CHAPTER VI

SETTLEMENT

6.1 INTRODUCTION:

The major issues like wage-rates and salary scales, bonus, social security, service conditions, etc. led to labour unrest culminating in strikes and disturbances. Maltreatment and wrong policy of the Management and the Government are also responsible for disturbances. As there are various causes for labour unrest, there are no hard and fast rules whereby the conflicts may be ended. Generally there are three methods used for settlement of industrial disputes. These are: [1] negotiation, [2] mediation and [3] arbitration and adjudication.

6.2 NEGOTIATION:

Negotiation presupposes the existence of two parties to a dispute eager to negotiate and settle it mutually. It is between the Management on one side and the workers' representatives on the other. The disputes are settled in a joint meeting of the workers' unions and the associations of the employers. It is called bipartite settlement. Since independence it has been the declared policy of the National Government to associate both the parties in the consideration of all the questions effective labour.
6.3 CONCILIATION:

Conciliation is a method or a process which brings together the representatives of workers and employers before a conciliator who is the representative of Government. Conciliation is usually accepted when the management and workers are in a deadlock in negotiating a trade agreement. If they are in deadlock, between them third party i.e. usually Government representatives attend and then it becomes tripartite settlement.

In some States the conciliation proceeding is impressive while in others it is disappointing. The successes achieved by conciliation proceeding in some States are given below:

During the period 1975-1985, the percentage of settlements reached in Bihar ranged from 53.5 to 82.0, in Orissa from 30.5 to 42.5 and in Assam from 64.5 to 91.5.¹

According to the Annual Administrative Report on labour of Assam for the year 1987, due to timely and effective handling of the conciliation department strike in Hindustan Paper Corporation, Jagirroad Project, Bokajan Cement Factory could be averted without effecting production in the establishment. Closure of a section of works at Assam Carbon Products could also be averted.

53 Strikes involving 42,283 workers did take place during the period. At the intervention of the conciliation officers, these strikes were called off enforcing settlement of disputes and resulting in restoration and normalcy in production and productivity.

13 Lockouts effecting 4,469 workers were also looked into. Through effective mediation of the officers those lockouts were lifted.

6.4 ARBITRATION AND ADJUDICATION:

Arbitration is the means of securing a definite judgement or award for any controversial issue by referring it to a third party. When the Government decides to refer a case to a Labour Court or Industrial Tribunal, it is called adjudication. In the event of failure in bringing about settlement of the disputes, the conciliation officers submit their reports to the Government and their suggestions to refer the disputes for adjudication and arbitration.

6.5 SETTLEMENT OF VARIOUS ISSUES IN DIFFERENT INDUSTRIES IN THE STATE OF ASSAM:

Now we shall discuss the settlement reached on various issues of workers in different industries in the State of Assam.
6.5.1 SETTLEMENT IN THE TEA INDUSTRY:

The Tea industry which is the biggest industry of this State and which employs a large number of workers, has various problems and the workers have resorted to struggles to fulfil their demands such as wages, bonus, improvement of working conditions, implementation of the Plantation Labour Acts, etc. On the other hand attempts have been made to reach on settlement sometimes by negotiation, sometimes by conciliation proceeding and again sometimes by judicial judgements. Here we shall discuss the various settlement in regard to the various issues of the tea garden workers.

6.5.1.1 Wage Settlement:

"In the Tea Industry the machinery for fixing wages was the Management, collective bargaining, adjudication and arbitration, Minimum Wage Committees, Wage Boards or judicial decisions. They adopt different procedures for this purpose. The objective of minimum wage legislation is mainly to ensure adequate wages. But the purpose of conciliation, adjudication and arbitration is to settle disputes regarding wages and not to fix wage increase where there are no disputes. Wage Boards are on the other hand, intended to prevent disputes by ensuring fair wage."²

Due to the spurs of the agitation of the tea workers, the Government of Assam could not remain unmoved. The minimum wages for the tea plantation labourers in Assam were fixed after prolonged studies undertaken by the Minimum Wage Committee set up by the Government of Assam. In view of the recommendations of the Committee, the Government of Assam issued notification on 11th March, 1952, fixing the Minimum wages and it was accepted by both the employers and the employees until the severe crisis which hit the tea estates in the last part of 1952, due to the fall in the price of tea. The ordinance passed by the Assam Government raised the daily wages of workers to Rs. 1.12 per male worker and Rs. 1.06 per female worker for Assam valley and 0.94 paise and 0.87 paise per male and female workers respectively in Cachar District.

By the end of 1953, the condition of the tea industry improved considerably and the employers began making huge profit due to rise in the prices of tea. The workers demanded the revision of minimum wages and accordingly wage was revised. According to the revised rates, male workers of Lakhimpur and Sibsagar districts used to receive Rs. 1.82, female Rs. 1.70 and the children 0.88 paise. The wages of the male, female and child workers of Darrang, North Lakhimpur, Nowgong, Kamrup and Goalpara were Rs. 1.76, Rs. 1.70 and 0.88 paise respectively. The revised minimum wages of Cachar were Rs. 1.53 for male and Rs. 1.47 and 0.83 paise for female and child workers respectively.

6.5.1.2 Setting up of Wage Board and the wage settlement of tea plantation under Wage Boards' recommendations

In 1960 All India Wage Board was set up for examining the wage structure of the plantation. The wages fixed on 1st April 1966 were on the basis of Wage Board recommendation. According to 1966 agreement, the wages of the Assam and Cachar valley were increased in the following rates:

1. On and from 1st April, 1966, the male workers of Assam valley except Nowgong, Mangaldoi, Kamrup and Goalpara will receive an increase of 0.18 paise. Female and child workers will get 0.15 paise and 0.9 paise respectively.

2. In case of Nowgong, Mangaldoi, Kamrup and Goalpara, the increase will be 0.15 paise, 0.12 paise and 0.8 paise for male, female and child workers respectively.

3. The male workers of Cachar valley will receive an increase of 0.12 paise and 0.9 paise and 0.6 paise were increased for female and child workers.  

4. Bilateral Agreements between Assam Chah Mazdoor Sangha and All Employers Associations up to 26th May 1989, compiled by Assam Chah Mazdoor Sangha, Central Office, Dibrugarh, Assam, pp. 2-3.
6.5.1.3 Standing Labour Committee and the Tripartite agreement on wages:

The Standing Labour Committee for tea plantations of the State was constituted in 1952 to advise the Government on various problems concerning the tea plantations in Assam with four representatives of the Government, four from the employers and four of the employees, with the Labour Minister as the Chairman and the Labour Commissioner as its Member-Secretary.

At a meeting of the Standing Labour Committee held in Shillong on 22nd and 23rd October 1969, certain demands put forward by the unions were discussed and here the 1st tripartite agreement was signed on wage increase. As per settlement the daily rated adult worker was given an increase on wages of 0.15 paise per day with effect from 1st October 1969. For employable children the increase was 0.7 paise per day.5

This agreement was signed on behalf of the industry by the representatives of Indian Tea Association, Assam Tea Planters Association, Tea Association of India and Bharatiya Chah Parishad and the Assam Chah Karmachari Sangha, Assam Chah Mazdoor Sangha, Indian Tea Employees Union and Cachar Chah Sramik Union.

In pursuance of the tripartite agreement dated 23rd October 1969, a wage Negotiating Committee was set up, which had its first meeting in Shillong on 7th July 1970 and a second one on the 27th and 23th August 1970. The third and final meeting was held on the 29th and 30th September, 1970, when an agreement was reached on labour wages. It has been agreed that during 1970 to 1973 adult workers in Assam valley and Cachar valley will get an increased wage of 0.4 paise and 0.39 paise per day while children will be paid 0.21 paise and 0.20 paise respectively during the period.

In pursuance of a decision of the 33rd Session of the Standing Labour Committee, Assam held on 23rd August 1973, the Wage Negotiating Committee met at Shillong on 14th and 16th November, 1973 and arrived at a settlement on the question of wages for workers in the Tea Industry of Assam. By this settlement the wages of labourers were revised upward by 0.20 paise per adult and 0.10 paise per minor in the Assam valley and 0.10 paise and 0.9 paise respectively in the Cachar valley.

After this various settlements were reached between workers' unions and the Employers' Associations in the year 1977, 1980, 1984 and 1986 by which the wages of the tea garden labourers were revised.


The wages of the tea garden labourers have been thus settled sometimes by bipartite and sometimes by tripartite settlement.

6.5.1.4 Bonus settlement:

As tea garden workers were paid only minimum wages, there was a wide gap between existing wages and living wages. The unions demanded that it should be narrowed down by payment of a reasonable share of profits to workers. It was, therefore, felt that a sum equivalent to 1/3 of the total earnings of labourers should be paid to them in the form of Bonus in respect of the year 1953. This demand had been resisted by the employer on the plea that the profits earned during the year were hardly sufficient to implement the provisions of the Plantation Labour Act. This view had also been very much resented by the INTUC as tea employer could not be moved to implement the Act by paying the labourers' share of profits. On the invitation of INTUC, Assam Branch, the question of Bonus was taken up by the Central Organisation with the Government of India.

As a result of the settlement more than 5 lakh of tea labourers received in early 1956 about Rs. 5 Crores as Bonus for the year 1953 and 1954 at the rate of Rs. 130 per labour in Assam belt and Rs. 61 per labour in Cachar and tea gardens having 300 acres and below paid at half the above rates.8

8. INTUC report, May 1956 to November, 1957, presented by Dr. G. S. Mekole, General Secretary at the 9th Annual Session, Madurai in January 1958.
The Tripartite Delhi Agreement on Bonus terminated in 1954. Negotiation started between INTUC and the employers and it resulted in two Bonus Agreement, one with Indian Tea Association and other with Assam Tea Planters' Association and Bharatiya Chah Parishad. These agreements provided for payment of Bonus from the company's profit.

A special feature of the new agreements is the provision for payment of a minimum bonus of Rs. 10 percent even where the concern showed loss or inadequate profits.9

The Bonus Agreements signed in different years though gave sufficient relief to the labourers, the labour unions had not been satisfied. Their argument was that in the days of the rising prices labour must receive reasonable wages and other incentives. They even demanded 20 percent bonus. According to the official report, in the year 1984 altogether 34 strikes took place in Assam Tea Plantation and among these 19 strikes took place for the demand of 20 percent bonus. Conciliation had been successful to some extent in settlement of the bonus disputes. The annual administrative report on labour of Assam for the year 1987-88 said that in the tea plantation of Assam, bonus was paid at 15 percent to 20 percent of the wages earned by the workers during that year.

6.5.1.5 Settlement on supply of blanket and raincoat to the tea garden labourers:

As per instructions contained in the Government order No. G.I.I. 622/64/2, the tea owners should supply the following materials from cost to the labourers -

1. Umbrella or Jampi,
2. Waterproof apron and

But the employers did not provide these to the workers, so the workers had to take agitational programme to get these materials. Succumbing to the agitation of workers under All India Trade Union Congress, Assam Branch, the Satyanarayana Tea Estate near Naharkatia of Dibrugarh district, supplied cotton blanket to the workers in the first week of December 1974.

Agreement regarding supply of blanket was also reached between ITA, ATPA, TAP, BCP, ACMS and CCSU on 17th December 1974. It was hereby agreed that with effect from 1974/75 the employer will issue one cotton blanket to each worker for protection from cold. Regarding supply of raincoats, one bipartite settlement was made between those parties in 1975.
6.5.1.6 Additional Employment:

The trade unions had been demanding for sometime the employment of additional workmen on the permanent rolls on the ground that the area under tea and the crop had increased substantially since 1975. The matter was finally settled at a meeting arrived at between the ITA, TAP, ATPA, BCP and ACMS and CCSU at Dibrugarh on 20th November 1978. According to this settlement it was agreed that the estates in Assam including Cachar would offer permanent employment of 25,000 persons in addition to those on the permanent rolls as on 1st July 1978.  

6.5.1.7 Dispute over the cash compensation for non-supply of ration and settlement over this issue:

The issue of cash compensation was a sore point for the plantation workers for some time. Prior to the introduction of the All India scale of ration, adult tea labourers used to get 4½ seers of rice a week. With the implementation of the All India scale, this quantity was reduced to 3½ seers. The disputes arose about the value of cash compensation which was offered at six annas. With the enforcement of Minimum wages legislation in the tea gardens as from 1st April 1952, employers withdrew even this compensation on the plea

10. Bilateral Agreements between Assam Chah Mazdoor Sangha and All Employers' Associations, compiled by Assam Chah Mazdoor Sangha, Central Office Dibrugarh, Assam, pp. 115.
that this had been absorbed by the Minimum wages. Disputes was rais
on this issue also and the State Tribunal gave its award in favor of employers. An appeal was preferred against the decision of the State Tribunal. The Labour Appellate Tribunal of India gave its decision in favour of workers. This involved payment of over 1½ crores of rupees to the workers. After the publication of the Award of the Tribunal, the State Government intervened and modified the award. Workers took serious objection of this action of the State Government. The unwarranted and hasty action of the State Government in revising the decision of the Tribunal was strongly resented by Labourers. Ultimately, the State Government agreed to withdraw the Notification.

Another settlement regarding cash compensation for non-supply of ration to the workers and staff was reached on 16th May 1967 between the employers and the tea workers unions. The settlement agreed that cash compensation will be paid for the uncovered portion of the ration entitled at the following rates:

[a] Where 25 percent rice is issued and no Atta is issued: Zone I and II (Dibrugarh, Sibsagar, Darrang, except Mangalda, North Lakhimpur) - Rs.12.30 paise per working day; Zone III (Mangaldoi, United North Cachar and Mikir Hills, Nowgong, Kamrup and Goalpara) Rs. 16.6 per working day.
Where 1 Kg rice is issued and no atta is issued - Zone I and II - Rs. 9.87 paise per day per worker, Zone III - Rs. 13.20 per day per worker.

Where 50 percent rice is issued and no atta is issued: Zone I and II - Rs. 5.10 paise per day per worker, Zone III - Rs. 7.31 paise per day per worker.\(^\text{11}\)

6.5.1.8 Agreement regarding house rent for non-resident permanent workers:

In terms of Section 15(B) of the Plantation Labour Act, non-resident permanent workers in tea plantation are eligible for the residential accommodation. The issue was raised at a meeting of the Industrial Committee on Plantation held in New Delhi on 20th August 1986. After this at a bipartite meeting held in Dibrugarh on 27th October 1986, where it was agreed upon that a non-resident permanent worker of tea plantation entitled to residential accommodation within the plantation Under Section 15(B) of the Plantation Labour Act, will receive a house rent allowance of Rs. 15/- per month.\(^\text{12}\)

Issues like festival and national holidays, casual leave, plucking rates etc. have been settled in bipartite agreements. In case of plucking rates it was settled in 1977 that the rate of plucking will be .18 paise per Kg of leaf plucked for all adult and child workers.

\(^{11}\) Ibid, pp. 6-7.

Some other disputes generally arising out of dismissal, discharge, maltreatment, termination of employment, etc. have been settled in course of conciliation proceedings.

In some cases judicial settlement was reached. As for example, in 1948 Golok Chandra Sharma, the Head Clerk of Hoograjuli Tea Estate of Assam, was dismissed. The charges against him were that according to the Garden Manager, Sri Sharma had become inefficient in his duties. Against the dismissal orders, the other workers resorted to strike. Kamakhya Prasad Tripathy, the then President of the Assam Branch, INTUC, tried to intervene and bring about a settlement. He advised the strikers to resume work which they did during the third week of July, 1948. This was followed by the visit of the Labour Officer to the garden on 1st August, 1948, for investigation of the dispute. But failed to bring any settlement.

By Notification Number G/M 30/48/10 dated 17th October, 1948, the Government of Assam had referred the dispute to the Industrial Tribunal. Ultimately, Golok Chandra Sharma was reinstated in his post.

There are many instances of dismissal and discharge in the tea gardens which were brought under settlement of Judicial Tribunal. The

number of such cases have considerably fallen in recent years due to the growth of healthy trade unionism.

6.5.2 SETTLEMENT IN THE PLYWOOD INDUSTRY:

The daily wage of workers was Rs. 1.00 to Rs. 1.25 in 1950 industries viz. Himalayan Plywood, Assam Valley Plywood, Sudarshan Plywood, Pioneer Wood Products, Sarada Veenur Mill, Assam Forest Products etc. Workers did not get anything extra other than this. The facilities like medical, provident fund, gratuity, annual salary increment, minimum wage, quarter or quarter allowance, casual leave, festival leave, annual leave were not given to the workers before 1959. But due to the continuous struggle, the workers started getting some of the facilities since 1959.

6.5.2.1 Agreement of 1979:

As a result of the token strike that was launched by many of the plywood factories in the year 1979, it became possible to achieve many demands including permanent appointment of temporary workers working under contractors. Various agreements in various factories were signed.

An agreement was signed in Ledo Calcutta plywood on 24th July 1979 between the Management and the workers' union. This agreement contains the following provisions.
More than 200 contractor labours absorbed in permanent posts.

Workers will be brought under Provident Fund Scheme.

Medical facilities and medicines to the workers.

Reappointment of retrenched female workers.

75 percent compensation to those workers who had been sufferers from physical loss due to non-payment of minimum wages.

Canteen Facilities.

Construction of club and rest house.

12 percent payment of bonus to contract labour and 20 percent to the permanent workers etc.

Minimum wage extended the workers. 14

In Joypur Wood Craft, services of 290 contractor labours were made permanent. Minimum wage, increase in wages according to efficiency of workers, club house, playing facilities and 12 percent bonus to contract labours had been conceded.

According to the agreement, reached in Ply Boards India on 22nd June 1979, the following facilities to be provided to workers:

Promotion of workers from unskilled to skilled labour along with enhancement of wages.

A union was formed through a strike in Assam Wood Products in September, 1978. Workers for the first time achieved 8.33 percent in 1978. But after the agreement in 1979, 14 percent bonus was due to be paid to the workers and 10 percent of wages was achieved a quarter allowance. Those who had served in the company as permanent workers for minimum 3 years, they would get fuel wood, 5 days casual leave, 15 days yearly leave, uniform for nasty works, minimum wage raised to Rs. 7.10, double wage for overtime works, 50 casual workers were made permanent and Provident Fund and E.S.I. Scheme were introduced. 15

In the year 1979, Mikir Hills Forest Products, Wood Craft Mariani, Bharat Wood Works, Assam Plywood Products etc., the workers got some facilities by the settlement reached there.

6.5.2.2 Settlement on revision of Wages in 1981:

The CITU, AITUC, INTUC and other unions entered into an agreement in regard to pay revision of workers on 12th March, 1981 with Assam Plywood Manufactures Association. This agreement was for 3 years and

15. Ibid, pp.11.
they succeeded in increasing the variable dearness allowances by points along the Minimum wage. Details of agreement are given below:

[1] Those workers, permanent or contract labours who were on the pay rolls up to March 1980 would get lumpsum Rs. 50 - each.

[2] Where the minimum wage was Rs. 7.10 in 1980, there the workers would get an enhancement of Rs. 1.20 which would be fixed Rs. 8.30.

[3] Where minimum wage was less than Rs. 7.10 in 1980, there by basing Rs. 7.00, increase would be Rs. 1.20 and would totaled at Rs. 8.20.

[4] There would be an increase of 0.60 paise per year in 1982 & 1983 which would amount to Rs. 9.50 on the 3rd year.

Dearness allowance would be increased in every six month on the basis of price index list published by the Government.

Increment Chart

<table>
<thead>
<tr>
<th>Category of Labour</th>
<th>March 1980</th>
<th>April 1981</th>
<th>April 1982</th>
<th>April 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unskilled</td>
<td>Rs. 7.10</td>
<td>Rs. 8.30</td>
<td>Rs. 8.90</td>
<td>Rs. 9.50</td>
</tr>
<tr>
<td>Semi Skilled</td>
<td>Rs. 7.50</td>
<td>Rs. 8.80</td>
<td>Rs. 9.40</td>
<td>Rs. 10.00</td>
</tr>
<tr>
<td>Skilled</td>
<td>Rs. 7.60</td>
<td>Rs. 8.90</td>
<td>Rs. 9.50</td>
<td>Rs. 10.10</td>
</tr>
</tbody>
</table>

In the year 1984, another wage agreement was signed at the Commissioner Office, in the presence of representative from both the workers and the management.

Thus by various settlements the plywood workers were able to get some beneficial facilities.

6.5.3 SETTLEMENT IN THE OIL INDUSTRY:

The workers of the oil industry made some considerable progress after reaching various agreements with the company's management.

6.5.3.1 Settlement in Assam Oil Company, Digboi:

The issues over wages, bonus, gratuity, retirement benefits, overtime rates, medical facilities, provident fund, etc. have been settled sometimes by bilateral agreement, sometimes by the intervention of conciliation officer and again sometimes disputes raised over some questions which could be settled by Industrial Tribunal.

By an Order No. LR 329, dated 10th August 1948, the industrial dispute relating to the payment of bonus for the year 1944, 1945, 1946 and 1947 was referred to the Central Government Industrial Tribunal, Calcutta, under Section 10(1)(C) of the Industrial Dispute Act.\textsuperscript{17}

\textsuperscript{17} The Assam Gazette, March 23, 1949.
The workers demanded 4 months' pay as bonus. The tribunal directed the payment of one month's basic wage as bonus for 1947 and rejected the claim of bonus for the year 1944, 1945 and 1946.

The quantum of Bonus for the year 1954, '55, '56, '57 and '58 was determined by a long term settlement concluded on 26th February, 1957 according to which company agreed to pay 3 months' basic wages as bonus for each of the years from 1954 to 1958. 18

With regard to the payment of bonus in the year, 1969 a controversy arose. The bonus to the workers was fixed at 3 months basic wages upto 1967. The workmen demanded 5 months' basic wages as bonus which they subsequently reduced to 3 months' basic wages as bonus on 1969 December pay scale and having alternately claimed 20 percent of their annual wages as bonus which they subsequently reduced to 10 percent of their earned wages during the said accounting year. On 26th December 1969, a settlement on payscales and other issues was reached. By the said memorandum of settlement, the parties for the first time agreed in specific terms that the payment of bonus in future shall be calculated and paid in accordance with the provisions of the Payment of Bonus Act 1965.

The Digboi unit of the Assam Petroleum Mazdoor Union was able to conclude a conciliation settlement over the long pending dispute.

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18. Memorandum of Settlement, collected from the Department of Employees' Relation and Service, Digboi, Assam.
of Assam Oil Company Workers, viz., retirement age. The management tried to fix the retiring age for the workers at 55 years. The union immediately resisted and raised the dispute. The dispute was settled through conciliation on 23rd February, 1963, where by retiring age was fixed at 58 years and gratuity was fixed as thirty days' basic wage for each completed year of service subject to a minimum on the basis of twenty years' service and a minimum of Rs. 25,000. This provision for minimum gratuity was a notable feature of the settlement.

The AOC Labour Union placed a charter of demands dated 18th December 1982 for revision of pay scales and other terms and conditions following which a series of bilateral discussions were held. As the parties failed to reach any agreement even after negotiations and apprehension of industrial unrest in the Division, the Labour Commissioner-cum-Conciliation Officer, Government of Assam, intervened and held the first conciliation meeting on 12th June 1984. Thereafter, two more meetings were held in which the joint committee formed by the A.O.C. Labour Union with the Assam Petroleum Mazdoor Union participated. In the conciliation meeting on 30th July, 1984, a broad agreement was reached for the revision of payscales, benefits and allowances. Here it was also agreed that variable dearness allowance would be given with the rise and fall of the consumer price index.

As a result of the agreements the AOC workers achieved shift allowance, cycle allowance, medical facilities, provident fund benefits, educational facilities for their children, transfer benefits, leave allowance, gratuity, etc.

The settlement of 1984 settled that the current rate of contributions to Provident Fund should be revised upward from 3 percent to 8.33 percent both in respect of employees and employers' contributions.

It was also agreed that the payment of gratuity should be governed by the payment of Gratuity Act, 1972.

6.5.3.2 Settlement in Indian Oil Corporation Ltd, Guwahati Refinery:

Indian Oil Corporation Ltd., Guwahati Refinery and their workmen represented by Refinery Workers' union arrived at various settlements—sometimes by bilateral agreement and sometimes by tripartite settlement—on scales of pay, dearness allowances, washing allowances, leave travel concessions, medical facilities, educational facilities, retirement benefits, etc.

6.5.3.2.1 Bilateral settlement on 1978:

One bilateral settlement between the management of the Indian Oil Corporation Ltd., Refineries Division, Guwahati Refinery and their workmen represented by Refinery Workers' union was signed on 22nd March
1978 at Guwahati. According to this settlement the management agreed upon the following issues:

[1] Promotion, upgradation to all employees who have not got an lift in the refinery services.


[3] Reorganisation of posts and fitment of employees in the according to the demands of the union.20

6.5.3.2.2 Long term settlement:

Three long term settlements were reached in 1979, 1982 and 1985 between the management of Indian Oil Corporation Ltd [R and P Division and recognised unions in the R and P Division in New Delhi. By these various settlements the workers were able to get house rent allowances, shift allowances, washing allowances, medical facilities, retirement benefits, revised pay scales, etc.

6.5.4 SETTLEMENT OF ISSUES OF THE MOTOR TRANSPORT WORKERS:

Service conditions of Motor Transport Workers have been improved to some extent at the initiative of the Motor Transport Workers Union. A prolonged discussion was held from 18th September 1957 between the

office bearers of the union under the leadership of Sarbeswar Bordoloi with the then Chief Minister and Transport Minister of Assam in Shillong. It was decided in this meeting to extend revised pay scales to the workers of Assam State Transport Corporation at par with the State Government Employees with effect from 1st October 1956. It was also resolved to pay salary to mechanical workers working at the factories on monthly basis from the same date.

First joint meeting of the union was held with the Directorate on 19th June, 1959 at Shillong. Next meeting was held for two days on 19th and 20th September, 1959. Third meeting took place on 29th December, 1959 and the fourth on 17th and 18th August, 1960. Various issues were discussed in these meetings. The process of discussion at the Directorate level has been continuing since then.

Disputes which could not be resolved in such discussions were referred either to Industrial Tribunal or Labour Court. Of course, eligibility to refer the cases to Industrial Tribunal was acquired only after the year 1962. Curtailment of special bonus earlier paid to the workers working on Shivaratri or Ashokastami was the first case referred to the Industrial Tribunal. At first this case was referred to the Board of Conciliation. But the Board could not give any acceptable solution and as such the Labour Department referred the

case to Industrial Tribunal. Tribunal on hearing gave its verdict against the union.

After this nine cases of disputes were referred to the Labour Court in the year 1964 and the verdicts went in favour of the union.

State Transport Corporation Authority did not regularise the services of a good number of casual workers. State Transport Corporation Authority entered into an agreement with the union at the threat of a strike in the year 1967. As per agreement the services of 495 casual workers were regularised. 22

General Council of the union was held on 29th December, 197__ at Mangaldai of Darrang district. A charter of demands was prepared at this Council. Several discussions on the basis of this charter of demands were held with the General Manager of the Corporation and also with the Chief Minister. Ultimately a settlement was reached in 197__ with the General Manager on some issues.

One of the settled issues was that retirement age of the workers should be 55 and another 3 year extension of services may be granted to a worker on the basis of his ability to continue in the job.

It was also resolved in this settlement to supply liveries to eligible workers.

22. Ibid.
A suitable formula was also evolved in this agreement in respect of promotion of workers. Demand of medical allowance was also fulfilled.

6.6 UNSETTLED ISSUES:

There are some issues which are yet to be settled. For example, the demand of contributory provident fund, pension and family pension, housing, hospital and school, compassionate appointment in case of death of workers during service period, etc. in some industries are yet to be settled. In some small industries, holidays with pay and weekly rest period is still an unresolved issue.

The Equal Remuneration Act is far from being implemented in all areas of employment. There are some industries where women are paid low wages. In the tea industries the women are deprived of many facilities. The workers of the tea industries have taken up agitational programmes for the implementation of the Equal Remuneration Act and for some welfare facilities. But these problems are not settled up till now.

The trade unions have been demanding the reduction of working hours from 48 to 44 hours a week. But there has been no settlement for the reduction of working hours.

The trade unions have been demanding for a long time for the permanent appointment of the contract labourers as the contract
labourers are deprived of usual facilities. The State Advisory Contract Labour Board by a Notification No. CC/54/85/510-104 dated 27th March '90, constituted a committee under Section 5 of the Contract Labour (Regulation and Abolition) Act 1970 to enquire as to whether the contract labour employed in certain operations in the plywood industry in the State of Assam should be abolished.

The committee visited the following plywood establishments for the study of the conditions of employment of contract labour and procedure followed with regard to the payment of wages, rates of wages, working hours and other allied facilities provided to them:

[1] National Plywood;
[5] Sarada Plywood Industries;

The Committee observed that various operations in different sections in the plywood establishments namely long-yard, saw mill, seasoning klin, dry veneer, cutting and joining, plywood repairing, tapping, hot press including operations like loading and unloading
are carried through with the employment of contract labour engaged through the contractors.

The Committee observed that the rates of daily wages of contract labour ranges from Rs.13/- to Rs. 36/- per day on job rate basis and against 8 hours of normal work. In some of the plywood establishments, P.F., E.S.I. benefits are found to have been provided to the contract labour and also bonus under the payment of Bonus Act.

The Committee observed that contract labourers have not been allowed wages for Sunday, i.e. for the weekly rest day for the continuous work for six days in a week nor annual leave with wages.

The members and the Secretary placed the report of the Committee in the meeting held on 14th September 1990 in the office of the Labour Commissioner, Assam. The State Advisory contract Labour Board considered the report of the Committee. The Board requested the Labour Commissioner, Assam, to take proper steps with a view to ensuring effective implementation of the provisions under the Contract Labour (Regulation and Abolition) Act, 1970 in the establishment through enforcement machinery.

The system of contract labour also exists in oil industry, paper mill, tea trading business, fertilizer Corporation etc.

23. Proceedings of the State Advisory Contract Labour Board that was placed in the meeting held on 14.9.90 in the office of the Labour Commissioner, Assam, Guwahati.
"Continuation of the contract system of employment in permanent work both under Oil India Ltd. has created great resentment among the workers and the union has been taking up the matter, so far without success."  