



# WORKERS RESISTANCE

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A Successful Strike of Railway Sanitation Workers

## Victory for Struggle of ITI Workers

★ MAITREYI KRISHNAN



**I**n a great victory to the workers of M/s ITI Ltd. and to their sustained struggle from 1st December, 2021 onwards (over 1 year and 5 months), the Karnataka High Court has passed an order dated 18.04.2023 in W.P. No. 9465/2020 holding as binding on the ITI management the settlement arrived at between the Union and the Management, as per which 35 workers would be immediately taken back to work, and the remaining 45 workers would be taken thereafter.

On 01.12.2021, the Management of ITI Ltd. had illegally refused employment to 80 workers for the sole reason that they had unionized and sought for their legitimate rights. The workers who were thrown out have been on a day and night protest outside the ITI gate from thereon, and the protest which continues even today, is perhaps one of the longest working class struggles to have taken place in Karnataka, going up to 1 year and 5 months (540 days). The struggle saw support from across sectors with other trade unions, Dalit organizations, farmer organizations, womens' organizations coming together to stand with the workers.

The management and the union entered into a settlement on 17.03.2022 as per which the management agreed that 35 workers would be immediately taken back to work, and the remaining 45 workers would be taken thereafter. However, the Management of ITI Ltd. refused to implement the settlement. The Union had

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approached the Karnataka High Court in this regard and the Court has passed its order on 18.04.2023 directing that the settlement was binding on the management and has required the Conciliation Officer to try and conciliate the difference between the Union and the Management.

The actions of the management also amount to an unfair labour practice prohibited under the Industrial Disputes Act, in regard to which a complaint was filed before the Central Labour Commissioner. The Court has directed the Commissioner to pass necessary orders on the complaint within a period of 8 weeks of the receipt of the order.



The struggle of the ITI workers brought to the forefront the highly exploitative nature of the contract labour system, where workers are termed contract workers, despite working for decades and denied their rights. The victory of the

workers of ITI is a victory of the working class against the contract labour system. It is the need of the hour to fight against this new form of bonded labour and ensure secure working conditions for all workers. ■

## Survival of the Richest: The India Story

★ AVANI CHOKSI

A 2023 Oxfam report titled ‘Survival of the Richest: The India Story’ gives important statistical data that corroborates what we already know – inequality is increasing and state policy is only exacerbating this divide. Some key points are as follows:

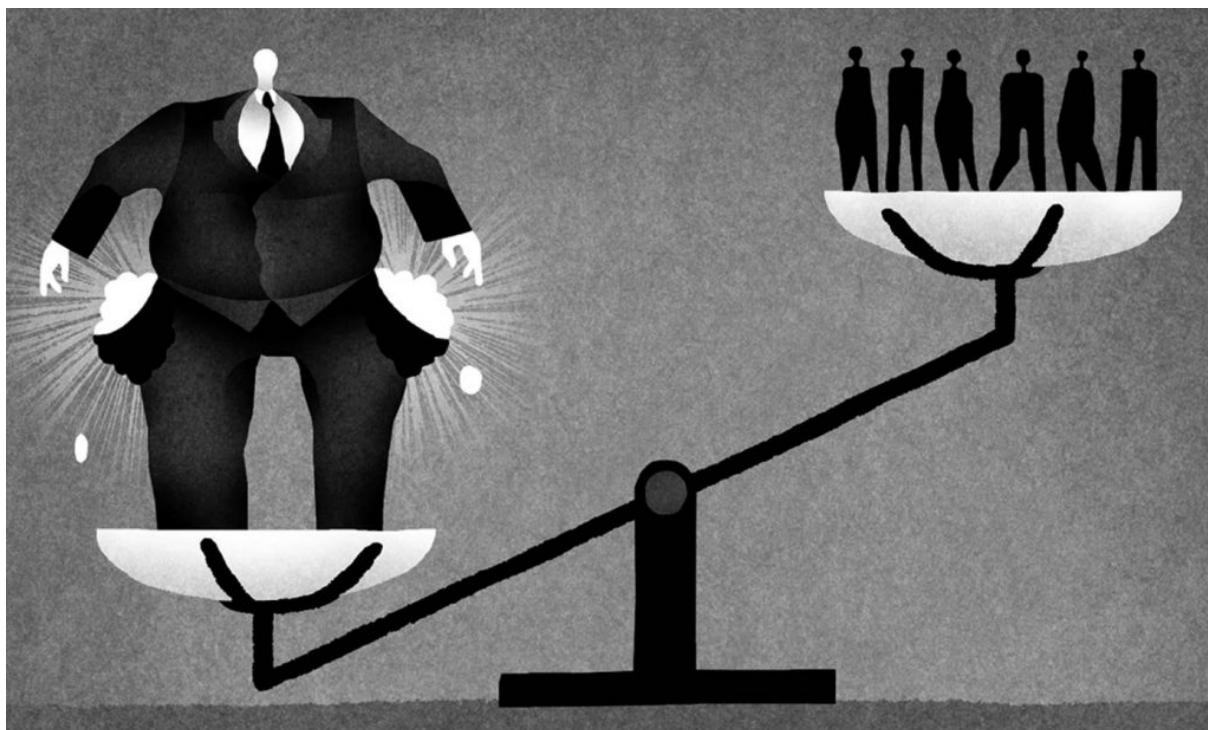
### Wealth Inequality:

- a. The Rich are getting richer: The richest 1% of Indians own over 40% of total wealth in India, and the top 30% own over 90% of the total wealth. During the pandemic, Adani’s wealth increased 8 times. So too, the private healthcare and pharmaceutical sector, that is funded by Indian billionaires, greatly profited by the pandemic. The impact of this is that the profits are being distributed amongst the rich, and there is reduced spending in the public sector.
- b. The Poor are Getting Poorer: The bottom 50% of Indian population have less than 3% of total wealth in India. Though government

figures show reduction in poverty, the report reveals a real worsening of poverty in terms of ability of people to reach minimum required calories intake. A week loss of income would push the median population of India to the brink of starvation. An average of 115 daily wage workers died of suicide every day.

- c. Other inequalities such as caste and gender increase wealth inequality: Inequality is also exacerbated by other triggers such as communities suffering systematic exclusion such as Scheduled Castes and Scheduled Tribes, who are often trapped in inter-generational poverty cycles. Women also face severe barriers, and a 2022 Oxfam report states that only 19% of employed women are in regular salaried jobs as compared to 60% of employed men. When double discrimination of community and gender is seen, there is a systematic

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increase in wealth inequality – for example, most manual scavengers in India are Dalit women. A revealing illustration is as follows: For each rupee earned by a male worker, a female worker earns 63 paise, for each rupee earned by a dominant caste worker, a Dalit worker earns 55 paise, and for each rupee earned by an urban worker, a rural worker earns 50 paise.

## Taxation Policy of the Government

On one hand, by reducing corporate tax slabs and granting concessions to companies, the government lost revenue of 1.03 lakh crore in 2020-21, which is more than the total allocation for the entire MNREGA scheme. On the other hand, the Union government has placed heavy reliance on consumption taxes which increases inequality by shifting the burden of taxation from the corporate to the individual income taxpayer. Massive hikes in indirect taxes have resulted in disproportionate impact on the marginalised, who spend a far larger percentage of their income on food, goods and services. The increase of diesel and petrol prices by the government increased the financial burden

of the average customer. The World bank found that the bottom 25% of Indians spent over 53% of earnings on food as opposed to less than 12% by the top 25%. As a result, the bottom 50% spend 6.7 percent of their income on taxes on food and other items as opposed to only 0.4% by the top 10%. Hence, while the top 10% contribute only 3-4% towards, GDP, the bottom 50% contribute almost 2/3rd. The impact of such a skewed taxation policy is only increasing inequality.

## Impact of Inflation is disproportionate upon the poor

Massive inflation rates (especially in Rural India) that consistently breach the statutory limit of 6% have a disproportionate impact on the poor. This is because the marginalized have to spend more and more percentage of their income on essentials, which is not true for the rich. The report quotes a study of the Asian development Bank that posits that a 1% increase in inflation leads to a 0.5% increase in under nourishment and a 0.3% increase in infant and child mortality rates. As such, inflation results in the poor becoming poorer and the rich becoming richer. Hence, the general understanding that inflation is bad for all sections is untrue.



## Tax the Rich!

The report suggests progressive taxation, with higher taxes for the rich, and less for the poor; and with the revenue from such taxation being used to improve access to public services like health and education, while strengthening safety nets and bargaining power of the Indian labour force. Such a policy can go to significantly reduce inequality. The real import of such a policy would allow for funding of health and education of marginalized masses of the population. One example given was that a 5% tax on the the top 10 Indian billionaires would allow for all out of school children to be provided quality education.

While the Report fairly examines the state of wealth inequality in India and the state policy that only exacerbates this, the report fails to look at the capitalist underpinnings of such a policy. The recommendations of the report are not transformative, but seek imposition of regulatory policy to lessen this gap.

The Indian Constitution contains a Chapter on Directive Principles of State Policy [DPSPs], some Articles of which read as follows:

37. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

38. (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and

political, shall inform all the institutions of the national life.

(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities...

39. The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment..

However, these principles are non-justiciable, or, they cannot be enforced by any court. Dr. BR Ambedkar spoke strongly in favour of the DPSPs remaining not enforceable. He said:

It is not a court that can enforce these provisions or rights. It is the public opinion and the strength of public opinion that is behind a demand that can enforce these provisions. Once in four years elections will take place, and then it is open to the electorate not to send the very same persons who are in different to public opinion. That is the real sanction, and not the sanction of any court of law.

Therefore, the justification for Ambedkar was that it was the executive and the legislatures that had to take the lead in the implementation of socio-economic principles, and not the courts.

When the policy of the Government so fully violates constitutional principles, Dr. Ambedkar might then state that it is time to change the government. While an important step, any lasting change, would structurally change systems of governance that stop enabling wage theft by the management of the surplus value of labour. The data in the report showing inequality that shocks the conscience must be weaponized to popularize the call towards the struggle for social, economic and political equality. ■

# Report on ‘Modern Slavery’: *Some Issues*

★ LEKHA ADAVI



**T**he Walk Free Foundation (WFF) in Australia has recently released a report on the Global Slavery Index (GSI), which has studied people living in ‘modern slavery’ around the world. The report states that more people are living in modern slavery due to inaction of the governments to protect the civil liberties and human rights of the people, and that the global products bought by people contribute towards enabling modern slavery.

This report by the WFF has attempted to provide a definition of ‘modern slavery’ which is not so clear till date, and tries to connect various aspects that has enabled

such form of slavery across the world. WFF has stated that the study was conducted for over a decade across 160 countries and sought to answer how many people lived in modern slavery, what makes people vulnerable to it, and what governments are doing to address it, based on data provided by the Global Estimates of Modern Slavery and interviews with survivors conducted by Walk Free.

## Defining Modern Slavery

According to the report, ‘modern slavery’ has been defined as “the systematic removal of a person’s freedom – their freedom to

accept or refuse a job, their freedom to leave one employer for another, or their freedom to decide if, when and whom to marry – in order to exploit them for personal or commercial gain.” Thus, the report attempts to bring together all kinds of people who are “tricked, coerced, or forced into exploitative situation” and includes “forced labour, forced or servile marriage, debt bondage, forced commercial sexual exploitation, human trafficking, slavery-like practices, and the sale and exploitation of children”. But, the report has failed to factor in practices of caste prejudices and domination in India or cruel racism elsewhere in the west and

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others.

With this definition as the base, the report states that there are over 50 million people, perhaps an underestimation, who are living in modern slavery conditions across the world, with 28 million in forced labour, of which 12 million are children. The most vulnerable of them being women, children, and migrants. It goes on to say that the countries estimated to have the highest prevalence of modern slavery tend to be conflict-affected, have state-imposed forced labour, and have weak governance.

### **There Exists No Definition of ‘Modern Slavery’**

As per the GSI, the definition of ‘modern slavery’ clubs forced labour, forced marriages and human trafficking, into one while many other forms of slavery are ignored or overlooked. The nature of the forms of oppression and exploitation faced by individuals in each of these three forms of “slavery” is distinct. Hence, bringing them all under one definition is extrapolation of what might constitute “slavery”, let alone it being a “modern” form. Bandana Pattanaik, International Coordinator of the Global Alliance Against Traffic in Women (GAATW) in Thailand, has critiqued the definition provided by the GSI report, and said that a universal, reliable calculation of modern slavery isn’t possible because modern slavery has no internationally agreed definition (unlike trafficking in persons which does). But, absence

of a recognized, agreed legal definition of ‘Modern slavery’ need not prevent anyone from attempting to do so.

The report also ranks countries based on the prevalence of ‘modern slavery’, thus making it the ‘Global Slavery Index’. Notably, the report states that the largest estimated numbers of people in modern slavery are found in India, China, North Korea, Pakistan, Russia, Indonesia, Nigeria, Türkiye, Bangladesh, and the United States. Please note that most of these countries, barring a few, are already rattled by poverty and conflicts.

According to the report, an estimated 1,10,50,000 persons are found to be living in ‘modern slavery’ in India, i.e., with a prevalence rate of 8 persons for every 1,000. The report states that the government response to ‘modern slavery’ stood at 46.20%, whereas the average for the Asia & the Pacific region was 40.40%. This means that India did better at responding to incidents of ‘forced labour’ or ‘forced marriages’, than many other Asian or Pacific countries which perhaps is misconceived and factually wrong. Indian researchers are not in agreement with this view. In fact, Indian authorities, including the judiciary, are increasingly adopting a reactionary and conservative approach with the BJP and Modi in power.

Even if one were to look at the Indian context, both in terms of the prevalence of ‘modern slavery’ and the response of the Indian Government to combat such

forms of slavery, the everyday lived realities of a majority of people, which includes women, children, Dalit community and the working-class trumps the statistics provided in the report.

In India, Article 23 of the Indian Constitution prohibits human trafficking and all forms of forced labour. Accordingly, the Bonded Labour System (Abolition) Act, 1976 was promulgated which put a ban on any and all forms of forced labour in India. However, the practice of bonded labour, including child labour, is prevalent across many sectors like plantations, brick kilns, domestic work, etc. The Child Labour (Prohibition and Regulation) Act, 1986 places a ban on employment of children below the age of 14 and 15 years of age. But, even that is being undone by the Modi government by legalizing family labour which is an euphemism for child labour. The Prohibition of Child Marriage Act, 2006 has put in place a system which would prevent and prohibit child marriages, and provide support to those who were forced into child marriages. Child marriages and child labour continue unabated despite the legislation, and has done very little to offer protection to girl children. The Immoral Traffic (Prevention) Act, 1986, an act that was implemented to prevent human trafficking and provide protection to those persons who were trafficked, is often used to harass sex workers in India. There is no law in place to check the abuse and exploitation faced by in-house domestic workers in India, marital rape is

not recognized as a crime, and nothing to protect the bodily safety and labour rights of sex workers. Even despite the legal protections to certain sections of vulnerable people, to combat and put an end to “slavery”, the deeply entrenched caste-based and patriarchal practices in the country enables the perpetration of oppression on a daily basis.

India continues to have the caste-based practice of manual scavenging with several thousand people from the Dalit community dying in our sewers. The patriarchal and caste-oppression of women’s right to choice and

autonomy, in the form of ‘dishonour’ killings, “love jihad”, etc., continues, especially with the current regime preferring the rule of barbaric Manusmriti over the comparatively modern democratic Constitution. Thousands of migrant workers faced the wrath of the State during the covid-19 pandemic-induced lockdown, and was one of the largest exodus recorded after partition, and what was witnessed at the time was not just the apathy of the State, but the systematic oppression of the working people. These lived experiences of the people who

face everyday oppression, seems to be deliberately forgotten, ignored and sanitized in this report.

The report on ‘modern slavery’, thus, not only overlooks how institutionalized oppression pushes people into various forms of slavery, but also contrives the everyday class, caste and patriarchal oppression faced by women, children and the working class, into the ‘Global Slavery Index’ ranking, leading to more questions than providing answers. We expect that the WFF will address these inconsistencies and flaws to make it improved. ■

## Aam Aadmi Party, Neoliberalism, and the Working Class<sup>1</sup>

★ SURYASHEKHAR BISWAS

### Introduction

In April 2022, the Municipal Corporation of Delhi (MCD) went on to demolish several homes, in the slums of Jahangirpuri. The demolitions continued even after a Supreme Court order was issued against the same. Leaders of left parties appeared at the spot and stood steadfastly in front of the bulldozers. Due to their interventions, the bulldozers stopped further demolitions.

The locality in question is inhabited by residents resettled there by the state, after they were evicted from other localities. A



significant section of them are informal sector workers. The population is overwhelmingly Muslim, consisting of those who migrated there from

regions of West Bengal. They are systematically demonized and branded as illegal immigrants, foreigners, Bangladeshi, or Rohingya.

[1] This article is a part of my internship project done under the guidance of Dr. Akash Bhattacharya, activist with AICCTU, and former professor at Azim Premji University, Bangalore,

It came as no surprise to anyone that the BJP leaders were jubilant during the slum demolitions. The BJP-sympathetic media channels were openly celebrating this brutality. It perpetrated their anti-Muslim and anti-working-class agenda.

The Aam Aadmi Party (AAP) leader and Chief Minister of Delhi, Arvind Kejriwal did show some grievance about the incident. However, spokespersons from the party went on to feed the xenophobic narrative of the residents being illegal immigrants. They seemed eager to prove that they too hated the slum dwellers who do not deserve any right to house in the city.

## A Brief History of the Aam Aadmi Party

The electoral victory of the AAP through an overwhelming majority in the 2015 Delhi Legislative Assembly elections, was preceded by the anti-corruption movement that took off in 2011. The anti-corruption movement mobilized the anti-incumbent public sentiments against the Congress party that had been the main ruling party in the country. The movement echoed the mood of various sections of society, giving it a cross-class participation, although the dominant narrative of the movement remained uncritical of the policy regime that facilitated corporate loot of our resources. It used the Gandhian narrative of Swaraj after sixty-four years of independence to explain politics not in terms of power structures, political economy, and the contradictions therein, but a form of moralistic battle of the right and the wrong. The figurehead of the anti-corruption movement was Anna Hazare, who was branded as a modern-day Gandhi.

A section of people in the anti-corruption movement were open about their sympathies for the RSS, and far-right Hindutva politics in general. This was embodied by the initial ties that were forged by Kejriwal, with communalist godmen such as Baba Ramdev and RSS ideologues. However, the leaders of the movement realized that in order to succeed, it had to forge ties with various social movements. The movement was able to attract important figures

from the National Alliance for People's Movements.

The AAP was formed in 2012, following a split between Anna Hazare who wished to follow the path of spirituality and hunger strikes to free society from the evils of corruption, and Kejriwal who wanted to enter electoral politics with a claim to repair it from within.

After the 2013 Delhi Legislative Assembly elections, the AAP formed the government with support from members of the Congress, and with Kejriwal as the Chief Minister. Kejriwal resigned after 49 days, on having failed to pass the Jan Lokpal bill (an Ombudsman bill), which was one of the core rallying points of the anti-corruption movement that had brought him to power in the first place.

Despite attracting people with left-leaning credentials, the movement's middle-class composition didn't change. The internal dynamics of the party grew exceedingly authoritarian, with some of its critical and left-leaning voices being removed, which led few others to resign. There was a concerted effort to appeal to the working class, by promising policies that would include affordable water supply, and conduct an audit of Delhi's electricity distribution companies. A significant section of workers did support the AAP, as did a section of Dalits. The policies passed however carried little material weight in the lives of working people and were mainly of populist rhetoric. In this context, Praful Bidwai observes<sup>2</sup>:

“More than one-third of Delhi's households, typically poor, don't have piped-water connections, and will be effectively excluded. Little will be done to improve the supply to water-deprived areas or break the water-tanker mafia's stranglehold.”

Bidwai further says, “Take electricity. Private distribution companies (discoms) have been overcharging consumers through meter-tampering, cost-padding, etc. AAP should have ordered an audit, and then proceeded towards tariff reduction. Instead, it raised subsidies to discoms!”

It is to be noted that the electricity subsidy seldom extends to those who live in rented accommodations,

[2] Bidwai, Praful (2014) The AAP conundrum: Steering clear of doctrines. DNA India, January 9. Available online at <https://www.dnaindia.com/analysis/column-the-aap-conundrum-steering-clear-of-doctrines-1947770>



thus excluding a vast majority of the city's working population. The AAP led Delhi government has done nothing to ensure that the landlords do not make further profits by denying the tenants the benefits of the subsidy. So much for the AAP's commitment to fight corruption!

The AAP had a strong majority in the 2020 Delhi Legislative Assembly elections, as well as in the 2022 Punjab Legislative Assembly elections. Presently, the party stands elected in both Delhi and Punjab state governments.

## Theorizing Neoliberalism in India

The year 2011 marked the completion of two decades of the implementation of neoliberal policies in the Indian labor market. On this occasion, analyst Praful Bidwai wrote<sup>3</sup>,

“The fruits of growth have accrued largely to the top 10-15% of India's population. Growth hasn't raised the incomes of the majority, nor reduced income poverty. On optimistic official estimates, rural poverty fell from 50.1% in 1993-94 to 41.8% in 2004-05, and in cities, from 32.6% to 25.7%. These numbers are considered far too low by many capable economists. But even assuming they're correct, the poverty decline was modest. It still leaves nearly 400 million Indians living at or below an animal level of subsistence, consuming fewer calories than needed to keep body and soul together. So, at the end of the two highest-growth decades in recent history, India still has the highest number of dirt-poor people of any country in the world.

These numbers hide non-income forms of poverty and deprivation, including dispossession from land, ecological destruction, widespread malnutrition, social bondage, gender-related poverty, compulsion to drink unsafe water and live in unhygienic conditions, etc.”

With the ushering in of neoliberalism in India (beginning from 1980s and intensified post 1990s) the erstwhile state-owned institutions

started getting privatised. For the working class, this involved an assault on their basic safety nets including minimum wages, work hours, overtime pay, cost of living adjustments, occupational safety, job security, organizing and collective bargaining rights.

Snehal Shinghavi writes<sup>4</sup>:

“In fact, the only way to understand the history of neoliberalism in India and the current crisis that Indian capital faces is to understand the last forty years as a systematic attempt to reorganize the labor process to benefit Indian capital.”

The rise of AAP took place at a time when people of India were faced with huge income inequality and dispossession of people from livelihood while corporate-favourites to the rulers were allowed to freely loot the country's resources.

It is true that several of the policies implemented by the AAP led Delhi government have gained popularity among the people. However, a look at the situation of livelihood and rights of the working people of Delhi under AAP government would give us clearer perspective of political-ideological location of the AAP.

## AAP and the Working Class

The COVID-19 pandemic and its mismanagement has fatally harmed workers across the world. In India, this was coupled with an injudiciously imposed lockdown, with barely any assistance and aid given to workers at this moment of crisis. The AAP government in Delhi fared no better. Millions of workers, which includes migrant workers, who were hired on contractual basis were fired at the start of the pandemic. The failure of the Public Distribution System in Delhi left the workers without any proper food and nutrition. A fancy e-coupon system for rationing food was announced in Delhi, but it remained inaccessible to the majority. It must also be noted that only 37% of the population of Delhi had ration cards (which are necessary to avail rations) at the time. The

[3] Bidwai, Praful (2011) Two decades of neo-liberalism in India. The Daily Star, August 4. Available online at <https://www.thedailystar.net/news-detail-197058>

[4] Shinghavi, Snehal (2017) Austerity, neoliberalism, and the Indian working class. International Socialist Review. Available online at <https://isreview.org/issue/103/austerity-neoliberalism-and-indian-working-class-0/>

period of the pandemic only exposed the terrible conditions of labor that were lingering on for years and were being ignored or suppressed by the AAP government.

Workers of Delhi Transport Corporation (DTC), which is an important feature of Delhi's public transport system, broke out in massive protests in 2015. At least 12,000 DTC workers hired on contractual basis remain to be made permanent employees. The workers were politicized and conducted sit-in protests with their demands and broke out into a flash protest when a fellow driver (Ashok Kumar) was murdered in a road rage in Mundka while on duty. Without making any attempts to negotiate with the workers, the AAP invoked the Essential Services Maintenance Act (ESMA) to suppress the protests. This law has been used countless times by the AAP, recently to suppress the protests of Anganwadi workers.

The Anganwadi workers of Delhi who work as the backbone of the city's maternal welfare and childcare have been on strike since January 2022, demanding better pay, regularized work, and recognition as government employees rather than volunteers. In 2017, the AAP government had promised to add Rs. 500/- to the remuneration of Anganwadi workers (and Rs. 250/- for helpers) as internet allowance. Workers claim that this was soon reduced to Rs. 200/- and never paid.

The Mohalla clinic, as mentioned earlier, is one of the main focal points of the AAP model of governance. These institutions don't aim to challenge the sway of privatized healthcare, either implicitly or explicitly. The Mohalla Clinics create an alternate platform that provides some basic amenities at lower costs but cannot be seen as a long-term solution. It is also important to note that the doctors are hired in these clinics on a contractual basis without any fixed salary. They are paid Rs. 40 per patient seen, resulting in a monthly income that is far less than a government employee. While pharmacists and multitask, workers do have fixed salaries, they are

denied leave provisions.

## Where do we go from here?

The AAP has been consistently trying to be a beneficiary of the Hindutva centric paradigm of politics normalised by the BJP-RSS in today's India. In no way has it ever attempted to defend secularism and rights of the minorities when it was most needed. Be it adding to Islamophobic propaganda driven by fake news during Covid peak about Nizamuddin Markaz and terming Jahangir Puri demolition victims as illegal encroachers or the AAP's inaction to stop the Delhi anti-Muslim violence in February 2020, its alliance vis-a-vis the communalism-secularism conflict is becoming clearer every day. Meanwhile, the working class in AAP-governed Delhi, which includes workers from both the formal and informal sectors, continues to be exploited. In their daily struggles for survival, they do not receive any assistance from the AAP government. Labor demands continue to remain unmet, and labour protests are vehemently suppressed by employing draconian laws such as the ESMA (Essential Services Maintenance Act.)

This has important lessons for the labour movement, which includes communist parties, their affiliate trade unions and a significant number of independent trade unions which organize the urban workers across various sectors and occupations.

There is some merit in the argument that the overwhelming majority of votes that the AAP received in the 2020 Delhi Legislative Assembly Elections, has temporarily kept the fascist BJP at bay. But it is important to remember that this relief is only temporary and patently weak. Meanwhile, much of the communal rhetoric, characteristic of the BJP and the RSS, has been co-opted by the AAP. That the AAP appears as a legitimate alternative, points towards the challenges the communists have at hand. Raju J Das writes in his book<sup>5</sup>:

“An important question to ask is: while BJP was kept at bay, what was done to raise class consciousness of the masses and to mobilize them independently of bourgeois formations, in the sphere outside Parliament?” ■

[5] Das, Raju J. (2021) The Political Economy of New India: Critical Essays. Chapter 9. London: Routledge.

# Corporations Undermining Unions: *From Starbucks to Amazon- Using Every Dirty Trick to Stall Contract Negotiations*

★ TAMARAI

## Challenging Times for Starbucks and Amazon Workers

Tyler Daguere, leader of the Starbucks Workers Union (SBWU) from Boston, while saluting his fellow workers who across the country have successfully unionized more than 300 coffee stores/cafes, criticized the Starbucks corporation for stalling negotiations with the union for a contract. "It is the feeling of the campaign that Starbucks (management) is generally unwilling to meet workers at the table, preferring instead to invest in undermining this campaign..."

He was one of the speakers at "Seizing the Moment" Boston Labor Conference 2023 which was organized by the Labor Resource Center of University of Massachusetts (UMass) in Boston on April 1, 2023. The Labor conference brought many activists and union leaders to discuss the ongoing militant strikes and struggles across many unions like the school bus drivers, teachers, hotel workers, grocery store workers (Trader Joe's), Starbucks coffee chain workers, Amazon workers and others. Other speakers included Steven Tolman, President of The



American Federation of Labor, and Congress of Industrial Organizations (AFL-CIO), Massachusetts (MA), Chris Smalls, President Amazon Workers Union (ALU) and Jamie Edwards, President Trader Joe's United in MA.

SBWU were victorious in December 2021 with their 1st union in Buffalo, New York. In less than 18 months there are now more than 300 unions out of a total of 9000 Starbucks stores in the United States. The workers in these 300 stores have won while facing extreme union busting efforts by the multi-billion-dollar coffee chain which has included firing of workers who have been involved in the organizing efforts. In March 2023, Federal labor judge Michael Rosas ruled that Starbucks violated

labor laws with "egregious" misconduct. Starbucks was ordered to reinstate 7 employees fired for union activity at one store. Among other orders, the judge also asked Starbucks to bargain with the union. Michelle Eisen, a Starbucks worker, and union organizer in Buffalo after listening to the order said, "This decision results from months of tireless organizing by workers in cafes across the country demanding better working conditions..."

## Sham Negotiations

Tyler, like many other leaders in the SBWU, is frustrated that they still do not have a contract and spoke about this with me after a long shift at the coffee shop in Boston. "With respect to a contract, Starbucks has continuously walked out of

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negotiations, without ever substantially bargaining in good faith with Starbucks workers. Starbucks claimed that they would negotiate in “closed” bargaining sessions, whereas workers felt a need to push for hybrid sessions for a myriad of reasons, ranging from accessibility for disabled or out-of-area workers who could not afford to make the commute, to safety precautions regarding the ongoing pandemic. The theory that Starbucks would bargain in closed sessions was put to the test in Seattle recently, where workers did, in fact, close their laptops, to see if Starbucks would bargain. Perhaps unsurprising, no substantive bargaining took place.”

Amazon workers in Staten Island fulfillment center-warehouse (JFK8) in New York (NY) state won the election to form a union on April 1, 2022, with an impressive margin. This was a historic victory of the working class in the U.S. Christian Smalls, an African American, was elected as the President of the ALU. Amazon refused to accept the results. The National Labor Relations Board (NLRB) upheld the election results of April 2022 on January 11, 2023, after Amazon appealed the union result. Amazon has not come to the negotiating table for a contract even after this hearing. The Huffington post based on financial disclosures filed with the Department of Labor, reported that Amazon corporation spent 14.2 million dollars on anti-union consultants

in 2022. University of California Berkeley Labor Center released a report in May 2022 that details Amazon’s violation of international labor standards. Other than hiring anti-union consultants to wage campaigns, some of the measures taken by management include instilling fear into workers that they will lose jobs if they vote for a union, developing anti-union websites, holding captive meetings with anti-union propaganda etc.

### **Recent Victories of Amazon and Google Contract Workers**

Amazon’s delivery network works with 3000 companies that provide drivers and dispatchers. The Teamsters union which represents more than a million workers in the U.S. and Canada, organized 84 drivers at Battle Tested Strategies (BTS) one of the 3000 Delivery Service Partners (DSPs) in April 2023. Activists are celebrating this victory which will significantly increase the wages for the drivers and will put in more safety measures at work. Amazon clearly unhappy with this development was quick to respond and said that BTS “had a track record of failing to perform and had been notified of its termination for poor performance well before announcement.” These recently organized drivers have their contract with BTS until October 3rd and continue to deliver Amazon packages. Amazon, by severing its relationship with the sub contractor, BTS, does not

want to honor the new contract with the unionized workers.

There are currently more than 100,000 drivers in the U.S. who deliver packages for Amazon. They are “contract” workers working under dire conditions. Amazon has ridiculously high quotas for delivery drivers. A study in 2021 by Strategic Organizing Committee - a coalition of unions, analyzed data provided by Amazon and its delivery partners. The study found that 1 in 4 drivers had suffered injuries and 1 in 7 had serious injuries.

In 2023, YouTube music contractors organized with Alphabet Workers Union-Communication Workers of America (CWA). They were victorious in March 2023 when NLRB ruled that although they were hired by Cognizant, Google should be considered a joint employer (Google bought YouTube in 2006). This ruling has set a good precedent, the subcontracting model of Amazon can be challenged legally. If Amazon is considered a joint employer with BTS, it will have to honor the contract won by Teamsters union for the 84 delivery drivers.

### **Conclusions**

AFL-CIO the largest federation of trade unions representing 12 million workers has a sordid history of class-collaboration in the U.S. AFL-CIO aided U.S. interventions for several decades to promote the interests of U.S. transnational corporations and

ostensibly to enable U.S workers to have “good” jobs. This has been described as “labor imperialism” by many left-wing scholars. Currently, it continues to support the Democratic party which represents the interests of America’s capitalist class.

Dimitrov in “Tasks of Trade Unions” said succinctly.....“The trade unions have always either remained true to the proletarian cause and have resolutely fought against capitalism, taking part in some way or other in the political struggles in favor of the proletariat, or have directly

or indirectly, in one form or another, been at the service of the bourgeoisie, letting the bourgeois parties use them in their internecine struggles for the plums derived from power.....”

SWU and ALU, unlike AFL-CIO, are fledgling unions with largely young workers who do not have any illusions about their ruling class. They are waging a spirited battle against large corporations without too many resources and the road ahead for them is not too smooth. Steve Gillis, former president of the Boston School

Bus Drivers’ Union who attended “Seizing the Moment” Boston Labor Conference 2023, said he is encouraged by the “young rank and file workers rising”. He felt that the call of the young leaders of these unions is to “redirect labor’s massive resources away from do-nothing Democrats and dead-end NLRB appeals to the ranks organizing on the streets... who are under severe attack by corporations....”

The fight continues, stay tuned!



## Labour Snippets – June 2023

★ LEKHA ADAVI & AVANI CHOKSI

### 1. Manual Scavenging Deaths in India

Since March 2023, Gujarat has reported 5 deaths due to manual scavenging. In Tamil Nadu, four Dalit men and one Muslim man died due to manual scavenging since May 1st this year. Uttar Pradesh recorded four deaths in May 2023. It has been a decade since the promulgation of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, which imposes a complete ban on employing human beings to clean septic tanks, sewerage, toilet pits, etc. Still, the same continues unabated and even the deaths don’t seem to deter the State or private persons from employing people from the Dalit community to do the cleaning work. The State has turned a blind eye and there are no measures taken to ensure justice to the victims and their families, nor are there any proactive measures to stop this practice. AICCTU must continue to fight against this injustice and ensure an end to this inhuman and caste-based practice.

### 2. Workers Dismissed in Lotte Choco Pie

When four workers, who were office bearers of the trade union, were dismissed from work in a South-Korean company of Lotte Choco Pie in Tamil Nadu’s Tiruvallur district, the workers resorted to a sit-in strike which has been on-going since April 20th. The sole reason for the dismissal of four office-bearers of the union is the formation of a trade union to discuss the issues faced by workers, including increase in wages. Of the 60 permanent workers in the factory who have worked there for several years, 57 have been on strike. However, the work is carried on with the 100 casual labourers and 60 apprentices of National Apprenticeship Promotion Scheme.

### 3. Indian Workers in Israel

In an article appearing in The Wire, titled ‘Explained: Israel Wants Thousands of Indian Workers. Here’s Why’, it has been stated that so far, 18,000 Indians were employed as caregivers and accountants in

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Israel. Foreign Minister for Israel Eli Cohen, who visited India in May 2023, sealed a deal seeking 42,000 Indian workers to be sent to Israel, among whom 34,000 of them will be specifically working in the construction sector. Israel is reportedly having a “great shortage” in the construction and nursing sector. Earlier, Palestinians were being employed in the construction sector, however, the clashes and violence often rendered the Palestinian workers vulnerable, the article states, and thus may have contributed to the acute shortage of workers in the sector.

#### **4. Healthcare workers protest in Romania**

In Bucharest, thousands of healthcare workers who came from across Romania, organized a protest seeking higher wages, more recruitment of staff, better working conditions, etc., and pointed to the fact that the shortfalls in the sector was leading to a decline in the standards of medical service. The protest was organized by the “Health Solidarity Federation”. An increase in wages means an increase in the quality of healthcare, with wage investment proving to be the best investment for public health, said the Federation. When Romania joined the European Union, several thousand healthcare workers moved to other countries, looking for higher wages, which proved to be a strain on the country’s medical sector. This factor, along with the immense pressure brought about by the covid-19 pandemic on the health sector, debilitated the healthcare workers across Romania, leading to this protest.

#### **5. Oil Sector Workers Protest in Venezuela**

Demanding higher wages and improved working conditions, several thousand workers in the Oil Sector have taken to the streets after holding walkouts and demonstrations outside the company headquarters of Puerto La Cruz Refinery since June 1st. José Bodas Lugo, secretary-general of the Unitary Federation of Oil Workers (FUTPV), told ‘Venezuelanalysis’ – a news daily in Venezuela – that the refinery workers had declared themselves in a “permanent assembly” until they secured a response from industry authorities. The Union

leader also explained that the social and economic reality of the oil industry workers and pensioners was very precarious, given that their collective contracts expired 18 months ago and there has been no progress on negotiating a new one and that their wages was insufficient. Along with their demand to increase wages, the workers have also been seeking collective bargaining rights, labour rights and health insurance.

#### **6. Public Transport Workers in Germany Protest**

Several thousand workers in airports, ports, railways, buses and subways are holding a ‘mega strike’ across Germany, where two of the largest workers’ unions joined forces and called for the strike. The 24-hour strike forced the government to come forward for a negotiation. The workers are demanding higher wages to keep up with the rising cost of living, who are suffering due to high prices of fuel and inflation. The union said that the workers are overworked and underpaid, which forced them to resort to the strike. The country also witnessed multiple walkouts in other public service sectors in recent weeks, including childcare and education.

#### **7. Early retirements in Darjeeling tea industry**

In a shocking turn of events, the Union leaders of Bharatiya Gorkha Prajatrantik Morcha (BGPM) reportedly signed a settlement with the management of Namring Tea Garden near Darjeeling whereby over 100 sub-staff workers of 162 have been forced into retirement, with cut-off date of 45 years. The agreement was a result of the failure of the management to pay earned wage to the workers, and has not been made publicly available yet.

#### **8. MNREGA workers protest non-payment of earned wages in West Bengal**

Issues between the Union and West Bengal Governments have resulted in a situation where over 2,800 crore pending wages of workers are being withheld by the government and are yet to be transferred to the account of the beneficiaries. In a matter pending before the Calcutta High Court, the

Union government took the stance that since March 2022, the Union government stopped released of funds and directed for payment of wages from the State Government until a satisfactory action taken report was issued by the State government on use of funds. The state government has taken the stance that the Government of India order in March 2022 is not within the scope of the MNREGA Act. However, ultimately, the workers have not been paid earned wages for the period worked under the scheme. It may be remembered that the Supreme Court has repeatedly held that non-payment of minimum wages would amount to bonded labour under Article 23 of the Constitution of India.

### **9. Asha workers in Karnataka seek for increase in ‘Honorarium’:**

*In Telengana, they are now entitled to maternity benefit*

Accredited Social Health Activist (ASHA) workers employed under the National Health Mission are the foundation of rural healthcare access. However, such workers are denied the status as ‘workers’ and denied minimum wages by the government on the ground that they are not workers but voluntary activists. Hence, the Government exploits such workers by paying a so-called honorarium in the place of minimum wages. Whereas minimum wages in Karnataka exceed 10,000 rupees per month, ASHA workers are given only Rs. 5000/- per month. In Karnataka, ASHA workers affiliated to AIUTUC have sought for increase in this amount to Rs. 15,000/- per month. The Telengana Government has taken a step of providing maternity benefit to ASHA workers.

### **10. Helping Stranded Migrant Workers In the Wake of Balasore tragedy**

After hundreds of migrant workers were left stranded at SMVT railway station, Bangalore, following cancellation of trains due to the Balasore railway tragedy, AICCTU Karnataka took a leading role in ensuring that State support like food, etc., was ensured to such workers and trains were arranged

to enable return to their respective states.

### **11. Dharna Against Silicosis and Other Occupational Diseases in West Bengal**

The Coordination committee, including AICCTU, has sought for implementation of the rehabilitation policy of the government to ensure rehabilitation of patients suffering from the occupational disease of silicosis including unauthorised stone crushers.

### **12. JCTU protests in support of Wrestlers’ struggle against sexual harassment**

The Joint Action Committee of Trade Unions (JCTU) of Bangalore protested in support of the wrestlers, who have been agitating against Wrestling Federation of India (WFI) president and BJP MP Brij Bhushan Singh, who has not been arrested despite serious sexual harassment allegations (including allegations of sexual harassment of a minor) having been levelled against him.

### **13. Protection for medical staff and doctors**

After severe comments from the Kerala High Court, the Kerala government has promulgated the Kerala Health Care Service Workers and Health Care Service Institutions (Prevention of Violence and Damage to Property) Amendment Ordinance, 2012 with the purpose of safeguarding healthcare workers including staff, security guards, ambulance drivers, helpers, doctors and medical students. The said ordinance has been sent for the approval of the Governor. Parallely, lawyers across India have been demanding for Advocates Protection Laws that will specially protect lawyers and law professionals.

### **14. Settlement in Maruti Supplier Bellsonica Company**

The Bellsonica Mazdoor Union has entered into a settlement with the management on the 29th day of the union’s dharna at the company’s gates in respect to the suspension of 13 workers and the retrenchment of 17 workers. The parties have agreed that the 13 suspended workers will be taken back in a phased

manner subject to outcome of domestic enquiry report, and an amicable solution on humanitarian grounds will be sought to be found in respect of 17 terminated workers. No disciplinary action will be taken against the workers involved in the

tool-down strike. Whereas such a settlement will protect the workers involved in the strike, it may also prove a hollow victory for the targeted union office bearers who were suspended and retrenched. ■

## United and Organised, the Exploitative System Can be Defeated

[Full text of the Address by The WFTU General Secretary, Pambis Kyritsis in the 111th International Labour Conference on 12th June 2023 hosted by ILO at Geneva.]

**F**irst of all, from this global podium, I'd like to salute the outburst of militant struggles by millions of workers all over the world who refuse to foot the bill for the capitalist crisis.

The crisis is increasingly generalized and deeper. World peace is dangerously threatened; Not for the human rights, as some would have us to believe, but because of imperialist geopolitical and economic interests.

That's why struggle for peace, means struggle against imperialist interventions, for the dismantling of NATO and all military coalitions.

The high inflation brutally undermining workers' living standards. Social inequalities are widening dramatically.

The right to organize and collective bargaining is under attack. The pandemic has been used to launch new attacks on democratic and trade union freedoms.

Individual contracts, privatizations, outsourcing, teleworking and "service leasing" are just some of the forms taken by this harsh neoliberal attack.

We have carefully read the Director General's report. Unfortunately, we see once again that as the attack on social and workers' rights intensifies, instead of measures, proclamations and slogans multiply.

For work to be dignified, it must be accompanied by rights; it must guarantee the satisfaction of workers' contemporary needs.

The same applies to the Director General's report on the occupied Arab territories. The findings: violation of Palestinians' national, political, social and workers' rights, black labor, colonization - But what is the reaction of the international community? What is the intervention, and, above





all, what are the measures?

WFTU denounces the imperialist policy of double standards, selective sanctions and economic wars, the blockade of Cuba which continue despite the decisions of the UN itself.

For some countries, violations are deliberately uncovered in order to impose draconian sanctions. For others, like Israel, international organizations remain silent or limit themselves to reports and findings.

More than any other institution ILO should become pluralistic and representative. It is not and never will be acceptable for some to monopolize workers' representation without being entitled to it.

I speak on behalf of over 105 million members from 133 countries on every continent. 105 million whose voice is limited and marginalized by the undemocratic way of functioning of the ILO and the policy of arbitrary exclusions that many states apply without actually having any consequences.

In Chile, for example, for the second year in a row. In Mexico, in India and so many other states the complaints are numerous and as a rule, the exclusions concern WFTU affiliates.

Ladies and Gentlemen,

Dear colleagues,

As General Secretary of the oldest and most historic World Trade Unions Federation, to end my speech allow me an appeal to the workers. The system that generates crisis and reproduces exploitation can be defeated. United and organized in our own class-oriented unions, let us intensify our struggles for a world free of wars and imperialist interventions, free of exploitation and discrimination; where work will be permanent and stable, regulated and safe. ■

## A Joint National Convention of Workers and Farmers

A joint meeting of the Joint platform of Central Trade Unions and Samyukt Kisan Morcha was held on 8th June 2023 in Delhi which expressed its satisfaction of the continued mutual solidarity and support to the programmes and actions on the demands of workers and farmers.

They reiterated not only to continue the ongoing support to the respective programmes of actions chalked out by respective platforms, but went further by taking a decision to

plan nationwide joint activities against the anti-farmer, anti-worker and anti-national policies of the Central Govt.

They took note of the ongoing struggle of farmers and trade unions in Noida, the struggle of citizens in Varanasi and other places on democratic rights and also extended support. They condemned the lathi charge and arrest of farmers in Kurukshetra who were agitating for the demand of Minimum Support Price for their produce.

They reiterated support to the

cause of justice to the women wrestlers and demanded the arrest of Mr. Brij Bhushan Sharan Singh for alleged sexual harassment.

The meeting felt the urgent need to strengthen the unity of the workers and farmers against the disastrous policies of the NDA Government and resolved to meet again next month and plan a joint national convention of Workers and Farmers for chalking out common charter of demands and agitational programmes. ■

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# A Report of the 3rd Odisha State Conference of the All-India Construction Workers' Federation

★ MAHENDRA PARIDA

**T**he 3rd state conference of AICWF (All India Construction Workers Federation), Odisha unit concluded on 26th May 2023 at Nagbhushan Bhavan, Bhubaneswar.

Delegates from districts of Khurda, Kendrapada, Puri, Gajapati, Angul, Sonepur, Nayagarh, Bhadrak and Jagatsing Pur participated.

Central observer Com. Kishore Sarkar hoisted the red flag to begin the conference.

The conference was conducted by a 5-member presidium including comrades Banshidhar Parida, Litulal Dev Subudhi, Srinivas Sahoo, Rajnigandha Barik and Samar Bal.

The conference started with the inaugural speech by Com. Yudhistir Mohapatra, State Secretary, CPI-ML Liberation.

The General Secretary of outgoing committee Com. Mahendra Parida placed the work report before the delegates. He explained how the Odisha government, in the name of applying online for registration and benefits, actually deprived construction workers of their rights. He called upon participants to join the campaign against this move and work towards the success of the August 9 Mahapadav (massive sit-in) programme at Bhubaneswar

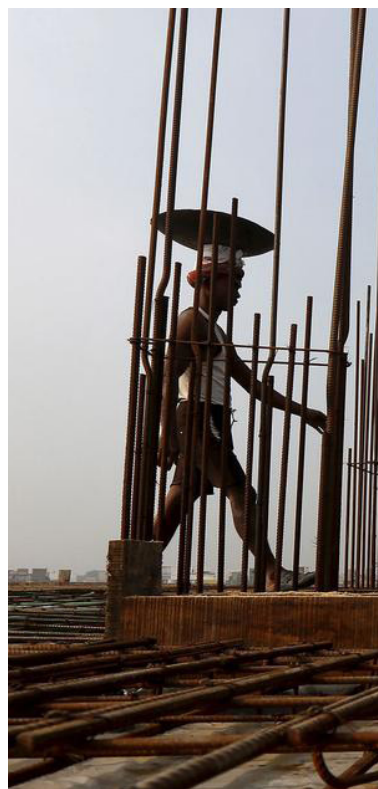
against anti-worker policies of the Modi government including 4 labour codes and rampant privatisation. He emphasised on conducting a membership drive to enrol construction workers en masse by the end of June, before the all-India conference at Kanyakumari on 8th - 9th July 2023. He also called upon the conference to launch a campaign in a big way, upto the lowest levels like panchayats, for the success of national conference of AICWF.

Com. Kishore Sarkar, while addressing the delegates, emphasised on the politicisation of construction workers and development of cadres. He said that the Modi government is just creating an illusion of social security among workers, while, in reality, it is taking away the social security benefits that were available till now. Lakhs of construction workers will be excluded from registration under the Board because of a new definition of the Code that stipulates more than 50 lakh rupees threshold level for any construction project. It is quite possible that those working in projects below 50 lakhs may not be considered as construction workers at all. He also emphasised on reorienting our work among construction workers as per the decisions of our Ranchi workshop. He gave a clarion call to fight

anti-worker policies of the Modi government and to oust the BJP from power in 2024 elections.

Com. Radhakant Sethi, state working president of AICCTU highlighted the urgent need of combating fascism today and emphasised on the key role of the working class in the fight against fascism and the politics of hate by the BJP-RSS combine.

After discussions on the report, a 21-member state committee was elected with Com. Samar Bal as President and Com. Mahendra Parida as the General Secretary of AICWF, Odisha. ■



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## A Report of the 5th State Conference of Maharashtra Rajya Sarva Shramik Mahasangh

★ JEEVAN SURUDE

**T**he 5th State Conference of Maharashtra Rajya Sarva Shramik Mahasangh (Maharashtra State All Labor Federation), affiliated to AICCTU, was successfully held at Pune on 27 May 2023. On the occasion of inauguration of the conference, the red flag was hoisted by the President of the Federation, Com. Balasaheb Surude. The participants paid revolutionary tributes to the departed comrades and garlanded the martyrs' memorial.

The session started with revolutionary songs like 'Kamgar Jhala Ekjuticha Neta' and 'Maja Bhimraya', by comrades Anant

Lokhande and Vijay Kulkarni. Com. Madhukar Narsinghe delivered the welcome speech. Com. Bhimrao Bansod, the General Secretary of Lal Nishan Party delivered the inaugural address.

Com Uday Bhat placed the work report of the federation which was adapted unanimously. The executives of the union were elected by the conference for 3 years. Comrades Uday Bhat, Balasaheb Surude, Atul Dighe, Subhash Kakuste, Medha Thatte, Anant Lokhande, Jeevan Surude, Uddhav Shinde, Mudhe, V. M. Patangrao and Vijay Kulkarni

shared their opinions on the report and also explained the challenges in the coming days.

More than 200 delegates from various districts of Maharashtra participated in the conference.

The conference elected Com. Balasaheb Surude as the President and Com. Uday Bhat as the General Secretary of the federation. The conference concluded with a great enthusiasm and called upon workers and the people to work towards "Ousting the Modi government to Save the country and the democracy" in the forthcoming Loksabha elections in 2024. ■

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## A Successful Strike of Railway Sanitation Workers

★ MAHENDRA PARIDA

**C**ontract sanitation workers of Bhubaneswar railway station, East Coast Railway, Odisha went on 7 days strike under the banner of East Coast Safai Mazdoor Union affiliated to AICCTU. The strike was against the conversion of manpower tender to activity tender in Khurda Road division. This decision led to the contractor "Master Clean" to reduce duties of worker to 14 days from 26 days and retrench 150 workers. The striking workers demanded restoration of 26 days duty

and stopping of retrenchment, along with payment of Dearness Allowance of 2021-22, provision of National holidays and stoppage of rotation of duties.

After a complete stoppage of work at the railway station for 3 days, the Deputy Chief -Labour Commissioner called for a conciliation meeting. In the negotiations, the contractor did not agree with the proposal of the Commissioner to take back all workers and provide 20 days duty to each of them, rather the contractor proposed to provide duty only for 100 workers.

The negotiations continued for the next three days. In the meantime, the contractor's unfair labour practice of hiring outside workers was stalled by the protesting workers. Finally, after the intervention of railway authorities, the negotiations were resumed and an agreement was reached to take back all workers with 18 days duty and immediate release of arrears of wages. The strike was called off following the agreement with a partial victory for the strike by the sanitation workers. The struggle for work for full month is on. ■

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