

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

UNSTARRED QUESTION NO:667
ANSWERED ON:09.12.2013
LABOUR CONFERENCE
Owaisi Shri Asaduddin

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the detailed discussions held during the recently held Indian Labour Conference in New Delhi;
- (b) the main issues raised by the trade Unions and road map chalked out by the Government for the welfare of workers;
- (c) whether the Government proposes to come out with an Universal Social Security cover for workers in the organized and unorganised sectors in the country;
- (d) if so, the details thereof and the time by which the scheme is likely to be launched; and
- (e) the steps taken so far by the Government on the demands by Union leaders in the conference?

Answer

MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI KODIKUNNIL SURESH)

(a) & (b): The 45th Session of Indian Labour Conference was held on 17th & 18th May, 2013 at New Delhi. The deliberations of the Conference focused on four issues which are:

- (1) Service conditions, wages and social security for various categories of workers employed in different Central Government and State Government Schemes (Anganwadi, Mid-day meal, ASHA, Sarva-Shiksha Abhiyan and other schemes) under various Ministries of Central Government;
- (2) Social Security with special reference to Assured Pension with indexation for all workers including self-employed;
- (3) Labour Law for Micro and Small Enterprises; and
- (4) Measures to improve Employment and Employability.

The above issues were discussed in separate four Conference Committees. The recommendations of all four Conference Committees are enclosed.

(c) to (e): The recommendations made by the 45th Indian Labour Conference, including on Universal Social Security Cover are under consideration of the Government.

Conference Committee on "Service conditions, wages and social security for various categories of workers employed in different Central Government and State Government schemes (Anganwadi, Mid-day meal, ASHA, Sarva-Shiksha Abhiyan and other schemes) under various Ministries of Central Government".

The Conference Committee on the above Agenda item was chaired by Sh. Prithibi Majhi, Minister for Labour, Government of Assam. The Member Secretary of the Committee was Sh. Anil Swarup, Additional Secretary & Director General (Labour Welfare). At the outset, Sh. Anil Swarup welcomed the delegates and emphasized on the importance of the agenda item. Thereafter, with the permission of chair, Sh. Anil Swarup invited the delegates to express their views on the Agenda items and also suggest concrete course of action as to what should be done and how it should be done for the benefit of these category workers employed under various central government schemes.

Views of Social Partners: Trade Unions

The representative of the Trade Unions basically focused on the pitiable conditions of these workers who are not even recognized as "workers" though they work for more than 7-8 hours daily on regular basis. Anganwadi Workers are working since more than 30 years but still they are not regular employees of the Government though they are running such important scheme of the Central Government at the grass root level. They are paid meager honorarium which is not fit even for subsistence level. ASHA Workers are termed as volunteers and paid 'incentives' though they work for more than 8-9 hours in hospitals as well as in the fields. In case of Mid-day Meal Workers, they also work for whole day side by side with the teachers and other staff of the school but they are not treated as staff of the school and get pittance in terms of monetary benefits. There are no minimum wages for these employees and no provision for

social security benefits such as pension, gratuity, provident fund etc. The unanimous demand from the trade union side was to treat these workers as 'government employees' of appropriate class and all benefits due to these classes of employees must be given to these workers. For immediate redressal to the Anganwadi workers who have already retired or retiring in near future (or disengaged as being the term used by the Department for these workers), they must be brought under some scheme of pensionary benefits.

Central Government (concerned Ministries)

It was mentioned by the representative of Department of School Education & Literacy that the under the Mid-day Meal scheme, Cook-Cum-helpers (CCH) have been engaged for preparing and serving of the Mid-day Meal to the elementary class children studying in the schools under Sarva Shiksha Abheyan. They work for about 3-4 hours in the schools for preparing and serving the Mid-Day Meal (MDM) etc. Since Cook-cum-Helpers under Mid Days Meal Scheme are engaged for limited hours on part-time basis for preparing and serving the MDM, they are not treated as Government employees. However, they are paid minimum honorarium of Rs.1000/- per month for preparing and serving MDM in the Schools. This amount is contributed by the Central Government and many State Governments are providing additional amount over and above to this to these workers. In few States like Tamil Nadu these workers are given all social security benefits. Recently, Department has tied up with Ministry of Tourism to enhance the skill of these workers so as to enhance their employability and they can get better placement in the market as cook in hotel industry. Department is also considering a proposal to enhance the honorarium from Rs. 1000/- to Rs. 1500/- for the year 2013-14 and 2014-15 and further to Rs. 2000/- for the years 2015-16 and 2016-17. Regarding the primary teachers working under Sarva Shiksha Abhiyan (SSA), they are treated as employees of the State Governments and their salary is shared between Centre and States. Department is also considering to start Insurance Scheme for these teachers. Regarding the Anganwadi Workers and Helpers, representative of Ministry of Women & Child Development mentioned that the Integrated Child Development Services (ICDS) Scheme is a centrally sponsored scheme of the Government of India being implemented through States/UTs. The honorariums to the AWWs and AWHs have been increased to Rs. 3000/- per month and Rs. 1500 per month respectively. In addition to this, many States/UTs are also giving monetary incentives to these workers out of their own resources for additional functions assigned under other schemes. Further they get the facility of 20 days Casual Leave in a year as well as maternity leave of 180 days. Provision has been made to fill up 25% posts of supervisors from these AWWs so they have career progression avenues also. Some States are providing retirement benefits also to these workers. In the 12th Five Year Plan, Government has decided to construct 2 lakh pucca Anganwadi Centres. New MIS has been developed which has reduced the work of AWWs. Department is supportive of the proposal to provide social security benefits to these workers except pension.

The recommendations of the Conference Committee are:

1. They should be first recognized as "workers" and not volunteers or honorary workers.
2. They should be paid minimum wages.
3. They should get all social security benefits like pension, gratuity, maternity benefits etc.
4. To begin with, the social security schemes for unorganized workers like Aam Adami Bima Yojana (AABY) and Rashtriya Swasthya Bima Yojana (RSBY) should be extended to these workers.
5. Angawadi Centres should be in pucca building in good conditions with all basic amenities. Similarly, for ASHA workers also, suitable working space with basic amenities should be provided.
6. They should have right to organize and collective bargaining.
7. Respective Departments should formulate "Employment Standing Order" for these workers to regulate their employment and service conditions (wherever not existing).
8. For Anganwadi Workers & Helpers, who have already retired or retiring in near future, one time gratuity / lump sum payment should be given.
9. Such workers, as are kept on contract basis, should be retained for all such subsequent activities.
10. Service conditions of the teachers and staff of the National Child Labour Project (NCLP) schools should be ameliorated along with appropriate infrastructure and amenities.

Representatives from Department of School Education & Literacy and Ministry of Women & Child Development did not concur with the recommendations mentioned at Sl. No.1 (regarding recognizing them as 'workers'), No. 2 (regarding payment of minimum wages), No. 3 (regarding provision of pension) and No. 8 (regarding one time payment of gratuity /lumpsum payment).

Conference Committee on "Social Security with Special Reference to Assured Pension with Indexation for all Workers including Self-Employed"

(1) A Committee was constituted to discuss the Agenda Item listed at Sl. No.2 i.e. "Social Security with Special Reference to Assured Pension with Indexation for all Workers including Self-Employed." The issue of Social Security for workers had been under discussion at different forum such as CBT, EPF, Indian Labour Conference, etc.

(2) The Committee welcomed the statement of the Hon'ble Prime Minister made in his inaugural address to the 45th Session of the Indian Labour Conference relating to creation of National Social Security Fund and Provision of minimum pension of Rs.1000/- p.m. under EPS.

(3) After detailed deliberations, the Committee made the following recommendations :-

- (i) Universal social security Coverage be provided for the entire working population of the country. Further, appropriate steps should be taken to remove the prevalent hurdles, such as making different social security schemes eligible only for BPL beneficiaries, to achieve this objective.
- (ii) The entire working population of the country should have access to assured pension at the end of their working life.
- (iii) The EPS 1995 should, as a first step, provide a minimum assured pension of Rs.1000/- p.m.
- (iv) The pensionary benefits available to the beneficiaries should be responsive to price rise.
- (v) The New Pension Scheme (NPS) should be suitably modified also to provide for assured pension to its members.
- (vi) The Committee reiterates implementation of the recommendations on social security made at the 44th Session of the Indian Labour Conference.
- (vii) The current Government spending on social security schemes as a percentage of GDP being very low as compared to many other countries should be increased.
- (viii) Similar to Right to Information and Right to Education, the Government is requested to examine enacting legislation for "Right to Work and Pension."

Conference Committee on "Labour Law for Micro and Small Enterprises"

Conference Committee No.3 of 45th ILC met under the Chairmanship of Shri Hemochandra Singh, Hon'ble Minister of Labour & Employment, Government of Manipur to deliberate on the agenda Item No.3, namely, "Labour Law for Micro and Small Enterprises".

2. The representatives of Employers Association expressed difficulties in compliance of labour laws which number 44, being small enterprises having no expertise in labour laws. They, therefore, argued for formulating a comprehensive and consolidated labour law applicable to Micro and Small Enterprises having threshold limit of workers employed, besides the normal investment limit, requiring maintenance of single register and filing a simplified return without sacrificing interests of the workers.

3. The representatives of the trade unions mentioned that any measures taken for promoting the Micro and Small Enterprises should ensure that the interests of the workers engaged in these establishments are not compromised and the basic requirements such as minimum wages, welfare and social security benefits and working conditions of the workers are adequately addressed.

4. The Committee acknowledged the importance of Micro and Small Enterprises from the point of view of providing employment as well as inclusive growth in the country. It was agreed that the sector needs to be promoted and supported. However, the workers engaged in the sector should also be ensured minimum wages, welfare and social security benefits and safe and healthy working conditions. Any harassment caused to Micro and Small Enterprises in process of complying with labour laws should be avoided while it should be ensured that the workers are not exploited.

5. The Committee, after detailed deliberations took the following decisions:-

- (i) Any suggestions or proposals made for rationalization or simplification of procedures in compliance of labour laws will be examined by the Ministry of Labour & Employment for appropriate action.
- (ii) A Tripartite Committee having representatives of all stakeholders including the Employers' Associations, Trade Unions, Central Government and State Governments will be constituted for examining all aspects of labour laws affecting the working of the Micro and Small Enterprises and submit its recommendations regarding any further action required, to the Government.

RECOMMENDATIONS OF COMMITTEE ON "MEASURES TO IMPROVE EMPLOYMENT AND EMPLOYABILITY"

1. Enhancement of off-farm and non-farm employment opportunities for rural youth. Specific measure should be decided and quantified for implementation.
2. Continued investment in infrastructure development such as roads, ports, airports, power, etc. for enhancing employment opportunities should be made.
3. Promotion of domestic and export oriented manufacturing and services sector units to enhance employment opportunities.
4. Channelise more investment in labour intensive industries to upscale employment.
5. Establishment of a well-structured holistic Labour Market Information System (LMIS) to bridge the supply-demand gap between industry and skill providing institutions.
6. Increase outreach of skill development to rural, hilly, inaccessible and unserved areas.
7. Increase access of skill development to SC, ST, OBCs, Minorities, persons with disabilities with special focus on women by

starting skill development centres and ITIs.

8. Increase number of institutes for training of trainers for ITIs and Skill Development Centres.

9. Industry should enhance seats for apprenticeship training by suitably amending the Act. Stipend under the Apprentices Act should also be enhanced.

10. Micro, Small and Medium Enterprises (MSME) should be brought under the purview of Apprentices Act to promote employability among larger number of youth.

11. National Skills Qualifications Framework should be put in place to ensure quality assured training, horizontal and vertical mobility and life-long learning opportunity.

12. Faster implementation of Employment Exchanges Mission Mode Project (EEMMP) to provide better employment services to job-seekers and employers.

13. Ban on recruitment to be lifted and existing vacancies should be filled up.

14. National Employment Policy should be finalized on priority.

15. Public awareness campaign on skill development should be taken up, particularly in the rural areas.