

A Brief Critique of the Government Bill introduced in the Rajya Sabha titled "The Building and other Construction Workers (Regulation of Employment and conditions of service) Bill, 1988"

- The Bill does not provide for any method to regulate employment though it claims to do so in its title and statement of objects and reasons.
- The Bill does not at all regulate conditions of service. All that it does is to stipulate that rules for some conditions of work such as hours, wages and safety provisions would be framed by the State Government and implemented by separate inspectorate.
- It does not even mention social security for construction labour be it P.F., Pension, ESI or gratuity nor does it attempt to set right any of the fundamental problems of Construction Workers.
- It stipulates 50 workers as the lower limit for application of the law. This would ensure that not even 10% of the workers would be covered since already only a small number is directly employed, and most of the work is given out for labour sub-contract.
- It has not bothered to learn from the failures in the implementation of Contract Labour Act & Minimum Wages Act to construction Industry, the reasons for the failure being
  - a) Workers are employed on sub contract and with no proof of employment.

b) employer employee relationship is not stable and place of work keeps shifting leading to insecurity of workers.

The reporting of non-compliance of minimum wages or other provisions only lead to victimisation and so they suffer exploitation in silence. There'll be no change in the situation of workers with the new law.

It does not recognise the fact that the enforcement machinery has to be designed with reference to the socio-economic realities. The Inspectorate envisaged in the bill will not take suo-moto action for enforcement. The power of the employer to victimise is not curtailed or contained in any manner. This is possible only by a tripartite self enforcing machinery.

From 1985 NCC-CL has been campaigning for a law to regulate employment through tripartite Construction Labour boards only because the existing laws such as Contract Labour Act and Minimum Wages Act do not have the implementation mechanism while social security laws such as ESI Act, EPF Act, Payment of Gratuity Act do not apply to Construction Workers since the employer employee relation is not stable while place of work keeps shifting. While the Union Minister for Labour from 1981 has been promising a comprehensive legislation on construction workers the promise has been belied. NCC-CL has submitted detailed bill and Scheme to Government of India and to petition Committee of Parliament,

and the demand of Construction Labour from all over the country for the enactment has been ignored by the Government of India and so the Rajya Sabha bill which serves no purpose should be opposed by the working class and all democratic minded people.

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