

WORKER K VS ASWATHI EXPORTS

OVERVIEW:

For case -11, the worker has been represented as 'Worker K'. He joined as the ironing master in the respective company in 2017. After 2 years, the company started to delay the payment of wages. In 2019, the bonus was also not paid and the company said that they will give up on Pongal. The workers from the Sample section demanded their bonus otherwise they wished to relive. Then the company paid half of the bonus amount to those 10 workers including worker K. The company agreed to pay the remaining bonus in Pongal. But it was not given. When asked for the remaining bonus and regular payment of wages, the company asked him to quit. Then he resigned his job, but the company has not settled any wages and extra benefits yet. He has not claimed his PF as his UAN number was not yet revealed to him. So he filed a case in the labour commissioner office for conciliation and it is in process. The company was ready to give him any available job in the company, but he wants only the ironing master work and proper wage settlements

BASIC INFORMATION:

1. Name of the Worker: Worker K
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 42
4. Name of the Company: Aswathi Exports - 9/2448, Ramana Industrial Garden, Pallakattu Thottam, Ring Road, 15 Velampalayam, Tirupur 641 652
5. Designation of the Worker: Ironing Master
6. Years of work in the Company: 5 years
7. Dispute Type: Oral Termination/ Illegal Termination
8. Year of Dispute onset: 2020
9. Concluded/Ongoing: Ongoing
10. Year of Conclusion (If applicable):
11. Individual/ Collective: Collective: Collective

TIMELINE OF EVENTS:

DATE	EVENT
23 rd August 2017	Worker K Joined Aswathi Exports
02 nd January 2020	Management orally terminated Worker K and other co workers
12 th January 2020	Worker K and other co workers requested the Management to allow to work at least for other two months
February 2020	Management denied salary

14 th March 2020	One month salary received by Worker K
7 th April 2020	Approached Medication Centre

CASE HISTORY:

a. About the worker

Worker K (40) is native of Trichy District of Tamilnadu. Already his elder brother is settled down at Tirupur. During his teen age, since his brother motivated him to settle down in Tirupur with him, With his support Worker K also migrated to Tirupur in order to earn through the textile industry during his young age. At the beginning Worker K had no hope on where to start his life and started his life by working in an automobile shop for daily wages, later he also was working in a Laundering shop as ironing man. He started his journey in the textile field by doing assistance work for his brother and later he learnt skills and pitched in the Sample Section. He got married to Maheswari, she is a housewife. They have two children viz son of 10 years old and daughter is 8 years old. Worker K has got 20 years of experience in the Garment field.

b. About the Company

Aswathi Exports, 9/2448, Ramana Industrial Garden, Pallakattu Thottam, Ring Road, 15 Velampalayam, Tirupur 641 652 This company has been functioning since 1997, one of the prominent manufacturing and exporting houses. Matched the world's latest creations and quality standards of knitted garments. These productions are made from high grade materials and exports are mostly from the Netherlands.

c. Beginning of the Conflict

The first hit of Pandemic Covid-19 severely affected and hit at the worst on economy in all manners is prevalent. But this Aswathi Export has been doing business even during the pandemic lock down with limited workers and could export products to the buyer. In spite of that, the Management gave lots of excuses to the workers in distributing salary wages stating that the company encountered severe loss and asked the workers to bear with the company.

From January 2020 onwards, the company almost stopped distributing wages/ delayed in distributing wages. Worker K also stated that almost 5 years he has been loyally working for the company, but without considering the welfare of the workers, their management ordered few workers to relieve jobs stating that the company encounters severe loss due to lock down. They also forced Worker K to be relieved from the company since they were planning to close the Ironing Section. Worker K and other few workers approached the HR manager and requested him to at least allow them to work for two months considering also the welfare of their families and financial commitments in the same way the Company has concern for the business loss. They were heard and allowed to work. Worker K and the other workers had hope that they would get paid for these months. On the contrary, at the beginning they paid once for

two weeks and gradually dragged it and paid once in a month and recently stopped salary. Worker K and workers have frustration that the company exploits them; they were cheated and denied of salary. He approached the management and expressed how they were not fairly treated. The HR manager paid no attention and asked Worker K to resign if he cannot cope up with the situation. Worker K said that due to the pandemic time loss is not only for the company, loss is also for the workers who utterly rely on the company, and it is the duty of the company to consider the well being of the workers, legally. The HR manager but showed deaf ears to him.

d. Informal resolution process

Worker K produced a resignation letter and demanded for his recent month salary. The management asked him to come after 10 days. But as he approached after 10 days, the management asked him to come by next month. In this manner he was made a nuisance without his salary being paid. Later, after one month of struggle he was paid the monthly salary but not the bonus which is Rs.22000/-. By that time he also asked the Management about his PF settlement since he already gave a resignation letter. The company should have stopped the monthly PF due for him after the resignation. The company management refused to give UAN number to him. Also pertaining to his bonus amount, the Company management told that due to the pandemic situation the company could not be in the position to pay the full bonus amount which was agreed before the pandemic situation and told Worker K that only Rs.6000/- will be paid as bonus. This was also other shocking information to Worker K. Driven by much emotion, Worker K sat for a struggle in front of the company. This developed a nuisance to the Company and hence the management informed the Police. The Police people asked about the grievance of Worker K and even they requested the company management to settle his bonus as promised. But this time the Company management said that not Rs.6000/- only Rs.2000/- will be paid. Worker K had mental agony hearing this statement and said he would face the company management legally.

e. Formal resolution – Conciliation

He approached the Labour Commissioner Office for conciliation and attended 2 hearings. With many financial commitments, low wages, sickness in the family, he seeks for a solution hoping the conciliation would facilitate in getting the settlement amount from the company.

f. Workers' view on the case process:

_____ Worker K has debt. Recently, he met with an accident and spent it through borrowing, besides, his wife underwent uterus operation that added to his debt. Having received his full bonus settlement would be of great financial support. But he was cheated. He is moving forward to get justice for him with hope.

g. Available documents:

_____ Complaint Letter produced by the worker, Complaint letter sent to Labour Officer, Counter Letter passed by the company management

h. Missing Documents:

_____None of the identity documents of the worker H was not available