

Nagpur Declaration

The Convention on 'Social Security for Unorganised Workers' was called by a consortium of 14 NGO networks comprising BIRSA, Ranchi; CEC, Delhi Forum, HRLN, ISI, NAFRE, NCCUSW, NCDHR and PWESCR, Delhi; FEDINA and Women's Voice, Bangalore; LAYA, Vishakapatnam; NIWCYD, Nagpur; and YUVA, Mumbai and attended by around 800 hundred people representing 300 NGOs, community organisations, trade unions and individuals (see Annexure-I) 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 the peoples' movements NAPM, Hamal Panchayat, other organisations and experts on social security, academicians and intellectuals,

after deliberating on issues including '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'.

issues the following unanimous declaration.

About 370 million workers, constituting about 92 per cent of the total workforce in the country, more than one-third of which are women and the majority being Dalits and Adivasis are employed in the informal sector, in both traditional and new sub-sectors. They contribute about two-thirds of the national domestic product, national income, and savings and capital formation. Capitalist development, rather than facilitating the anticipated progress from informal to formal forms of labour, has facilitated the informalisation of labour in developed and developing countries.

The wages and earnings of these workers are generally at subsistence levels. They are outside the purview of regulative, welfare and social security laws. They are generally denied social security, welfare and health covers. They are denied basic human rights, constitutionally guaranteed citizenship rights and labour rights. They are rarely organised in any form of trade union or association and generally face inhuman or hostile social environment. Drastic changes 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 the corporatisation of the industrial sector. On the other hand, it has increased informalisation, casualisation and the contractualisation of work. In order to maintain the

competitiveness of enterprises, the government is stealthily encouraging flexible labour laws.

Radical changes in export and import policies and tariff reduction have facilitated the import of cheaper goods which have affected Indian industry, in many sectors, resulting in the closure of industries, large scale retrenchment and job losses. The import of cheap and subsidised agricultural goods has worsened the crisis in Indian agriculture that is manifested in the suicides of thousands of farmers all over the country. The impact can be seen in the form of employment opportunities being reduced and per capita food availability dropping below 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 resource alienation.

There is a major shift of labour from the formal to the informal sector and an increasing presence of 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 centre of operations to the periphery. This allows companies to cut down their permanent workforce and rely instead on the use of vulnerable labour. 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 labour force participation of women, which is particularly flexible. 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 per se 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, the informalisation of work and poverty cannot be disassociated from the social origin of the workers. Most Dalits and Adivasi workers are employed in informal sectors. They face discrimination while seeking work and at the place of work, which works to perpetuate chronic poverty among 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, the erosion of decent work and increasing unemployment and under employment, the constitution of a comprehensive social security system for unorganised workers is highly relevant.

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

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

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

Demand, Plan and Strategy

This convention reaffirms the necessity of incorporating employment assurances or guarantees, the provision of minimum wage and minimum income protection and employment regulation with social security in the legislation.

It should provide for protective provisions for Dalits and Adivasis and particularly for Dalit agriculture workers and Dalit women by constituting vigilance committees, providing land to Dalit agriculture workers, abolishing manual scavenging, protecting Dalits against caste-based discrimination and exclusions and stringently punishing violations.

All women workers, paid and unpaid, need additional protective cover in the law for equal wages and service conditions, 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 workers and not as dependents of male earning members or as part of the family/household. The 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 the 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 fund the entire social security fund with a minimal one-time contribution from workers and a renewal fee in two or three years. The level of the social security needs of workers and family members should be determined and, accordingly, the requirement of funds should be calculated. In principle, five per cent of the GDP should be spent on social security. The government should bear the entire cost of social security by raising funds by tax or cess. The government should not privatise social security. The government should provide health services and not allow the 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 the tripartite forum, women workers, Dalits, Dalit women, Adivasis and other classes of workers should be given proportionate representation. Workers' 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 19 October 2006.

The Convention further emphasises the need for a separate comprehensive legislation for agricultural workers which would focus on the specially 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 in ensuring social security, protecting the rights of the working class and in building stronger organisations of workers in the unorganised sector. They would enter into a continuous dialogue with trade unions and organisations of people's movements.

The Convention calls upon trade unions, community organisations, peoples' movements, NGOs and organisations 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 unorganised workers to the negotiation table.

The declaration calls for a systematic campaign to gain social security for unorganised workers through workshops, meetings, rallies and by building alliances with trade unions, people's movements, women's organisations, Dalit and Adivasi movements, students and youth. It further calls for organising a march from Kanyakumari to Delhi to bring these issues to the common people. The lobbying of MPs and 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 organisations, 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 within a broader framework, while affirming the framework of core labour standards as defined by the ILO, namely,

- 1 Freedom of association
- 2 Right to collective bargaining
- 3 Prohibition of forced labour
- 4 Equality of treatment and non-discrimination in employment
- 5 Minimum age for employment (that is, prohibition of child labour).

From the perspective of the unorganised sector, the labour rights should also include the right to life, 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 proclaims 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