

WORKER D VS SRG APPARELS PVT. LTD.

OVERVIEW:

For case -4, the worker has been represented as 'Worker D'. He was appointed as Tailor in the respective company in 1997 and was orally terminated in the year 2002. He proceeded to claim justice through the conciliation process and then via labour court. The company management wanted to compromise, therefore the case was dropped. He rejoined the company in 2006. Then in 2019 he was again terminated orally and there was a dispute aroused in regard with the payment of bonus in 2019. He raised a case in front of labour conciliation. The company agreed to pay an extra 2.5% of bonus to all the workers.

BASIC INFORMATION:

1. Name of the Worker: Worker D
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 42
4. Name of the Company: SRG Apparels, 10-B, Padmavathipuram, Gandhi Nagar Post, Tirupur - 641 603.
5. Designation of the Worker: Tailor
6. Years of work in the Company: 22 years
7. Dispute Type: Non-Payment of Bonus (2019) & (Illegal Termination in 2002)
8. Year of Dispute onset: 2019
9. Concluded/Ongoing: Conciliated
10. Year of Conclusion (If applicable): 2020
11. Individual/ Collective: Collective

TIMELINE OF EVENTS:

DATE	EVENT
1997- 2002	Worked as Tailor under Piece Rate in SRG Prime Tex – Unit A
Jan 2002	Appointed as Tailor (as per records)
May 2002	Terminated Orally by the management
2002	Raised dispute in Labour Commissioner Office
2002	Filed case against the management in Labour Court
2006	Case dropped as the management wanted to compromise
2006	Rejoined
2019	Again Terminated orally
November 2019	Non-payment of Bonus
December 2019	Raised Complaint in Assistant Labour Commissioner (Conciliation) Office through AITUC
August 2020	Conciliated
August 2020	Bonus Payment

CASE HISTORY:

a. About the worker

Worker D was the actual resident of Kerala and moved to Tirupur before 25 years. He was married and has 2 daughters. He joined SRG Prime Tex in 1997 and worked as the Singer Tailor under Piece Rate Wage system up to 2002. Then he worked under Shift timings. He has been the active vibrant Trade union activist of AITUC in the company and used to be a voice for the rights of workers. He has been involved in various protests and campaigns and faced problems in work from the management pressure.

b. About the Company

SRG APPARELS LTD. is one of the largest vertically integrated textile groups in Tirupur, involved in the manufacture and export of ready-made knitted garments. The company has state of art production facilities engaging in yarn production, knitted fabric, dyed yarn, dyed fabric and garment production and exports to the UK and USA for the brands like C&A, Dunnes, NEXT, Mother Care etc. It has several units and various production levels in the supply chain.

c. Beginning of the Conflict

In 2000, the company provided bonuses to power table tailors and over lock tailors, but refused to give the tailors in singers. They pointed it out as piece rate workers are not eligible for a bonus. Then worker D and a few others demanded a bonus via union. The management has accepted and given us Rs.250 for a year as a kind of bonus. After some days they have started to reduce the piece rate wages. Like, the wage for V-shape neck stitching is 50 paise, they had reduced it to 25 paise and similar to other types of stitching. Then worker D had dealt with it via union. The management said that the brand itself is giving a low amount. For the first 6 months, they have given Rs.1 and then reduced. Actually, the workers trained to stitch that new piece and stitch a number of pieces in an hour and started to get more wages. So the management has reduced it. The company doesn't want the workers to earn such a good amount; in piece rate the workers used to stitch from early morning 6.30 till late night. Then the workers along with Worker D have announced a strike through the Union. The company then changed the wage system from piece rate to shift basis in 2002.

After 6 months of work in Shift, Worker D and other workers demanded for the wage slip and it should be in Tamil via union. Also, for 15 minutes permission on the day of drinking water distribution, it comes once in 10 to 15 days only, then demanded for a canteen inside the campus. The company management pointed to worker D at that time and decided not to make space for union people, as it creates chaos. Then they terminated Worker D illegally. Worker D was a member in the union of AITUC inside the company, not in any responsibilities. But, he was a very vibrant and active member; he used to raise so many queries and demands. The

management doesn't like his activities. They have terminated 16 members along with worker D.

Then worker D filed a case against the management in 2002 and it goes till 2006. The factory manager and HR came to the conciliation officer and told them that they were ready for a compromise. At first, the union secretary tried to compromise with the Company Management. The management claimed the stay order for Union inside the company.

Then worker D and others filed a case through the union, Union Advocate Arul Raj had supported them in the case proceedings. After 4 years, the company wanted to compromise with the workers as the case extended for so many years. They said that they will provide work to all of the workers and pay the back wages for the due period. The case was dropped then. Totally 17 workers have filed the case, among them 16 are family men and 14 belong to Kerala and worker D is the only bachelor among them. All the 16 except worker D wanted to shift to another company and didn't show an interest in rejoining. They have claimed the settlement amount of what the company decided to give and moved. Worker D is the only one who rejoined the company in 2006. After he worked till 2019, they terminated him again. They don't like his presence in the company. He used to distribute the notices and call the workers for protests and demonstrations organized by AITUC. As there is no union, he is the only person who is active in dealing with workers' issues. If some other labour is joining with him in these kinds of activities, the management gets irritated and starts to torture them. He didn't file any case, as the management wanted to send him out. The HR told him to quit the job because the owner was making pressure to stop Worker D from working. After my termination, in 2019 there was again a dispute raised on Bonus Distribution, and it went to the Labour Conciliation Office.

d. Informal resolution process

In 2019 after a month of Worker D's Termination, the company management has reduced the actual bonus to the workers that they used to give for the workers. Usually the management provides Rs.22000/- every year as bonus on Pooja Festival. But, they have provided Rs.12000/- . Though worker D is not in the job, there are no records for his termination. So, he intervened in this issue via the Union. Comrade Sekar – secretary of AITUC had approached the management for justice and demanded them to pay the actual bonus. But the management has not listened to their demand.

e. Formal resolution – Conciliation

After, worker D complained via AITUC by getting the signatures of 80 workers . In the case proceedings, Worker D has represented all the 80 workers. In the conciliation process, the company management said that the company is in loss. They have said that they had given this bonus by getting a loan for interest. The Labour Officer condemned the management for his justification. The Labour officer said if the company is in loss, the management should inform the government and have found some other legal solution for non-payment of wages. If the company gets a loan for interest, surely it will get back the gains of their orders in future. The

company will get a loan only if they have the hope of gaining a huge amount in a few days. He also said that there should be no partiality in giving the bonus to the workers.

Then the company approached the union to compromise after 4 to 5 hearings. Then they had a bargaining with the management and then the management agreed to give an extra 2.5% of Bonus. Therefore they were given Rs.14500/- as bonus.

f. Workers' view on the case process:

The company used to treat their employees poorly and has indirectly pushed the workers for Forced Work. As the union demanded the workers' rights, the management planned to dissolve the union and succeeded. Now, the company has taken more than 70% of Interstate Migrant Workers and are not ready to take their own Tamil People as they are raising voice for their rights. The company was now used to give Rs.14500/- as the bonus and not give the old bonus amount for the succeeding years after the case. Without Union the workers will undergo all forms of modern slavery and they will get used to it. These labour codes will affect the labour rights heavily. There are even sexual harassment for the women by some of the supervisors, but none of the women workers come to report. The male workers themselves are scared to open up their issues, in case of women workers there is no one to report their complaints and problems.

g. Documents Missing:

None of the documents were available