WORKING PEOPLES' COALITION

The Working Peoples' Charter

The **Working Peoples' Charter** evolved out of a broad diversity of processes and discussions in different networks and conferences, held over the years, by various organisations, networks and alliances in India, starting with meetings held at Hyderabad, Chennai, Mumbai and Delhi in 2013 and 2014 from which this draft Charter emerged and which were attended by representatives from trade unions, NGOs, alliances of organisations and social movements working with people dependent on the informal economy.

The range of hard-fought benefits won by the working classes is being denied to the informal sector. The 'race to the bottom' that characterizes neoliberal globalisation, essentially means criminally low labour costs, minimum labour laws and social security. The much touted 'emerging economies' are operating in contexts where profits are being made at the expense of workers and their right to a 'decent life'

Workers in developed countries are facing the onslaught of 'austerity measures'- the predominant state response to the ongoing capitalist crisis, while those in developing countries are being pushed into the ever-growing informal sector, with low pay, no benefits, and no right to organise. In India, workers in the formal sector are also facing similar impacts, characterised by jobless high growth and privatization of the public sector and services model. Large companies have closed down, even entire industries, leaving workers jobless, so that they can be pushed into the informal workforce. Even the production process shop floors are run through the use of a contract labour system. In the era of neoliberal globalisation, there is the privatisation of profits and the nationalisation of losses everywhere in the world. Agriculture activities also have been critically impacted by de-peasantisation and dispossession of lands. Further, in the rural, coastal and forest economy, there has been a collapse of livelihood, loss of control over commons and natural resources. The general agrarian crisis has led to an increase in indebtedness leading to a series of farmer's suicides, and pauperisation resulting in massive displacement and distress migration.

This Charter reflects the aspirations of more than 500 million working people, primarily in the informal sector, across the length and breadth of India: working in the urban or rural, formal or informal sector, in wage employment, self-employment, home-based and domestic employment, and includes all socially oppressed and excluded working people, whether earning a livelihood or not. There is a convergence of both traditional identities (like caste, gender and community) and that of class. As the NCEUS report states: "What is quite significant is that 79% of the informal or unorganised workers (502 million by 2012), 88% of the scheduled castes and scheduled tribes, 80% of the OBC population and 84% of

the Muslims belong to the poor and vulnerable group. They have remained poor at a bare subsistence level without any job or social security, working in the most miserable, unhygienic and unliveable conditions, throughout this period of high economic growth since the early nineties." People in the informal sector are excluded from the fruits of the 'high economic growth' story of India; the growth story that over-shadows critical issues such as jobless growth, the deep agrarian crisis, unemployment, flexibility in employment, distress migration, new and old forms of discrimination at the workplace, loss of traditional means of livelihoods, privatization of public sector and services, and gradual denigration of all forms of labour legislation. The state is leaning more and more towards a policy framework that is based on profits for the corporations rather than social welfare for the people.

It is incumbent upon the state to recognise this vulnerability and act upon it for the welfare of the citizens of this country. It is important in this era of jobless growth, for the state to ensure the right to employment and decent work for the people. People have to be placed before profit in state policy. The Indian state has the minimum responsibility to uphold the 'constitutional morality' which constitutes the inherent strength of the Indian Constitution, which evolved out of the mass upsurge of the anti-colonial struggle.

Specific and Immediate Demands

- **Labour Codes:**
    - Repeal/amendment of anti-worker provisions in all the newly legislated labour codes specifically from the lens of informal workers and unorganised sector
    - legislating a separate fifth code dedicated for the unorganised sector including self-employed/self-account workers
    - An informal worker in India is a woman, a man, a minor, a Dalit, an Adivasi, a religious minority, a member of a sexual or gender minority, a member of a nomadic or de-notified tribe. These words should be included in the definition of 'worker' and fundamental structure through amendment of labour laws of central as well as the state.
    - The laws concerning working conditions such as child labour, bonded labour, manual scavenging etc need special emphasis
    - New forms of work such as gig and platform economy, invisible workforce such as sex workers, tailors, beauticians, newspaper vendors, cultural artists workers (bandwala, dholakwala etc), need special recognition in the labour law reform process.
    - Restricting the working day to a maximum of 8 hours, recreation for 8 hrs and sleep for 8 hours should be part of fundamental principles of labour laws.
- **Social Security for Unorganised Workers-**

- Universal minimum social security including health (extend ESI) and maternity benefits, accident insurance, life insurance, pension and housing. Access to these benefits should be portable where applicable.
- Each state must form state social security boards (focus will be on creating sectoral boards), bring out rules and define the schemes. For purposes of the Act, "workers" should be defined as *those working in the unorganised enterprises or households, (excluding regular workers with social security benefits), and the workers in the formal/organised sector without any employment/social security benefits provided by the employers [NCEUS 2007].*
- Ensure Central and state budgetary allocation contributing towards Social Security Funds, in a transparent manner, directed towards implementing schemes under the Act.

- **Right to Employment and Wages**
  - The concept of a living wage as enshrined in the constitution of India needs to be incorporated in the current labour laws.
  - A universal wage formula (UWF) that calculates and fixes minimum wage including 'floor wage' in line with the 15th Indian Labour Conference which was also further supplemented by the Supreme Court [*Raptakos Brett vs. Union of India*] judgement must be a fundamental principle for any wage determination process across the country.
  - Wage payment structure such as piece rate, hourly wage etc has to be in sync with the UWF principle.
  - NREGA framework needs to be extended in urban centres including peri-urban locations for ensuring the right to employment which will ensure universal income protection along with the right to work. Current NREGA also has to adhere to the universal wage formula as mentioned above.
- **Labour Administration**
  - Strengthen and augment Labour Departments and personnel in charge of provisioning of social security for unorganised workers.
  - Ensure labour officials at the sub-divisional level. Establish easy-to-access and effective time-bound grievance redressal mechanisms.
  - Create a tripartite mechanism for Labour Facilitation Centres,
  - Strengthen labour inspection system
  - Create a tripartite federal authority overseeing the implementation of labour legislation and social security schemes

    - The 73rd and 74th Amendments are vital for effective and sustained implementations of the Rural and Urban NREGA program.
- **Housing for Workers**
    - Provide in-situ occupancy rights and adopt a zero eviction policy of slum-dwellers and tenement residents
    - In case of setting up of new industrial areas, and in the case of industrial closure and change in land use from industrial to commercial, allocate adequate land for workers housing.
    - Implementing the homeless shelter scheme according to supreme court guidelines and providing low rental housing
    - Decent housing for workers - that is affordable and adequate whether ownership or rental.
    - Ensure spatial equity as a factor in precarity, and risk.
    - Ensure resilience and sustainability in housing and urban planning without which there is a greater risk to life and livelihood

- **Enforcement of Labour Standards**

    - Ensure adherence to ILOs core labour standards when approving all public projects, public procurement, subsidies and tax benefits
    - In order to maximise employment and labour-intensive economic growth, ensure a threshold number of jobs per unit of investment

- **Gender-based demands**

  Government and municipalities must ensure there are clean, well maintained and safe Childcare centres for children at work sites, offices, neighbourhoods
  Establish sexual harassment committees under the law and penalise those who have failed to establish them.
  Ensure equal work equal pay
  Ensure there is no discrimination against and criminalisation of working people from the sexual minorities (all LGBTQ communities)

- **Governance:**

  Implement workers representation in the industry
  Clarify and ensure that obligations of industry in labour governance are complied with
  Create clearer distinction of the role of Central and State government responsibilities towards labour

- **Natural resources:**
  Many people and workers share a harmonious co-dependent relationship with natural resources. In the light of corporate loot and exploitation of such resources which lead to climate disasters, natural resources must be protected, especially as the working poor bear the brunt of such disasters. We therefore demand :
    - Immediate restriction or stop to all processes and activities that aggravate climate change.
    - Preparation and implementation of schemes that enhance the resilience and adaptation capacities of workers to climate change.
    - That the right to natural resources is recognized as an integral part of the fundamental right to life of workers whose livelihoods depend on natural resources.

JOIN THE WORKING PEOPLES' COALITION (WPC), INDIA

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