

Time to Redefine Social Security- Reforms of Labour Laws

Recently Hon. Prime Minister unveiled a number of Labour Reforms with a call for "Shramev Jayate" to facilitate favorable environment for setting up more industries and bringing investments in the country. The reforms are taken to be most progressive and hailed both at national level by corporates and at international level by the developed countries. There is also the alternate view on the plight of thousands of workers in contractual work-case in point was the workers associated with Tirumala Tirupati Devasthanams (TTD) Trust of the Tirupati Temple in Tamil Nadu. The richest temple in the country does not have social security processes for the contractual workers and are denied equality of payment or insurance benefits due to caste differences. This just reflects the tip of the vast paradox that exists-one group of society has all the powers of influence to avoid labour reform in claim of harassment arising from compliance to such laws while seventy percent (70%) of the working population does not have any access to minimum wage, decent housing, safety at workplace and most importantly no health or income security.

The 100th session of the International Labour Conference (2011) adopted a two dimensional strategy on the extension of social protection which was recognized and adopted in 2012 as the 'Social Protection Floor Recommendation'. The term "social floor" or "social protection floor" has been explained by ILO to specify a set of basic social rights, services and facilities that a global citizen should enjoy. The vast, informal and heterogeneous characteristics of the workforce in India, with growing in-formalization of employment, on the one hand denotes low levels of social protection and high vulnerability, and on the other, constrains the expansion of social protection, mainly due to the dearth of appropriate institutional arrangements and policy, and due to lack of visibility and voice of such workers As a member nation, India has to establish as quickly as possible and maintain their social protection floors comprising basic social security guarantees.

It is pertinent to mention here that all developed countries have a robust social security schemes for their workforce whereas migrant workers, mostly from Asian and South-Asian nations, who are now contributing immensely to their economies do not have so called Social Protection while at work with limited freedom in voicing their rights. Similarly, within domestic boundaries, contractual workers and migrant labourers are rarely given consideration to provide for their insurance or ensuring guaranteed wage payment by the business establishments.

In India, only about 7% of all the workers are entitled for most of the benefits of the social security laws and the rest belonging to the unorganised category are not provided adequate coverage and if covered, the laws and schemes are often not implemented. Besides, ambiguities in policies, flaws in the laws and relatively low investment in the social security schemes add insults to injury.

It is essential to comprehend why Minimum Social Security in the form of access to accommodation, Public Distribution System (PDS), sustainable wage, health care and pension during contingencies of sickness, disablement or death is absolutely essential for workers both in the formal and informal sectors.

Firstly, with deplorable economic condition- such workers and their households fall below the absolute poverty line in case of ill-health or loss of job in absence of any Social Security Cover. Secondly, the productivity of the workforce is mostly low compared to other countries due to high degree of "Unskilled/Semiskilled Workers" who in absence of any health or income security shift jobs frequently. There is evidence to support the argument of minimum social security for informal sector which can enhance skill-set of the workers through skill training if they are assured of job safety and wage guaranty. This is a win win situation for workers, owners, trade unions and Government who are groping with the issue of "*Low Productivity vis-a-vis Skill Development*" for a long time.

Another important advantage of having Social Security/Insurance Protection for workers will be reduction in the numbers of floating population of workers (migrant labourers) due to increased productivity and continuance in same job location. Lastly, there is a view that with availability of social security or insurance coverage, scope for "free lunch or subsidy" shall be greatly reduced.

The existing labour laws need to be redefined/re-categorized - Industrial/Labour Laws and Social Security Laws like Industrial Disputes Act and Factories Act coming under former category and Employees Compensation Act, ESI Act, Maternity Act and EPF Act to be administered under social welfare or social justice department or alternatively by forming a separate ministry of social security. In fact any talk on Labour Reforms should be preceded by having "Mandatory Social Security/ Insurance Coverage" for the workers in our country.