



HIND MAZDOOR SABHA

Ref:-02/H.M.S/04/2020

Date: 12/4/2020

Shri Santosh Kumar Gangwar
The minister for labor (independent charge),
Ministry of Labor and Employment,
Government of India,
New Delhi

Sub: - Any move to enhancing daily working hours from 8 hours to 12 hours in a day, and from 48 hours to 72 hours in a week (6 days) under "lockdown" or post "lockdown period" under section 51 of factory act 1948 treating situation as "extra-ordinary"

Respected sir,

Hind Mazdoor Sabha expresses its serious resentment against any move to enhancement of ceiling of daily working hours under section-51 of the factories act 1948 under "extra-ordinary situation" covering lockdown and post lockdown period, as reported in "Hindustan Times" newspaper dated: -11/4/2020 that government is seriously considering amendment of the factories act 1948 to allow enhance 8 hours to 12 hours in a day and from 48 hours to 72 hours in 6 days week (12 hours per day).

The ceiling of 8 hours per day work in factories engaged in production was inconformity with international labor standards and was incorporated in the act after detailed discussion and tripartite consensus as per ILO convention 144.

Any change in the law should come through amendment after consultation in tripartite forum as per ILO convention 144 and definitely not through any executive order or through any ordinance. We strongly opposed this approach. It is nothing but an appeasement of big corporate houses at the cost of workers, it is an attempt of

taking advantage of very sensitive and emotional charge situation of "corona havoc".

No need to mention that there exist very clear provision in the factories act regarding "working additional hours" if need be but the workers are entitled for payment of additional work at a rate double the rate of wages. Workers may be asked to work in overtime if the need be and paid the wages for that additional work as per provisions of the law.

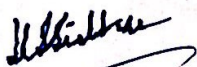
HMS has opposed the codification of labor laws in present forms and content. They are now before parliamentary standing committee is yet to be finalized. Therefore HMS opposed to any move to misuse the environment emerging due to covid-19 pandemic to push through anti-worker and pro employer changes in the factory act.

In another news report that EPFO funds which are wholly owned by the subscriber-worker are being diverted to Pradhan Mantri Garib Kalyan Yojna (PMGKY) claiming that 3.8 lakh firms will benefit with 76 lakhs subscribers with an outgo of Rs 48 thousand crores, there is also another report about the move to divert ESI funds for meeting government expenditure, totally unrelated to ESI scheme. The interest rate is further reduced by the government and decided the merger of banks a few days back in the name of covid crisis.

It is also in contrast to the objective of "Santusht" portal aimed at harmonious industrial relation, which will result in improved production, productivity and quality in the industrial establishment.

Therefore HMS demands that government should issue a press statement to refute the said reports which appeared in the newspaper "Hindustan Times" dated: - 11/4/2020 and the PTI report in another newspaper in regard to factory act, EPFO and ESI.

With Personal Regards,
Yours Faithfully,



Harbhajan Singh Sidhu,
General Secretary,
Hind Mazdoor Sabha