



TRADE UNIONS AND UNORGANISED WORKERS

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Abstract: *Trade unions are the collective bargaining negotiator of the total workforce. While there has been swift increase of problems leading to worsening of the situation of the organized labour and the escalating informal labour, the trade union movement is facing a challenge in the in all most all the countries. India is not an exception to this global phenomenon. It is very common in our country to see some trade union actions in terms of all India strikes, almost every year; one wonders how far the trade union movement of this kind has been successful in protecting the interests of the unorganised labour who are deprived of legal protection. This paper examines the working of trade unions in informal or unorganised sector safeguarding the rights and interests of the the unorganised workers in Tamilnadu. Labour rights are undoubtedly basic human rights which cannot be infringed or taken away by the employers. Right to collective bargaining and right to join the trade union is an integral part of the human right. International instruments on human rights, national and regional labour laws also attempt to protect the rights of both organised and unorganised workers at workplaces.*

INTRODUCTION

“Trade union is a voluntary organisation of workers formed to protect and promote their interests through collective action. It may be formed on plant basis, industry basis, firm basis, regional basis or national basis”. It is also defined as “a continuous association of wage earners for the purpose of maintaining and improving the conditions of their working lives”. G.D.H Cole define trade union as “an association of workers in one or more occupation— an association carried on mainly, for the purpose of protecting and advancing the members’ economic interests in connection with their daily work’. According to Lester “A trade union is an association of employees designed primarily to maintain or improve the conditions of employment of its members.” The Trade Union Act 1926 defines trade union as “a continuous association of persons in industry, whether employers, employees or independent workers—formed primarily for the purpose of the pursuit of the interest of its



members and of the trade they represent". The Trade Union is a combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen, or between employers and employers, and for imposing restrictive conditions on the conduct of any trade or business and includes any federation of two or more trade unions." According to Edwin B. Flippo "a labour union or trade union is an organisation of workers formed to promote, protect and improve, through collective action the social, economic, and political interests of its members." The economic aspect relates to wages, hours of work, working conditions, etc. So a trade union is formed with the object of improving the conditions of employment for its members. The term trade union is restricted here only to mean the association of workers.

UNORGANISED SECTOR

According to Planning commission report of 2007, over 94 percent of India's working population is part of the unorganised sector. Unorganised sector, also known as informal sector or own account enterprises, refers to all unlicensed, self-employed or unregistered economic activity such as owner manned general stores, handicrafts and handloom workers, rural traders, farmers, etc. The first National Commission on Labour, under the Chairmanship of Justice Gajendragadkar, defined the unorganised sector as that part of the workforce 'who have not been able to organise in pursuit of a common objective because of constraints such as (a) casual nature of employment, (b) ignorance and illiteracy, (c) small size of establishments with low capital investment per person employed, (d) scattered nature of establishments and (e) superior strength of the employer operating singly or in combination.' The Commission listed 'illustrative' categories of unorganised labour: 'These are: (i) contract labour including construction workers; (ii) casual labour; (iii) labour employed in small scale industry; (iv) handloom/ power-loom workers; (v) beedi and cigar workers (vi) employees in shops and commercial establishments; (vii) sweepers and scavengers; (viii) workers in tanneries; (ix) tribal labour; and (x) 'other unprotected labour' (p.417) In 1993, the International Conference of Labour Statisticians (ICLS) adopted an international definition of the informal sector to refer to employment and production that take place in unincorporated small and/or unregistered enterprises. In 2003, the ICLS broadened the definition to include certain types of informal employment outside informal



enterprises, for example casual or day workers, industrial out workers and unregistered or undeclared workers. Those working in informal wage employment generally are without formal contracts, worker benefits or social protection and therefore, have little economic security. In India the term 'informal sector' has not been used in official statistics. The term used is 'unorganised sector' which consists of the units, which are not covered under the regular statistical reporting mechanism in each segment of the economy. The units not covered under the Annual Survey of Industries are treated as part of unorganised sector in respect of manufacturing activities. Apart from these, the units belonging to the Trade, Hotels and Restaurants are treated as un-organised sector except those in the public and private corporate sector and co-operatives.

TRADE UNIONS AND UNORGANISED SECTOR

The Unorganised sector is small in size, widely scattered, unstable, heterogeneous, complex and invisible –actors not conducive to organization. All the legal factors that serve as a basis for organizing, viz., employment relationship, contract, wage earner tag – do not generally qualify in the Unorganised sector as they possess little organizational basis. The issues, problems and concerns of the unorganised workers are unique and different from those of formal sector worker which cause the neglect of the major unions. Workers are not often organised into trade unions. A study conducted on building workers by the National Institute of Construction Management and Research (NICMAR) in Delhi shows that, only 8 out of 999 workers interviewed, stated that they were members of any trade union. Delhi has at least 3 registered trade unions of building workers, and many social activists who claimed to be leaders of building workers. The report says none of them had visited building sites or labour colonies of building workers. It indicates the scant attention these workers receive from organised Trade Unions. Though there are over one lakh persons engaged in waste picking only 5,000 of them have joined in the Kagad Kanch Patra Kashtkari Panchayat, which is a trade union of scrap which exhibits the fact that unorganised workers are either not aware of the Unions or not interested to associate themselves with Unions. The Unions working for the unorganised sector

All the major central union organizations (CTUOs) in India (like AITUC, BMS, HMS, INTUC) have attempted to organize workers in the informal sector. The AITUC organized workers in the beedi, cigar, construction industries; the BMS has formed eight federations, organizing



workers in beedi, construction, handloom industry, fishermen, and anganwadi workers (Aghi, *ibid.*); HMS has organized forest workers, workers in brick kiln units and rickshaw pullers in Punjab, fishermen in Tamil Nadu. New trade unions have been created specifically to organize informal sector workers, e.g., Self Employed Women Association (SEWA) in India established in 1972 as a trade union is the old and classic instance. It organizes, among others, home workers, street vendors and refuse collectors and has more than 200,000 members covering four states in India. Though registered as a trade union, it offers a number of services like micro credit, vocational and training programmes, pensions. StreetNet is an international alliance of street vendors and includes organizations or support groups in 11 countries. It is a network consisting of street vendors, activists, researchers, and institutions associated with street vendors to 'increase the visibility, voice and bargaining power of street vendors throughout the world.' The network aims to promote exchange of ideas and information relating to various issues concerning street vendors to organize and work out advocacy strategies. Its longer term objective is to build a strong case and mobilize international support for establishing a convention on the rights of street vendors similar to the existing convention for home-based workers. Women Working Worldwide (WWW) is a small voluntary organization in the United Kingdom working with the global network of women worker organizations. It was formed by a group of researchers and activists in 1983. It supports the rights of women workers through networking with women organizations to exchange information and influence international policy-making bodies. WIEGO is a worldwide coalition of institutions and individuals formed to improve the status of women in the informal sector. Its founding members include grassroots organizations, research and academic institutions, and international development organizations; the principal players are SEWA, Harvard University, and UNIFEM. The union is a powerful voice institution. It can and should play a pivotal role in building a larger social movement. Various social organizations like NGOs are important players in the labour arena, whose contributions in organizing informal sector workers cannot be ignored.

CONCLUSION

Fragmented labour market has been a consequence of weakened union power and cause for poor union membership. In the unorganized sector there are no health and safety conditions, proper working hours, basic amenities like toilets and creches for children's.



Workplace hazards are very common. But law to regulate and improve employment conditions of workers in unorganised sector is yet to be enacted in India. Unions are to play a central role in this protecting the interests of the workers in unorganised sector, by providing them training, skill upgradation and various measures that will enable them for empowerment. The protection enjoyed by organized sectors under existing laws and trade unionism should be extended to the the unorganized sector. The trade unions should work for upliftment of the unorganised workers on the basis of equality, justice and equity which ensure common welfare to the workers. Specific unions for the informal sector will strengthen the union's negotiating power. Human rights and social activists are join hands with the trade unions in organising the unorganised workers. Union Labour Ministry is already initiated an action plan for the issue of smart card for all the unorganised workers with unique identification number which would certainly bring them under social security protection and the same can serve as documentary profile for the unions to strengthen the membership.

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