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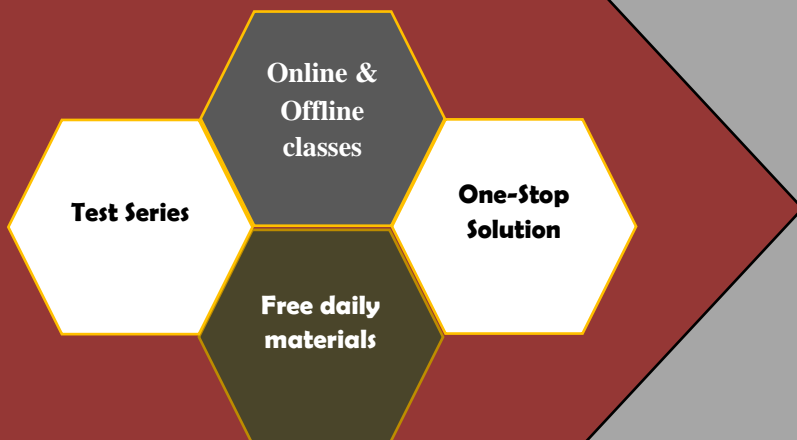
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May day

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May day

International Labour Day 2021 or May Day is round the corner. The day, dedicated to workers and labourers across the world, is also called the International Day of Workers or International Labour Day. May Day celebrates labourers and encourages them to be aware of their rights. International Labour Day on May 1 is a public holiday in many countries. The International Labour Organization, a United Nations agency, which works towards setting international labour standards, in a report, released on World Day for Safety and Health at Work said, "Countries need to put in place sound and resilient occupational safety and health systems that would minimize the risks for everyone in the world of work in the event of future health emergencies."

Significance of May Day in India

May Day celebrates the contribution and sacrifice of workers to and for the society. The day's importance dates back to the times when workers in the United States started protesting against draconian Labour laws, workers' rights violations, poor working conditions, and dreadful work hours. May Day is synonymous to workers' struggles and the subsequent empowerment in the late 19th century.

It was on this day when a police contingent opened fire and killed at least two of the striking workers demanding 8-hour work day instead of gruelling 16-hour work day. Following the infamous murder of peaceful protestors, more workers joined the protests and it was only in 1916 that the US began to recognise the eight-hour work timings.

However, in India, people started observing the day from 1 May 1923 after the Labour Kisan Party of Hindustan initiated and Comrade Singaravelar helmed the celebrations. A resolution stating the government should allow everybody a national holiday on Labour Day. Since then May Day is observed annually.

Speeches given by workers' union leaders and cultural events are common on this day. Schools, colleges, and offices are usually closed on this day.

The history of May Day

May 1 is a metonym for International Workers Day, a day of celebration of the working class. Behind it lies a history dating back over one-and-a-half centuries.

The roots of May 1 can be traced to the second part of the 19th century when there were revolutions, and organisations behind which industrial workers rallied. Countries including Germany, France, England, the US saw demand for reducing work time from 12-15 hours a day to eight hours.

The Communist Manifesto written by Karl Marx and Engels in 1848 had a great impact on workers across various countries that were feeling the heat of industrialisation.

Crop failure in the 1840s led to widespread anti-feudal upheavals called 'The Revolutions of 1848'. As a result the International Workingmen's Association, known as the First International, was born in 1864 as an umbrella association for all socialist and communist organisations, at a workers' congregation in London. After the First International dissolved in 1876 over an ideological rift, the Second International emerged in 1889 as a united outfit of socialist and labour parties. It was this organisation that declared May 1 as International Workers' Day and March 8 as International Women's Day.

Historically, an event is referred to as the origin of May 1 as Workers' Day -- the Haymarket Affair or the Haymarket massacre. When labourers assembled at the Haymarket Square in Chicago on May 4, 1886 and took out a rally for eight-hour work day, a bombing attack was mounted on them by some unknown forces. Police firing and loss of 11 lives were reported at the rally that ended in riot.

Scholar of labour studies William J. Adelman says about the Haymarket Affair: "No single event has influenced the history of labor in Illinois, the United States, and even the world, more than the Chicago Haymarket Affair. It began with a rally on May 4, 1886, but the consequences are still being felt today. Although the rally is included in American history textbooks, very few present the event accurately or point out its significance."

As for May Day in India, the country witnessed the first celebration of Labour Day in 1923 in what was then Madras. Led by Singaravelar, leader of the Labour Kisan Party of Hindustan, two meetings were held, one at Triplicane Beach and one near the Madras High Court. It was at these meetings that a resolution was passed urging the British government to declare May 1 as Labour Day and also a government holiday. It was the first occasion in India on which the red flag was used.

There is another aspect to the popular phrase May Day. It has ancient roots in several countries. The better known is the Festival of Flora in the old Rome which was billed as May celebration. Flora was the goddess of flowers, and the festival was marked by song, dance and theatrical performance.

Another May Day celebration was in praise of Dionysus and Aphrodite, the Greek gods of grape harvest and love respectively.

There is also 'Mayday', which is a distress call made by ships and aircraft.

May Day 2020: COVID Pandemic

Anganwadi, ASHA and other scheme-based workers



India's frontline healthcare workers have been tested heavily in the last few months. An estimated 1.33 million anganwadi workers and helpers (AW/AH) are employed under the Integrated Child Development Services (ICDS) which has been around since 1975. Another 1.05 million ASHA workers are engaged under the National Rural Health Mission (NRHM), which has been in existence since 2005, and have rendered sterling service during normal times.

More recently, both types of workers have been at the forefront of a number of special services like community surveillance, educating people about safe practices and tracking potential COVID patients in remote regions.

Anganwadi workers receive a meagre honorarium of Rs 3,500-Rs 4,500. ASHA workers do not even receive fixed pay – they instead get a tasks-based variable honorarium with no career progress, no social security and the tragic joy of being called a ‘volunteer’.

In the past, anganwadi workers have conducted numerous struggles in many cities in India. Their major demands include: recognition as “workers”, regularisation of their services and status as government employees, fixed and enhanced pay (ranging from Rs 12,000 to Rs 18,000), and grant of wage arrears, pension benefits and so on.



Interestingly, in 1990, the Hind Mazdoor Sabha (HMS) under the Rural Workers’ Organisation Convention (C.141, 1975), which India ratified in 1977, complained to the ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR) that by treating the anganwadi workers as “honorary workers” the government deprives “them of adequate pay scales and service conditions”. The government of India took the view that they are volunteers from a local village to serve people therein and work for four hours a day as visualised under the ICDS and hence “treating them as government employees negates the very basis of ICDS.”

The “service conditions, wages and social security for various categories of workers employed in different Central Government and State Government schemes” were discussed in the 45th Indian Labour Conference (ILC) in 2015. The tripartite conference committee constituted by it recommended that they should be recognized as “workers” and not as

honorary workers or as volunteers, paid minimum wages, get social security benefits like gratuity, maternity benefit, pension, ESI and EPF coverage.

But the government repeated the same arguments above concerning the anganwadi workers: ASHA workers, it said, are honorary workers under the NRHM who only receive performance based incentives.

The arguments of the government are indefensible at the best of times and especially now that they are being pressed into service as ‘corona warriors’. It is essential that both types of workers get the status and labour market security that they deserve.

Frontline healthcare employees

In India, medical and healthcare employees – especially doctors, nurses (and ASHA workers) – have been shockingly subjected to various forms of harassment and even assault.



On April 20, 2020 the president issued an ordinance amending the Epidemic Diseases Act, 1897 which provides imprisonment for violence and damage caused to the defined health care personnel and medical property. The ordinance came rather late in the day, but it would not have even been necessary had the government enacted the proposed ‘Healthcare Service Personnel and Clinical Establishments (Prohibition of violence and damage to property) Bill, 2019’ which had, in some cases, even tougher provisions than the ordinance.

The Bill is also more expansive in certain areas and like the ordinance should also include ‘community health workers’ in its coverage.

Violence against healthcare workers especially doctors is not new and medical personnel have often gone on strike demanding protection to their lives. The passage of this law must be high on the agenda in the coming months.

Migrant workers

The World Bank estimates that 40 million internal migrants have been impacted in India due to the COVID-19 lockdown,



The distressing exodus stories in the media over the last month have been quite disturbing. Migrant workers have been stripped of their livelihoods, may or may not be getting food and shelter in the states where they are currently trapped, even as their home states fear the spread of infection. This assume tragic proportions as their ‘host states’ benefit greatly due to their contributions.

At the same time, spontaneous protests have erupted in a few places – in Surat, hundreds of migrant workers protested in a very public manner at least three times. A clutch of public interest litigations and others have been filed in the Supreme Court and inat various high courts.

It took the intervention of the apex court for the Central government to issue directions on April 12 to all state governments and Union Territories about “proper arrangements for food, clean drinking water and sanitation” and for “sensitive handling” of the mental state of migrant workers. On April 27, the SC directed the Central government to submit an action plan to enable the return of the migrant workers tested negative for COVID-19. Finally, on April 29, the Union home ministry issued an order allowing willing state governments to arrange for the movement of their migrant workers.

The dynamics of this workforce and how they have been dealt a raw hand by the lockdown reveal a few dark realities.

The pandemic has starkly exposed the utter non-implementation of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. While the Act has its own problems – in that it covers only workers brought into a different state by contractors and excludes voluntary migrants – if it had been implemented even a bit, Indian authorities need not be scurrying for a database regarding migrant workers at both the home and host state levels. Contractors who are registered formal entities could have been held accountable for extending necessary relief to them.

It takes a crisis of this magnitude for the issues of ever-vulnerable migrant workers to be featured on prime time TV and steal headlines in the mainstream media. The insensitivity of administrators and even the judiciary in dealing with migrant workers is appalling.

What they require above all is formal visibility in terms of either a portable ration card, an employment card, or a smart card if they are in the unorganised sector. Livelihood and labour market security including social security – like EPF and medical insurance – along with formalising their identities must be a major demand in the coming days.

Food security

Another reality revealed by the national lockdown – and reinforced by the Comptroller and Auditor General and Supreme Court – is that the scope and implementation of the National Food Security Act, 2013 (NFSA) is far from ideal.



There is little doubt it should be universal and there are problems in terms of identification of eligible beneficiaries and other logistical issues that continue to bedevil the public distribution system.

The working-class movement should continue to fight for effective and universal implementation of the NFSA along with the PDS as it is not just a labour but a human right.

Construction workers

It is well-known that many of the migrant workers land up in jobs in the construction sector. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (BOCWA) provides for social security and welfare of registration of construction workers. The money comes from the cess corpus collected at the rate of 1%-2% of the cost of construction incurred by an employer, minus the cost of collecting it under the Building and Other Construction Workers Welfare Cess Act, 1996.



It is disconcerting that the Supreme Court had to issue orders to governments to implement the BOCWA in 2009, 2010, 2014 and 2018.

In 2018, the apex court issued detailed directions for implementation of the laws after more than two decades of their enactment.

It is estimated that in 2017-18, 54.3 million workers were employed in the construction sector, out of which the Central government claims that 35 million workers are registered under the BCOWA.

On March 24, the Centre directed states to transfer money to the registered workers from the unspent amount of Rs 56,000 crore lying in the cess fund. These workers suffered for want of administrative action even though laws and fantastic cash resources were in place.

In fact, the 2018 draft of the proposed Social Security Code Bill 2019 (SSC) drew strong criticism from academics and activists as it would have dismantled existing institutional structures and required fresh registrations involving a little over five crore construction

workers and other unorganised workers. The revised draft does not address those concerns. The working class movement should embrace demands for protecting and securing their legal entitlements even if the insensitive and non-comprehensive SSC is enacted.

Unorganised workers

In India, 419 million (90.50%) out of a total of 465 million workers were informal workers according to the Periodic Labour Force Survey of 2017-18.



These workers are spread across the urban sector – housekeeping and restaurant industry (3 million), street vendors (2 million), garbage collections (1 million) and so on. In the non-farm sector, about 84% of workers are informal.

The UPA-1 government spurned the industrious efforts put in by the National Commission for Enterprises in the Un-organised Sector (NCEUS) headed by Arjun Sengupta and enacted the Unorganised Workers' Social Security Act, 2008 (UWSSA), which has been criticised by many.

The Act among others provides for registration of 14+ aged workers on self-declaration and the issuance of a portable and smart identification card. Workers' Facilitation Centres along with the local administration would register them. The Social Security Boards at the central and the state levels will among others advise social security schemes and review the process of registration and issue of identity cards.

However, it was only in June 2018 that the Centre initiated the process for introducing a single unified sanitised database which will assign a ten-digit Unorganised Workers Identification Number (UWIN) to every worker. According to the government's National Platform of Unorganised Workers – which was last updated in August 2018 – the UWIN process underway in Maharashtra is a sample. The Social Security Boards are ineffectual. All of this shows the limited progress in implementation of the Act and widening of social security as envisaged by it.

While poor in substantive content, the logistical system envisaged in the Act if used effectively would have created a comprehensive and rich database which would have enabled direct cash transfers by now. More than a decade has passed, however, and the government is still groping for the basics of delivery of social security.

Two of the three labour codes that are pending – the Social Security Code, 2019 (SSC) and the Occupational Safety and Health and Working Conditions Code, 2019 (OSHWC) – must take care of te much of the above and other issues.

The SSC is a patchwork of sorts and does not have a comprehensive picture and suffers from major shortcomings like rehashing existing laws with the same thresholds seen in the EPF and the ESI laws, etc. even after nearly seven decades after Independence. In fact, the Indian Labour Conference in 2015 gave in-principle agreement to universalisation of ESI coverage, including for the self-employed and reducing the threshold of the EPF Act from 20 to 10 workers.

COVID-19 as occupational disease

The International Trade Union Confederation (ITUC) representing 200 million members of 332 affiliates in 163 countries and territories has recently declared that COVID-19 should be deemed an “occupational disease”, given that the probability of contracting it while working and travelling to the workplace is high and will be higher as relaxations will be issued soon in many countries.

In India, the Factories Act is a major law that addresses occupational diseases. The right to remove oneself from a potentially dangerous workplace is not present in our laws, though S.41H empowers the workers to be warned of imminent danger in a factory engaged in hazardous processes. The list of notified diseases under the Act mentions a biological hazard – Anthrax – but it does not cover all potentially dangerous biological agents as possible occupational diseases. However, S.89(5) of the Act empowers the government to add a disease to it and the government must suitably include an item to cover the novel coronavirus pandemic.

Despite this, even if the laws mention all the diseases, unless they are transmitted through occupational exposure, they may not be classified as occupational diseases. Even the ILO in the document “ILO Standards and Covid-19” has admitted that their instruments do not comprehensively address the issues concerning biological agents and hazards and more importantly do not contemplate “the prevention” of diseases caused by these hazards. In fact, some academics have called for declaration of “workplace safety” as a fundamental right. Thus, workplace safety should be declared as a fundamental right and be comprehensively covered by the forthcoming OSHWC.

It is ironic that in 2020, the Indian labour movement will still be fighting for a 8-hour shift – some 135 years since the Haymarket affair took place in Chicago and the struggle for 8-hours began. Several state governments capitalising on the COVID-19 induced crisis have legally increased maximum working hours from 8 to 12 in a day and from 48 hours to 72 in a week, which has been severely criticised. In the meanwhile, the COVID-19 months have witnessed a loss of jobs, incomes and even shelter for many workers. There have been calls

from employers for labour law reforms including prohibition of trade unions for a year and the government has indicated its keenness to affect them.

Who knows, maybe even the IR Code will be passed with provisions disentitling historically acquired labour rights. The challenges for labour rights in a post-pandemic world are clear and can only be solved through greater dialogue. COVID-19 has redefined the existing landscape and calls for a “new normal”

Trade unions should pick their battles in this ‘new normal’. A good place to start may be with an inclusive Industrial and Social Charter that addresses many of the shortcomings revealed by this current crisis.

