labour laws in India were too ancient. There were no new substantial labour laws implemented in the last 20 years. Mr. Dias felt that implementation of labour laws was the issue at hand.

After both panelists had spoken, the dais was thrown open to the house and the questions were all addressed to Mr. Dias.

The first question was regarding contract labour and the issue of minimum wages and bonus and why some contract labourers were not getting their due.

Mr. Dias replied that the contract between the principal employer and the contractor did not stipulate a bonus which was why this problem might be arising. He agreed that bonus was a worker's birthright but conditions were different under the principal employer and the contractor.

The second question raised was that even though in the bid to seek most profit, employers were taking contract workers instead of regular, why was the contract labour being deprived of statutory rights?

Mr. Dias responded that according to the Industrial Disputes Act, 1947, if a person worked for more than 240 days he was entitled to permanency and employers were wary of this policy which was why they took more contract labour.

The third question was regarding innovative ways in which trade unions could work to get equal rights for contract Labour.

Mr. Dias answered that there was a need for trade unions to re-engineer themselves in the strategy that they worked with and that there were already mechanisms in place and they needed to be implemented. He further commented that the Payment of Bonus Act was only there for the small sectors and not for the big sectors as according to the law, the income must be less than Rs.10, 000/- and no big companies must have employees earning less than that usually. He said that there was a need to implement these mechanisms and to ensure that authorities vested with these responsibilities did their job.

The fourth question was regarding the key benefits that employers would see for themselves from the ratification of these conventions.

Mr. Dias cited the example of a survey made by a Human Resources magazine about who was the best employer in India, in which the Google (Bangalore) was chosen has the best employer. An open challenge had been thrown after this to form a trade union in Google. The trade unions tried their best but did not succeed which Mr. Dias said indicated that if one worked for a company like Google one got everything one needed. "If the employer provides the employees with all that they needed, provided the needs are rational, all the problems are solved". Talking from a large sector perspective, Mr. Dias asserted that what the employers want was an amicable employer-employee relationship and at the same time the worker has to be respected.

Another question came from a gentleman from Uttarakhand who said that his State was becoming a hub of big companies but a majority of the workforce consisted of contract labour. He asked Mr. Dias the reason why these bigger companies were afraid of giving benefit to the workers.

Mr. Dias answered that employers were wary of employees calling strikes etc. and disrupting work and to avoid it they were hiring contract labour and not taking in permanent labour. In fact, labour was even being imported from China for the same reasons. He reiterated that trade unions needed to open up their mindsets further.

The next question raised was why 70 percent of employers in the pharmaceutical sector had

opposed trade unionism. The participant commented that the wariness of the employers to recognize employees contravened the Conventions 87 and 98 and reflected a dichotomy in the employers' stand on ratifications.

Mr. Dias replied that employees were not tools or property and this was what the employers believed clearly. But a medical representative or a sales representative worked unbridled on his own. In such a scenario, Mr. Dias commented that he failed to understand how the sales person was weak enough to need trade unions. He gave an example of his own experience in Punjab and said how the trade union of medical representatives which was very powerful had overwhelmed him. He said that the employers were not against trade unions but that they needed to make certain adjustments.

Another point that was raised was regarding the terrible work conditions at North Delhi Power Limited, which was a part of the Tata Group where worker satisfaction was zero. The participant stated that he had written to the Chairman addressing these issues but there had been no changes. Instead conditions remained the same if not worse, with cases charged against employees, bonus being withdrawn, and no leave sanction being given. He questioned how employers could claim they were concerned about the workers' welfare in such conditions.

Mr. Dias stated that if a Ministry sent a note, these problems would be addressed. Everything could be sorted out but it had to come from a proper forum. He reiterated that the main aim of the employers in supporting the ratifications was workers' satisfaction.

A participant then commented that the system of contract labour meant a lot of profit for the employers, since contract laborers did not get all the facilities accorded to permanent labour. Employees brought in from China could not be treated the way contract labour was treated. The participant also questioned as to why the same facilities were not given to Indian labour. He added that it was not mere discrimination but a fashion for employers to hire contract labour.

Dr. Sankaran addressing Mr. Dias then said that she wished the world was the way Mr. Dias made it out to be and employers the way Mr. Dias asserted they were. Dr. Sankaran stated that Convention 87 requires that everybody should have the right to form a Trade Union. She said that most of us had grown up in a world where a government job was preferred to other jobs. Despite the Google-like fantasy world, trade unions were preferred. Because if Google's stocks crumbled, it affected job security. She added that the trade union movement needed to be more vibrant. There have been instances in which defamation cases were filed against trade unionists like the one in which a Dutch Minister had to intervene. Dr. Sankaran commented that it was the contract labour sector that was booming and that the Commonwealth Games 2010 was a good example of how labour laws were completely violated with almost 42 workers dead till date. The trade unions had to fight even more for their rights within the workplace. She said that the voice of the worker had to be felt in other forums as well. She concluded by saying the ratifications of C 87 and C98 would not come without a struggle for which the trade unions must be prepared.

Session 9: Report back

The session was chaired by Mr. Ariel B. Castro, Senior Specialist, ILO and saw the three groups formed in Session-7, giving a report of their discussions and conclusions during the group work.

- **Group I: Public Sector and Transport**
Importance of Conventions 87 and 98 to Public Sector and transport

- Right to Association for government employees - They should also get the opportunity to voice their opinions.
- Enforcement and implementation of laws in conformity with international labour standards - only then labourers in India would get rights on par with workers in other countries that have implemented the ratifications.
- Procedures for recognition of unions
- Collective Bargaining mechanisms- demands could be placed and relevant measures taken.
- Addressing union discrimination
- Improved social & economic status to workers - that is more income and better access to facilities.
- Better labour – management relationship- leading to increased productivity as a result of worker satisfaction.

Steps to be taken by Unions

- National Centers to come together on this issue forgetting internal disputes.
- Study/Research on reasons of government not ratifying Conventions 87 & 98
- Running awareness camps for leaders & activists
- National campaigns for ratification
- Political Lobbying
- Time frame for government (linked with Millennium Development Goals - 2015)

Actions by Employers

- Realize the importance and advantage of ratification of core conventions
- Adhering to National Laws

Actions by Labour Department / Parliament

- Continued discussions with the stake holders
- Time-bound action program for ratification
- Initiate changes to national laws

Actions by ILO

- Continued pressure on government
- Technical Assistance (global information about benefits)

-
- Assistance to workers on awareness programs, campaigns at grassroots level

- **Group II: Industry, Manufacturing and Emerging Sectors**

Why it is important to Ratify ILO core conventions?

- Ratification would provide a base to create national labour legislation that would immensely help all workers to exercise the right to Freedom of Association and Collective Bargaining without any hindrance.
- Right to Freedom of Association and Collective bargaining is meaningless without the ratification of ILO core conventions - C87, C98.
- It would also make it mandatory for the all employers to recognize trade unions. Specifically, multinational companies would recognize the workers' right to Freedom of Association and Collective Bargaining.
- It would also help a large number of workers engaged in the unorganized sector, disguised employment and migrant workers, contract workers and self employed workers to get their due.
- It would also help a large number of workers engaged in EPZ / SEZ and IT industries to exercise the right to Freedom of Association and Collective Bargaining.
- It would help in better implementation of existing national laws and improve the national labour standards.
- It would also help in total abolition of child labour.
- It would help to achieve overall economic development, promote harmonious industrial relations in the country.
- It would provide social and economic protection to the working class of the country.

Steps to be taken by Unions

- Trade unions should put up a united front to pressurize the government for the ratification of ILO core conventions.
- Trade unions should also engage with Members of Parliament and members of Legislative Assembly.
- Trade unions should work towards strengthening their political power and engage in organizing workers at grass root level.
- Trade unions should also take forward the message of ILO core conventions and the benefit of ratification to the rank and file at all levels.

Actions by Employers

- Employers need to recognize and accept the basic workers' right to Freedom of Association and Collective Bargaining and realize that it would help to promote industrial peace and positively influence the profit of the organization.

Actions by Labour Department / Parliament

- The Government of India should immediately ratify all ILO core conventions and enact appropriate legislations to implement them

Actions by ILO

- The ILO should provide technical assistance and help the Government to ratify and implement ILO core conventions.
- The ILO should also , consistently provide, technical assistance and guidance to trade unions and help them to effectively exercise their right to Freedom of Association and Collective Bargaining

- **Group III: Agriculture, Informal and Rural Workers**

Why it is important to Ratify ILO core conventions?

- Ninety three per cent of the workforce is shut out from all sorts of social security and through ratification there could be some relief to the informal sector workers in the country

Steps to be taken by Unions

- There should be joint struggle by all the National Trade Union Centers to pressurize the Government to ratify the core conventions for the benefit of the working class of the country

Actions by Employers

- Employers should provide some guidelines to their local units to provide adequate security nets to the workers under their jurisdiction and maintain labour standards at the workplace

Actions by Labour Department / Parliament

- The Government should ensure implementation and proper monitoring of the Unorganized Workers' Social Security Act, 2008 as passed by the Parliament
- Ratification of core conventions could be an agenda for tripartite level meetings convened by the Government of India.

Actions by ILO

- ILO could support the workers' organizations to have awareness programs and seminars to educate the working class about their rights and importance of ratification of core conventions

Mr. Castro closed the session by thanking the speakers and saying that all the reports reflected the beginning of a strong belief in the ratification process.

DAY III: 26 August 2010

Session 10: “The Role of Trade Unions and Labour Rights in India- Presentations from Trade Unions (INTUC, HMS, AITUC, BMS, CITU)

The day started with the presentation of the Conference Resolution given in the Annexure by Ms. Christine Nathan. Mr. Ariel Castro chaired the session and welcomed the Central trade union leaders for their presence and requested them to give their presentations on the role of trade union and labour rights in India.

AITUC- Mr. S.N. Thakur

Mr. S.N. Thakur lauded the Conference Resolution but added that the terminology used in the Resolution was not suitable and it seemed to indicate that informalisation had become necessary. He emphasized that there was a need to put some restraint on the policy of the Government that had promoted informalisation. He also questioned the time frame asking why there was a need to wait for 2011 or 2012 and why these ratifications could not be implemented in 2010 itself.

Mr. Thakur said that ratification was necessary, but legislation that was in practice in India was too inadequate. For instance, there is no compulsory recognition under the Trade Unions Act and so the enforcement of rights and the implementation was not adequate. He stated that the lacuna in the existing laws regarding the recognition of trade unions needed to be looked into.

BMS- K.L. Patela

Mr. K.L. Patela said that much had not been said on the implementation of the laws in the resolution. He also pointed out that Conventions 87 and 98 would have got more importance than the other two conventions during the discussions held on the first and second days. He added that the conventions should get recognition in 2010 itself even if the other two get delayed a little. He also said that the representatives of the Government of India had made certain commitments at the conference and had they been political statements there would have been some announcement at the conference itself, which did not happen. He hoped that the Government would be true to the commitments that they made.

CITU- Mr. Tapen Sen

Mr. Tapen Sen began by saying that the ILO Core Conventions were core to the issue of workers' rights. Unless one had the right to represent, number of laws became meaningless. Mr. Sen commented that as far as other laws were concerned there was a system but in the case of labour laws, their violation was not considered an offence serious enough. The right to be recognized would at least empower the workers to represent themselves and give them a platform to voice their problems.

He welcomed the positive development taking place and stressed on the need to ensure elimination of decent work deficit. He also said that dialogue was a two-way affair and although the workers were willing to have dialogue with the employers, the latter did not come forward. There were hundreds of instances in which employers refused to talk to the unions. The right to recognize unions must be made mandatory as workers were currently disempowered to even talk about decent work. Mr. Sen pointed out that employers denied rights on the plea of competitiveness and that informalisation not being an automatic phenomenon presupposed exploitation of the blood and sweat of the workers and unions. He was of the opinion that trade unions had a big role to play and needed to forget internal differences and come together to bring about a change. Mr. Sen also said that the CITU appreciated the Government for whatever they had done but remarked that many more remained to be done. The Government should do the needful at the earliest, he said.

HMS- Mr. R.A. Mittal

Mr. R. A. Mittal talked about the role of trade unions and labour rights. He said that the basic human right was to live, which covered employment, decent work conditions, decent wages, education and what not. However, this was something that was available to the small section of organized sector workers but not to the unorganized sector workers. The reason for this, according to Mr. Mittal, was that organized sector workers had the Right to Freedom of Association and Collective Bargaining while the unorganized sector workers did not. He commented that unorganized sector workers were getting lower than minimum wages and that although efforts were being made, it was not to the required extent.

Regarding the system of verification of trade unions, Mr. Mittal was of the opinion that it had seen some improvement and that efforts had started. He said that these issues had been raised regularly and discussions held at the highest forum but unfortunately the desired results could not be achieved and the unions kept changing the agenda without achieving results. His suggestion was that instead of repeatedly changing the agenda, one item should be taken up at a time for emphasis. Mr. Mittal added that the trade unions were divided currently and needed to come together for this common cause. He outlined three important issues viz. unorganized workers, social security and implementation of labour laws. Commenting on the ratified conventions he said that since laws had been made but regularly violated, implementation ought therefore to be, the key concern. He also said that the Labour Secretary gave assurance regarding the ratifications but the laws could not be implemented without the approval of the Cabinet Committee in which the Labour Minister was not a part. Mr. Mittal concluded by saying that he appreciated the resolution and gave assurance on behalf of all trade unions that they would work together on all these issues.

INTUC- Mr. Chandra Prakash Singh

Mr. Chandra Prakash Singh began his presentation by talking about the condition of workers in India. He said that despite having so many legislations, the condition of workers in the country was

far from satisfactory. His suggestion was that segments like the unorganized sector and rural workers had to be addressed separately. He pointed out that there was no example of violators of labour law being sent to jail. He said that sixty years had already passed after independence and no steps had been taken to secure workers' rights and a time frame had to be given, as stated in the resolution.

He asked as to why despite contributing to the country's GDP growth workers were not given a share of the profits and said that it was injustice. Mr. Singh also said that it took a long time to legislate and added to that enacted laws were hardly implemented, so the key issue was implementation as far as the ratifications were concerned. He added that the process of making trade unions in the country was an arduous one, especially in multinational companies, where workers lost their jobs for forming and joining a union. He asserted that it was thus crucial that workers' participation in management be included in the resolution and if a worker was punished or lost his job, the process of obtaining justice should be made more accessible and time bound. He concluded by stating that INTUC was prepared to work together with all the other unions and extended full support to the resolution and to the ILO.

Ms. Christine Nathan rounded up the session by thanking all the speakers for their valuable inputs and suggestions and added that the time frame was decided after much deliberation, while keeping in mind the methods and processes carried out for ratification and was not an off-hand decision. She commented that launching a task-force for the responsibilities that had been taken up would be a major task. Mr. Castro then commended all the speakers for the fruitful discussions and closed the session.

Session 11: Address by Mr. Mallikarjun Kharge, Minister of Labour and Employment, Government of India

Mr. P.J. Raju, Secretary INTUC was on Chair and invited Mr. Ashok Singh, Vice President of INTUC, to welcome the Hon'ble Minister.

Mr. Ashok Singh welcomed the Minister with a floral bouquet on behalf of all present and spoke about Mr. Kharge and stated that he was very unassuming, committed to the welfare of the working class. To his credit he has introduced many social security measures to the workers during his tenure. The Chair then invited Mr. Dan Cunniah to speak on his observations about the three days' conference.

Mr. Dan Cunniah began by saying that ILO was very pleased to be associated with the central trade unions to organize this conference on ratification of ILO Core Conventions and also their implementation. He said that the discussions were very fruitful and all the participants had emphasized on the importance of the Core Conventions and on the need to ratify them at the earliest while expressing anxiety about the delay in ratifying the remaining four conventions. Mr. Cunniah asserted on the importance of Freedom of Association, the freedom to form trade unions

of one's choice in all sectors of the economy and fair distribution of income. He commented that India was yet to make this a reality in law and in practice and added that ILO was prepared to assist in helping the Government to look at the gaps still remaining in implementation of these fundamental workers' rights. He concluded by appreciating the fact that all the trade unions decided to come together to work for this.

Mr. Mallikarjun Kharge, Hon'ble Minister of Labour & Employment said that India being one of the founder members of ILO, appreciated the role played by trade unions in promoting the rights and interests of workers. He said that the Government believed that the Right to freedom of Association and Collective Bargaining could be effectively used through fruitful involvement of trade unions. He stated that the Government had already ratified four of the eight Core Conventions and was not able to ratify Conventions 87 and 98 only due to technicalities as it involved one particular group, that is, the Government employees. Mr. Kharge also said that Conventions 138 and 182 were in the process of being ratified and the Government was pursuing a sequential approach and was closely examining the technicalities. He asserted that the objective of the Government was to reach everyone.

Mr. Kharge said that the Constitution provided for the banning of employment of children below the age of 14 and that employment of children was banned since 2006. He added that proper implementation of legislations was being pursued at National and State levels. He pointed out that the UPA Government had confirmed the Right to Education as a Fundamental Right under the Constitution and the Right to Free and Compulsory Education Act came into being in 2010. The Free Mid-Day Meal Scheme had also been implemented. In addition, the Government had created a National Social Security Fund for informal sector workers and the Mahatma Gandhi Rural Employment Guarantee Act was being implemented by the Government to increase self-reliance. He concluded his speech by saying that improving working conditions was essential to any economy, especially to a developing economy as that of India.

Mr. P.J. Raju thanked the Honourable Minister for accepting the invitation of INTUC to address the conference inspite of his busy schedule as Parliament session was on and conveyed his gratitude for the inspiring speech and the pursuance of the Government for early ratification of the Core Conventions and invited Mr. Ashok Singh to hand over the conference resolution to the Minister.

Closing Session

Mr. Ariel Castro began the closing session by commenting that a conference resolution had been produced but there had to be a formal presentation to the Ministry as well. He invited Ms Tina Staermose, Director- ILO Delhi Office, to say a few words.

Ms. Tina Staermose started by expressing her happiness on seeing a room full of extremely active trade unionists. She said that tripartitism was as important as it was for trade unions to come together

on one platform. Equally important it was to get the platform to have a dialogue with the Government and employers, she said. She commented that while considering the decent work agenda, which the Minister himself had talked about, it was crucial to keep the informal sector in mind and to ensure that a bulk of the informal workforce was engaged and involved. Ms. Staermose thanked the organizers on behalf of ILO and added that what was important now was to keep up the team work and move forward.

Mr. Dan Cunniah was invited to give the concluding remarks and he said that one very positive element emerging from the conference was the maturity shown by the central trade unions of the country in coming together as a shared front for common issues. He commented that the trade unions had understood the meaning of unity and standing together to protect the rights of workers. He also spoke about the possibilities for the Government of India to ratify and implement the Core Conventions and the political will of the Government to ratify all conventions at the earliest. Mr. Cunniah pointed out that it was the responsibility of the ILO and the trade unions to make the Government respect its commitments as there was a very clear political assurance from the Government. He added that the trade unions must work together towards the implementation of the conference resolution and also said that the resolution must be translated into other languages to make it more accessible to a wider section and so that it might become a plan of action for securing workers' rights.

Mr. P. J. Raju closed the session by thanking one and all for making the conference a success. He thanked the senior leaders who attended the inaugural session, all central trade union leaders for their presentations, the panelists, the team of ILO, Ms. Ramapriya Gopalakrishnan for preparing the conference background paper, the Global Union Federations, the Hon'ble Minister for Labour, the staff of India Habitat Centre and all the participants for attending the conference.

ANNEXURE

1. Conference Agenda
2. Conference Resolution
3. Opening Remarks - Dan Cuniah
4. Power Point Presentation by Ms. Ramapriya
5. Powerpoint Presentation by Karen Curtis
6. ILO Conventions Ratified by India.

ANNEXURE 1

CONFERENCE AGENDA

S. No.	Time	Session Particulars	Panelists / Facilitators
24th August 2010 (Tuesday)			
1	09.00	Registration	
2	09.30	Session - 1: Inaugural Session	Chair: Mr. N. M. Adyanthaya
3	10.30	Tea / Coffee Break	
4	11.00	Introductory Addresses by Panelists	1. Mr. Sanjeeva Reddy 2. Mr. Andre Bogui 3. Mr. Noriyuki Suzuki 4. Mr. Dan Cunnaiah 5. Mr. P.C. Chathurvedi
5	11.30	Session - 2: Conference Overview	Mr. P.J. Raju
6	11.45	Session - 3: Presentation on “Challenges, Prospects and Opportunities of Ratification of the ILO Core Conventions in India”	Ms. Ramapriya Go palakrishnan
7	13.00	Lunch Break	
8	14.00	Session - 4: Presentation on “Respect for Fundamental Workers’ Rights: A key goal for a new global economic order”	Mr. Dan Cunnaiah
9	16.00	Tea / Coffee Break	
10	16.30	Session - 5: Plenary Discussions & Conclusion of the day	Facilitator : M s. Veena Singh, Chairperson, INTUC, Women’s Wing

S. No.	Time	Session Particulars	Panelists / Facilitators
25th August 2010 (Wednesday)			
11	09.30	Session - 6: Presentation on 'Achieving Decent Work and Sustainable Development through Fundamental Workers' Rights'	Mr. Karen Curtis
12	11.00	Tea / Coffee Break	
13	11.30	Session - 7: Group Work • Group -I : Public Sector and Transport • Group -II: Industry, Manufacturing and Emerging Sectors (IT, EPZs etc .) • Group -III: Agriculture, Informal and Rural Workers Group Work Questions: Why do you think ratification of the ILO Core Conventions is important and beneficial in the sectors that you belong to? Give your reasons. • What according to you, should be done in this regard: a) By trade unions b) By employers c) By the Government (Ministry of Labour, Parliament, etc) d) By the ILO	
14	13.00	Lunch Break	
15	14.00	Session - 8: Panel Discussion - The Economic, Social and Political Dividends of Fundamental Workers' Rights	Moderator: Ms. Susamma Varghese, NPM, ILO-Chennai Panelists: Dr. Kamala Sankaran, Delhi University Mr. Michael Dias, Employers' Group
16	15.30	Tea / Coffee Break	
17	16.00	Session - 9: Report Back on Group Work (Session - 7)	Chair: Mr. Ariel B. Castro, Senior Specialist on Workers

S. No.	Time	Session Particulars	Panelists / Facilitators
		Conclusion of the day	Activities, ILO -New Delhi
26th August 2010 (Thursday)			
18	09.30	Session - 10: Presentation of Resolution	Ms. Christine Nathan
19	10.00	Session - 11: Presentations from Trade Unions	Mr. S.N. Thakur Mr. K.L. Patela Mr. Tapan Sen Mr. R.A. Mittal Mr. Chandra Prakash Singh
20	11.00	Tea / Coffee Break	
21	11.30	Session - 12: Address by Hon'ble Minister of Labour and Employment	Mr. Mallikarjun Kharge
22	12.00	Session - 13: Closing Remarks	Mr. Ariel B. Castro Ms. Tine Staermose
23	13.00	Vote of Thanks	Mr. Dan Cunnaiah

ANNEXURE 2

National Trade Union Conference on the Ratification of ILO Core Labour Standards 24-26 August 2010, New Delhi

CONFERENCE RESOLUTION

The INTUC with the support of the ILO/ACTRAV together with the other central trade unions convened a National Conference on the Ratification of the ILO Core Labour Conventions from 24-26 August 2010 at the India Habitat Center, New Delhi. The Conference adopted the following resolution.

Whereas, the major central trade union organizations in India and the Global Union Federations (GUFs) attending the conference including the INTUC, HMS, CITU, AITUC and BMS place on record their appreciation of the Government of India for having ratified four (4) of the fundamental Conventions (C29, C100, C105, C111); The participants also note with interest the announcement of the Government of India to ratify Convention 182 in the next few months and the announcement that India is considering the early ratification of Convention 138 as reflected in the inaugural address by Mr. P C Chaturvedi, Secretary of Labour, Government of India

Welcoming the positive and open minded attitude of the Government of India towards the ratification of Conventions Nos. 87 and 98 as reflected in the inaugural address of the Secretary of Labour who stated as follows:

“At the earliest, we would like to ratify the remaining four ILO core conventions. India would not like to be a defaulting member.” “The Government of India is willing to sit together with the ILO and hold tripartite discussions to find a way forward towards ratification of the remaining fundamental conventions at the earliest possible time;3”

Recognizing that the ratification and implementation of the remaining four ILO fundamental Conventions is of paramount importance from the point of view of achieving the goals of the Decent Work Agenda in respect of which there has been an international consensus among all the social partners

Considering the increasing difficulties in the exercise of freedom of association and collective bargaining rights by workers in all sectors in India, the participants expressed their anxiety at the delay by the Government in ratifying Conventions Nos. 87 and 98 and they insisted that an early ratification of Conventions Nos. 87 and 98 is necessary to ensure that the trade union rights of all workers are effectively protected, in the public and private sectors, including those employed by multinational enterprises and foreign companies.

Whereas, considering that the Government should be more proactive in guaranteeing effective legal protection to combat the rise in the informalization and the contractualization of the workforce and disguised and precarious employment in India, ratification of Conventions Nos. 87 and 98 is of utmost importance to ensure that contract workers and informal economy workers can fully exercise their freedom of association and collective bargaining rights;

Whereas, the ratification of Conventions Nos. 87 and 98 is important to ensure that government employees have freedom of association and collective bargaining rights under the law as well as in practice;

Whereas, the ratification of Conventions Nos. 87 and 98 is also important from the point of view of full exercise of the freedom of association and collective bargaining rights by all workers in the agricultural sector including migrant workers, seasonal and landless workers;

Acknowledges that **the ratification of Conventions Nos. 87 and 98 would help in ensuring the effective recognition of representative trade unions which is essential for promoting industrial harmony and the avoidance of labour management conflicts and thereby improve the economic performance of the country;**

Considering that India as a founder member of the ILO, the largest democracy in the world, an emerging economic power that is part of the G-20 group of countries and also of the BRIC countries needs to take the lead and set an example by ratifying all the eight fundamental Conventions;

Recognizing that it is necessary for the Government of India to pursue the goal of social justice along with that of economic development and the creation of quality employment through the ratification of the fundamental Conventions and the effective implementation of the national laws;

Recognizing the fact that the rights guaranteed under all the eight fundamental Conventions are interrelated, and considering that these are key in combating gender discrimination including gender disparity in wages and other forms of discrimination;

Therefore, the participants from the central trade union organizations attending the conference call upon:

The **Government** of India to ratify ILO Conventions Nos. 87 and 98 concerning the freedom of association and collective bargaining rights of workers at the earliest to ensure that the freedom of association and collective bargaining rights of all workers in India including rural and agricultural workers, workers in the construction, manufacturing and service sectors including workers in small scale industries, contract workers, informal economy workers, migrant workers, public employees and workers, SEZ workers and workers in the IT sector is protected under the law as well as in practice.

The **Government** of India to ratify ILO Conventions Nos. 138 and 182 concerning the elimination of child labour at the earliest so as to ensure the full development of all children in the country and the effective implementation of the Millennium Development Goal on Education For All.

The **Government** of India to convene without delay the **tripartite Committee on Conventions in order to formulate** a time-bound roadmap containing the commitment of the social partners for the ratification of the fundamental Conventions and set the time frame for the ratification, as follows:

Convention No. 182 at the latest by December, 2010,
Convention No. 138 at the latest by December, 2011
Conventions Nos. 87 and 98 at the latest by June, 2012

The participating central **trade union organizations** to establish a task force which will be a united front to launch and monitor campaign activities for the ratification of the fundamental Conventions that India is yet to ratify.

The **ILO** to provide assistance to the Government in identifying **the gaps in the law and in practice in relation to the ratification and the application of** these fundamental Conventions and facilitating the review of possible solutions; provide support as requested to the tripartite discussions and assist the social partners in their full understanding of the benefits of ratification and in resolving any differences.

Adopted on 26 August, 2010
New Delhi, India

ANNEXURE 3

OPENING REMARKS BY DAN CUNNIAH

24 August 2010
New Delhi, India

Mr. Chaturvedi, representing Honourable Minister of Labour & Employment;
Brother Noriyuki Suzuki, General Secretary, ITUC-AP;

Brother G. Sanjeeva Reddy, Honourable Member of Parliament & President, INTUC;

Brother Adyanthaya, INTUC Vice President and Workers' Group member of the ILO Governing Board

Mr. Andre Bogui, Officer in charge of the ILO Country Office in India

My colleague, Karen Curtis, Deputy Director of the Standards Department,

ILO colleagues

Brothers and sisters from the Trade Union Movement in India gathered today

At the outset, as we are celebrating Raksha Bandhan, let me congratulate all the brothers and sisters and wish them a very happy Raksha Bandhan day. I bring you also greetings from the Director-General of the ILO, Mr. Juan Somavia. Allow me also to congratulate the Indian National Trade Union Congress (INTUC) led by its President, Brother Sanjeeva Reddy for spearheading this very timely conference together with the other national trade union organizations. I congratulate all of you for undertaking bold steps and contribute to efforts to secure better respect for fundamental rights of workers. Indeed, daunting social and development challenges remain but I believe that the trade unions in India have found strength and solidarity to address these despite adversities.

I am also happy that trade unionists from all over India have positively responded to this important event which takes place a week after the 63rd National Independence Day. Independence day celebrations remind us of the freedoms that we enjoy and the struggles that have been waged to win them. This inspires us to continue the struggle to not only preserve the rights that we have acquired but to extend these rights to all and to realize new ones.

I am confident that this conference can positively contribute and pave the way to secure full respect and adherence to the core international labour standards in India. I remember that when the late Prime Minister Rajiv Gandhi addressed the International Labour Conference in Geneva in 1985, he was quite emphatic about how “the protection of the rights of workers (has) formed an integral part of the design and development of India.”

I hope our discussions can find out, 25 years after late Prime Minister Gandhi made that statement and with the present economic miracle unfolding in India, whether the guarantees for the full exercise and protection of workers' rights are present in the country. A big source of concern is that major economically important and highly populated member States such as Canada, Korea, the United States, India, China and others have still not ratified the core conventions of the ILO on freedom of association and collective bargaining and on the elimination of child labour.

Given that the G20 group of countries, of which India is a member, highlights the importance of ILO International Labour Standards, it would be logical to ask all G20 member countries to ratify at least the eight fundamental conventions of the ILO and apply them fully. The political will is the most important of all...where there is a will there is a way... once the Government has taken a decision to ratify, the ILO will do everything to help the government to overcome the difficulties or obstacles to ratification. The best example was the ratification by the United States under the Clinton Administration of ILO Convention 182 in a record period of time.

I expect this Conference to offer answers to this and what is way forward for trade unions in this area.

Friends, almost 61 years ago, workers and their trade unions throughout the world were at the center of attention. For the first time, in the ILO, the fundamental right to organize and bargain collectively was made universal through the adoption of Convention 98. Convention 98, together with Convention 87, which was adopted a year before, guaranteed workers and their trade union organizations the possibility of associating freely and taking collective action to defend economic and social interests but also the fundamental public freedom to exercise trade union rights. As we all know now, together with trade union action, the implementation of international labour conventions has paved the way for the exercise of rights to bring about better working conditions in line with human dignity.

But even 61 years after the two Conventions were adopted, difficulties and challenges remain. Of all the fundamental conventions, they are the ones that have been ratified the least.

Apart from the slow ratification, questions about the actual implementation of these two (2) core conventions are far from being satisfactory. For instance, of the 160 countries that have ratified Convention 98, the Committee of Experts on the Application of Conventions and Recommendations have made observations to at least 104 or nearly two thirds of the nations. But of course, there are factors that explain these difficulties which includes the profound transformation of the world of work that we have been witnessing for the past 20 years.

Hence, it is important that both the ILO and the Government of India should agree to have a joint review of the difficulties which might still impede the ratification of Conventions 87, 98, 138 and 182 and to find ways and means of addressing these difficulties.

With the rapid globalization process that have caused and engendered fiercer economic and commercial competition, along with the drive to reduce the role of the State and make way for the deregulation of the labour market and restructuring of the public sector, doubts were raised on the value and usefulness of labour standards. But the recent financial crisis is a powerful reminder that the contribution of the failed deregulatory and free market policies of the neo-liberal era will surely mean a return to the very same risky and unstable downhill race in wages and working conditions.

We see that some countries with highly-coordinated collective bargaining tend to be associated with lower and less persistent unemployment, lower earnings inequality, and fewer and shorter strikes than uncoordinated ones.

At the same time, there have been evidences based on numerous researches, the most prominent of which was done by the World Bank in 2004 which confirms that there is yet no systematic evidence that respect of rights to freedom of association and collective bargaining harm economic growth and performance. In fact, at micro level it can even direct the unions' efforts to the ultimate lasting source of their members' welfare: the firm they work for, ultimately, improving workers' standard of living required growth in productivity. Unions can help raise productivity in the workplace by participating with management in the search for better ways of organizing production.

This is why I believe that there are good reasons for ratification of the core Conventions notwithstanding the resolution of existing legal obstacles and correction of wrong perceptions. For one, the ratification of the ILO Core Conventions will give the Indian government an opportunity to stand tall in the eyes of the world. After all, it has a reasonable record of international human rights instruments, in particular the 1966 International Covenant on Civil and Political Rights as well as the 1966 International Covenant on Economic, Social and Cultural Rights which were both ratified in 1979.

Having said that, I hope that this 3 day conference ponders upon these issues and look at ways and means of integrating these in trade union campaigns and action. ACTRAV will be ready to hear and consider the proposals which will come out from this conference. I urge the INTUC and other trade union organizations' leadership to bring to my attention any issues which they think the ILO and ACTRAV can be of help.

I also welcome the united platform setup by the nine national centers and trade unions on the 14th September last year. This initiative demonstrates the maturity of the Indian trade union movement and I commend the vision of its leaders for forging this unity and solidarity among workers.

Let me also thank Ms. Ramapriya Gopalakrishnan for her excellent and interesting paper on "Challenges, Prospects and Opportunities of Ratifying Conventions 87 and 98 in India."

In closing let me borrow a phrase from a speech by the esteemed former President of India V.V. Giri when he quoted Mahatma Gandhi, in advising political and social workers:

“Whenever you are in doubt, or when the self becomes too much with you, apply the following test: Recall the face of the poorest and the weakest whom you have seen and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore in him over his own life and destiny? In other words, will it lead to Swaraj for hungry and spiritually starving millions? Then you will find your doubts self melting away.”

I hope these powerful words can guide us in our deliberations. I wish you a successful conference

Dan Cunniah
Director, ILO ACTRAV

ANNEXURE 4

Challenges, prospects and opportunities of ratification of the ILO Core Conventions in India

Presentation by:
Ramapriya Gopalakrishnan
Chennai, Tamil Nadu

The Eight fundamental conventions

- C.No. 87 - Freedom of Association and Protection of the Right to Organize Convention, 1974;
- C.No. 98 - Right to Organize and Collective Bargaining Convention, 1949;
- C.No. 29 - Forced Labour Convention, 1930;
- C.No 105 - Abolition of forced Labour convention, 1957;
- C.No 138 - Minimum Age Convention, 1973;
- C.No 182 - Worst Form of Child labour Convention, 1999;
- C.No 100 - Equal Remuneration Convention, 1951;
- C.No 111 - Discrimination (Employment and Occupation) Convention, 1958.

The Fundamental Conventions that India is yet to ratify

- C.No 87 - Freedom of Association Protection of the Right to Organize Convention, 1948;
- C.No 98 - Right to Organize and Collective Bargaining Convention, 1949;
- C.No 138 - Minimum Age Convention, 1973;
- C.No 182 - Worst Forms of Child labour Convention, 1999;

Rights guaranteed by Convention No. 87

1. The Right of Workers and Employers, without distinction whatsoever to form and join organizations of their own choosing without prior authorization;
2. The right of workers' and Employers' organizations:
 - a. To draw up their Constitutions and Rules;
 - b. To elect their representatives in full freedom;
 - c. To organize their administration and activities;
 - d. To formulate their programs;

3. Right against dissolution or suspension of their organizations;
4. Right of Workers' and Employers' organizations to establish and join federations and confederations. That in turn may affiliate with International organizations of workers and employers;
5. Right to strike.

Rights guaranteed by Convention No. 98

1. Adequate protection against acts of anti-union discrimination in respect of their employment;
2. Adequate protection for workers' and employers' organizations against acts of interference by each other in their establishment, functioning and administration;
3. Right to collective bargaining.

Relevant Declarations

- ILO Declaration of Fundamental Principles and Rights at work, 1998;
- Declaration on Social Justice for a Fair Globalisation, 2006.

Main supervisory body of the ILO

- Committee on Application of Conventions and Recommendations (CEACR);
- Special Supervisory Mechanism / Complaints Mechanism;
 - Committee on Freedom of Association (CFA)

Review of Indian Labour Laws

Relevant Constitutional Provisions

- Article 19 (1) (c) – Freedom of Association;

Related Rights:

- Article 19 (1) (a) – Freedom of Speech and Expression;
- Article 19 (1) (b) – Freedom of Assembly;
- Article 19 (1) (d) – Freedom of Movement

Relevant Central Labour Laws in India

- Trade Unions Act, 1926;
- Industrial Unions Act, 1947.

Trade Unions Act, 1926

- Provides for the registration of trade unions by workers as well as employers;
- Prescribes the particulars to be covered by Rules of Trade Unions;

- Affords protection to the office bearers and members of trade unions in respect of acts done in furtherance of the objects of the trade union or in furtherance of trade disputes;

Areas of concern

- Minimum Membership Requirement:
 - I. Section 4 -10 % or 100 workers engaged or employed in the establishment or industry with which the union is connected;
 - II. Section 9 a – At all times, a union shall continue to meet this requirement;
 - III. Withdrawal or cancellation of the certificate of registration of a union, if it ceases to meet this requirement.
- Restriction on outsiders holding office in the union:
 - I. Section 22 (2) – not more than one-third or one-fifth of the office bearers, whichever is less can be outsiders.
 - II. Section 22 (1) – in unions in the unorganized sector not more than half the office bearers can be outsiders.
- Discrepancy between the minimum age for entry into employment and minimum age for membership of trade unions.
 - I. Section 21 – only persons above the age of 15 years can be members of registered trade unions. However, the Child Labour (Prohibition and Regulation) Act, 1986 permits the employment of persons below that age.

Industrial Disputes Act, 1947

- Affords protection against acts of anti-union discrimination;
- Protects trade unions from acts of interference by employers and their organizations;
- Recognizes the collective bargaining rights of workers;
- Recognizes workers' right to strike.

Protection against acts of anti-union discrimination

- Sections 2 (ra), 25-T, Part I of the V Schedule;
- Part I not exhaustive;

Protection for Trade Union Officials:

- Section 33;

Sanctions:

- Section 25 U – Penalties;
- Section 34 – Prosecution.

Means of redress

- Section 2 (k) and 2 – A;
- Section 10 – recommendations of the CFA in case No. 2228 & 2512;

Reinstatement:

- Section 11 – A;

Protection against acts of interference:

- Part I of the V schedule – Not exhaustive

Right to strike

- Sections 22 to 24;
- Items 4 (b), 8 and 12 of part I of the V schedule.
- Section 22 – restrictions on the right to strike of workers in public utility services;
- Sections 23 – restrictions on the right to strike during the pendency of conciliation, adjudication and arbitration proceedings and
- During any period in which a settlement is in operation;
- Section 10 (3), 10 (4A) – issue of prohibitory orders by the Government;

Unfair Labour Practices under the schedule:

- Item 4 (b) – Dismissing a workman for participation in a strike;
- Item 8 – Insistence on workmen who are on a legal strike to sign a good conduct bond, as a pre-condition to resume work;
- Item 12 – to recruit workmen during a legal strike.

Areas of concern

1. Wide definition of public utility services;
 - Recommendations of the CFA in case No. 1890;
2. The possibility of imposition of penal sanctions on workers, on account of restrictions on the right of strike, that are not in conformity with freedom of association principles.

Collective bargaining rights

- Sections 2 (p), 18 and 19 of the Industrial Disputes Act, 1947
- Item 1, Part I of the V Schedule:
 - Refusal of the employer to bargain collectively with a recognized trade union is an unfair labour practice.

Legislative vacuum in respect of the issue of recognition by employers of representative trade unions

- No central enactment in India on the subject;
- A few states in India – Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, West Bengal and Andhra Pradesh have statutory provisions relating to the recognition of trade unions;

- Code of discipline;
- Recommendations of the CFA in Case Nos. 1517 and 2512 – The CFA has recommended that Government consider the adoption of legislative provisions laying down objective procedures for determining the representative status of trade unions and for the designation of the most representative trade unions, for collective bargaining purposes in consultation with workers' and employers' organizations.

Coverage of the laws

Industrial Disputes Act 1947:

- Applies to workers defined as “Workman” under section 2 (s) of the Act, employed in an industry as defined under section 2 (i) of the Act.

Categories of workers excluded from the scope of the Act

- Employers in the armed forces, police services and prison services;
- Managerial employees and supervisory employees performing duties mainly of a managerial nature;
- Agricultural workers;
- Domestic workers;
- Informal sector workers;
- Teachers;
- Workers excluded under section 36 – B;

Coverage of the Trade Unions Act:

- Extends to workers “employed in any trade or industry”;
- The term “industry” has been interpreted in the same manner as in the Industrial Disputes Act.

Government employees

- Employees of the Central Government are covered by the Central Civil Service (Conduct) Rules, 1964 and their associations are covered by the Central Civil Services (Recognition of Association) Rules, 1993;
- Conclusions and recommendations of the CFA in Case No. 2680 concerning the ALL Audits and Accounts Association, Kerala (ALAAK);
 - Denial of the right to set up trade unions with the result that their associations do not enjoy the same advantages and privileges as trade unions involves discrimination as against government employed workers and their organizations when compared with private sector workers and their organizations. Not compatible with Article 2 of Convention No. 87;

- Rule 5 (c) of the Central Civil Services (Recognition of Association) Rules, 1993 that restricts membership in a service association to a distinct category of civil servants having common interest, is contrary to freedom of association principles;
 - Rule 6(b) which provides that association may not espouse the cause of individual workers is not in conformity with freedom of association principles.
- **Conclusions in case No. 1817 where the provisions of the Central Civil Service (Recognition of Association) Rules, 1993 were examined by the CFA:**
 - The following rules are not in conformity with FOA Principles:
 - Rule 5 (c) restricting membership to a distinct category of government servants;
 - Rule 5(g) that prohibits retired and former employees from becoming members or office members of an association;
 - Rule 6 (g) as per which any amendment to the constitution or by laws of an association should be made only with the prior approval of the government;
 - Rule 6(h) which provides that an association shall not start or publish any periodical, magazine or bulletin without the previous approval of the government;
 - Rule 6(i) which provides that an association shall cease to publish any periodical magazine or bulletin if directed by the government to do so;
 - Rule 6 (j) which provides that the government shall not address any communication to, or enter into any correspondence with a foreign authority except through the government;
 - Rule 7 which stipulates that Verification by the government of membership shall be done by the check-off system in payroll, in such manner as the government may prescribe.

Right to Strike

- Rule 7 (ii) of the Central Civil Services (Conduct) Rules – no government servant shall resort to or abet any strike;

Conclusions of the CFA in Case No 2364:

- Public servants other than those exercising authority in the name of the state or in essential services in the strict sense of the term, namely, those services whose interruption would endanger the life, personal safety or health of the whole or part of the population, should have the right to strike.

Collective Bargaining Rights

- Article 6 of Convention No. 98 – the Convention does not deal with the position of public servants engaged in the administration of the State;

- Distinction to be drawn between public servants directly employed in the administration of the state, for example, civil servants and other persons employed by the government;
- The latter should enjoy collective bargaining rights;

Labour Relation (Public Service) Conventions (No. 151):

- Ratifying states should promote the development and utilization of machinery for negotiation and such other methods as will allow representatives of public employees to participate in the determination of the terms and conditions of employment in the public service.

Categories of employees who may be excluded:

- a. High level employees whose functions are considered as policy making or managerial and;
- b. Employees whose duties are of a highly confidential nature and;
- c. Armed forces and the police.

Collective Bargaining Convention, 1981 (No. 154)

- Applicable to all branches of economic activity;
- Public service – special modalities of application of the Conventions may be fixed by national laws or regulations.

Essential Service Maintenance Acts

- In force in different states;
- Empower the government to prohibit strikes in any essential service;
- The term “essential service” is generally defined in a wide manner;
- Penalties for participation in illegal strikes.

Conclusions and recommendations of the CFA in cases relating to ESMA:

- Case Nos. 1091 and 1100:
- The range of services described as “essential” is extensive;
- Recommended narrowing down of the list to “essential services” in the strict sense of the term;
- Penalties prescribed for participation in illegal strikes are severe and can hinder the development of harmonious industrial relations.

Case No.2364 relating to TESMA

- Public servants should also enjoy the right to strike;
- The right to strike could be restricted or prohibited only in the case of public servants exercising authority in the name of the State and in essential services in the strict sense of the term;

- In public services of fundamental importance and services which are not essential in the strict sense of term, but where the extent and duration of the strike might be such as to result in an acute national crisis, a minimum service may be requested, with the participation of the concerned trade unions.

Special Economic Zones Acts

- SEZs not exempted from labour laws;
- However, in some states, under SEZ related laws, the Development Commissioner of the SEZs exercises the powers exercised by Labour Commissioner.

Conclusions and recommendations of the CFA in Case No.2228:

- There could be incompatibility between the functions of the Development Commissioner and Grievance Redressal Office when performed by the same person;
- Recommended taking necessary measures to ensure that the functions of grievance redressal officer are performed by an independent person or body, having the confidence of all parties concerned.

FOA & CB Rights in Practice

- Wide spread acts of Anti-Union discrimination and acts of interference by employers in the functioning of trade unions;
- Failure of employers to recognize representative unions;
- By-padding representative to unions and entering into settlements with minority unions or individual workers;
- Failure, on occasion on the part of government to refer disputes for adjudication;
- Lengthy conciliation proceedings and adjudicatory proceedings - lack of any immediate relief for affected workers;
- On account of increasing 'informalisation' and casualisation' of the workforce and increasing contraction and subcontracting of work also, workers unable to form unions and exercise FOA & CB rights

India's stand on ratification of Conventions Nos . 87 & 98

- Not interested in formal ratification;
- Can ratify the Conventions only when implementation of the provisions is fully achieved in Indian law and in Practice;
- Ratification would involve the granting of union rights to government employees. This will affect their impartiality and political neutrality;
- Government employees in the country have fair working conditions and fair wages. They have alternative dispute redressal mechanisms such as the JCM and CAT;
- The guarantees of the two Conventions are by and large available to workers in India. National laws and constitutional provisions would suffice:

- Supervisory and managerial employees should not have trade union rights;
- Technical reasons: Ratification implies initiating cumbersome complex and relatively slow procedures.

Possible concerns from a economic perspective

- Its comparative advantage could be eroded;
- Trade and investment could shift in favour of countries with lower labour standards;

Consequences of India's continued failure to ratify the Conventions

- Increased attack on trade union rights and violation of labour rights;
- Continued industrial disturbance;
- Reputational costs;
- Undermines its credibility in the International arena;
- Indicates that India is not in sync with the international consensus on the need for observance of core labour standards to promote decent work.

Benefits of Ratification

- Would indicate India's commitment to the observance of internationally recognized core labour standards;
- Respect for core labour standards helps accelerate economic development;
- Core labour standards facilitate human capital development which is necessary to achieve long term growth;
- The role of trade unions can enhance productivity and efficiency;
- Would improve the law and practice on the subject and thus benefit both workers and employers;
- Economic, social and moral advantages.

What India would need to do now

- Reconsider its stand;
- View the issue from a fresh perspective and long term perspective;
- View the issue from a human rights perspective;
- Recognize that ratification would be in the interest of workers, employers and the Government;
- Make a time-bound commitment to ratify the Conventions as a matter of priority;
- This would be in consonance with its constitutional and democratic values.

ANNEXURE 5

FPRW, decent work and sustainable development

**Karen Curtis, Deputy Director,
International Labour Standards Department**

Other FPRW

- C87 and C98 – not yet ready to ratify; issue with public service statutory rules
- C138 and C182 – latter in the pipeline
- Ratification rate globally (183 MS):
- C87 (150), C98 (160), C138 (155) C 182 (172)
- Many highly populated states not among ratifiers Social Justice Declaration

Achieving an improved and fair outcome for all to meet the universal aspiration for social justice, reach full employment, ensure sustainability of open societies and the global economy, achieve social cohesion and combat poverty and rising inequalities

The fundamental values of freedom, human dignity, social justice, security and non-discrimination are essential for sustainable economic and social development and efficiency

Social Justice Declaration

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Global Jobs Pact

- ILS are the basis for rights at work and contribute to building a culture of social dialogue particularly important for finding appropriate and workable solutions in times of crisis. A key to sustainable economic development.
- Respect for FPRW critical for human dignity, recovery and development.

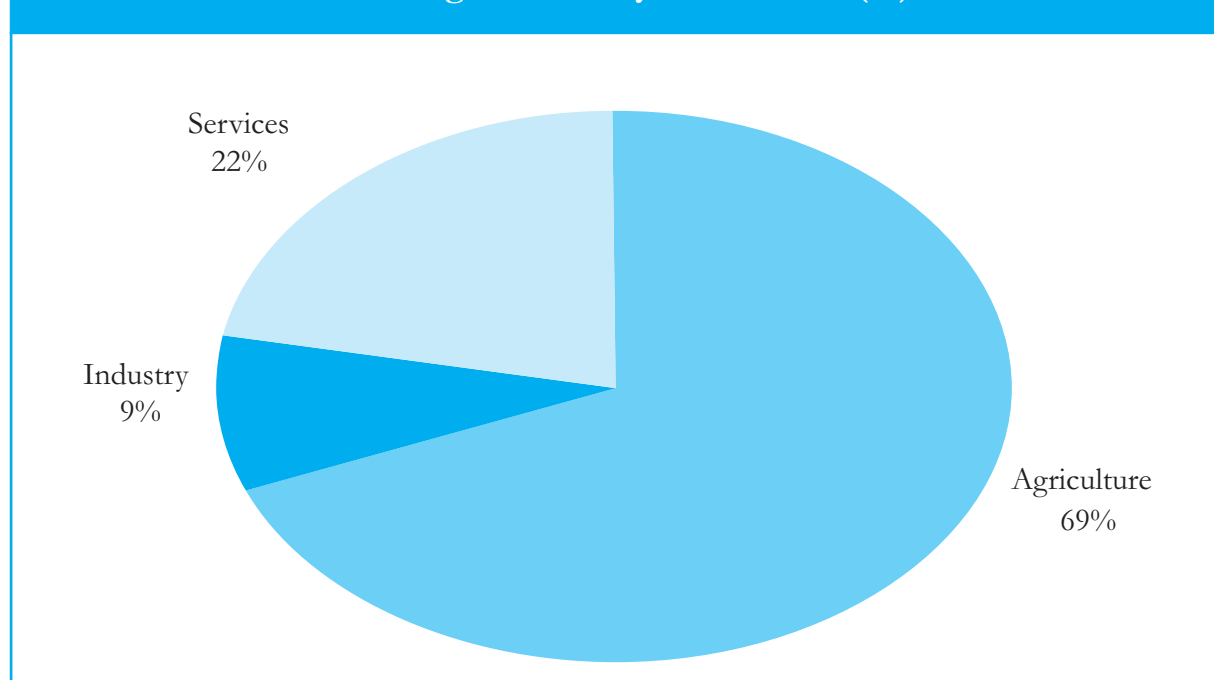
Rural Workers' Orgs C141

to develop free and viable organizations capable of
Imperative for rural workers to be given every encouragement protecting and furthering the interests of their members

and ensuring their effective contribution to economic and social development and their participation in effective implementation and land reform

- National policy shall facilitate the development and growth of such organizations and eliminate any obstacles
- Promote understanding of RWO role in improving employment opportunities, increasing national income and achieving better distributions RWO continued
- Ratified in 1977, 2 years after adoption
- Comments of CEACR only relate to specific groups drawn to its attention:
- Muster assistants, employees of Integrated Child Development Scheme, forest and brick making
- Trade unions can bring more information to CEACR in this regard and more globally

Working children by sector 2004 (%)



ANNEXURE 6

List of ILO Conventions Ratified by India

List of International Labour Organisation Conventions Ratified by India		
Sl. No .	No. and Title of Convention	Date of ratification
1.	No.1 Hours of Work (Industry) Convention, 1919	14.07.1921
2.*	No.2 Unemployment Convention, 1919	14.07.1921
3.	No.4 Night Work (Women) Convention, 1919	14.07.1921
4.	No.5 Minimum Age (Industry) Convention, 1919	09.09.1955
5.	No.6 Night Work of Young Persons (Industry) Convention, 1919	14.07.1921
6.	No.11 Right of Association (Agriculture) Convention, 1921	11.05.1923
7.	No.14 Weekly Rest (Industry) Convention, 1921	11.05.1923
8.	No.15 Minimum Age (Trimmers and Stokers) Convention, 1921	20.11.1922
9.	No.16 Medical Examination of Young Persons (Sea) Convention, 1921	20.11.1922
10.	No.18 Workmen's Compensation (Occupational Diseases) Convention, 1925	30.09.1927
11.	No.19 Equality of Treatment (Accident Compensation) Convention, 1925	30.09.1927
12.	No.21 Inspection of Emigrants Convention, 1926	14.01.1928
13.	No.22 Seamen's Articles of Agreement Convention, 1926	31.10.1932
14.	No.26 Minimum Wage -Fixing Machinery, Convention, 1928	10.01.1955
15.	No.27 Marking of Weight (Packages Transported by Vessels) Convention, 1929	07.09.1931
16.	No.29 Forced Labour Convention, 1930	30.11.1954
17.	No.32 Protection Against Accidents (Dockers) Convention (Revised), 1932	10.02.1947
18.@	No.41 Night Work (Women) Convention (Revised), 1934	22.11.1935
19.	No.42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934	13.01.1964
20	No.45 Underground Work (Women) Convention, 1935	25.03.1938
21.	No.80 Final Articles Revision Convention, 1946	17.11.1947
22. **	No.81 Labour Inspection Convention, 1947	07.04.1949
23.	No.88 Employment Services Convention, 1948	24.06.1959
24.	No.89 Night Work (Women) Convention (Revised), 1948	27.02.1950

25.	No.90 Night Work of Young Persons (Industry) (Revised), 1948	27.02.1950
26.	No.100 Equal Remuneration Convention, 1951	25.09.1958
27.	No.107 Indigenous and Tribal Population Convention, 1957	29.09.1958
28.	No.111 Discrimination (Employment & Occupation) Convention, 1958	03.06.1960
29.	No.116 Final Articles Revision Convention, 1961	21.06.1962
30.#	No.118 Equality of Treatment (Social Security) Convention, 1962	19.08.1964
31.@@	No.123 Minimum Age (Underground Work) Convention, 1965	20.03.1975
32.	No.115 Radiation Protection Convention, 1960	17.11.1975
33.	No.141 Rural Workers' Organisation Convention, 1975	18.08.1977
34.	No.144 Tripartite Consultation (International Labour Standards) Convention, 1976	27.02.1978
35.	No.136 Benzene Convention, 1971	11.06.1991
36.##	No.160 Labour Statistics Convention, 1985	01.04.1992
37.	No. 147 Merchant Shipping (Minimum Standards), 1976	26.09.1996
38.	No.122 Employment Policy Convention 1964	17.11.1998
39.	No.105 Abolition of Forced Labour, 1957	18.05.2000
40.	No.108 Seafarers' Identity Documents Convention, 1958	07.01.2005
41.	No.174 Prevention of Major Industrial Accidents	06.06.2008
42.	No. 142 Human Resources Development	25.3.2009
43	No. 127 Maximum Weight	26.3.2010
Protocol 1	P89 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948	

