

13th April 2020

To,

Shri Santosh Gangwar
The Minister for Labour (Independent Charge),
Ministry of Labour and Employment,
Government of India,
New Delhi.

Sub. : Joint opposition to any move to amend Factories Act, 1948

Sir,

A section of the press has reported that the Government is seriously considering amendment of the Factories Act, 1948 to allow 72 hours of work per 6-day week (12 hours working day), in place of the existing limit of 48 hours (eight hours working day). The move is being justified as "exceptional circumstances call for exceptional provisions".

The Government has already been trying to bring in the above amendment through the Code on Occupational Health, Safety and Working Conditions Bill, which has been opposed by the entire trade union movement. In fact this move of the Govt is linked with the original project of codification aiming to end the internationally accepted eight hour working norm and not just "exceptional circumstances". Rather, present Covid 19 situation is being sought to be utilised to put in place such anti-worker measure.

The report under reference talks of "shortage of workers" which is not the reality, particularly when the nation is reeling under the highest rate of unemployment, which was slated to rise further due to economic slowdown. The projections by the employers organizations from various sectors if added, the emerging scenario is grim as the unemployment rate may reach 23.7 percent. The international report from ILO has also expressed its estimations of impact on poverty status for various countries and as for India goes, the estimation is worrisome as it projects that 40 crores of Indians would become poorer.

To talk of shortage of workers in this situation and to make those available to do more work through amendments to Factories Act, exposes your Government's total lack of concern to the plight of workers and the livelihood and survival needs of the families. It also displays your concern to ensure extra profits for the Corporates at the cost of workers. Even so called "exceptional circumstances" or even temporary shortage of availability, if it does arise at all, can very well be taken care of within the framework of the present Factories Act 1948. It does not require permanently ending eight-hour working day norm through hasty amendment. Further it appears that the Government intends to shift the burden of Covid-19 generated economic crises also on to the shoulders of working masses, who are already the worst victims of present calamity.

You are aware that we have been opposing the codification of labour laws in present forms and content. They are now before parliamentary standing committee and are yet to be finalized. We are opposed to any move to misuse the environment emerging due to Covid Pandemic to push through anti worker and pro-employer changes in the Factories Act.

Even to imagine that the workers would be paid as per law under the present scenario will be absolutely illusory as the earlier advisories from your Ministry have been flouted and continue to be flouted daily by the employers class as a whole with impunity. Large scale complaints of non payment of wages and retrenchments from jobs are being brought to the notice of trade unions. These in turn have been already brought to your notice with all details. But corrective action has not been taken anywhere in the country.

In another news report we get to know that the EPFO funds which are wholly owned by the subscriber-workers are being diverted to Pradhan Mantri Garib Kalyan Yojna (PMGKY) claiming that 3.8 lakh firms will benefit with 76 lakh subscribers with an out go of Rs 4800 crores. There is also report about the move to divert ESI funds for meeting Government expenditures, totally unrelated to ESI Scheme. The interest rate is further reduced by the Govt. a few days back in the name of Covid crises. Eyeing this fund of poor workers, built through their contributions, will be unjust and the Government should desist from it. We strongly feel that the Government should consider mobilising resources in this "exceptional circumstances" from the huge wealth accumulated by the High Net-worth Individuals (HINI) in the country who have cornered virtually 50 % of the national wealth, instead of grabbing workers' lifelong recurring savings in social security funds.

The Central Trade Unions jointly demand that the Govt. must come clear and publicly refute the said report which appeared in the issue of Hindustan Times, dated 11.04.2020 and the PTI report in another newspaper in regard to Factories Act, EPFO and ESI.



INTUC



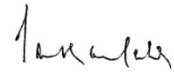
AITUC



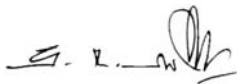
HMS



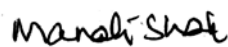
CITU



AIUTUC



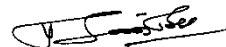
TUCS



SEWA



AICCTU



LPF



UTUC