

**Summary Record of Discussions of the  
43<sup>rd</sup> Session of Indian Labour Conference held on 23 – 24 November, 2010  
in Vigyan Bhavan, New Delhi**

The 43<sup>rd</sup> Session of the Indian Labour Conference (ILC) was held on 23 – 24<sup>th</sup> November, 2010 at Vigyan Bhavan, New Delhi. The Conference was inaugurated by Hon'ble Prime Minister of India at 9.30 Hrs on 23<sup>rd</sup> November, 2010. The national level tripartite conference was attended by senior level representatives of Central Trade Union Organisations, Employers' Organisations, Labour Ministers and senior officers from State Governments and Central Ministries and Departments. The deliberations of the conference focused on three key themes namely:-

- 1) Global Financial downturn - its impact - job losses - comprehensive package for protection of labour force, etc.
- 2) Problems of contract labour - social security, wages, etc. and amendments in the contract labour legislations.
- 3) Employment generation and skill development.

**I. Inaugural Session**

1.1. Shri Mallikarjun Kharge, Union Minister of Labour & Employment in his welcome address noted that the presence of the Hon'ble Prime Minister at the ILC highlights the importance provided by the UPA government to labour issues. He said that the ILC, popularly referred as 'Labour Parliament of India' is a unique forum for forging strong partnership among government, trade unions and employers and working together for building a strong and vibrant India. He said that the UPA government is committed to inclusive growth, a growth which would increasingly benefit the weaker section, the SC/ST, minority and other disadvantaged group. As a part of this objective, the Ministry of Labour & Employment has taken a number of innovative steps in recent years to benefit the poor workers, especially those in the unorganised sector. He noted that the enactment of Unorganized Workers Social Security Act, 2008 is a major initiative towards providing social security coverage to all categories of workers. He said that India has also been playing a leading role in protecting the interest of developing countries at the International Labour Organization (ILO) where International Labour Standards are set. He said that India has played a major role in drafting ILO's Social Justice Declaration, which has a specific provision for not linking trade with labour standards. He said that some of the initiatives taken by India like Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and Rashtriya Swasthya Bima Yojana (RSBY) have received tremendous appreciation at international forums including the G-20 Labour Minister's Conference at Washington DC in April 2010. He said that the Ministry of Labour & Employment is committed to initiate more and more skill development measures in order to achieve the ambitious target set by the Hon'ble Prime Minister for training 500 million people by 2022.

1.2. Speaking on the occasion, Shri Girish Awasthi, President, Bharatiya Mazdoor Sangh (BMS) and Vice Chairman, Workers Group, 43<sup>rd</sup> Session of ILC highlighted

major issues affecting labour and employment in India which requires immediate attention of the government. He said that the rising prices of essential commodities are adversely affecting the lives and livelihood of the working people. He urged the Hon'ble Prime Minister to take steps for controlling the rising inflation. He noted that the benefits of the ongoing processes of globalisation and liberalisation are reaching only an insignificant percentage of India's population. As a result, the rich are becoming rich and the poor are becoming poor. He noted that even the Hon'ble Supreme Court in some of its recent judgements have come out with observations highlighting the adverse effect of globalisation and liberalisation. He said that there is a need to reconsider the whole issue of globalisation and liberalisation in the context of such emerging tendencies and frame our own policies to benefit the workers. On the issue of contract labour, he said that there is a need to provide equal wage rates and other conditions of service for contract workers similar to those workmen directly appointed by the principal employer. He said that the recommendations of the Second National Commission on Labour that contract workers who have completed two years of service be deemed as permanent worker should be accepted and implemented by the Ministry of Labour & Employment. He noted that there is large scale violation of labour laws and there should be stringent action against those who indulge in such practices. He also urged the government to raise the income tax exemption limit to 3 lakhs. He also wanted the government to remove the existing ceilings for payment of bonus in the case of Central and State government employees. He also drew the attention of the government to the vindictive attitude of Coal India Ltd. to workers who observed a one day strike in coal industry against disinvestment and contract labour policy. He said that the government should issue instructions to Coal India Ltd for not deducting the wages of coal workers for the period when they had performed their duties. He wanted the government to hike the honorarium being currently paid to the anganwadi workers.

1.3. Shri K.K. Bangur, Council of Indian Employers and Vice Chairman, Employer's Group, 43<sup>rd</sup> Session of ILC in his address highlighted that maintaining cordial industrial relation scenario is a pre-requisite for high employment growth. He noted that India has achieved phenomenal growth in the last two decades. However, the recent economic crisis has acted as a deterrent in the growth process. He said that the industry, especially the export processing units, have suffered in the context of the crisis. He noted that there is a need for more focused targeting of stimulus packages for aiding the revival of industrial growth. He said that considering the key role that the private sector plays in employment generation, there is a pertinent need for bringing in more flexibility in labour regulations. He noted that with growing educated unemployment, there is a tremendous need for upscaling skill development initiatives in order to enhance the employability of the youth. He said that the industry is always willing to provide all necessary support to the government in expanding and diversifying skill development initiatives.

1.4. In his inaugural address, Dr. Manmohan Singh, Hon'ble Prime Minister of India highlighted the commitment of the government to work with trade unions and industry to ensure that the regulatory framework governing labour and employment is conducive to both employment generation and workers' welfare. He noted that the recommendations of the Indian Labour Conference (ILC) have over the years shaped and influenced key policies and programmes in labour and employment relations. He said that the United Progressive Alliance (UPA) government over the

last six years has endeavoured not only to make India's economic growth faster but also make it more inclusive. He noted that the welfare of the Aam Admi, farmers, workers, artisans, the poor and the disadvantaged have guided the policies and programmes of the government. He noted that the government has launched several innovative schemes and initiatives for the promotion of the rural employment, health care of the poor workers and skill development. He said that the ability of the government to devote more resources for the social welfare activities is directly related to the capacity to accelerate the pace of economic growth. He stressed that the country should achieve a sustained growth of 9-10 per cent per annum to make serious dent on poverty, unemployment and under-employment. He said that the key social partners should work in a harmonious manner to remove barriers to faster economic growth and to faster growth of employment. He noted that the regulatory framework in the labour sector should achieve the twin objective of productivity enhancement on the one hand and employment growth on the other. He noted that such a framework should form the basis for discussions among the social partners including the deliberations of the ILC. He noted that our labour laws should be aligned to meet the requirement of employment generation and welfare of the workers. He said that the ILC provides the most appropriate forum to deliberate on such issues and provide pragmatic policy options to maximize employment generation and labour welfare. He also highlighted the need to think of ways to strengthen micro and small enterprises which have large potential to generate employment. He said that in a knowledge economy, skills are increasingly becoming critical for achieving economic growth and social development. The present government, he noted, is committed to provide skills to the working population which will enhance employability and help secure decent work. He also urged the private sector to participate more actively in skill development programmes. He said that the concerns of the trade unions with regard to the rising prices of essential commodities will definitely be looked into by the government and steps initiated to moderate the inflation rates. He said that the issues being deliberated in the 43<sup>rd</sup> session of the ILC, namely impact of global economic crisis on employment and welfare of workforce, problems of contract labour and employment generation and skill development have great contemporary relevance and are issues which impinge directly on India's quest for inclusive growth. He hoped that the deliberations would provide pragmatic recommendations for formulation of appropriate government policies on these and related matters.

1.5. Shri Harish Rawat, Minister of State for Labour & Employment expressed sincere gratitude to the Hon'ble Prime Minister for his gracious presence at the ILC and also for providing a framework within which the social partners could deliberate on key issues like global economic crisis, contract labour and skill development and employment generation. He also expressed gratitude to the representatives of the Trade Unions, Employers Associations and the Central and State governments for being present on the historic occasion and hoped that their combined expertise and wisdom would provide the government meaningful recommendations for addressing the emerging issues in labour and employment.

## **II. Brief Interventions and General Discussions**

2.1. Shri K. Lakshma Reddy, General Secretary, BMS drew the attention of the government to some attempts being made to deviate from the established practice of providing representation to Central Trade Unions in tripartite committees and requested the government to address the anomalies, if any. He also wanted the principle of tripartism to be more effectively followed by all state governments by holding state level tripartite meetings at least once a year. He also requested the government that the recent amendment of Gratuity Act for raising the ceiling from 3 lakhs to 10 lakhs be made effective from 1.1.2007 as against 12.5.2010. He desired that the operation of the Employees' Pension Scheme, 1995 be improved. He also called for more effective implementation of labour laws and the need to strengthen the enforcement machinery both at the Central and State governments. He said that the global financial downturn have resulted in much more job losses than what has been estimated by the government. He noted that while the government responded to the interest of the industry by announcing stimulus package of 2.18 lakh crore, it hardly put in place any policy for the workers who were adversely affected by the crisis. He said that there is a strong need to increase the allocation for skill development initiatives.

2.2. Shri B. Santhanam, Council of Indian Employers noted that maintenance of high economic growth is extremely essential for high employment growth. He said that the labour regulation framework must be made conducive for achieving high growth and hence employment. He noted that India has a very large young workforce and inability to provide appropriate employment opportunities to the growing youth may turn the demographic dividend that India enjoys to a demographic disaster. In this regard, he opined that there is an urgent need to evolve policies to match the demand for skills with their supply in order to address the skill shortages. He highlighted that the nature of work in the contemporary labour market is undergoing massive transformations and said that more employment would be generated if laws are made more flexible. He also drew attention of all the social partners to the rapid pace at which technology is changing and said that rigidities in the labour regulatory framework would encourage more use of capital intensive technology. He urged all the social partners to work towards achieving higher productivity which in turn would yield more output and employment.

2.3. Shri Prakash Pant, Labour Minister, Uttarakhand highlighted that the pro-active development programmes launched by the government of Uttarakhand has resulted in enhanced industrial growth and employment in the state. He noted that there is an urgent need for all concerned social partners to deliberate and evolve comprehensive social security schemes for the workforce in general and those in the unorganised sector in particular. As regards the issue of contract labour, he said that there is a need to address the problems encountered by the contract labour in a holistic and integrated perspective. He also expressed the view that the enforcement of the laws be made more stringent and penalties be made severe so that there is a disincentive for violating labour laws. He said that the State government has also taken a number of steps to improve the skill base of the work force. He noted that the government with the support of the Ministry of Labour & Employment is effectively implementing the schemes for Upgradation of Industrial Training Institutes through the Public Private Partnership mode. He requested the Central government

to provide more support under the various skill development initiatives for the government of Uttarakhand.

2.4. Dr. G. Sanjeeva Reddy, President, Indian National Trade Union Congress (INTUC) noted that the issues of job loss and evolving comprehensive package for the protection of labour has become extremely important in the context of the global financial downturn. The problems encountered by labour in the period of crisis have been compounded further because of the rising prices of essential commodities. He said that there is an urgent need to implement the labour laws effectively so that the intended benefits of these laws reach the workers. He said that the contract labour is being exploited as they do not enjoy employment security and are provided low wages. He said that most of the contract workers are employed in work even if they are of the perennial nature. He stressed the need for bringing about equality in the pay of contract workers along with the regular workers employed by the principal employer. As regards the issue of retrenchment, he noted that it should be discussed in relation to compensation. He said that employers who always desire for strict discipline of work force are themselves engaging in violation of labour laws. On the issue of employment generation, he noted that the investors are investing and creating employment because it creates additional purchasing power. Viewed in this perspective, he said that there is a need for the employers to provide training to employees for skill development.

2.5. Shri K.C. Mehra, Senior ASSOCHAM Managing Committee Member also reiterated that growth of employment is linked to overall economic growth and particularly to the growth of manufacturing and service sectors. He said that due to the global financial downturn there has been a slowing down of industrial production. In such a context the monetary and other related measures announced by the government as a part of the stimulus packages may need to be relooked at and also extended in a focused manner. On the issue of contract labour, he noted that there should not be any restriction on the use of contract labour by differentiating the core and non-core work. He opined that what is needed is to stop the exploitation of contract labour by strictly implementing the labour laws. He said that any suggestion of providing the contract labour the same wages and benefits applicable to regular employees would adversely affect the competitive ability of Indian employees in a global market. Moreover, he noted that such a step would lead to a lot of litigation on the interpretation of the same or similar type of work.

2.6. Shri R. Venkat Reddy, Labour Minister, Andhra Pradesh complimented the Government of India for bringing about certain amendments in the Industrial Disputes Act, 1947 for settling of industrial disputes and also for enhancing the wage ceiling definition for workmen from ` 1600/- per month to ` 10,000/- per month and also in the Workmen's Compensation Act, 1923 for speedy disposal of cases and enhancement of wage ceilings. He also appreciated the Union Government for strengthening the system of tripartite consultations. He highlighted that the Government of Andhra Pradesh is committed to maintaining industrial peace and also for providing space for active involvement of tripartite partners in maximizing the benefits to workers and industry. He also said that the Andhra Pradesh government is in the fore-front of providing social security benefits to the disadvantaged workers, especially through measures like the constitution of A.P. Building and other Construction Welfare Board. He informed that the government of Andhra Pradesh is

committed towards elimination and rehabilitation of child labour and is operationalising the mid day meal schemes efficiently for the children admitted in National Child Labour Project (NCLP) schools to ensure regular attendance and reduce malnutrition and retention. As regards the issue of contract labour, he said that provision of social security to contract labour should be accorded top priority. He informed that the Contract Labour Amendment Bill passed by the A.P. legislative assembly and awaiting consent of the Government of India, has the provision of coverage of social security to the contract labour. He noted that the global financial downturn apart from affecting industries like jute and textile has also adverse impact on farmers who grow jute and cotton. There is a need to evolve appropriate policies to protect the interest of such farmers especially the rural labour and the migrant labour.

2.7. Shri Gurudas Das Gupta, General Secretary, All India Trade Union Congress (AITUC) drew the attention of the government to the fact that the trade unions are not having access to the government and urged the Prime Minister to meet and discuss with the trade union leaders the emerging issues in the area of labour and employment. He opined that the usefulness of the ILC is declining as several of the recommendations made in the Conference are not being properly followed up and implemented. He also highlighted that the growing confrontation between labour and employers is on account of the fact that the workers feel aggrieved that while profits have increased significantly in recent decades, the real wages have shown declining trend. This paradox, he noted, needs to be immediately addressed in order to bring about industrial harmony and peace. He also highlighted that there is growing violation of labour laws across the country. In fact, even the trade unions are not being allowed to register in many states. He said that the objective of inclusive growth can be achieved only when wages of contract labour is increased and if there is no violation of labour laws. He noted that the cooperation between trade unions and management is possible only if the labour laws are strictly implemented.

2.8. Shri R.K. Bharadwaj, National Secretary, Laghu Udyog Bharati highlighted the major role played by small scale industries in generating employment. He said that the policies must be geared towards promotion of small scale industries so that employment generation can be maximized. He further noted that the labour regulatory environment must be made conducive to the growth of small scale industries. He also drew the attention of the government to the fact that the commercial banks are charging higher interest rates on loans from the small scale industries in spite of clear guidelines by Reserve Bank of India for charging lower rates of interest. He said that special subsidies should be extended to the growth of small and micro enterprises in the aftermath of problems encountered by this sector during the economic crisis.

2.9. Shri B.N. Bacche Gowda, Labour Minister, Karnataka highlighted that the Government of Karnataka has taken a number of initiatives to enhance skill and employability of labour force. He informed that Karnataka has adopted State Skill Policy and also established State Skill Commission under the Chairmanship of Hon'ble Chief Minister of Karnataka. He also informed that the State is efficiently implementing schemes like Upgradation of Industrial Training Institutes (ITIs) as centres of excellence, Modular Employable Skills (MES) and various other schemes of the Government of India and complimented the Union Government for extending

assistance to the Karnataka State. He also highlighted that the State Government has taken a number of initiatives for providing employment to the youth by holding skill and job fairs at different levels, partnering with reputed private training institutions, matching up skill and placement activities etc. He informed that to make such facilities institutionalized, district employment exchanges are being converted into HRD centres. He requested the Central Government to consider sanctioning 763 skill development centres at sub-Taluka level in the State as per the proposal submitted and also to help in the establishment of government ITIs in unserved areas with central assistance. He also informed that the Government of Karnataka has taken a number of steps for improving the conditions of contract labour like specifying the wage rates and service conditions for the benefit of contract workmen who do not perform same or similar kind of works as the workmen directly employed by the principal employer of the establishment.

2.10. Shri Sharad Rao, President, Hind Mazdoor Sabha (HMS) noted that the 43<sup>rd</sup> session of the ILC is being held after almost 21 months whereas the government had promised to hold the session every year. He said that regular meetings of tripartite bodies are extremely crucial especially in the light of the economic turbulence and the resultant job losses experienced during the last 2-3 years. He noted that the workers in the unorganised sector have bore the brunt of the crisis. However, he noted that the stimulus packages announced by the government do not focus on employment and social protection and has primarily benefitted of the industry. He desired that such a trend needs to be reversed. He also noted that various state governments are trying to stall even legally permissible trade union activities and thereby undermining the importance of labour movement. He also pointed out that illegal deduction of wages of workers is taking place when they go on strike. He also reiterated that there is rampant violation of labour laws especially those protecting the interesting of most disadvantaged sections like migrant workers and urged the government to take immediate actions to improve the enforcement of labour laws. He also highlighted that several contractors who are engaging contract labour and exploiting them are getting institutionalized support from the government. He said that such tendencies would bring about instability in labour and employment relations. He also said that the government should bring about greater coherence among various skill development initiatives and also noted that participation of private sector in skill development initiatives should not absolve the State from its responsibilities in imparting skills to the labour force.

2.11. Shri Chandrashekhar Sahu, Labour Minister, Chhattisgarh highlighted the series of measures initiated by the Chhattisgarh Government for improving the conditions of the workers in general and disadvantaged workers in particular. He informed that besides effectively implementing MGNREGA, the State Government is providing 35 kg. of rice per month to nearly 34.5 lakh families living below poverty line at a price of ` 2/- per kg. He said that the government has also notified Unorganised Workers Social Security Rules 2010 and constituted Unorganised Workers Welfare Board to implement the welfare programmes. Similarly, the State Government has taken up number of welfare schemes for the construction workers by formulating Building and Other Construction Workers Welfare Rules 2008. He informed that due to the pro-active policy of the State Government, not even a single industry was closed in the State during the global meltdown. He also informed that the State Government has taken the administrative decision to pay wages to the

contract workers through banks. He urged the Central Government to consider linking the minimum wages prevailing in the different States to the contribution of the Centre in respect of the MGNREGA. He also highlighted that there is a strong and imperative need to enhance the remuneration of teachers and other staff under the NCLP. He requested the government to sanction a 300 bed modern hospital and a medical college to the State under the Employees State Insurance Corporation (ESIC) scheme.

2.12. Shri D.L. Sharma, MD, Vardhman Yarns & Threads Ltd. and representing CII highlighted that several labour intensive industries like readymade garments; handicrafts etc. require flexibility in terms of engaging labour. Such flexibility, he noted will substantially enhance employment generation and needs to be provided by making suitable modifications in the labour laws. He noted that the industry is facing acute skill shortages and highlighted the need for evolving policies to upscale the skills of the labour force and also to match the available supply of skills with demand for skills. He also desired that the services provided by the ESIC hospitals to the workers should be improved. This, he said, would encourage workers to avail medical facilities from ESIC hospitals instead of using it merely for obtaining medical leave. He said that there is a need to transform the unorganised sector workers to organised so that the quality and conditions of employment would improve. This, he said, can be achieved only by bringing about simplification and rationalization of labour laws.

2.13. Shri Tapan Sen, General Secretary, Centre of Indian Trade Unions (CITU) noted that during the period of globalisation (after 1991-92) the share of labour in the gross value added has been declining consistently from 20.5 per cent in 1991-92 to 9 per cent in 2007-08. However, it is important to note, he said, that during the same time the profit rate of the manufacturing companies has increased from 14.6 per cent in 1991 to 53.8 per cent in 2007-08. He highlighted that there is reckless violation of labour laws for maximizing profit. Such tendencies, he said, are completely in contradiction to the government's agenda of inclusive growth. He said that the rising prices of essential commodities are seriously affecting the disadvantaged workers. He said that the demand of the trade unions to universalize the public distribution system has not been followed up by the government. He noted that the trade union rights are being violated blatantly, especially in Multi National Corporations. If this be the case, he noted, there cannot be any scope for partnership and harmony among social partners. As regards the issue of stimulus packages being provided to the industry, he said that if such stimulus packages are provided to any firm/industry, it should be with a condition of protecting employment. He noted that several categories of workers like anganwadi workers, ASHA workers etc. are presently paid deplorably low wages and urged the government to increase their wages and remuneration. On the question of labour market rigidities, he wondered as to how rigidities can exist when labour laws are being violated. He urged the government to strengthen the enforcement machinery and also ensure that the benefits of the labour laws reach the workers.

2.14. Shri Babu Lal Todi, Immediate Past President, All India Manufacturers Organisation (AIMO) highlighted that although the employers make all necessary social security contributions as per the law for the benefit of the contract workers, the contract workers are denied the social security benefits because of their migratory

nature. He suggested that the government should introduce smart cards for all the unorganised sector workers so that the amounts deducted from the workers on account of social security is credited to his/her account on all occasions. He noted that there is a pertinent need to impart skill development on a large scale among rural youth. He said that the government should consider partnering with educational institutions especially; colleges situated in rural areas, for initiating technical and vocational courses so that rural youth can obtain skill development facilities.

2.15. Shri Manik Dey, Labour Minister, Tripura highlighted the importance given by the Government of Tripura in maintaining industrial peace and harmony by safeguarding the interest of both workers and employers. He noted that in spite of attractive financial packages provided by Government of India to industries to tide over the recessionary tendencies, many employers are still resorting to retrenchment and wage reduction which adversely affects the workers. He said that there is a need to understand as to how the financial stimulus has impacted the workers. He urged the Government of India to raise the honorarium being paid to the Integrated Child Development Services (ICDS) workers. He noted that there is an urgent need to take steps for ending the exploitation of contract labour. He noted that the outsourcing which is practiced by large companies be treated as contract and should be covered by the contract labour legislation. He also emphasized the need for bringing about the provision of equal pay for same and similar work both for regular and contract workers in the main body of the contract labour legislation. He said that the rising prices are adversely affecting the working poor and steps should be immediately taken to arrest the price rise. He suggested that the prices could be controlled by banning future and forward trading in food articles and by universalizing the public distribution system.

2.16. Shri P.K. Gurudasan, Labour & Excise Minister, Kerala noted that the neo-liberal economic policies being pursued by the Government of India are resulting in price rise and unemployment. He highlighted that India was saved from severe adverse effects of the financial crisis due mainly to the presence and operation of public sector banks and other financial institutions in the economy. This, he said, is a significant pointer to the fact that there is a strong need to protect the public sector institutions. He noted that the wage rates fixed under the MGNREGA should be on par with the minimum wages fixed by the state for the agriculture workers. Considering that the wages for agriculture labour in Kerala is double the wage fixed under the MGNREGA, such a policy would substantially benefit the working poor. He highlighted the need for involving trade unions in the formulation of policies and packages aimed at dealing with the recession. He also noted that there is an urgent need to make the wages and other benefits paid to the contract workers on par with others who are engaged in identical nature of work. He also requested the Central Government to formulate the details regarding the financial assistance from the Centre to the States for the operation of the Unorganised Workers Social Security Act, 2008 so that the States could implement the various rules and schemes framed by it under the Act. He also complimented the Union Labour & Employment Ministry for extending all possible support for the effective implementation of RSBY in the State of Kerala. He was of the view that the medical benefit admissible under the scheme should be enhanced to ` 50,000/- from ` 30,000/-.

2.17. Shri. Sankar Saha, General Secretary, All India United Trade Union Centre (AIUTUC) noted that minimum wages is one of the most effective instrument for supporting livelihood of millions of poor workers. He said that there is rampant violation of the Minimum Wages Act across the country and noted that the Supreme Court has noted that a worker not being paid the minimum wages is a bonded labour. He also said that the minimum wages should be fixed in accordance with the criteria recommended by 15<sup>th</sup> Session of ILC. He noted that provision of quality employment to each and every job seeker is the most appropriate social security. He said that the government both at the Centre and State level should accord top priority for generation of quality employment. He also said that the workers in the unorganised sector must be provided comprehensive social security coverage. He said that the current allocation for the social security fund is inadequate as there is an urgent need to enhance it considerably.

2.18. Er. Sushil Kumar Gupta, National President, Laghu Udyog Bharati highlighted the need for providing additional exemption for the micro and small enterprises from various labour laws and also a need to formulate a separate set of labour laws for the micro and small enterprises. He also noted that there is an urgent need to provide medical benefits for workers in micro and small enterprises. He said that the government should collaborate with micro enterprises for evolving policies and programmes on skill development specifically targeting the workers engaged in this sector.

2.19. Shri Anadi Kumar Sahu, Labour Minister, (I/c) West Bengal highlighted the need to bring about suitable amendments in all the major labour legislations to strengthen the mechanism of the recovery of dues arising out of the various provisions. He said that recovery through Civil Courts as suggested under the Industrial Disputes Amendment Act 2010 of the Parliament may not bring the desired results as these courts are already overburdened. Regarding contract labour, he suggested amendments in the Contract Labour Act to provide for (a) absorption of contract employees after prohibition under section 10(2); (b) same wages and benefits to the same and similar nature of work; (c) removal of the ceiling of 20 workers for coverage; and (d) effective prohibition of contract labour in perennial nature of jobs. He also urged the Central Government to declare a floor level minimum wage in all economic activities irrespective of whether such employment is covered in the schedule of the Minimum Wages Act or not. He highlighted the initiatives of the Government of West Bengal to extend social security to the disadvantaged workers especially in the unorganised sector. He also urged upon the Central Government for enhancing the remuneration of teachers, instructors and other supporting staff serving in the various NCLP schools. He also requested the Union Government to extend enhanced budgetary support to the existing social security schemes being operationalised by the State Governments.

2.20. Shri Pushpendra Singh Deo, Labour Minister, Orissa said that the on-going processes of globalisation and liberalisation are adversely affecting the workers in general and those in the unorganised sector in particular. He highlighted that there is a growing tendency towards contractualisation in all spheres of economic activity. He urged the central government to bring about amendments in the contract labour legislation especially in relation to the absorption of contract labour as regular workers. He also noted that migrant workers, both internal and overseas migrant

workers, are facing different forms of exploitation. As regards the exploitation of the Indian workers in different countries he urged the government to ratify the relevant ILO conventions. He also highlighted the need for enhancing skills and employability of those engaged in informal sector activities. He noted that the Government of Orissa has accorded a high priority to generate employment/self employment to tackle the problem of growing unemployment. He said that High Power Employment Mission headed by the Hon'ble Chief Minister has been constituted to suggest measures for skill development training and also create adequate wage-employment/self-employment opportunities.

2.21. Shri S.P. Tiwari, General Secretary, Trade Union Co-ordination Centre (TUCC), noted that there is a need to create proper integration of the various pro-people schemes like RSBY, Indira Gandhi National Old Age Pension Scheme, MGNREGA etc. under one platform in order to optimize the benefits arising from these schemes to the poor people. He also urged the government to increase the financial allocation for the MGNREGA so that additional number of days of employment can be generated. He also noted that the current price rise and the resultant food crisis are adversely affecting the poorer segments of the society. He said that such a situation demands immediate steps be taken to strengthen storage facilities of grains under the Public Distribution System (PDS). He also noted that some of the States in India are not allowing legitimate registration of trade unions. He also highlighted the low utilization of funds under the Building and Other Construction Welfare Board in many States indicates that the benefits intended for the construction workers are not being properly implemented. He also said that some of the five star hotels are not providing adequate wage for the various categories of staff, especially those who have been engaged on contract.

2.22. Shri R.S. Chib, VSM, Minister of Medical Education, Technical Education & Youth Services, Jammu & Kashmir highlighted the centrality of skill development in achieving economic and social progress. He said that with a very small industrial base, Jammu & Kashmir Government with the active support of the Central Government has begun to undertake the training of youth for skill development by sending the youth for skill training even outside the state. He also requested the Government of India to sanction more ITIs to be established in the uncovered areas in order to bridge skill gap in different parts of the state and also to minimize the rural urban divide. He said that lot of emphasis has been given for modernization and upgradation of existing ITIs in the State in order to enhance the training capacity within the State. He also noted that the Government of Jammu & Kashmir is looking forward to involve large public sector undertakings and private sector enterprises for Upgradation of ITIs under the Public Private Partnership (PPP) mode. He also said that the State has constituted a Skill Development Mission Framework headed by the Hon'ble Chief Minister for formulating both short term and long term strategies for skill development at the micro and macro level. He said that the state is also planning to undertake detailed skill mapping at the local level in order to match the supply of skills with demand for skills.

2.23. Shri Prithibi Majhi, Labour Minister, Assam noted that the economic meltdown which severely impacted large number of countries in the world had minimal impact on India owing mainly to our robust institutional framework and pragmatic policies adopted by the Government of India to deal with the crisis. He said that the

Government of Assam has always accorded top priority for providing desired working conditions to the disadvantaged sections like contract labour. In fact, the State Government while framing rules under the contract labour legislation has incorporated provision for granting equal pay and other benefits for contract labourers as enjoyed by other regular employees. He highlighted that the Government of Assam is committed towards contributing for achieving the target of 500 million skilled persons in India set by the Hon'ble Prime Minister. He said that the State is also involved in the digitization of employment exchanges with online registration facilities which will help in better planning for employment of the macro level and for streamlining counseling and placement services at the micro level.

2.24. Shri Arun Khanna, Chairman, All India Manufacturers Organization (AIMO) highlighted that in many industries workers are resorting to militant ways to deal with the management. This, he said, is destabilizing industrial peace and harmony. Such tendencies should be discouraged and there is a pertinent need for all concerned social partners to deal firmly with such instances so that a sustainable and growth friendly industrial relations framework can be evolved.

2.25. Ms. Manali Shah, National Secretary, Self Employed Women's Association (SEWA) noted that most of the job loss that took place due to the economic crisis were in informal sector whereas the surveys undertaken by the Labour Bureau targeted only the organised sector enterprises. She also noted that there has been considerable reduction in work obtained by home based women workers in the period of economic recession. Similarly there have also been several instances where wages have been reduced in the construction sector. She said that it is important to note that the effects of the financial crisis have long lasting implications for the working poor and hence there is an urgent need to evolve comprehensive strategies for mitigating the adverse effects of such recessionary tendencies. She also highlighted the immediate and urgent need to evolve measures to arrest the increasing price rise as it would provide substantial and immediate and much needed relief to the informal sector workers. She said that there is an urgent need to implement the Unorganised Workers Social Security Act at the State level and also for simplifying the processes for obtaining the benefits under the various social security schemes. She suggested that the skill development initiatives should have a special focus on women, especially those belonging to the disadvantaged groups.

2.26. Shri Swapan Mukherjee, General Secretary, All India Central Council of Trade Unions (AICCTU) highlighted that the labouring poor in the country is facing serious problems in the wake of the financial global downturn and sky rocketing prices of essential food items. The problems of the workers, he said, have been compounded with the widespread exploitation of contract labour by the contractors as well as the principal employers. He said that the labour administration is preventing the contract labour from forming unions and fighting for their rights. He said that all the central trade unions are also not being given adequate representation in various tripartite bodies thereby reducing the importance of the role of tripartism in the policy making. He said that there has also been apathy on the part of the government towards the living conditions, including housing and sanitation of the unorganised and migrant workers. This, he said, is exemplified by the building collapse in Delhi recently in which more than 70 migrant workers were killed. He said that such a situation clearly

highlights the need to provide the welfare and rights of the unorganised workers the centrality in tripartite discussions and policy making.

2.27. Shri Michael Dias, Secretary, The Employers' Association noted that one of the core concerns before the ILC is the issue of skill development. He said that there is a tremendous shortage of skilled workers and many a times such shortages are met through the engagement of contract labour. He said that there is a need for everyone to understand that the labour laws in the country are equally applicable to contract labour and they have complete protection of all laws; thus allegation of exploitation of contract labour under the law of the land are not tenable. He said that there is a need to study the problems of the contract labour in a holistic manner rather than based on certain biased perceptions. As regards the proposition to provide contract labour the same wage rates, holidays, hours of work and conditions of service as are available to the workmen on the rolls of the principal employer, he said that the same is not acceptable basically because the nature of work and engagement of contract labour and regular workers is entirely distinct and different.

2.28. Er. T. Saku Aier, Parliamentary Secretary, Nagaland noted that India has achieved high rate of economic growth in the last two decades. However, he said that this high growth has not generated high levels of employment and thereby has deprived certain sections of the population the benefits of high growth. This is particularly so in the case of the hill States of North East in general and Nagaland in particular. He said that the problem become more acute as a vast majority of the unemployed do not possess the requisite skills for employability. In view of such an emerging situation, the Government of Nagaland has focused on enhancing employability of the youth. He said that there is a pertinent need for the Central Government to extend additional support for skill development initiatives of the North East States. For instance, apart from meeting the fixed cost under the Upgradation of ITIs under the PPP scheme, there is a need for the Central Government either to provide variable cost to meet the salaries of the instructors or provide a lump sum recurring grant to meet these expenses. He thanked the Ministry of Labour and Employment for agreeing to set up a Regional Trainers Training Institute in Dimapur, Nagaland to cater to the requirements of the entire North East region. He said that the Central Government should encourage the public sector enterprises to operationalise more training facilities in the North East Region. Lauding the initiative of the RSBY, he said that certain steps like raising the current ceiling and providing better infrastructure to the Primary Health Centres can make this social security initiative much more effective in countering health insecurities encountered by the poor people.

2.29. Shri M. Shanmugam, General Secretary, Labour Progressive Federation (LPF) noted that India was not as adversely affected due to the global financial downturn like many other countries. This, he said, was due to the conservative monetary policies as well as the stimulus provided for domestic investment and consumption. He said that while there is a need to continue the stimulus package there is a need to focus it more towards sectors like agriculture, construction etc. which employ millions of unorganised sector workers. He said that another key area that requires immediate intervention is to control the soaring prices. He said that measures like universal public distribution system, liberating the farmers from clutches of the middlemen and strengthening the marketing of agricultural produce

can go a long way in controlling the rise in prices. He said that several companies are resorting to wage cuts and retrenchment in the name of the economic crisis. There is a strong need for the trade unions to be involved in monitoring such practices so that the erring employers could be penalized. As regards contract labour, he said that despite judicial pronouncements, several companies are still engaging contract labour for perennial nature of work. He said that the recommendations made during the State Labour Ministers Conference like payment of equal wages to the contract labour who perform same or similar kind of work as the workmen directly appointed by the principal employer should be immediately brought out as amendment to the Contract Labour Act as a means to improve the conditions of the contract workers. He said that the Tamil Nadu Government has taken a number of measures to regularize the contract workers. He said that another category that requires immediate attention is the migrant workers. He noted the MGNREGA has been successful in reducing distress migration from rural areas and suggested that the number of days in employment under MGNREGA should be increased from the present 100 working days to 200 working days. As regards skill development, he said that emphasis should be on supporting entrepreneurial activity and also promoting agro business especially in rural and backward areas. He also suggested that there must be computerized vocational training so that the quality of skills imparted can be enhanced and the youth be made more employable.

2.30. Shri Philip K. Thomas, Vice President, United Trades Union Congress (UTUC) highlighted the problems encountered by contract workers. He said that majority of contract workers are not being paid wage dues and are also deprived of basic social security measures. He highlighted the need for implementing effectively the provisions of the contract labour law and also for making certain amendments like equal pay for the same work for the contract workers so that the rights of the contract workers can be protected and their conditions improved. He noted that the workers in the unorganised sector in general and categories like migrant workers in particular have been the worst affected due to the economic crisis. He suggested that there is a need for providing appropriate technical training for facilitating the redeployment of retrenched workers.

2.31. Shri Sharad S. Patil, Secretary General, Employers Federation of India (EFI) noted that the proposal for introducing same pay for same work performed by contract workers similar to the regular workers is fraught with several problems. He said that such a provision could lead to a lot of litigations on the interpretation of what is meant by same or similar work. In the area of skill development, he desired that the government along with social partners should devise more effective monitoring mechanisms. He also said that there is an urgent need to make the curricula being followed in various vocational training institutions on par with the emerging needs and requirements in the labour market. He also highlighted that the issue of skill certification and evolving a national qualification framework for skill development be given a top priority.

2.32. Shri Govindrao Adik, General Secretary, National Front of Indian Trade Unions-Dhanbad (NFITU-DHN) highlighted that unorganised sector workers who constitute the overwhelming majority of workforce in India are encountering different kinds of social and economic insecurities during the current phase of globalisation. He said that the labour laws of the country are not being effectively implemented as

a consequence of which the rights of the workers are not being protected. He wanted the government to take immediate steps to ensure that the workers are treated with equity and dignity.

2.33. Shri A.G. Malik, Labour & Employment Minister, Jammu & Kashmir complimented the Central Government and the Ministry of Labour & Employment for evolving innovative schemes to protect the interests of unorganised sector workers. He said that schemes like MGNREGA, apart from providing employment to millions of unorganised sector workers, have also brought securing right to workers at the centre of social policy. He said that the enactment of the Unorganised Workers Social Security Act 2008 is a bold and historic initiative and would go a long way in addressing the insecurities faced by workers in the unorganised sector. He said that the implementation of the schemes for the working poor needs to be more effective. He urged the government to put in place effective monitoring mechanisms to ensure that the desired benefits of the various schemes reach those for whom they have been evolved.

2.34. Dr. Kavita Gupta, Principal Secretary, Government of Maharashtra who spoke on behalf of Shri Nawab Malik, Labour Minister of Maharashtra highlighted some of the initiatives taken by Maharashtra Government to improve the conditions of contract labour. She informed that the Government of Maharashtra has taken a decision to mandate payments to all labourers, including contract workers through cheque so that the full amount as stated on their pay record actually reaches them and the government is able to monitor the same. She noted that the government of Maharashtra feels that the ultimate responsibility of payment of bonus, gratuity and other non wage benefit should also be transferred on the principal employer in case the contract labour are not paid the same by the contractors. She noted that in a globalised environment there is a need to arrive at a win-win situation where industries can flourish and at the same time the interests of workers are protected. She said that evidences from some of the major countries in the world show that it is possible to achieve such objectives though the process may take its time. She also noted that the issue of contract labour needs to be discussed not only in the context of core and non-core activities but in a more holistic manner including the issue of what is incentivizing contract. She noted that another issue that needs to be deliberated related to at what price flexibility should be promoted.

2.35. Smt. Anju Bajaj, National Executive Member, Laghu Udyog Bharati noted that a majority of the contract workers who are engaged under the aegis of the government departments in various state governments are not provided with adequate social security and other welfare benefits. In fact, when we talk of improving the conditions of contract workers it is important that we do so in the first instance in the Government establishments. She said that the industry, especially the small scale industries, provide employment and thereby livelihood options to millions of poor people in the country. It is important that the government evolve appropriate incentives to promote employment in small scale industries and also help in imparting appropriate skills for enhancing their productivity and earnings.

2.36. Shri Sarban Singh, Principal Secretary (Labour), Government of Haryana who spoke on behalf of Shri Mahendar Partap Singh, Labour Minister of Haryana highlighted the importance that the Haryana Government provides to labour as a

catalyst for economic and social progress in the state. He said that Haryana has been in the forefront for the effective implementation of different development schemes like MGNREGA, RSBY etc. He felt that there is a tremendous need to put in more innovative schemes and policies for the betterment of unorganised workers in general and construction labour and agriculture labour in particular. He opined that there is a need for rationalization of labour laws to eliminate the multiplicity of various definitions and integration of statutory records to make compliance easier for the employers and also secure the right of the workers in a better way. He also highlighted the need to evolve a single wage law which will simplify the payment of dues of the worker and also prevent malpractices by employers besides simplifying records. As regards global downturn he said that the industries in Haryana were able to tide over the problem without any retrenchment or closure in accordance with the provisions of the Industrial Disputes Act 1947. He said that the decisions that were taken in the State Labour Minister's Conference held on 22/1/2010 regarding the amendments to the Contract Labour (Regulation and Abolition) Act 1970, like the payment of same wage rates and other benefits to the contract labour who perform the same or similar kind of work as the workmen directly appointed by the principal employer should be expedited at the earliest. He also said that the Government of Haryana has with the support of the Central Government, initiated a number of steps to increase the supply of skilled manpower to meet the growing employment opportunities in the State.

2.37. Shri Mangat Ram Singhal, Labour Minister, NCT of Delhi highlighted the centrality of labour as a key factor for achieving socio-economic development of our country. He noted that all concerned stakeholders must provide respect and dignity to labour not only as mandated by law but also in actual practice. He said that the global meltdown which had a negative impact on the pace of economic activity did lead to retrenchment, closures and layoffs. However, the series of fiscal and monetary stimulus measures announced by the Government of India has substantially reduced the adverse affects on the industry and employment. He said that the Government of Delhi had ensured the payment of all legal dues including closer compensation to workers who were affected through retrenchment and layoffs. He said that the contract labourers are encountering various problems like non-receipt of minimum wages, prolonged working hours, non payment of admissible social security benefits etc. He said that there is a need to eliminate such problems through measures like enhancing the penal provision under Section 23 which are presently restricted to the fine of ` 1000/- to ` 10,000/-, payment of wages to workers by cash to be replaced by payment through account payee cheque or electronic clearing system, and creation of Contract Labour Benevolent Fund wherein principal employers as well as contractors should contribute on the total wage bill raised by the contractor and the funds so generated be used for extending welfare benefits to the contract workers.

2.38. Shri Joaquin Braz Alemao, Labour Minister, Goa noted that the State Government has taken a number of steps to ensure cordial industrial relations and to improve the conditions of unorganised sector workers. He informed that the minimum rates of wages have been revised in the State in 21 scheduled employments from Rs.103 per day to Rs. 150 per day. He also said that the State Government has implemented all the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,

1996 and Building and Other Construction Workers Welfare Cess Act, 1996. He said that one of the noble schemes operated by the State, namely Retrenched Workers Assistance Scheme provides for financial assistance to the retrenched workers. He also noted that the employment exchanges operating in the state caters to the needs of registration of unemployed youth in the State. He informed that the State is also implementing the ESI scheme and the RSBY scheme very efficiently. The State Government with the support of ESI Corporation has also taken up the expansion and modernisation of ESI hospitals.

2.39. Shri T.M. Anbarasan, Labour Minister, Tamil Nadu highlighted that the labour policy of the Tamil Nadu Government ensures industrial peace to further industrial development. The government accords top priority for maintenance of cordial labour management relations, strict enforcement of labour laws to ensure better working and living conditions, social security, human rights and quality employment generation. He also noted that under the leadership of the Hon'ble Chief Minister, the Tamil Nadu Government has taken a number of new and innovative initiatives to provide economic and social security to the workers in general and those in the unorganised sector in particular. For instance, a pioneering public health insurance scheme, Chief Minister Kalainger's Insurance Scheme for life saving treatment has been introduced with the aim of extending the facility of quality medical treatment to the underprivileged sections of the society. All the unorganised workers irrespective of their income are covered under this scheme and insurance premium is paid by the state government. Similarly, the government has launched a new scheme, Employable Skill Training for Educated Unemployed Youth, to channelize the potential of youth to productive purposes. He also noted that steps like payment of wages for contract workers at par with the regular workmen if the nature of the work is same must be implemented to improve the conditions of the contract workers. He also placed on record that Government of Tamil Nadu through tripartite negotiation have enabled the Tamil Nadu Electricity Board and unions to arrive at a settlement to make nearly 21,600 contract workers permanent.

2.40. Shri Avadhesh Narayan Singh, Minister for Labour, Bihar said that the Government of Bihar is implementing the social security schemes which are targeting the unorganised sector efficiently in order to improve the conditions of the unorganised sector workers. He noted that the effective implementation of MGNREGA has resulted in significant reduction in distressed migration from Bihar. He urged the Central Government to increase the number of days of employment under MGNREGA from 100 days to 200 days. He also requested the Central Government to sanction special stimulus packages for enhancing the employability of the poor households which in turn would reduce the poverty rates. He also informed that the State Government is planning to considerably expand the coverage of the ITIs in the state so that the youth, especially those belonging to disadvantaged groups and backward areas, can obtain the benefit of the institutionalized skill development measures.

2.41. Master Bhanvarlal Meghwal, Minister for Labour, Rajasthan highlighted that the Government of Rajasthan has initiated a number of innovative measures to provide social security to the unorganised sector workers. He said that Rajasthan is one of the first states to introduce pension scheme for the unorganised contract workers. The government has also established an advisory council to monitor the

issues affecting the unorganized sector and also for ensuring effective implementation of the schemes targeting the unorganized workers including the contract labour. He said that the state government has also taken a number of steps to expedite the pending cases in the Labour Courts. He noted that the state government accords top priority for providing skills and training to the youth. The government is also organizing employment help camps with a view to match supply of and demand for skills. He said that the labour department is also providing technical training to the youth through coordination with the technical education department.

2.42. Shri Kishan Kapoor, Labour Minister, Himachal Pradesh noted that during the current phase of globalisation and liberalisation, there has been an increasing trend towards contractualisation of labour both in the public as well as in the private sector. He said that the Government of Himachal Pradesh, apart from implementing the various social security and other welfare programmes for the unorganized sector workers, has taken special efforts to ensure that the contract workers are not deprived of their legitimate wage and other entitlements. He said that the contract labour should be deployed only in non-core working processes. He was also of the view that the contract workers should be paid on par with regular workers for doing the same or similar nature of work. He noted that in order to avoid exploitation by contractors in the form of wage deductions, the contract workers should be paid through the cheque.

2.43. The proceedings of the first day of the Conference ended with the announcement of the following three Committees to deliberate on the agenda items in detail on the second day of the Conference:-

- a) Conference Committee on “Global Financial Downturn – Its Impact – Job Losses – Comprehensive Package for Protection of Labour Force etc”.
- b) Conference Committee on “Problems of Contract Labour – Social Security, Wages, etc. and Amendments in the Contract Labour Legislations”.
- c) Conference Committee on “Employment Generation and Skill Development”.

The deliberations in the above noted three Conference Committees continued on 24.11.2010.

### **III. Concluding Session**

3.1. Shri P.C. Chaturvedi, Secretary (L&E) expressed sincere gratitude to all the Tripartite Constituents, who made the 43<sup>rd</sup> Session of the Indian Labour Conference a great success. He noted that the enthusiasm and the spirit shown by all the stakeholders to this apex tripartite consultation confirm their concern and commitment to the issues relating to labour, which is central to the progress of the industry as well as the economy as a whole. He said that labour and industry complement each other as the health and prosperity of industry is directly linked to the welfare and prosperity of labour and vice-versa. He noted that the rich and

intense deliberations that took place emphasize the importance of social dialogue and the need for the social partners to work in harmony for protecting the interest of labour on the one hand and promoting suitable economic growth on the other. He added that the deliberations emphasized the need for bringing issues related to labour and employment into the centre stage in economic and social policy making. He committed that the Ministry of Labour and Employment would adequately address the suggestions of the ILC in formulation of policies and programmes of the Ministry. Subsequently he requested all the Member Secretaries of the Conference Committee to present the conclusions arrived for adoption of the House.

3.2. Dr. Ashok Sahu, Member Secretary, Conference Committee on “Global Financial Downturn – Its Impact – Job Losses – Comprehensive Package for Protection of Labour Force etc.” presented the conclusions arrived at the Committee.

3.3. Shri Anil Swarup, Member Secretary, Conference Committee on “Problems of Contract Labour – Social Security, Wages, etc. and Amendments in the Contract Labour Legislations” presented the conclusions arrived at the Committee.

3.4. Shri Anup Chandra Pandey, Member Secretary, Conference Committee on “Employment Generation and Skill Development” presented the conclusions arrived at the Committee.

3.5. The conclusions arrived at the three Conference Committees were adopted by the Conference. Shri Harish Rawat, Minister of State for Labour and Employment expressed his sincere gratitude to the representatives of all the social partners for ensuring effective and intense deliberations on the 43<sup>rd</sup> Session of iLC. He noted that the presence of the Hon'ble Prime Minister during the Inaugural Session has clearly highlighted the importance that the government gives to promoting social dialogue as a catalyst to achieve growth with equity. He said that the emphasis to the growth process in India should be towards balancing employment generation with productivity growth. He highlighted that the labour and its contribution would always remain central for achieving rapid and sustainable economic progress. As regards the issue of contract labour, he opined that there is a need for achieving more unanimity among social partners to tackle problems related to the deployment of contract labour. He assured the august gathering that the Ministry of Labour and Employment is committed to work with all concerned social partners to reduce the differences, if any, so that each and every one could contribute towards achieving India's development goals.

3.6 Shri Mallikarjun Kharge, Union Labour and Employment Minister highlighted that the purposeful discussions during the 43<sup>rd</sup> ILC has further reiterated the spirit of tripartism in India. He thanked each and every one who participated in ILC for the free and frank exchange and the very useful recommendations provided in relation to the major policy domains like global financial crisis and jobs, contract labour, employment generation and skill development. He noted that the process of dialogue must go forward so that we can work together to protect interest of workers on the one hand and contributing to the economic progress of the country on the other. He reiterated the commitment of the Ministry of Labour and Employment for following up pragmatic recommendations of the ILC and evolving appropriate policy initiatives. He said that the ILC, often referred to as the ‘Labour Parliament of India’ has once again

demonstrated that we can address and resolve problems encountering labour and employment through democratic processes.

3.7. The summary record of discussions and conclusions arrived at the respective Conference Committees and adopted by the Conference is attached as Annexure - I to III. The inaugural address by the Hon'ble Prime Minister of India and the Welcome Address by the Hon'ble Union Minister of Labour & Employment are attached at Annexure IV & V respectively. The list of participants is at Annexure-VI.

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**Conference Committee on “Global Financial Downturn – Its Impact – Job Losses – Comprehensive Package for Protection of Labour Force etc”.**

Shri Girish Awasthi, President, Bharatiya Mazdoor Sangh (BMS) and Vice Chairman, Workers Group, 43<sup>rd</sup> Session of ILC was the Chairman of the Committee and Dr. Ashok Sahu was the Member Secretary.

Chairman and Member Secretary in their opening remarks requested the representatives of the social partners to highlight the major issues encountered by labour and employment in the context of the global slowdown and also to provide pragmatic suggestions for strengthening the measures for stimulating employment in the post-crisis period and also for protecting the labour force.

Various issues such as the impact of the financial downturn on jobs, initiatives taken to mitigate the adverse impact of the crisis, employment generation, social security and skill development measures taken to moderate the impact of the crisis, strategies to stimulate employment in the post-crisis period etc. were deliberated in detail in the Conference Committee.

The major issues/concerns and suggestions provided by the different social partners are highlighted below.

**Trade Unions**

- Stimulus packages need to focus on employment related aspects. It must be ensured that firms/industry benefiting from the stimulus packages do not resort to retrenchment of workers;
- Emphasis of the stimulus packages must be to generate sustainable domestic demand;
- Ban on recruitment and creation of new posts in the government and the public sector enterprises has to be lifted;
- Principles of Universal Declaration of Human Rights like right to work; free choice of employment; and protection against unemployment must be adhered by all concerned;
- Measures must be introduced to share equitably the gains in value added between labour and capital;
- There is a need to expand MGNREGA and increase the number of days of employment provided under the scheme to 200 days;
- Public Distribution System must be universalized in order to negate the adverse effects of price rise;

- Violation of labour laws including the denial of trade union rights must be stopped and stringent penalties imposed against those practicing such violations;
- Promotion of labour intensive growth strategies must be given a priority;
- There is a need to introduce an urban employment guarantee scheme on similar lines of MGNREGA;
- Strong need to have representation of labour in major economic and social decision making bodies and institutions;
- There is a need to fix a statutory National Floor Level Minimum Wage to cover all employments across the country;
- Funding for the various social security schemes need to be enhanced;
- Special skill development initiatives should be provided for the workers adversely affected by the crisis; and
- Indian migrant workers returning from different countries due to retrenchment should be provided special packages.

### **Employers Organisations**

- Global economic crisis had profound impacts on growth and employment worldwide;
- The stimulus packages announced by the Government of India helped considerably the industry to tide over the crisis due to which the adverse impacts on growth and employment in India have been minimal;
- The export sector was the worst hit due to the crisis and hence there is a strong need to continue with the stimulus packages for protecting the interests of the export units;
- Micro enterprises and small scale industries are major sources of employment and there is a need to provide additional concessions to these units as a whole;
- The tendency of resorting to violence as a means of workers' protest should be stopped;
- Public Private Partnership model should be encouraged not only as a means to promote skill development but also as a means to promote employment in the post-crisis period;
- There is a need to initiate steps to strengthen Bipartite and Tripartite dialogue in ensuring faster recovery and sustainable growth;

- There is a need to provide incentives for labour intensive industries;
- Need to undertake banking sector reforms with a view to preempt and prevent financial crisis; and
- There is an urgent need to promote self employment and also incentivise entrepreneurial development.

### **State Governments**

- Employment under MGNREGA provided a major safety net for poor workers during the global economic slowdown;
- Number of days of employment under MGNREGA must be enhanced to 200 days;
- Stimulus packages, especially those resulting in employment generation, must be continued with;
- Several state governments are facing financial crunch and hence there is a need for the central government to commit more financial resources towards supporting social security and other welfare schemes targeting the unorganised sector workers;
- Stringent measures must be taken against recruiting agencies indulging in exploitative practices while recruiting Indian workers abroad; and
- State Governments required additional support to strengthen the infrastructure necessary for effective implementation of the labour legislations.

### **CONCLUSION:**

The Conference Committee is of the unanimous view that the recommendations made in the 42<sup>nd</sup> ILC Session including short-term and long-term strategies should be followed more vigorously particularly in areas of:

- Strict implementation of labour laws on lay-offs, retrenchment, job losses, closures etc.
- The broad based social security including unemployment insurance should be devised.
- The availability of credit at concessional rate of interest to micro, small and medium enterprises besides traditional and export oriented industries by banks/financial institutions.
- Consideration of an Urban Employment Guarantee Scheme.

- The scope of Public Distribution System be extended to all unorganized workers in terms of commodities and coverage.
- Skill training/re-training of workers affected by economic slowdown etc.

The recommendations as long term strategies such as

- Statutory fixation of National Floor Level Minimum Wage to cover all employments.
- More investment in infrastructure, non conventional, renewable source of energy, agro based industries so as to stimulate domestic demand.
- Extending employment guarantee from 100 days to 200 days as recommended by ILO.

Further, the Committee was of the view that the stimulus and financial assistance packages should continue and provide more focus on employment generation to compensate their loss in wages or job losses due to economic slowdown.

- It should be ensured that stimulus packages also percolate to micro, small and medium enterprises.
- The ILO code on Multi National Corporation (MNCs) should also be strictly followed in India.
- The labour intensive industries can be provided with some incentives, which will enable them to create more employment.
- The investment should ensure job creation and job retention.
- There is need to provide adequate funding to the unorganised workers social security fund so that the social security schemes can be implemented.
- To extend social protection to all workers in the informal sectors as well as for migrant workers.
- To take appropriate measures on “Jobless Recovery” and “Unequal Development” in order to curtail the number of working poor.
- The recommendations of the Tripartite Expert Committee Report given on 30<sup>th</sup> June, 2009 constituted by ILO, Delhi may also be followed up.
- The adequate steps to be taken for investment in education, health care in rural area.
- Comprehensive package for workers who lost jobs on account of economic crisis.

- All steps to be taken in order to strengthen the Tripartite Social Dialogue for alleviating the difficulties caused on account of the crisis.
- The Standing Tripartite mechanism to be devised to implement and monitor periodically the recommendations of the various conference committees due to economic slowdown as well as ongoing global financial crisis.
- Due to the effects of economic slowdown in construction industry, welfare schemes devised under Construction Workers Fund should be implemented so as to benefit the construction workers to provide benefits such as housing, scholarships, maternity benefit etc. to construction workers.
- The workers/employees who return from home from other countries on account of job loss due to recession should be protected by appropriate measures.

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**Conference Committee on “Problems of Contract Labour – Social Security, Wages, etc. and Amendments in the Contract Labour Legislations”**

Shri Mangat Ram Singhal, Minister of Labour, Government of NCT of Delhi was the Chairman of Conference Committee. Shri Anil Swarup, Director General, Labour Welfare was the Member Secretary of the Committee.

The committee deliberated on following issues of Contract Labour:-

- Applicability of the Contract Labour (R&A) Act, 1970.
- Effective Enforcement of the provisions of the Contract Labour (R&A) Act, 1970 and rules made their under.
- Payment of wages to the contract workers.
- In case where the contract labour perform same or similar kind of work as the workmen directly appointed by the Principal Employer, the wage rates, holidays, hours of work, social security and other conditions of service of contract labour shall be the same as are available to the workmen directly appointed by Principal Employer.
- Absorption/regularization of Contract Labour in the event of abolition of Contract Labour under section 10 (2) of the Act.

**Followings were the views/issues raised by the representatives of the social partners.**

**Trade Unions**

- In case where the contract labour perform same or similar kind of work as the workmen directly appointed by the Principal Employer, the wage rates, holidays, hours of work, social security and other conditions of service of contract labour shall be the same as are available to the workmen on the rolls of the Principal Employer;
- The condition of 20 workers for applicability of Act, should be removed;
- Wages to the contract workers should be paid through banks;
- Contract workers should be paid incremental wages on the basis of their experience and skill learned over a period of time;
- Regularization of the contract workers, performing perennial kind of work;

- Social security schemes should be made available to the contract workers;
- Payment of overtime wage, if the contract worker work for more than 8 hours a day;
- Government/Public sector unit should strictly comply with the provisions of the law as model employer and should not engage contract workers in perennial nature of work;
- Absorption of contract workers, if contract labour is abolished under section 10 (2) of the Act;
- Principal Employer must take responsibilities for compliance of the provisions of the Act;
- Strengthening of labour inspectorate by providing adequate manpower and other logistics;
- In case contractors change, the same contract workers should be engaged by new contractor;
- Labour Departments should be the more pro-active;
- Contract workers should not be employed in the hazardous processes, as lot of accidents have taken place in which contract workers have lost limbs/lives;
- The services of the contract workers should not be terminated without justification;
- Trade Unions should be empowered to file complaints in the Court of Law if the provisions of the CL(R&A) Act are violated; and
- Some of the States have not constituted Tripartite Advisory Board as per the Act. They should be advised to constitute the Boards.

### **Employers Organisations**

- In case where the contract labour perform the same or similar kind of work as the workmen, directly appointed by the Principal Employer, the wage rates, holidays, hours of work, social security and other conditions of service of contract labour shall be the same as are available to the workmen on the rolls of the Principal Employer is not acceptable;
- Absorption/regularization of contract workers in the event of abolition under section 10 (2) of the Act is not provided in the Act. Hon'ble Supreme Court in the case of Steel Authority of India Ltd. stated that the Principal Employer has no obligation to absorb the contract workers in

case of abolition of contract labour. In the law as contract labour is permitted, the flexibility of employment cannot be withdrawn from the industries. In case it is withdrawn, it would result in increase in unemployment, increase in poverty and also increase in expenditure affecting competitiveness of Indian industries in the international market;

- Wage is given to the worker for skills, qualification, past experience and future expectation and not for the work alone. As there is huge difference of skills, qualifications and experiences between the contract workers and regular workers, therefore, same wage cannot be given to the contract labour. Also it would result in litigations;
- Contract workers are already covered under social security schemes provided under the law;
- Out sourcing companies should be recognized as Principal Employer;
- Section 10 of the Act, has no relevance, it needs to be revisited;
- Core or non-core activities cannot be defined;
- Due to rigidity of the law, garment firms are moving to Bangladesh from India;
- Employers have no objection on payment of wages to contract workers through banks;
- All labour laws applicable to contract workers must be implemented effectively as the problems of contract workers are due to non-implementation of labour laws;
- Contractor should be allowed to deposit EPF, ESI dues through their own code numbers;
- Micro and small scale industries should be exempted from the CL (R&A) Act, 1970;
- All benefits provided to directly appointed workmen of Principal Employer cannot be extended to contract workers; and
- Increase in the wage of the contract labour by 20% in lieu of the flexibility as suggested by Maharashtra Government.

### **State Governments**

- Firms of the contractors should be given permanent license;

- Contract workers should not be allowed in hazardous processes. Employment of contract workers in hazardous process should be prohibited;
- Principal Employer should be made responsible for the compliance of provisions of the labour laws;
- Core/non-core activities should be identified. A schedule of core activities should be annexed to the Act. Contract labour should be prohibited in core activities;
- In case of abolition of contract labour, contract workers should automatically become regular worker of Principal Employer;
- Amount of security deposit by contractor should be increased;
- Alternative ways of enforcement should be used instead of traditional system of labour inspection;
- Strengthening of labour enforcement machinery by providing adequate manpower, training and required infrastructure;
- A maximum limit on engaging contract workers as percentage of regular workers of Principal Employer, should be fixed;
- Contract workers should be paid wages through bank;
- In case where the contract labour perform same or similar kind of work as the workmen directly appointed by the Principal Employer, the wage rates, holidays, hours of work, social security and other conditions of service of contract labour shall be the same as are available to the workmen on the rolls of the Principal Employer;
- Self certification of compliance by the employers;
- Wage rate of the contract labour should be double of normal wage rate;
- License should be given only to the contractors having ESI & EPF code numbers; and
- A draft model agreement of Principal Employer and contractor having wage rates, social security and other benefits to be provided by the contractor should be annexed to the Act.

### **CONCLUSION:**

The Group recognized the pressing need to protect the interests of contract workers. A Tripartite Group had been constituted by the 42<sup>nd</sup> Indian Labour Conference to suggest amendments to the Act. The report of the Tripartite Group

was considered by the Group. After deliberating upon a variety of issues relating to contract labour the following resolutions were passed unanimously:

- All efforts should be made to ensure that the existing provisions of the Contract Labour (Regulation & Abolition) Act, 1970 and Rules made there under are implemented in letter and spirit;
- The labour enforcement machinery in the Centre and the State should be strengthened by providing requisite manpower and other logistic facilities so as to ensure effective implementation of labour related legislations;
- States are mandated to constitute Tripartite State Advisory Boards under the Act. However, it was pointed out that a number of States do not have such Boards constituted. It was unanimously resolved that such States should be asked to constitute such Boards under the Act at the earliest;
- Payments should be made to the contract workers through banks. Necessary amendments should be made in the Act/Rules;

The following proposals were also considered by the Group:-

- In case where the contract labour perform the same or similar kind of work as the workmen, directly appointed by the Principal Employer, the wage rates, holidays, hours of work, social security and other conditions of service of contract labour shall be the same as are available to the workmen on the rolls of the Principal Employer. This provision exists substantially under the existing Rules. This needs to be incorporated in the principal Act.
- The threshold limit of 20 workers for applicability of the Act should be dispensed with.

The aforementioned proposals were supported by the workers' representatives as well as those from the State Governments. However, the representatives of the Employers did not agree with regard to both the aforementioned proposals on the basis of the documents submitted by them.

A suggestion was also given by the Workers' Group that in the event of abolition on contract labour under section 10 (2) of the Act, the workers should be absorbed/regularised. This was agreed to by the State Governments but disagreed by the Employers' Group.

Apart from the above, the Workers' Group endorsed the views of its representatives contained in the Report of the Tripartite Group. The Employers' Group endorsed the views as given by their representatives in the Tripartite Group.

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**Conference Committee on “Employment Generation and Skill Development”**

The Conference Committee on Employment Generation and Skill Development was chaired by Shri Ravi Wig, President, Council of Indian Employers. The Member-Secretary of the Committee was Shri Anup Chandra Pandey, Joint Secretary, Ministry of Labour & Employment, Government of India.

At the outset, Shri A.C. Pandey welcomed all the delegates and highlighted the inter-linkages between skill development and employment generation in the context of inclusive growth. Shri Ravi Wig in his opening statement emphasised the primacy of employment generation in government policies and said that government should target employment generation in all its policies. Subsequently, Shri A.C. Pandey requested Shri R. K. Chug, Deputy Director General (Training) and Smt. Amarjeet Kaur, Deputy Director General (Employment) to introduce issues before the Conference Committee for facilitating informed discussion and deliberation. The major issues for deliberation highlighted were as follows:

**Issues for Deliberation**

- Over half the workforce in India continues to depend on agriculture even though it accounts for less than a fifth of the total GDP. This distortion implies a vast gap in incomes and productivity between the agriculture and non-agriculture sectors and points to the need for a large employment shift to non-agriculture occupations. However, there has been, during the last two decades, inadequate growth of productive employment opportunities outside agriculture;
- The organized sector that offers work that would be considered decent, employs about 6 percent of the workforce and, in recent years, has been characterized by a low and declining employment intensity of output growth;
- A large number of workers whether wage-employed or self-employed earn below poverty line incomes and are ‘working poor’;
- There is a need to go beyond special programmes and integrate employment concern into policy-making at various levels. The crucial issue is to ensure that the employment objective is factored or mainstreamed in the country’s socio-economic development strategy;
- A range of social considerations constrain the utilization of productive potential of large section of the workforce, such as women and some vulnerable groups. Supportive structures and an enabling environment need to be created to ensure that not only productive employment opportunities increase, but also there is an increase in the participation of these groups in mainstream economic and social activities;

- National Vocational Qualification Framework which will, *inter-alia*, include opportunities for horizontal and vertical mobility between school and technical education, recognition and certification of competencies irrespective of mode of learning;
- Setting up of Sector Skills Council (SSC) with National Skill Development Corporation. Function of SSCs include identification of skill gaps, preparation of Skill Development Plans and establishment of well structured sector specific Labour Market Information System to assist planning and delivery of training;
- To promote Skill Development in Unorganized sector. Promotion of lifelong learning among working adults in organized and unorganized sector;
- Providing sector wise technical skill resource personnel from trade unions and industries/employers organizations, whose expertise can be used in identification of occupations, identification of skills and competencies, design of course curriculum, examination and certification etc.; and
- Expansion of outreach using established as well as innovative approaches. Providing opportunity of Skill Development for employment/self employment, to all sections of society including women and disadvantaged sections such as SCs, STs, OBCs, minorities and economically challenged and disabled persons of society. Also providing skill development opportunities in rural areas, hilly areas, border and difficult areas, *naxal* affected and remote areas of the country. Enhancing their access to training, improving employability and increasing employment opportunities.

### **Views of Social Partners**

Being concerned with the issue of jobless growth scenario in recent years and the challenge of skill development, the representative of Trade Unions, Employer's Organisation and Government proposed following measures for generating employment and skill development in the context making growth more inclusive.

#### **Trade Unions**

- Conduct study on sector specific manpower requirement and courses offered by ITI courses and their seating capacity;
- As employers will derive maximum out of the skill development initiatives, they should take responsibility of providing skill training;
- Increase the number of Advanced Training Institutes; restructure course content of the ITIs to make them attractive and do away with tuition fees in ITIs;
- Skill development centre should not only focus on soft skills but also on all other type of skills;

- Provide more focus to MES courses as they cater to school drop outs, unemployed youth and informal workers;
- Certifying unskilled workers on the spot and on the job;
- Government should accord top priority to employment generation and all government policies should be directed towards it;
- Lift recruitment ban on regular government jobs and in perennial jobs, fill back log of SC/ST vacancies in government sector in a time bound manner and implement job reservation in private sector;
- Implement 8 hours as working hour norm which will boost job creation;
- More investment in agriculture and agriculture based industries and infrastructure sector to generate more employment in rural areas to promote inclusive growth;
- Amend the costal regulation zone notification and check land reclamation which is affecting coastal and inland fishing livelihoods respectively; also accord importance to other potential costal employment generation sectors such as tea, rubber, coconut etc.;
- Increasing focus on Animal husbandry and dairying sector for employment generation;
- Increase the minimum days of employment under MGNREGA from 100 to 200;
- More emphasis on improving the conditions of employment of unorganized workers and enhance the wages of anganwadi and ASHA workers and provide them with social security and pensionary benefits;
- Recognize home workers and decide their service conditions as per beedi workers;
- Certify street vendors, hawkers, road side mechanists as equivalent to ITI's and provide them space in urban settings;
- Employment in expanding/emerging industry should be labour intensive and selective use of new technology to increase productivity but not to reduce employment; and
- Set-up new industries in backward and rural areas where people live to check migration instead of dislocating the people.

## **Employers Organisations**

- Undertake skill mapping and sectoral studies separately for formal and informal sector to identify the skill gap and to understand the manpower requirement;
- Treat district as the starting point for any skill development intervention;
- Expand the training infrastructure in the country both in terms of increase in seating capacity and enhance the coverage by including new and emerging sectors in the context of the target of having 500 million skilled manpower by 2022;
- Enhance the quality of instructors in ITIs through undertaking training of trainers programme and incorporate 'last mile'/'soft skills' in all skill development training;
- Emphasize on training of both workers and entrepreneurs;
- Enhance the number of trades at present in which NCVT is offering courses and to follow a less rigid procedure in introducing new trades;
- Address issues relating to shortage of trainers, which is at present estimated to be around 60 per cent in various sectors and low quality of trainers by filling up the vacant post and expanding the trainers training infrastructure;
- Ensure quality assurance in all kind of skill training programme and provide skill certification which is extremely crucial for mobility;
- Develop training curricula in vernacular language as this is extremely important in the context of deprived groups and people living in remote areas;
- Emphasize on skill training for both rural farm and non farm sector; Most of the farmers at present is lacking the knowledge on farming practices which needs to be addressed through introduction of new training programmes;
- Address the challenge of bringing school dropouts and rural unemployed into the vocational training system through motivation and soft skills; Provide counselling to college students about various vocational training schemes in order to attract them;
- Utilise existing infrastructure of higher secondary schools and other educational institutions for imparting skill development training programmes;
- Link skill development to MGNREGA;

- Special emphasis on mentally and physically challenged people in skill development schemes;
- For emerging skills such as escalator repair and conveyor belt operator, industry may be authorised to certify those skills and for such purposes financial assistance may be provided to the industry;
- Promote agriculture and agri-based sector for employment generation;
- Encourage SSI units to play a greater role in employment generation through adequate government support;
- MGNREGA apart from providing employment should also focus on creating durable community assets which can be measurable; and
- Restructure the employment exchange by providing services such as career counselling etc.

### **State Governments**

- Skill mapping analysis should be undertaken by the Government of India starting from district level to state and country level to understand the skill gaps at various levels and to design appropriate policies accordingly;
- At present, skill development programmes are handled by different departments. For effective co-ordination and better implementation labour, employment and skill development should be handled by a single department;
- Change the education system and stress higher education only for people with aptitude;
- Revise curricula and seating capacity of ITIs taking in to account contemporary changes;
- Impart training and conduct examination in vernacular language, however exposure to English language may be given which may help the students during placement;
- Establish skill development centre in remote areas and in each block;
- In J&K and North-East where PPP partners are not available due to absence of industry, allow the ITIs to operate through government funding;
- Integrate vocational skill courses with other courses of higher education both vertically as well as horizontally;
- Revise the Apprenticeship Training Scheme, 1961;

- Modernise the Employment Exchanges at the district level;
- Link minimum wage with price index, declare a single floor minimum wage and ensure payment of minimum wages through cheques; and
- Minimum Wage under MGNREGA should be enhanced from Rs 100.

## **CONCLUSION:**

### Employment Generation:

- Employment generation should be at the top of agenda of Government.
- Each programme/scheme/economic activity of the Government may look at aspect of employment generation.
- Agriculture is still major sector providing employment and is also an area where there is immense scope of generating employment through agro-based activities and food processing. Since there is movement of labour from rural to urban areas looking for employment, the Committee strongly felt that all round development of agriculture sector should be taken up by facilitating conducive environment to develop economic activities/industries suitable to rural areas and comprehensive infrastructure development. It was also felt that investments in agriculture should be substantially increased.
- Committee felt that provision to provide work for 100 days in MGNREGA may be increased to 200 days. This will provide more sustainability to employment being generated under the programme in the rural areas. The increase in scope of work is also suggested. Efforts may be made to ensure that MGNREGA workers are paid minimum wages as prescribed by the respective States. Skill development may also be given adequate focus so that assets created are sustainable in nature.
- Committee strongly felt the need to broaden the definition of economic activities to include number of women-centric work and also activities such as own account workers like street vendors, hawkers, road-side mechanics, cobblers, etc.
- Micro and small industries are the major source of employment generation. There is need to support and sustain these industries.
- Committee recommends that ban on recruitment in government and public sector may be lifted.
- Self-employment is contributing most in employment generation. Conducive environment, suitable financial concessions and technical and marketing support are required for promoting self employment.

- Wages being paid to anganwadi workers should be increased and they should also be provided adequate social security benefits.

#### Skill Development:

- Assessment of Training needs in Agro-based industries for introduction of training programmes for benefit of people living in rural areas. Training programmes could be offered under various schemes of Central Government and State government.
- Keeping in view the target of training 500 million persons by year 2022 there is a need for expansion of the skill development infrastructure in country. Expansion is required both in terms of increasing seating capacity and also coverage in terms of sectors including new and emerging areas.
- There is need to strengthening Central and State government /NCVT/SCVT etc. offices dealing with skill development activities.
- Skill development activities have been increased manifold at state level and presently being handled by different organisations. For effective coordination there should mechanism at State and Central level.
- In order to maintain the quality along with expansion of skill training, there is a need for continuous monitoring and timely course correction.
- Country is facing acute shortage of trainers in various sectors. There is need for expansion of trainers training infrastructure in the country.
- Available infrastructure of senior secondary schools and other institutions of learning could be utilized for imparting skill development training programmes by providing additional infrastructure, if required.
- In order to facilitate match demand and supply, it is essential to carry out skill mapping starting from district level culminating to national level. This will help in assessing the need of skill development at various levels and will help in better planning; identification of existing/new trades and facilitates infrastructure development.
- Stress may be given on finishing/last mile training like soft skills and articulation.
- Training may be given in vernacular language and the examination may also be conducted in this language, however, they should also be given training in English language which will help them at the time of placement.
- In states like J&K and North East PPP mode may not work as industry is not coming forward so they may be allowed to operate through government funding.

- Though there is lot of investment in skill training, but research and is getting low priority. Therefore, this area should also be given priority.
- Action may be taken for providing horizontal and vertical mobility to ITI pass out through national vocational qualification framework.
- There is a continuous need for inclusion/updation of emerging skills under MES for gainful employment. A fast track mechanism may be adopted.
- Special focus including marketing skills is required for artisans working in clusters e.g. handloom, handicraft etc.

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**INAUGURAL ADDRESS BY HON'BLE PRIME MINISTER OF INDIA  
ON THE OCCASION OF THE  
43<sup>rd</sup> SESSION OF THE INDIAN LABOUR CONFERENCE  
HELD ON 23 – 24 NOVEMBER, 2010 AT VIGYAN BHAVAN, NEW DELHI**

I am very happy to have this opportunity to participate in this inaugural function of the 43rd session of the Indian Labour Conference.

Our government is committed to working with Trade Unions and Industry to ensure that the regulatory framework in the labour sector is conducive to both employment generation and workers' welfare and well being. This conference provides a platform for valuable dialogue between the various stakeholders in the labour sector. With representatives from 12 Central Trade Union Organizations, Central Organizations of Employers, all State Governments and Union Territories and the Central Government, the recommendations of the Conference carry immense weight. Over the years, they have shaped and influenced our policy and programmes in several areas. These include the formulation of grievance procedures, mechanisms for adjudication and voluntary arbitration, functioning of industrial tribunals and labour courts, and a whole series of labour welfare measures. They have had considerable bearing on the enactment of progressive legislations like the Child Labour (Prohibition and Regulation) Act. They have paved the way for the emergence and growth of institutional mechanisms like the Central Board for Workers' Education and a number of Vocational Skill Training Institutions.

The issues before this 43rd Session of the Indian Labour Conference are of great contemporary relevance to our country. They include the impact of the global economic crisis on employment and welfare of our work force, the problems of contract labour and employment generation and skill development. These are issues which impinge directly on our quest for inclusive growth. I am sure that this Session of the Indian Labour Conference will result in useful recommendations for formulation of government policies on these important matters.

Over the last six and a half years or so, the UPA Government has endeavored not only to make our growth faster, but also to make it more inclusive. The welfare of the Aam Aadmi – our farmers, our workers, our artisans, the poor and the disadvantaged has always guided our policies and programmes during this period. We have launched innovative schemes for promotion of rural employment, in healthcare and in skill development. There have been many successes in our initiatives for social and economic inclusion. But we need to do much more. We stand committed not only to creating more employment but also to social security and welfare of our workers. We stand committed to economic reform with a human face, in which the interests of the weaker sections of our society are effectively protected. But our ability to devote more resources for social welfare activities depends crucially on our ability to accelerate the pace of economic growth. We need therefore sustained growth of 9-10 percent per annum to make a serious dent on poverty, unemployment and under development.

Here, I would like to repeat what I have stated earlier also on a number of occasions. Both industry and labour should and must work together to remove the barriers to faster economic growth and to faster growth of employment. Our regulatory framework in the labour sector should encourage investment in labour intensive industries. It should also ensure the well being of our workers. Simultaneously, it should make our industry more competitive by enhancing productivity. It is also important that the gains of enhanced productivity are equitably shared among shareholders, workers and consumers at large. I hope this broad perspective will guide the deliberations of this important conference.

Our quest for faster and more inclusive growth requires us to be constantly watchful. We should constantly introspect whether our policies are serving our goals. We should reflect upon possible flaws in our policies as well as ways to strengthen policy to withstand adverse circumstances. This reflective and critical perspective is particularly important as we think about our policies for labour and industrial relations. We have the welfare of all workers in mind, those in the organized sector of course, but also those in agriculture, in self-employment, in part-time jobs and in seasonal work. Therefore, we need to think about ways to make their productive lives more secure and sufficiently remunerative and also intrinsically satisfying.

I am very happy that the conference deliberations this year include the subject of contract labour. Besides thinking about providing social and economic security to such contract labour, and indeed to all citizens of this country, this may be the time to ponder about wider issues. For example, we have enacted several progressive labour laws since independence and some even before that. But it appears that not all these laws have had the intended good effects that we would like to see on the ground. We need to consider the possible role of some of our labour laws in contributing to rigidities in the labour market which hurt the growth of employment on a large scale. Is it possible that our best intentions for labour are not actually met by laws that sound progressive on paper but end up hurting the very workers they are meant to protect? Do we have empirical evidence on the changing nature of employment generation with changes in labour legislation, not just in our own country but in the neighbourhood as well? If we want to draw more and more workers into the organized sector where they can claim the benefits that currently cover such a very small proportion of our labour force, do we need to rethink the nature of the laws that enforce such benefits?

I cannot think of a better forum for such deliberations than the Indian Labour Conference. Its members all share the goal of promotion of labour welfare, have the technical and intellectual expertise to dissect and analyse policy option, and the ability to hammer out new suggestions for labour welfare in a rapidly changing economy.

With your help, the government has already taken some initiatives. But we wish to do more. For example, we are acutely aware that the micro and small enterprises sector has the second largest share of employment after agriculture. It encompasses a wide range of economic activities including khadi industry, village & coir industries, handlooms and handicraft industry, sericulture, wool industry, powerlooms industry,

food processing industry, and other agro and rural industry segments. It mainly provides a livelihood to the weaker and unorganized sections of the society, with women and members of minority communities and marginalized sections of society constituting more than half of those employed in these sectors. In rural areas, it also helps to check premature migration of labour from rural to urban areas by gainfully employing people in villages. I hope the Indian Labour Conference will think of ways to strengthen these sectors.

Skills and knowledge are the driving forces of economic growth and social development in any country. The National Policy on Skill Development seeks to provide skills that enhance employability and help secure decent work to our young population. Our Government is upgrading the Industrial Training Institutes into centers of excellence to provide multi-skill courses. Various new schemes for qualitative and quantitative enhancement of vocational training have been launched. The emphasis is on aligning such training with the demands of industry. Active participation of the private sector is crucial for the success of our skill development programmes and we welcome moves in this direction. I expect the deliberations of this conference to come up with innovative ideas which could strengthen the government's efforts in the area of skill development.

I have heard with great interest the presentation by Shri Girish Awasthi with regard to the prices of essential commodities, I can assure this August conference that our Government is making serious efforts to moderate the inflation rates. We have difficulties but we shall overcome. There are many other suggestions which have been made by Shri Awasthi. I do hope that the Labour Ministry and other Wings of our Government will pay due attention to the deliberations that emerge out of your discussions. Yours is a very important Conference and I attach great importance to the thought processes that emanate from this August body of Indian Labour Conference. With these words, I once again thank my colleague Shri Kharge ji, for giving me this opportunity to address this august gathering. I wish you all success in your deliberations.

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**WELCOME ADDRESS  
BY SHRI MALLIKARJUN KHARGE UNION MINISTER OF LABOUR &  
EMPLOYMENT ON THE OCCASION OF THE 43<sup>RD</sup> SESSION OF INDIAN LABOUR  
CONFERENCE HELD ON 23 – 24 NOVEMBER, 2010 AT NEW DELHI**

Hon'ble Prime Minister Dr. Manmohan Singh ji,

Shri Harish Rawat ji, Minister of State for Labour & Employment,

Smt. Sudha Pillai ji, Member-Secretary, Planning Commission,

Representatives from Central Trade Unions and Employers' Organizations,

Senior officers of Central Ministries/Departments and State Governments,

Friends from the media,

Ladies & Gentlemen,

We welcome Hon'ble Prime Minister to the 43<sup>rd</sup> Session of Indian Labour Conference and are fortunate that we shall proceed today under his guidance. His presence is a strong indication of the importance our UPA Government is giving to labour issues. ILC has popularly been regarded as the 'Parliament of Labour'. This unique forum provides a platform for Government and social partners to come together and forge a strong partnership, leading to building a strong economy. The stakeholders not only contribute meaningfully but also share the rewards of the nation's progress.

I want to draw your kind attention to **Prime Minister's Independence Day Speech, 2010, which has given a direction to the country:** (I quote) "We are building a new India in which every citizen would have a stake, an India which would be prosperous and in which all citizens would be able to live a life of honour and dignity in an environment of peace and goodwill. An India in which all problems could be solved through democratic means. An India in which the basic rights of every citizen would be protected." (Unquote)

This is the spirit of the 11<sup>th</sup> Five Year Plan and Prime Minister while conducting the mid-term appraisal in July 2010, has clearly spelt out inclusiveness as the base of all schemes: (I quote) "Our objective was not just growth, but inclusive growth. This means a growth which would bring tangible benefits to the weaker sections, the SC/ST, minorities and other excluded groups." (Unquote)

Indian Labour Conference has a proud history. Tripartism in decision making took roots in our country much in advance compared to many other nations.

We have a work force of more than 460 million in our country who toil day and night to keep our country in the frontline of community of nations. Hon'ble Prime

Minister has laid great stress on targeting poverty eradication, decent employment and reaching essential services like health and education to all sections of our society. As more than 94% of our workers are in the unorganized sector, more and more stress is being given to launch schemes for them. Our Government accords the highest priority for expanding social security umbrella to all categories of workers. The Unorganized Workers' Social Security Act, 2008 is an important legislation which will act as a platform for launching more and more social security schemes for ensuring coverage of various sections of workforce.

India has been playing a leading role in protecting the interest of developing countries at International Labour Organization where labour standards are set. We played a major role in drafting of ILO's Social Justice Declaration, which has a specific provision of not linking trade and labour standards. We made similar contribution in formulation of ILO Global Jobs Pact which aims at job centric growth and protecting the vulnerable. India has been the forerunner in launching innovative employment schemes like Mahatma Gandhi National Rural Employment Guarantee Scheme. This scheme has been internationally acclaimed, as it not only guarantees assured employment but it also serves the purpose of social protection. Our initiatives and schemes of Guaranteed Rural Employment, Rashtriya Swasthya Bima Yojana, Mid-day Meal, Right to Education and Right to Information have been much appreciated in the international forum, particularly the G-20 countries at the Labour Ministers' Conference, held at Washington D.C in April this year.

We have embarked upon the ambitious target given by Hon'ble Prime Minister of training 500 million people by the year 2022. This task demands that we all have to join our hands together to avoid any slippage. To make India the world leader, we have to make our millions productive and ensure some form of social security net to them. These are the two pillars for a sustainable growth model.

Government is going ahead with modernizing and improving the quality of training in ITIs. The most innovative scheme of my Ministry is for developing demand driven short term training courses based on Modular Employable Skills. Our Ministry is in the process of finalizing a scheme of setting up of 1,500 ITIs and 5,000 Skill Development Centres in PPP mode under the Project "Kaushal Vikas Yojana". In the naxalite affected areas we have proposed a scheme to provide skills to the youth. The overall guidance for skilling the workforce is provided by the Skill Development Council chaired by the Hon'ble Prime Minister himself.

The unique Health Insurance Scheme for the poor the 'Rashtriya Swasthya Bima Yojana' (RSBY) is being implemented from 1<sup>st</sup> April, 2008. 27 States/Union Territories have initiated the process to implement the scheme and 24 States / Union Territories have started issuing cards. About 2 crore cards have been issued so far.

There are 44 Central Labour Laws concerning different aspects of labour such as industrial relations, wages, working conditions, social security etc. Review and amendment of labour laws is continuously carried out by us with a view to safeguard the interest and welfare of our workers and to keep them relevant to our progressive economy. In this process, important amendments have been carried out in the Workmen's Compensation Act; the Payment of Gratuity Act; the Employees State Insurance Act; the Plantations Labour Act and the Industrial Disputes Act.

Amendments are proposed in the Factories Act; the Mines Act; the Minimum Wages Act; the Contract Labour (Regulation & Abolition) Act; the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act; the Apprentices Act; the Employees' Provident Fund & Miscellaneous Provisions Act; the Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act and the Employment Exchanges (Compulsory Notification of Vacancies) Act.

Expressing my sincere gratitude to Hon'ble Prime Minister, I seek his blessings on the discussions of this 43<sup>rd</sup> ILC. I am sure, the deliberations on the three issues: 1) Global Financial downturn, 2) Problems of contract labour and 3) Employment generation and skill development, will lead to positive outcomes and shall impact policy making in a beneficial way.

Thank you  
&  
JAI HIND!

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**43rd SESSION OF THE INDIAN LABOUR CONFERENCE**  
**23 - 24 November, 2010**

**LIST OF PARTICIPANTS**

Shri Mallikarjun Kharge, Minister of Labour & Employment	Chairman
Shri Harish Rawat, Minister of State for Labour & Employment	Co-Chairman
Shri Girish Awasthi Bharatiya Mazdoor Sangh	Vice Chairman (Workers' Group)
Shri K.K.Bangur Council of Indian Employers	Vice Chairman (Employers' Group)
Shri Mangat Ram Singhal Government of NCT of Delhi	Vice Chairman (State Governments)

<b>S. No.</b>	<b>Name &amp; Designation</b>	<b>Ministry/Department/Organisation</b>
1	Shri R.V.Subba Rao, Vice President	Bharatiya Mazdoor Sangh
2	Shri C.K.Saji Narayanan, Vice President	Bharatiya Mazdoor Sangh
3	Shri K.Lakshma Reddy, Genl. Secretary	Bharatiya Mazdoor Sangh
4	Shri B.Surendran, Jt. Organising Secretary	Bharatiya Mazdoor Sangh
5	Shri Dharendra Prasad Singh, General Secretary	Bharatiya Mazdoor Sangh
6	Shri Vipin Dogra, General Secretary	Bharatiya Mazdoor Sangh
7	Shri Rajbehari Sharma, State Genl. Secretary	Bharatiya Mazdoor Sangh
8	Shri Swapan Das, President, West Bengal	Bharatiya Mazdoor Sangh
9	Smt. Lata Dixit, General Secretary	Bharatiya Mazdoor Sangh
10	Dr. G.Sanjeeva Reddy, President	Indian National Trade Union Congress
11	Shri Rajendra Prasad Singh, Genl. Secretary	Indian National Trade Union Congress
12	Shri Raghunath Pandey, Secretary	Indian National Trade Union Congress
13	Shri G.Kalan, Vice President	Indian National Trade Union Congress
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15	Ms. Farida Jalees, Genl. Secretary	Self Employed Women's Association
16	Ms. Manali Shah,	Self Employed Women's Association
17	Shri N.M.Thomas, Vice President	All India Central Council of Trade Unions
18	Shri Swapan Mukherjee, General Secretary	All India Central Council of Trade Unions
19	Shri V.Subburaman, Secretary	Labour Progressive Federation
20	Shri M.Shanmugam,	Labour Progressive Federation
21	Shri Philip K. Thomas, Vice President	United Trades Union Congress
22	Shri Paritosh Chanda, Secretary	United Trades Union Congress
23	Shri Govindrao Adik, General Secretary	National Front of Indian Trade Unions-Dhanbad
24	Shri Sharad Patil	Council of Indian Employers
25	Shri B.P.Pant	Council of Indian Employers
26	Shri R.P.Jalani	Council of Indian Employers
27	Shri T.M.Jawaharlal	Council of Indian Employers
28	Shri Shitangshu Taye, Research Associate	Council of Indian Employers
29	Er. Sushil Kumar Gupta	Laghu Udyog Bharati
30	Shri Jitender Gupta	Laghu Udyog Bharati
31	Ms. Anju Bajaj	Laghu Udyog Bharati
32	Shri Arun Khanna	All India Manufacturers' Organisation
33	Shri Babulal B. Todi, Immediate Past President	All India Manufacturers' Organisation
34	Shri Anil Kumar Singh	FICCI
35	Shri G.P.Srivastava, Senior Advisor	ASSOCHAM
36	Shri K.C.Mehra	ASSOCHAM
37	Shri D.S.Pandit, Secretary (Labour)	Government of Arunachal Pradesh

38	Shri P.Majhi, Minister, Labour & Employment	Government of Assam
39	Shri K.K.Mittal, Principal Secretary (L&E)	Government of Assam
40	Ms. Mohinder Kaur, Asst. Lab. Commissioner	UT of Chandigarh
41	Shri C.S.Sahu, Minister for Labour	Government of Chhattisgarh
42	Shri Vivek Dhand, Principal Secretary (Labour)	Government of Chhattisgarh
43	Shri Arun Prasad, Director (Emp & Trg.)	Government of Bihar
44	Shri Swaran Singh Wadhawan, Lab. Inspector	UT of Chandigarh
45	Dr.Varesh Sinha, Addl. Chief Secretary	Government of Gujarat
46	Shri D.C.Baxi, Asst. Commissioner of Labour	Government of Gujarat
47	Shri H.R.Shah, Dy. Lab. Commissioner	Government of Gujarat
48	Shri Sarban Singh, Principal Secretary, Labour	Government of Haryana
49	Shri B.A.Runyal, Secretary, Tech. Education	Government of J & K
50	Shri B.Prakash, Addl. Secretary (Labour)	Government of Kerala
51	Shri T.T.Antony, Director	Government of Kerala
52	Dr.Pukhraj Maroo, Principal Secretary (Labour)	Government of Madhya Pradesh
53	Shri Deepak Gangajalwale, Dy.Director	Government of Madhya Pradesh
54	Shri A.R.Khan, Principal Secretary (L&E)	Government of Manipur
55	Shri H.S.Lenka, Asst. Director	Government of Orissa
56	Shri Vishnu Kr. Sharma, Jt.Lab. Commissioner	Government of Rajasthan
57	Ms. Anjana Dixit, Addl. Labour Commissioner	Government of Rajasthan
58	Shri D.L.Ramudamu, Principal, ITI	Government of Sikkim
59	Shri Mohan Lepcha, Jr. Legal Officer	Government of Sikkim
60	Shri Sita Ram Mina, Labour Commissioner	Government of Uttar Pradesh
62	Shri Pradeep Srivastava, ALC	Government of Uttar Pradesh
63	Shri B.L.Meena, Assistant Economic Adviser	Ministry of Agriculture
64	Shri V.C.Agrawal, Ind. Adviser	Department of Heavy Industry
65	Shri Amit Srivastava, Section Officer	Depart. of Industrial Policy & Promotion
66	Shri Ashok C. Parkash, Addl. Legal Adviser	Ministry of Law & Justice
67	Smt. Rachna Chopra, Jt. Adviser	Department of Public Enterprises
68	Shri K.N.Pathak, Jt. Adviser	Planning Commission
69	Shri B.L.Tikania, Deputy Secretary	Ministry of Labour & Employment
70	Shri B.L.Choudhary, Legal Adviser	Ministry of Labour & Employment
71	Ms. Amarjeet Kaur DDG (E), DGE&T	Ministry of Labour & Employment
72	Shri A.S.Kesai, DDG (AT), DGE&T	Ministry of Labour & Employment
73	Shri R.K.Chug, DDG (T), DGE&T	Ministry of Labour & Employment
74	Dr.R.Singh, DEX, DGE&T	Ministry of Labour & Employment
75	Shri R.L.Singh, Director, DGE&T	Ministry of Labour & Employment
76	Shri A.K.Ganguli, Director (Projects), DGE&T	Ministry of Labour & Employment
77	Shri Dinesh Nijhawan, Director, DGE&T	Ministry of Labour & Employment
78	Shri Hukam Singh, Jt. Director, DGE&T	Ministry of Labour & Employment
79	Shri R.P.Dhingra, Jt. Director, DGE&T	Ministry of Labour & Employment
80	Shri I.K.Srivastav, Jt.Director, DGE&T	Ministry of Labour & Employment
81	Shri R.M.Bandyopadhyay, JDT, DGE&T	Ministry of Labour & Employment
82	Ms. Anita Srivastava, Dy. Director, DGE&T	Ministry of Labour & Employment

83	Shri Sushil Kumar, Dy. Director, DGE&T	Ministry of Labour & Employment
84	Shri M.R.Sindhwani, DDX, DGE&T	Ministry of Labour & Employment
85	Shri Dilip Kumar Asst. Director (Emp), DGE&T	Ministry of Labour & Employment
86	Shri A.K.Singh, SSO, DGE&T	Ministry of Labour & Employment
87	Shri G.M.E.K.Raj, Dy.DG, DGFASLI	Ministry of Labour & Employment
88	Shri Anoop Satpathi, Associate Fellow, VVGNLI	Ministry of Labour & Employment
89	Ms. Neetu Lamba, National Professional Officer	International Labour Office
90	Ms.Anjana Chellani, NPO (Project)	International Labour Office

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