

Nagpur Declaration

The Convention on 'Social Security for Unorganised Workers' called by a consortium of 14 NGO networks comprising of BIRSA, Ranchi; CEC, Delhi; Delhi Forum, Delhi; FEDINA, Bangalore; HRLN, Delhi; ISI, Delhi; LAYA, Vishakhapatnam; NAFRE, Delhi; NCCUSW, Delhi; NCDHR, Delhi; NIWCYD, Nagpur; PWESCR, Delhi; Women's Voice, Bangalore and YUVA, Mumbai and attended by around 800 hundreds people representing 300 NGOs, community organizations, trade unions and individuals (see annexure-I) ¹ held at Sitabuldi, Nagpur from October 26-28, 2006

after critically looking at various Bills on Unorganised Sector workers,

after hearing and interacting with representatives of the ILO, NCUES; the Central Trade Unions, AITUC, Hind Mazdoor Sabha, UTUC; other trade unions, SEWA, NTUI, NCL, NCC-USW, NFF, CMSS; and peoples' movements NAPM, Hamal Panchayat, other organizations and experts on social security, academicians and intellectuals,

after deliberating on issues 'Social Security versus Employment regulation', 'Discrimination in Social Security Benefits', 'Social Exclusion, Discrimination and Violence based on Caste', 'Women and Social Security', 'Sexual Harassment, Violence and Gender Discrimination in Unorganised Sector', 'Structure of Social Security administration', 'Social Security fund - sources and method of collection' 'Need for a separate Comprehensive Law for Agriculture Workers', 'Feasibility of Insurance Based Social Security and Privatization of Insurance, alternative ways as in ESI Scheme' and 'New Economic Reforms and Unorganised Sector'.

issue the following unanimous declaration.

About 370 million workers, constituting about 92% of the total workforce in the country, more than one-third woman and majority dalits and adivasies are employed in the informal sector, in the traditional and new sub-sectors. They contribute about two-third to the National Domestic Product, National Income, savings and capital formation. The capitalist development, rather than facilitating an anticipated process from informal to formal forms of labour, has facilitated informalisation of labour in developed and developing countries.

¹ List attached at the end of the declaration

Their wages and earnings are generally at subsistence level. They are outside the purview of regulative, welfare and social security laws. They are generally denied social security, welfare and health cover. They are denied basic human rights, constitutionally guaranteed citizenship rights and labour rights. They are rarely organised in any form of trade union or associations and generally face inhuman or hostile social environment.

Drastic changes brought about in agricultural and industrial policies as part of economic reforms have on the one hand, opened up the economy for international competition as well as corporatisation of the industrial sector; on the other hand, it increased informalisation, casualisation and contractualisation of work. In order to maintain competitiveness of the enterprises, government is stealthily encouraging flexible labour laws.

Radical changes brought about in export and import policies and tariff reduction facilitated import of cheaper goods affecting Indian industry, in many sectors resulting in closure of industries, large scale retrenchment and job losses. Import of cheap and subsidized agricultural goods has worsened the crisis in Indian agriculture manifested in the suicides of thousands of farmers all over the country. Impact can be seen in the form of employment opportunities being reduced and per capita food availability going down below the minimum requirements. Moreover, industrial policy changes under the Structural Adjustment Programme have facilitated the entry of big business into areas like mining, biotechnology, forestry, water resources, health, education and services. This is threatening their traditional rights over natural resources leading to large-scale displacement and resources alienation.

There is a major shift of labour from the formal to the informal sector and informal work in the formal economy supply matrix. Companies engage in cascading subcontracting operations that will not be part of their structure but will nevertheless be wholly dependent on it, with wages and conditions deteriorating from the center of operations to its periphery. This allows these companies to cut down on their permanent workforce, and rely instead on the use of vulnerable labor. The outer circle of this system is the informal economy: the virtually invisible world of micro-enterprises and unorganised workers including home workers.

Another striking aspect of the structural transformation is the increased flexible labour force participation of women. Opportunities for women's work are being created mainly in atypical forms of employment with little or no formal social protection. A growing and disproportionate number of women work in precarious, casual and part-time work, and other non-standard forms of employment (paid and unpaid) including agricultural work. Women workers are exploited economically as well as socially – as women and as women workers. In most of the informal sector work environment, sexual vulnerability and violence exist in a very pronounced manner. As women workers, they are discriminated against in wages and representation. Women workers in informal employment are the most flexible and the least expensive.

In India, informalisation of work and poverty cannot be disassociated from the social origin of the workers. Most of the dalits and adivasi workers are employed in the informal sectors. They face discrimination while seeking work and worst forms of discriminations at the place of work perpetuating chronic poverty among a large section of this social group. Social exclusion goes hand in hand with economic deprivation and political exclusion, making it a vicious cycle enforcing and regenerating chronic poverty and hunger.

Given the rise in informal employment, erosion of decent work and increasing un employment and under employment, constitution of a comprehensive social security system for the unorganized workers is highly relevant.

The Convention unanimously endorse the New Delhi declaration made on October 19, 2006 by trade unions and other organizations on the issue of comprehensive legislation for unorganized workers, for the launch of a nationwide campaign to pressurise government to introduce bill for regulation of employment and social security for the unorganized workers in the next session of the Parliament. The Convention vehemently opposes the government's idea of formulation of another scheme for social security instead of legislation.

The Nagpur Convention further observes that the model of one worker, one occupation is no more true in the informal sector. Most workers in informal sector have to work at several related or even unrelated occupations where employers are rarely identifiable. They mostly combine two or more than two occupations of agriculture, animal husbandry, poultry, handloom weaving, road building and other construction work etc according to seasons and availability of work.

In this context, it becomes necessary to be involved in several levels of organising and bargaining. Some bargaining has to be with the employers either as companies or as a class. However, bargaining also has to take place with different agencies, bodies, authorities as well as with the different organs and arms of the State – the municipal authorities, the police, financial institutions, housing and land authorities and so on.

Demand, Plan & Strategy

This convention reaffirms the necessity for incorporating employment assurance or guarantee, minimum wage and minimum income protection and employment regulation with social security in the legislation.

It should provide for protective provisions for dalits and tribals and particularly for dalit agriculture workers and dalit women by constituting vigilance committees, providing land to dalits agriculture workers, abolition of manual scavenging,

protection of dalits against caste based discrimination and exclusions and stringent punishment for violations.

All women workers, paid and unpaid, need additional protective cover in the law for equal wages and service condition, mechanism for the prevention and redressal of sexual harassment, maternity benefits with leave, widow pension and legal aid. All women should be entitled to Social Security benefits as independent citizens and not as dependent on male earning members or as part of the family/household. Employment status of a male member in the family must not be the criterion for availability of the entitlements to women.

Social security should include safety at work place. It should also include housing rights of workers, which includes land rights. All categories of workers should be covered in the proposed legislation and thus the definition of 'unorganised worker' should be inclusive.

The government should do the entire social security funding with minimal one time contribution from workers and renewal in two or three years. The reasonable fair level of social security needs of workers and family members be determined and accordingly the requirement of funds be calculated. The government should bear the entire cost of social security by raising funds by tax or cess. In principle 5 per cent of GDP should be spent on social security. The government should not privatise Social Security. The government should provide health services and not allow privatisation of health insurance for unorganised workers.

The government should issue individual identity cards for all categories of unorganised workers, including self-employed, unemployed and marginal farmers.

The convention reaffirms the need for tripartism at all levels in administration of social security provisions and dispute resolution. In tripartite forum, women workers, dalits, dalit women tribals and other classes of workers be given proportionate representation. The worker representatives should be elected proportionately and not nominated. The boards should be autonomous and workers representatives would form majority to take all decisions.

The proposed law must necessarily incorporate provisions described in this declaration and as resolved by the trade unions in the meeting on 19th October 2006.

The convention further emphasize the need for a separate comprehensive legislation for the agriculture workers which would focus on special vulnerable circumstances of workers while providing for dispute resolution, social security, income protection and debt redemption.

It is realised that NGOs would play an important role ensuring social security, protection of rights of working class and in building stronger organisations of workers in unorganised sector. They would enter in to continuous dialogue with trade unions and organisations of people's movements.

The Convention calls upon trade unions, community organisations, peoples' movements, NGOs and organizations that represent other segments of the working class, including the unemployed and workers in the informal economy to forge alliances to bring increased "power of representation" of the unorganized workers to the negotiation table.

The declaration calls for systematic campaign to gain social security for unorganised workers through workshops, meetings, rallies and by building alliances with Trade Unions, Peoples Movements, women's organisations, dalit and adivasi movements, students and youth. It further calls for organising a march from Kanyakumari to Delhi to bring issues to common people. Lobbying MPs, MLAs, and a signature campaign should also be part of the campaign.

It is vital to ensure that the process is open and participatory. Accordingly, worker organizations, from the local to the international level, should seek to increase transparency and public accountability regarding social insecurity.

The Convention urges everyone to look at the issue of labour rights in a larger framework, while affirming the framework of the core labour standards, as defined by the ILO, namely,

- freedom of association;
- right to collective bargaining;
- prohibition of forced labour;
- equality of treatment and non-discrimination in employment; and
- minimum age for employment (i.e., prohibition of child labour).

From the unorganized sector perspective, the labour rights should also include the right to a living, safe and healthy working conditions, reasonable working hours, severance notice and pay, and other workers' benefits such as paid sick leave, paid vacations, and retirement benefits.

The Nagpur convention proclaim the beginning of a joint and unified struggle of unorganised workers demanding their right to the share of national income to which they contributed more than half.

The Convention calls for the launch of a national movement for Social Security for unorganised workers.

28 October 2006
Nagpur