

SUDESHANA'S JOURNEY FROM DEPRIVATION TO EMPOWERMENT AT WORK

Sudeshana (41) and Jagiya (44) are married to each other and belong to Basavanagudi locality of Bangalore. They are originally from a small village in Maharashtra and shifted to Bangalore 7 months ago. They stay in a slum at Basavanagudi. Sudeshana works in a garment subcontracting unit at Yeshwanthapur, Industrial Suburb. Jagiya is a patient of epilepsy and cannot work. Sudeshana barely earns Rs. 3000 per month. She has a standard 12 hours shift (8AM to 8 PM). Their 10 year old daughter Jalaja does not attend school and also works for an embroidery unit in Yeshwanthapur. She also works for nearly 12 hours in a day and returns home with her mother at about 10 PM. In the morning they leave home at 7 AM to reach their workplaces by 8 AM. It takes almost two hours to reach home in the night. After reaching home Sudeshana cooks food for all the three. In the morning Sudeshana gets up at 4:30 AM to get ready. She walks nearly a km to get drinking water for the family, prepares food for her husband Jagiya and lunch for Jalaja and herself. Jalaja has been working with for the past 5 months but has only received wage Rs. 1500 twice in the last 5 months. Sudeshana has also started falling sick rather frequently for the past one month because of exertion, but still has never been absent at work so far.

Last Sunday a volunteer of Garment Workers' Union named Amitha approached Sudeshana and saw the condition in which they were living. Amitha asked Sudeshana about her problems.

Sudeshana said that although she was promised Rs. 3000 per month she is barely gets Rs 2500 in a month. A sizable component of this income goes towards rent of her house and treatment of her ailing husband. This was the reason why she decided to send her daughter to work in a garment factory.

She tried to check with the floor manager about the deductions that have been made from her wages, but she did not get any satisfactory answer. Wages are paid by 15th day of succeeding month. Over and above the 12 hours shifts, she works nearly 12 hours every week towards overtime and still has never been paid the money due. Male workers at her unit get Rs. 4000 per month for similar work. She also told Amitha that her employer does not maintain attendance register and the records for overtime are also not maintained. The employer allows 15 minutes towards lunch at 3 PM which she and other workers find inadequate.

She told Amitha that she feels that if her daughter learns zari embroidery work in the factory then she would be an expert when she grows old and would be able to earn enough for arranging money for her own dowry. Sudeshana also told Amitha that most of her problems are common problems faced by other women in the sub-contracting unit where she works. Sudeshana also apprised Amitha that out of the 100 workers in her factory there are 75 women. There is only one toilet in the subcontracting unit, which is used by both men and women. Sudeshana also told that a few weeks ago her colleague called Revathi was accidentally burnt by the steam press while ironing the collars of the tank tops that they were manufacturing. There was no first-aid

facility available in the premises and it took nearly half an hour before somebody could get antiseptic burnol and bandage from the nearest chemist which is about 2 kms from the sub-contracting unit. Also, she narrated that most of the workers in the unit are subjected to mental stress owing to the unrealistic fixation of production targets by the management.

When Sudeshana completed narrating her grievances, Amitha emphatically told Sudeshana that most of the problems that she is facing relate to workers' rights. Amitha asked her if she and other workers of the sub-contracting unit are members of any workers' union, to which Sudeshana said no. Sudeshana said that there is no Unionization in the subcontracting unit where she works. Sudeshana further said that once 15 workers decided to form a group and have a discussion with the employer about their grievances. The employer suspended those 15 workers for a month saying that no one should dare try to teach him how he should function within the sub-contracting unit.

Amitha said that, had Sudeshana and her other colleagues been a part of Garment Workers' Union; such problems could have been easily resolved.

Sudeshana Asked Amitha, what is Garment Workers' Union?

Amitha explained to Sudeshana that Garment Workers' Union is the only registered Union in Karnataka catering to the needs of the workers in the Garment Industry and established with the sole intention of protecting the rights and improving the living standards of workers in the sector and resolving the issues concerning them. The GWU is an affiliate of INTUC, a major trade Union in the country and closely associated in eradication of all forms of child labour in the Garment Supply Chain, rescuing and rehabilitating the liberated child -----

Amitha requested Sudeshana that she along with her other colleagues must attend the Workers' meeting next Sunday at 2PM at Garment Workers' Union's office in order to get more information about the Garment Workers' Union and subsequently decide about joining the Union. Amitha assured Sudeshana of all help and asked if she would like to enroll in the Garment Workers' Union. Sudeshana overwhelmingly said yes and she strongly expressed that other members would for sure be equally interested in enrolling themselves in Garment Workers' Union next Sunday. Amitha requested Sudeshana to spread a word to all the workers in her unit to attend without fail, the Workers' scheduled meeting at Garment Workers' Unions office at Bangalore.

Next Sunday nearly 110 workers (107 women and 3 men) attended the Workers' meeting. Out of the 75 women colleagues of Sudeshana, 70 were present for the meeting. Mr. Muddappa, President of Garment Workers' union along with Mr. Sathyamurthy welcomed the gathering and explained about the Garment Workers' Union.

In his welcome address Mr. Muddappa said that Garment Workers' Union is formed in the state to ensure protection and establishing the workers' rights and assist to derive the legitimate benefits guaranteed as per the provisions of the various statutory acts. He also explained the origin and circumstances leading to formation of the Union, the need for Unionisation and insisted for consolidated growth with sustainability. The campaign measures in the sensitization and awareness programme and the fringe benefits available to the workers and the need for improvisation of the extended benefits available to the workers were explained.-----

Amitha had already explained the problems that Sudeshana along with other employees were facing in the subcontracting unit. Mr. Muddappa said that workers are the real strength of the Garment Workers' Union and said that once the workers voluntarily enroll themselves in Garments Workers' Union, the executives and volunteers of the Union discuss with the management about the grievances of the workers and try to solve the issues amicably. In case the employer does not cooperate, the Union takes legal recourse based on the various provisions of The Factories Act 1948, Karnataka Shops and Commercial Establishment Acts 1961, Equal Remuneration Act 1961, Payment of Wages Act, Minimum Wages Act 1936, Payment of Gratuity Act 1972 etc.

With Sudeshana's prior permission, Mr. Muddappa explained the forum about the role that the Union could play in addressing her grievances. He also explained for the benefit of workers. the penalties for violations provisioned for under various acts.

To begin with Mr. Muddappa explained that the employer of 10 year old girl working in the Zari embroidery unit is liable to be punished under Child Labour (Prohibition and Regulation Act) 1986 (CLPRA) for employing a child in Hazardous occupation i.e. Zari "embroidery". Secondly the employer will also be booked under Juvenile Justice Act 2000 for procuring the 10 year old girl child for hazardous employment and with-holding her earnings. Additionally since both the mother and daughter are getting less than the Minimum Wages of Rs. 147 per working day, their labour will be perceived as Forced Labour and their respective employers will also be liable to be punished under the Bonded Labour Act 1976. Mr. Muddappa further explained that to begin with the girl child will be withdrawn from work at the Zari embroidery unit. This will be done with the help of Local Police, Officials from Labour Department and Sub Divisional Magistrate so that the employer could be prosecuted under CLPRA, JJ Act and Bonded Labour Act. The release certificate issued by the SDM will entitle the girl child for an immediate relief of Rs. 1000/- and a statutory compensation of Rs. 20,000/-. Additionally the Labour Officials would issue a Challan towards penalty of Rs. 20,000/- to the employer for employing a child labour in hazardous occupation "i.e. Zari- Occupation". Additionally under section 26 of the JJ Act as a cognizable offence the Police can arrest the employer. Mr. Muddappa explained that since the girl's parents are staying in Bangalore, the Trade Union will ensure that the girl child is produced in front of the Child Welfare Committee and is subsequently enrolled in a SarvaShikshaAbhiyaan School immediately. Mr. Muddappa further explained that education is the fundamental right of the child as per the Right to Education Act and as an educated grown

up adult, the girl would get enough opportunities to learn the embroidery and “Zari” making in future. Therefore till 18 years education must be compulsorily provided to the girl.

To address the violations of fundamental rights of the lady at work, Mr. Muddappa further said that according to The Minimum Wages Act, the employer is bound to pay Rs. 147 per working day not exceeding 9 hours. For every hour in addition to the standard 9 hour shift, the lady is entitled for twice the minimum wages. This means that the employer would pay to the lady Rs. 4704/- per month for the pending arrears. And in future the employer cannot ask the workers to work for more than 60 hours a week (which includes the maximum limit of 12 hours towards overtime). The over time would attract twice the rate of minimum wages.

Mr. Muddappa also explained that according to Section 55 (1) of The Factories Act, 1948 the employer cannot make the workers work at a stretch beyond 5 hours without providing at least half an hour rest to the workers. Therefore if the shift starts at 8 AM then the lunch should ideally be at 1PM till at least 1:30 PM.

Mr. Muddappa and Mr. Sathyamurthy further explained that as per Section 5 – 1(b) of The Payment of Wages Act 1936, the employer has to pay the wages for the preceding month not later than 10th day of the succeeding month. Therefore in future, the employer will have to pay the wages to the workers well in time in future.

Mr. Muddappa and Sathyamurthy further explained that according to the Payment of Wages Act 1936, every employer has to maintain registers clearly recording the working hours and overtime. Mr. Sathyamurthy also offered to get approved for Sudeshana a loan of Rs. 50,000 towards capital for opening a small kirana store under the Self Help Group Scheme. Mr. Sathyamurthy further explained that for a 2 year period the monthly EMIs for repaying her loan would work out to Rs.2400/-and informed that the monthly repayment instalment varies according to the quantum of finance, period and also the number of persons in the respective groups. He also explained in detail the other various schemes depending on the vocations that are available to the SHGs and the educational loan schemes for persuing higher education for their children.

Responding to the concern about the suspension of 15 workers by the employer when they tried to join the union Mr. Muddappa said that Freedom of expression, freedom of association and functional democracy are guaranteed by our Constitution therefore the employer can never suspend workers in future on this forefront. Mr. Muddappa said that if majority of workers join the Garment Workers’ Union then he on behalf of the workers could have a word with the management of the sub-contracting unit to pay the wages to the workers for the period of suspension.

Mr. Muddappa further said that according to section 19 (1) B of The Factories Act 1948, the employers will have to mandatorily provide sufficient separate enclosures as toilets / latrines / urinals for male and female workers.

Mr. Muddappa and Mr. Sathyamurthy further explained that as per section 45 of The Factories Act 1948, a first aid box shall be readily available to the workers during working hours.

Mr. Muddappa assured to take up the matter with the respective management as regards the fixation of Production targets as it violates workers' rights in ensuring stress free atmosphere of working conditions at the work place

Mr. Muddappa and Mr. Sathyamurthy further explained that exploitation of workers occurs in the first place because they are not aware about their rights. By becoming a member of Garment Workers' Union the workers would be given knowledge about their fundamental rights at work and would be in touch with the management at regular intervals to ensure that no violation of fundamental rights at work occurs. Additionally the Garment Workers' Union would also keep apprising the workers about social welfare schemes like Mahatma Gandhi National Rural Employment Guarantee Scheme, Sarva Shiksha Abhiyaan, Mid Day Meal Scheme, Free Legal Aid, Indira AWAAS Yojana, Rashtriya Swasthya Bima Yojana, National Social Assistance Programme, and information on Women Empowerment to nurture the world of development coupled up with Mother Child Welfare Schemes etc.

Mr. Muddappa asked the workers present at the meeting if they were interested in joining the Garment Workers' Union. The crowd present there overwhelmingly said yes and said that these were the common problems being faced by them in the factories / units where they worked.

Some workers asked if the membership to Garment Workers' Union was free, to which Mr. Muddappa said that a sum of Rs.10/-per month is fixed as subscription fees to meet the administrative expenses and to inculcate the feeling of ownership of the union amongst the workers.

Some workers also asked the duration for which this membership would be valid, to which Mr. Sathyamurthy said it is annual and renewable every year.

The workers thereafter filled up the membership forms and formally became members of the Garment Workers' Union. The very next week Mr. Muddappa and other volunteers fixed up an appointment with the garment sub-contracting unit where Sudeshana and other women (who had recently enrolled themselves in the Garment Workers' Union) were working. Initially the employer resisted and tried to defer the meeting but owing to a constant follow up, the employer finally agreed to meet Mr. Muddappa. During the meeting, Mr. Muddappa explained the grievances of the workers to the management and after explaining legal nuances to them all the terms and conditions were accepted by the employer.

Today Sudeshana and her few other colleagues have become active volunteers of the Garment Workers' Union and spend time on Sunday and other holidays in meeting other workers explaining the benefits of joining the Union. She confidently explains the benefits of joining the Garment Workers' Unions and the difference that they experience in their lives after joining the Garment Workers' Union. Her slogan to the other workers in the campaign for enrolment is **“JOIN THE GARMENTWORKERS' UNION AND BE A PART OF WINNING TEAM”**, which reflects the success story of the **UNION**