

## Lost Alternatives

Ismail Chaudhury

Working people throughout the country feel betrayed by the government and their leaders as well. The easiest way for established central trade unions to silence their critics is to say it's the global phenomenon and they have virtually nothing to do. The left's policy on the key issues affecting labour is no different from those of the political right. This strategy of inaction is a virus that is destroying the energy in the streets. Nothing could be more damaging to the cause of labour and labour organising. All are interested in bailing out business magnates, not labour.

True, American meltdown has created a chain reaction. And everyone is reacting to spontaneity. Good days or bad it is America that sets the global economic agenda. For third world economies they have no option but to follow what America is doing-or not doing to tide over the crisis. No doubt recession has dampened the spirit of Indian reformers. They are less enthusiastic these days to aggressively pursue their reformint programme to reach the sky. Euphoria over SEZ is not that all-pervasive as it was even three or four years ago. Recession has its impact on every aspect of the economy. Despite massive concessions in terms of stimulus and guarantee of slave-labour regime no Indian miracle is in sight.

Even the much talked about Chinese miracle is no longer in the news. And labour has been disproportionately affected by the Government's one-sided approach to the crisis. But labour has been docile since the 1980s when meltdown was not the buzz word. Even in the West labour power is a thing of the past though labour and social-democratic parties continue to dominate political scenario in some countries. Crisis or no crisis labour organising in most third world countries including India has been in total disarray for more than three decades. No labour militancy is reported from any segment of Indian industry.

All are talking about job losses but those who are still somehow in job, are in no position to protect their hard-earned rights. They are being asked explicitly—or by implication, to sacrifice. Labour is singularly identified for all the ills affecting the industry though it has never been proved by crisis managers that labour is responsible for sickness of the industry even in areas where labour militancy gets undue attention. Official response to the crisis situation is always aimed at bashing labour by abolishing whatever remains of labour welfarism in old statues. Due to continued shrinkage of legal space statutory safeguards otherwise binding on all employers seem meaningless. Under such circumstances labour organising obeying existing laws is becoming more difficult than ever before.

The major issue that has been haunting labour organisers since the 1990s is how to keep trade union activities alive while confronting the impact of globalisation. All central trade unions show declining trend in membership. What is shown in annual return doesn't reflect the reality. At the plant level, labour unions, left and right alike, are in the wilderness, having no idea as to how to agitate against the systematic onslaught of management. Workers are being bombared with stereotypes and they simply do not get motivated.

Given the financial turmoil and world-wide sluggish nature in industrial activity, traditional approach to labour-organising seems too inadequate, if not ineffective, to address the problem. Placing charter of demands periodically, issuing legal notice for strike, wild-cat strike, go-slow, sit-in, work to rule—all seem to have become redundant. Employers these days ignore anything legal and labour unions that solely rely on legalism simply move in a circle. The government has virtually created a *lessiez faire* atmosphere for investors. They are not satisfied with it, they want more—a Dickensonian labour camp. Only there is no Charlie to produce another 'Modern Times'.

True, old forms of labour organising are ineffective but new norms are not emerging. Many are in search of them without any success. Nor will trade union bureaucracy reform itself so easily to get rid of traditional approach of bargaining across the table. Because of in-built weakness of labour movement state intervention was seen in the yester years as a viable mechanism to resolve labour-capital conflict and increase trade union consciousness among backward workers. But state intervention is minimal today and it actually strengthens investors' efforts to cripple labour movement.

Even in the 1960s labour tribunal used to play a significant role in resolving some critical industrial disputes despite its time-consuming exercise. It's no more. It has become so counter-productive that workers decline to go to tribunal, apprehending unnecessary harassment and no real monetary benefit at the end. Also, what has been the main drawback of labour tribunal since the fifties is its implementation aspect. Tribunals quite often pass pro-labour awards but the government has no proper machinery to implement them. Nor will the government prosecute erring employers though provisions are there. As a result workers do not gain much from favourable judge-ments. This writer once fought tooth and nail for bonus of contract labourers in Calcutta Electric Supply Corporation—at that time it was not a Goenka Enterprise. Finally the award was in favour of nearly 250 plus odd workers and the main contractor lost the case badly. But the award never got implemented. After years of chasing the wild goose and shuttling between labour department and court workers gave up. The fact is that contract labourers are weak both in terms of money and organisation. But even organised sector workers under the umbrella of central trade unions cannot do much if employers decide to drag the issue of implementation for years. In a sense existing labour laws have outlived their utility long ago. They were enacted mostly in the post-World War II reconstruction phase. But the situation is totally different today. And the government is planning to enact a comprehensive labour law with minimum safeguards for labour—a retrograde step.

In India collective bargaining in its true sense never dominated the labour scenario. Minimum bargaining that often gets currency is related to organised sector workers. As for the unorganised sector workers the problem is how to get them organised first. Income inequality between organised sector workers and the vast majority of unorganised sector is so sharp and wide that no unified trade union movement is possible in the near future despite ripening objective conditions.

Also, mere laws cannot improve the lot of unorganised sector workers. Registration of a few unions here and there doesn't mean much in terms of the gravity of the problem. The bitter truth is that central trade unions do not take much interest in organising the unorganised because they cannot expect their asset-building in a hopeless situation. All pay lip service to the plight of the unorganised. The left-led peasant associations are not trade unions but there are ample opportunities to get daily wage labourers and marginal farmers organised under trade union act.

Minimum Wages Regulations are there for all major trades and professions where unorganised workers toil. But nowhere these acts get implemented with sincerity. Ironically the entire system is so flawed that small employers may really go bankrupt if they seriously implement stipulated minimum wages laws. Labour-intensive hosiery industry is a case in point.

Globalisation has brought in outsourcing globally leading to massive contractual practice and unfair labour practice as well. And the Contract Labour Act 1972 needs radical change if the authorities are at all serious to regulate contractual labour practice, particularly in perennial nature of job. Unless they address the problem of unorganised sector workers in its entirety, it is difficult to realise even short term statutory benefits, not to speak of long term social security.

If organised sector workers today look isolated and powerless in a literally hopeless situation it is because of their sectarian behaviour. They never showed any sympathy and solidarity for the unorganised sector workers. And now as the wall is falling apart they cannot expect any support from the underprivileged.

Red unions are no less bureaucratic than their anti-red counterparts. In the Indian context left unions and right unions do hardly differ in their approach to bargaining. Irrespective of party and central trade union affiliation all unions are busy to maintain the status quo and they never think of going beyond what they did in the yester years.

In India basic pay remains abysmally low for all categories of workers, skilled, semi-skilled or unskilled. Demand for enhanced basic pay making basic pay–allowance parity reasonable is being ignored by all shades of trade unions. What the government and employers prefer is to keep basic pay as low as possible in view of future statutory obligations while periodically enhancing dearness allowance to compensate loss due to inflation and price rise. Variable dearness allowance is essential but it cannot arrest the steady erosion in real wages unless basic wages are increased substantially. Even workers drawing huge gross salary are not really high-salaried if their overall benefit is judged against low basic pay structure. Pay fixation being a tricky job is an area where ordinary workers have no role to play. In most cases scientific norms are hardly followed in deciding basic wages (or living wages) though standard norms, nationally and internationally are always available. Recommendations by Indian Labour Conference are simply ignored.

As industry-wise tripartite agreements after every three or four years are being regularly violated by employers while the government being the main arbiter remains silent, this mechanism cannot deliver. At least it cannot guarantee industrial peace and improve labour's bargaining power. But central

trade unions and federations affiliated to them continue to put enormous faith in such agreements and some times agitate for more of the same—useless tripartite agreement. The mechanism must be revised to the satisfaction of all sides or there must be some law to make it mandatory, not voluntary. In a sense in this country industrialists and employers too are backward, they unlike their western counterparts are yet to learn how to honour the true spirit of collective bargaining and pact. In other words strong state intervention in labour dispute still remains the principal solution but the government authorities under the sway of neoliberal culture would refuse to intervene even nominally.

The allowance regime is to be curtailed to strengthen basic premises of remuneration. Why central trade unions and their affiliates do not seriously pursue industrial housing is open to question. After all house rent allowance where it is paid, is no answer to quantum jump in house rent even in slums. Factually speaking slums that initially came up in industrial centres to house workers were not that bad compared to shanties that now spring up everywhere for severe crisis in accommodation. Right to education is now a basic right. Workers have every right to demand free primary education for their wards and employers must bear the cost, not the government. Welfare is not on the agenda of the government. But labour unions too are lethargic enough to talk about it. They cannot move with their traditional approach but they would not like to search for new forms to have better labour-organising while breaking statism. □□