

## Worker N VS SUNSTAR CLOTHING

### OVERVIEW:

For case -14, the worker has been represented as ‘Worker N’. Worker N joined as Quality Controller at Sunstar Clothing in February, 2020 and worked till March 21 i.e. until the full lockdown imposed by the Indian Government to control the spread of Covid-19 virus. Afterwards, he continued work in the same company again in May. The employer had promised him to pay Rs.22000/ month as salary at the time of recruitment in February, 2020. But, he had received only Rs.18,000 in bank for the month of February. So, he asked the employer regarding the salary decline, then the employer had given Rs.4000 as cash in hand and justified that he had forgotten to inform the accounts department. It was repeated for all the successful months. In November, the employer had given below than Rs.15000 as salary because the worker had received Rs.7000 in the lockdown period. In December, on 12th the employer asked him to resign from the job as the production level decreased in the company. The worker N has worked 12 days in December and then terminated.

Since they asked him to resign, worker N had asked for his leave salary and final settlement. But the employer refused to give the actual wages and settlement. He filed the case in labour commissioner office for conciliation and it is on process

### BASIC INFORMATION:

1. Name of the Worker: Worker N
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 52
4. Name of the Company: 861, Palladam Main Rd, Veerapandi, Tiruppur, Tamil Nadu 641605
5. Designation of the Worker: Quality Controller
6. Years of work in the Company: 10 months
7. Dispute Type: Non-payment of wages
8. Year of Dispute onset: 2020
9. Concluded/Ongoing: Ongoing
10. Year of Conclusion (If applicable):
11. Individual/ Collective: Individual

### TIMELINE OF EVENTS:

DATE	EVENT
Not known	Joined as the Quality Controller in Sunstar Clothing (but provided ID card as Tailor for auditing purpose)
October 2019	Dispute onset
2020	Approached the assistant commissioner’s office for conciliation
2021	1 <sup>st</sup> Hearing

## CASE HISTORY:

### a. About the worker

Worker N is 52 years old. He is from a Middle Class family who has to work daily to maintain the family economy as he is the only breadwinner of the family. He has 2 children and a wife. He works hard and makes his children study in a private school to get quality education. He joined as Quality controller in Sun Star Clothing in February 2020. But, the company has provided an ID card mentioned as Tailor due to some auditing purpose. He had worked in Sunstar Clothing for 10 months.

### b. About the Company

Sunstar Clothing was established in the year 2010, manufacturing, exporting and supplying an exclusive variety of Men's wear, Ladies wear, Kids wear and many more. It employs more than 60 workers in its production area. It exports to international brands and domestic brands.

### c. Beginning of the Conflict

Worker N joined as Quality Controller at Sunstar Clothing in February, 2020 and worked till March 21 i.e. until the full lockdown imposed by the Indian Government to control the spread of Covid-19 virus. Afterwards, he continued work in the same company again in May. The employer had promised him to pay Rs.22000/ month as salary at the time of recruitment in February, 2020. But, he had received only Rs.18,000 in bank for the month of February. So, he asked the employer regarding the salary decline, then the employer had given Rs.4000 as cash in hand and justified that he had forgotten to inform the accounts department. Then, the next month he received Rs.18000/- and due to Covid-19 pandemic he had agreed to a wage decline.

Again, in June the worker N received only Rs.16800. So, he didn't go to work for 1 month due to low salary. In September, the employer had called him to continue the work and agreed to pay Rs.22000/ month as salary. But, again Rs.18000/- was deposited in the bank as salary and given Rs.4000/- as cash in hand.

In November, the employer had given below than Rs.15000 as salary because the worker had received Rs.7000 in the lockdown period. In December, on 12<sup>th</sup> the employer asked him to resign from the job as the production level decreased in the company. The worker N has worked 12 days in December and then terminated. Since they asked him to resign, the worker N had asked for his leave salary and final settlement. But the employer refused to give the actual wages and settlement.

### d. Informal resolution process

The worker N had approached a BJP party leader to get justice from the company through his friend. He had gone to the factory and demanded justice for him. The employer had said that he knows the district secretary of BJP very well and so he will deal with him. Then, the employer was ready to give Rs.5000. That BJP leader also convinced worker N to get that Rs.5000, but worker N refused to agree. Because worker N had given Rs.500 to the BJP leader before going to the company, if he agreed with that Rs.5000 the BJP leader would get Rs.2000 as commission. So, he was not ready to fight for Rs.3000. He expected the actual justice. Then another friend of his took him to CITU. He had contacted the CITU representative Com. Sampath in December itself. Comrade and the worker had contacted the employer and demanded the salary and settlement, but the company was not ready. The

worker N and Com. Sampath went to the garment unit to ask for settlement, but the employer asked them to come a few days later. Later they tried to approach the employer a few times, but all the time the security didn't allow them to get inside the company.

e. Formal resolution – Conciliation

On January 29<sup>th</sup> of 2021, they appealed to the assistant commissioner of labour office for conciliation. For the first hearing, the employer had not appeared and it was on 9.2.2021. The second and third hearing was in the next 2 months. The worker is demanding the same work and same salary. But, the company does not agree with his demand but is ready to give different kinds of work and low salary. So, worker N is not ready to agree. Now, the Labour Commissioner has asked the employer to give in written form on how much the company can pay and what work they can give.

f. Workers' view on the case process:

The worker N was fighting for justice with hope. He said that there were so many labour abuses in the company at the time of work. During Covid-19 lockdown the employer has not given any salary. The leave salary is also not given to worker N and there is no double salary for overtime. Even for night shifts, there is no double wage. The employer had given a bonus of 8.33% but calculated for only Rs.18000 and not for Rs.22000. He was even compelled to do work at night.

g. Available documents:

Summon letter from LO was collected

h. Missing Documents

None of the identity documents are available