



U.T., POWERMEN UNION CHANDIGARH (REGD.)



CORRESPONDENCE ADDRESS: #1012, SECTOR 28-B, U.T. CHANDIGARH

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Ref: _____

Dated: _____

To

The Finance Secretary
-cum-Secretary Engineering,
Chandigarh Administration,
U.T., Chandigarh.

Sub : Submission of Charter of Demand.

Dear Sir,

Our Union is a registered Trade Union affiliated to Electricity Employees Federation of India (EEFI) like to draw your notice towards the exploitative nature of industrial relation in your Electricity Wing of Engineering Department. Various perennial nature of jobs is being executed through outsourced contractors / agencies as well daily wage/casual workers in gross departure from Contract Labour (Regulation & Abolition) Act, 1970 and rules framed thereof.

EEFI in its 8th conference held at Hyderabad between 18th and 20th August resolved to resort to path of struggle against this unlawful activities and bad industrial relation in power sector at various parts of the country. This resolution has come through a series of activities right from power utility based protest and agitation, Projects, District, State based demonstration and National Convention against exploitation of contractor workers at Delhi on 31st August, 2013 and "Equal Wage for Equal Work" on 27th April, 2017 at Delhi. Copy of the resolution adopted in the Convention was sent to Hon'ble Labour Minister, Govt. of India and Handed over to Labour Secretary, GoI. Chief Labour Commissioner (Central) has initiated conciliation process with Central Power Utilities and EEFI.

You are also aware that the Apex Court of India in their order dated 26.10.2016 in the matter of Civil Appeal No. 213 of 2013 (State of Punjab & Others Vs. Jagjit Singh & Others) has impressed upon all appropriate Governments & Employers to strictly follow the principle of "Equal Pay and benefits for Equal Work" within the ambit of constitution of India, and Acts and Rules framed there upon to protect and expand the rights of the workers. A Part of the judgement is quoted **"Any Act, of paying less wages, as compared to others similarly situate, constitutes an act of exploitative enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation."**

We also like to call your attention to another important judgment of Supreme Court of India dated 01.09.2011 in the Civil Appeal No. 2585 of 2006 commented sarcastically on the unfortunate state of affairs prevailing in the field of labour relation in the country. The judgement issued made abundantly clear that the responsibility about contractor workers rests only with principle employers. Part of the judgement is quoted below:

"In order to avoid their liability under labour statutes, employers are very often resorting to subterfuge by trying to show that their employees are in fact, the employees of contractor. It is high time this subterfuge must come to an end.

Labour statutes were meant to protect the employees/workmen because it was realized that the employers and employees are not one on equal bargaining position. Hence, protection of employees was required so that they may not be exploited. However, this new technique of subterfuge has been adopted by some employers in recent years in order to deny the rights of the workmen under various labour statutes by showing that the concerned workmen are not their employees but are the employees/workmen of a contractor, or that they are merely daily wage or short term or casual employees when in fact they are doing the work of regular employees.

This Court cannot countenance such practices any more, Globalization/Liberalization in the name growth cannot be at the human cost of exploitation of workers."

Upon the background of legal fight of the workers and series of protest demonstration and work place intervention we place below following demands for your needful consideration and immediate implementation



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in this power utility and convey grievances of the workers to appropriate authorities of the Government. At the event of negligent attitude of the authority of the Engineering Department U.T., Chandigarh our struggle will be intensified step by step culminating into nationwide strike on 1st August, 2018.

- Comply Apex Court Order to Stop Contractorisation of work permanent/perennial nature.
- Ensure payment of Equal wages and benefits to the contract/casual workers at the same rate as available to the regular workers of your utility / establishment till regularization of all the contract workers.
- We demand before the Government :
 1. Amendment of Minimum Wages Act to ensure universal coverage irrespective of the schedules and fix statutory minimum wage at not less than Rs 18.000/- linked with cost price index.
 2. Remove all ceilings on payment and eligibility of Bonus, PF, ESI & Gratuity.
 3. Ensure Pension and social security for all.
 4. Stop FDI in Railways, Insurance and Defense and disinvestment of PSUs.
 5. Stop Transfer of National Assets and Resources to Private Hands.
 6. Put hold upon Anti-Worker Labour Laws Amendment.
 7. Ensure Electricity for all at affordable cost.
 8. We also convey our support to the workers marched before the Parliament between 9th & 11th November, 2017 on above demands along with follow up actions all over the country.

We request you to initiate discussion across the table towards amicable settlement of the demands to avoid breach of industrial peace and harmony. Unless, competent authority opens dialogue towards settlement, we shall be compelled to resort to following actions in the forthcoming months:

- Public awareness and mass signature campaign against the menacing consequence of Electricity (Amendment) Bill, 2014 and exploitation of contract workers in Power sector – February 2018.
- State level demonstration with submission of memorandum to Administrator - 15th March 2018.
- District / state level demonstration with memorandum to Prime Minister of India on 1st / 2nd May, 2018
- Formal Strike Notice will be issued on 1st June, 2018 indicating date of strike on 1st August, 2018.

Thank you,

Place:

(Gopal Datt Joshi)
General Secretary