

Legal Enforcement of Labour Agreement

In an unprecedented breakthrough anchored by our *Shramik Sahayata evam Sandharbh Kendra* (3SK), PARDA has been able to pursue and motivate the labor agents to yield to the motive for making an agreement between laborers and contractors; to ensure safe migration.

As the story goes- Bijay Kumar Tandi was working in brick kiln in Andhra Pradesh on contract with a licensed labour agent. The migrant worker had grievances relating to payment disputes with the contractor and came across information regarding the legal clinic organized by 3SK of PARDA. According to the victim, the agreement between the worker and the contractor was fixed at 30,000 INR out of which, 26,000 INR was pending and which the contractor had refused completely.

In July 2014, a Legal Clinic was held at *Shramik Sahayata evam Sandharbh Kendra*, Nuapada. One Bijaya Tandi, who had been to Andhra Pradesh as a brick kiln laborer on contract with a licensed labor agent Narayan Jagat, learnt about the legal clinic and visited 3SK centre to get support relating to his case of payments dispute with the contractor.

The concerned person came into correspondence with 3SK in order to seek legal counsel and support. After settling of the dispute, the labor agent/contractor was made to settle a bi-party agreement with the labourers, laying down all the terms and conditions in legal format, to avoid any violation from either party in the agreement. After successful implementation of the agreement, several further informal agreements between labour agents and migrant workers have been legalized. Approximately, 80 labourers have been signed by three agents for a sum of 70,00,000 INR on stamp paper, with both the parties have all information regarding the consequence of violation of the contract. Enforcement of legal authority to labour agreements guarantees both the parties to a binding principle, the breach of which amounts to punishable offence. In the past, there have been several cases of cheating by the contractor, wherein the labourer was made to work multiple times the agreed period and to make it worse for the migrant, being refused the agreed amount of money for the work undertaken at the destination. Since there was no documentation of these word of mouth agreements, there was no way to monitor the enforcement of such informal agreements and no way to bring about justice to the victim.

This is an endeavor undertaken to design safe and hassle free migration for the impoverished workers who undertake the decision to migrate for better livelihood opportunities. With the enforcement of legal statute to work agreements, we look forward to minimize disputes that affect the earning source and survival. A large number of payment related disputes lead to many legal and extra legal complications almost regularly every year. Sometimes it is breach of contract on the part of either of the two parties involved. Such disputes and treachery can be avoided by making both the parties bide to a legal agreement which is overseen by a third party. Civil society organizations like us have tried to fill this gap and put enforceable institutions in place, be it legal, social or welfare, to ensure the decision to migrate does not result in choice of worse alternative of life.

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