

ಸಾಮಾಜಿಕ ಸುರಕ್ಷಾ  **NASS** National Alliance for Social Security ಜಿಕ ನಿರಾಪತ್ತಾ

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Social Security Code 2020

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Draft Rules (Central)

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Challenges Ahead & Proposed Amendments

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I. A PREFATORY

In India securing a defined level of Social Security Benefits protection to the millions of unorganized workers must essentially be viewed as a movement led by decades of struggle of various organizations working for the cause of these workers. They include, Self-Employed Women Association (SEWA), National Centre for Labour (NCL), Tamil Nadu Construction Workers Union, Andhra Pradesh Agricultural Workers Union, Tamil Nadu Agricultural Workers Union, Karnataka Construction Workers Union, National Campaign Committee for Central Legislations (NCCCL), and various other Organizations working with the cause of Unorganized Workers in the parts of Maharashtra, Rajasthan, Gujarat, West Bengal, Andhra Pradesh, Tamil Nadu, Orissa and Uttar Pradesh. In fact, this movement is having a history of more than four decades and the movement is alive even today with much stronger vision and motivation. It is a continuing process of struggle. A highlight in this endeavor was the role of SEWA in attaining a place of pride of being a member of the sub-group constituted by the Second National Commission on Labour (2002) to draft an Umbrella legislation providing a measure of social security for unorganized workers in the country.

Further in the context, it is worth to mention the fact that the like-minded organizations towards this avowed purpose have come together as a collective force known as National Association for Social Security (NASS) in right time and struggling together since a decade. It is a confederation of Self-Employed Women Association (SEWA), Home-based Network of South Asia (HNSA), Social Awareness and Voluntary Education (SAVE); Building and Wood Workers International (BWI), National Street Vendors Association of India, Andhra

Pradesh Vyavasaya Vruthidarula Union and Telengana Vyavasaya Vruthidarula Union (APVVU & TVVU).

The present content of the Social Security Code, 2020 is the resultant factor of the Central Government initiations which have commenced in the year 2017 as a measure to consolidate all Social Security Legislations enacted by the Parliament into one single Code namely, Social Security Code, 2020. In fact, this is an attempt by the Government in haste in view of the fact that the existing central social security legislations applicable to both organized and unorganized workers are clubbed together towards this endeavor into one single code namely, Social Security Code, 2020. This process is a self-assumed creation by the Central Government without any background exercise.

The history of the enactment of prominent labour legislations in the country reveals the fact that there was always a strong labour movement behind its background and inevitably followed by the findings and recommendations of the high-power Commissions and Committees. Unfortunately, the present enactment of Social Security Code, 2020 in entirety lacks this vital background. In the absence of this vital background, the outcome certainly is an unwelcoming move by the labour organizations in the country. Also another important aspect in the context is about the States which are having an effective implementation of social security protection benefits through the welfare schemes framed for the unorganized workers, under the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969, the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1984 the Kerala Agricultural Workers Act, 1974, the Kerala Head Load Workers Act, 1978, the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982,

Tripura Agricultural Workers Act, 1984 and Madhya Pradesh Unorganized Workers Welfare Act, 2003. The Code is silent on this aspect.

The initiations under this new regime (Social Security Code, 2020) is a process of an amalgamation and repealing exercise of nine existing centrally enacted social security and welfare legislations namely, the Employees' Compensation Act, 1923, the Employees' State Insurance Act, 1948, the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the Employment Exchanges (Compulsory Notification of vacancies) Act, 1959, the Maternity Benefit Act, 1961, the Payment of Gratuity Act, 1972, the Cine Workers Welfare Fund Act, 1981, the Building and Other Construction Workers Welfare Cess Act, 1996 and the lackluster Unorganized Workers Social Security Act, 2008.

The pitying fact was that a number of centrally enacted sector specific welfare and social security legislations were remained untouched in the process. They include, the Mica Workers Welfare Act, 1946, the Dock Workers (Regulation of Employment) Act, 1948, the Personal Injuries (Emergency Provisions) Act, 1962, the Personal Injuries (Compensation Insurance) Act, 1963, the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972, the Iron Ore Mines, Manganese Mines and Chromo Ore Mines Labour Welfare Cess Act, 1976, the Iron Ore Mines, Manganese Mines and Chromo Ore Mines Labour Welfare Fund Act, 1976, the Beedi Workers Welfare Cess Act, 1976 and the Beedi Workers Welfare Act, 1976.

Amid these conflicting situations the long title of the Code provides for:

“An Act to amend and consolidate the laws relating to social security with the goal to extend social security to all

employees and workers both in the organized and unorganized or any other sectors and for matters connected thereto”

The justification of this title must be viewed as an improbable task before the government, when the scope of the Code of Social Security, 2020 is taken into consideration.

II. OBJECTIVES OF SOCIAL SECURITY PROTECTION AND THE CONSTITUTIONAL COMMITMENT

Defining a well-designed Social Security Schemes for entire workforce in the country leads to an economic development and expansion of industrialization. Social security is one of the pillars on which the structure of a Welfare State rests. It is through social security measures that the State attempts to maintain every citizen at a certain prescribed standard of living below which no one is allowed to fall. It is the security that the State furnishes, through appropriate organization, against certain risks to which workers are exposed. These risks are, essentially, contingencies against which the individual of small means cannot effectively provide by his own ability or foresight alone. Social security measures relieve individuals of anxiety as to what they would do in case of loss or deprivation of income. The concept of Social Security is essentially viewed as a saving when a worker is in employment and it is an income when he is unemployed for any reason.

Defining a minimum level of social security benefits protection to the millions of unorganized workers is a goal enshrined in the Constitution of our country towards the attainment of the concepts of ‘socio-economic equality’ and ‘social

justice'. The unorganized workers in the country have already been deprived of this foundational goal enshrined in our Constitution for over seven decades and can no longer wait or tolerate this unequal injustice. The Unorganized Workers in the country must claim this protection as a matter of 'Constitutional Right' in contrast to a mere 'Legal Right'. This right must essentially be viewed as a 'Fundamental Right' falling within the scope of Article 21, namely 'Right to Life'. The right to 'social security protection' is an integral part of 'Right to Life' as enshrined in Article 21 of our Constitution. The workers in this sector can no longer tolerate the decades of injustice and unequal treatment meted out to them by the successive governments. We raise our voice as a 'collective force' towards the attainment of this 'socio-economic right' as enshrined in our Constitution.

What we the workers need today is a well-defined social security benefits protection under the promulgated protective legislation namely, the Code on Social Security. And in this context the approach of the government must be constructive and definite with well-defined objectives in the implementation of this Code.

III. EXTENT, APPLICATION AND COMMENCEMENT OF THE CODE

Sec 1 (2) of the Code provides that the Code extends to the **whole of India**.

Sec. 1 (3) of the Code provides that the Code shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as reference to the coming into force of that provision.

The Section makes no reference of the commencement of this Code in States sphere though the States under the Code are part and parcel of the agencies in its implementation. This aspect usually makes a particular reference to the role of the States in making appropriate Rules under the Code for the purposes of its implementation.

Note: The task of the movement (Organizations) must emphatically cover the aspect of framing of appropriate Rules by the States for the purposes of fulfilling their role in the implementation of the Code.

IV. KEY DEFINITIONS

The key definitions under the Code include:

- (i) *'Building worker' (Sec. 2 (7))*
- (ii) *"gig worker' (Sec. 2 (35))*
- (iii) *'home-based worker' (Sec. 2 (36))*
- (iv) *'platform work' (Sec. 2(60))*
- (v) *'platform worker' (Sec. 2 (61))*
- (vi) *'self-employed worker' (Sec. 2 (75))*
- (vii) *'social security' (Sec. 2 (78))*
- (viii) *'unorganized sector' (Sec. 2 (85))*
- (ix) *'unorganized worker' (Sec. 2 (86))*

(x) 'wage worker' (Sec. 2 (90))

The Code *inter alia* provides a defined Social Security Benefits for the following workers, namely –

- (i) Building and Other Construction Workers;
- (ii) Unorganized Workers;
- (iii) Gig Workers; and
- (iv) Platform Workers.

Among these four categories of workers, three types of workers namely, (i) Building and Other Construction Workers; (ii) Gig Workers; and (iii) Platform Workers come under sector or a specific category. However, the term 'unorganized worker' falls under a wider category in contrast to 'sector specific or a specific' category.

Who is '**unorganized worker**' within the meaning of this Code? Section 2 (86) defines an 'unorganized worker' means –

'a home-based worker, self-employed worker or a wage worker in the unorganized sector and includes a worker in the organized sector who is not covered by the Industrial Disputes Act, 1947' or Chapters III to VII of this Code'.

Under Sec. 2 (85) an '**unorganized sector**' means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten'.

According to this definition an enterprise employing 11 to 19 workers and running without the aid of power is neither an 'unorganized sector' nor a 'factory' (See the definition of 'factory' under Sec. 2 (32) of the Code).

The term '**enterprise**' is not defined in the Code.

Under Sec. 2 (90) a '**wage worker**' means a person employed for remuneration in the unorganized sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and the State Government as the case may be.

This definition includes the workers working in plantations including agricultural operations not exceeding ten...

Accordingly, if the number of 'agricultural workers' employed by the employer is more than 10, the Code will not be applicable.

Sec. 2 (35) defines a '**gig worker**' – means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship.

(The Code has not defined 'gig work')

Sec. 2 (61) defines a '**platform worker**' – means a person engaged in or undertaking platform work;

Under Sec. 2 (60) A '**platform work**' means a work arrangement outside of a traditional employer-employee relationship in which organizations or

individuals use an online platform to access other organizations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment.

Certainly, the Platform work comes under the category of 'skilled or specialized work' on contract basis and the earnings stand on better or high note in contrast to 'being exploited'.

Sec. 2 (78) defines 'social security' – means the measures of protection afforded to

- (i) Employees;
- (ii) unorganized workers;
- (iii) gig workers; and
- (iv) platform workers

to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of right conferred on them and schemes framed under this Code.

Note: The Building and Other Construction Workers are excluded from the protection of 'social security' as per this definition in view of the fact that they are provided with 'Welfare' Benefits, which is wider than the term 'social security'.

The term "Welfare" is genus and the term "Social Security" is one of its species.

V. AUTHORITIES FOR THE PURPOSES OF THE IMPLEMENTATION OF THE CODE

The Code provides the following Authorities for its effective implementation:

S. No	Particulars	National Social Security Board for Unorganized Workers (Sec. 6 (2-7) (National SS Board for Gig and Platform Workers – Sec 114 (6))	State Social Security Board for Unorganized Workers (Sec. 6. (9-15))	State Building and Other Construction Workers Welfare Board (Sec. 7 (1-6))
1.	Authority to Constitute under the Code	The Central Government under Sec. 6	The State Government under Sec. 6 (9)	The State Government under Sec. 7
2.	Nature of Composition	Multipartite (Sec 6 (2))	Multipartite (Sec 6 (10))	Need to be specified under the relevant Rules to be framed by the State See Sec. 7 (3) (In most of the States already in existence)
3.	Powers and Functions	(i) Recommending to the Central Government to frame suitable Schemes for different sections of Unorganized Workers, gig workers and Platform	(i) Recommending to the State Government for framing suitable schemes for different sections of the unorganized sector workers;	Providing death and disability benefits; Payment of pension to the beneficiaries after 60 years

		<p>workers;</p> <p>(ii) To monitor such welfare schemes as administered by the Central Government; and</p> <p>(iii) To review the record keeping functions at the State Level</p>	<p>(ii) To monitor such social welfare schemes for unorganized workers as administered by the State Government; and</p> <p>(iii) To review the progress of registration and issue of cards to unorganized workers.</p>	<p>Payment of premium for Group Insurance Scheme of Beneficiaries</p> <p>Framing educational schemes for the children of the beneficiaries</p> <p>Providing medical expenses for major ailments of beneficiaries and dependents</p> <p>Payment of maternity benefit to beneficiaries</p> <p>Providing skill development schemes</p> <p>Providing transit accommodation</p> <p>Making provision and improvement of welfare measures.</p>
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VI. Exclusive Powers of the Central Government and State Governments to provide Social Security for Unorganized Workers, Gig Workers and Platform Workers (Sec 109 (1) (2) and Sec. 114)

The Code interestingly confers exclusive powers on the appropriate Governments namely, the Central and State Governments to frame exclusive Schemes for Unorganized Workers, Gig Workers and Platform Workers. This power is exclusive of any recommendations to be made by the Social Security Authorities namely, National and State Social Security Boards for the Unorganized Workers.

In the context, the recommendations made by the National and State Social Security Boards regarding Social Security Schemes under Section 6 must be viewed as supplementary to these Social Security Schemes to be framed by the Central and State Governments in this regard. This aspect must not be ignored.

VII. SOCIAL SECURITY SCHEMES FOR UNORGANIZED WORKERS, GIG WORKERS AND PLATFORM WORKERS

S. No	Authority to Frame and Scope of the Scheme	Schemes for Unorganized Workers	Schemes for Gig Workers	Schemes for Platform Workers
1.	Central Government (Sec. 109 (1))	(a) Life and Disability cover; (b) Health and Maternity Benefits; (c) Old age	(a) Life and Disability cover; (b) Accident Insurance; (c) Health and	(a) Life and Disability cover; (b) Accident Insurance; (c) Health and

		<p>protection; (d) Education; and (e) Any other benefit as determined by the Central Government</p>	<p>Maternity Benefits; (d) Old Age Protection; (e) Crèche; and (f) Any other benefit as determined by the Central Government</p>	<p>Maternity Benefits; (d) Old Age Protection; (e) Crèche; and (f) Any other benefit as determined by the Central Government</p>
2.	Scope of the Scheme	<p>Such Scheme must also provide:</p> <ul style="list-style-type: none"> -scope of the Scheme; -authority to implement the Scheme; -beneficiaries of the Scheme; -resources of the Scheme; -agencies to implement the Scheme; -redressal of the grievances; and -any other relevant matter. 	<p>Such Scheme as framed also provide:</p> <ul style="list-style-type: none"> -the manner in which such Scheme to be administered; -agency to implement the Scheme; -the role of the aggregators in the Scheme; and -the sources of funding of the Schemes 	<p>Such Scheme as framed also provide:</p> <ul style="list-style-type: none"> -the manner in which such Scheme to be administered; -agency to implement the Scheme; -the role of the aggregators in the Scheme; and -the sources of funding of the Schemes
3.	Sources of Funding of Such Schemes Sec. 109 (3) a reference must be	<p>(a) Wholly funded by the Central Government; or</p>	<p>(a) Wholly funded by the Central Government; or</p>	<p>(a) Wholly funded by the Central Government; or</p>

	<p>made to Sec. 141 in this regard</p>	<p>(b) Partly funded by the Central Government and partly by the State Government; or</p> <p>(c) Partly funded by the Central Government, partly funded by the State Government and partly funded by contributions from the Beneficiaries of the Scheme or by the Employers as specified in the Scheme; or</p> <p>(d) Funded from any source including Corporate Social Responsibility under the Companies Act, 2013 or any other such source as may be specified in the Schemes</p>	<p>(b) Partly funded by the Central Government and partly by the State Government; or</p> <p>(c) Partly funded by the Central Government, partly funded by the State Government and partly funded by contributions from the Beneficiaries of the Scheme or by the Employers as specified in the Scheme; or</p> <p>(d) Funded from any source including Corporate Social Responsibility under the Companies Act, 2013 or any other such source as may be specified in the Schemes</p>	<p>(b) Partly funded by the Central Government and partly by the State Government; or</p> <p>(c) Partly funded by the Central Government, partly funded by the State Government and partly funded by contributions from the Beneficiaries of the Scheme or by the Employers as specified in the Scheme; or</p> <p>(d) Funded from any source including Corporate Social Responsibility under the Companies Act, 2013 or any other such source as may be specified in the Schemes</p>
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4.	<p>State Government (Sec. 109 (2))</p> <p>These Schemes are in additions to the Schemes framed exclusively by the Central Government under Sub. Sec. (1)</p>	<ul style="list-style-type: none"> (a) Provident fund; (b) Employment injury benefit; (c) Housing; (d) Educational Schemes for the Children; (e) Skill up-gradation of workers; (f) Funeral assistance; and (g) Old age homes. 		
5.	<p>Sources of Funding of State initiated Schemes</p>	<ul style="list-style-type: none"> (a) Wholly funded by the State Government; or (b) Partly funded by the State and partly through contributions from the Beneficiaries or the employers as may be specified; or (c) Funded from source including Corporate Social Responsibility Fund as referred; and (d) The State 		

		Government may seek financial assistance from the Central Government in this regard.		
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Apart from this Sec. 150 of the Code confers a residuary power on the ‘appropriate Government’ – subject to previous publication, frame Schemes for the purposes of giving effect to the provisions of this Code.

VIII. ESTABLISHMENT OF A SOCIAL SECURITY FUND FOR THE UNORGANIZED WORKERS, GIG WORKERS AND PLATFORM WORKERS (SEC 141)

The Central Government under Sec 141 (1) establishes a Social Security Fund for Social Security and Welfare of the Unorganized Workers, Gig workers and Platform Workers. Such Fund shall comprise of the following sources:

- (a) Fund received/constituted under Sec. 109;
- (b) Fund received/constituted under Sec. 114;
- (c) Fines levied for the violations of the relevant provisions under the Code;

The State Governments under Sec. 141 (5) establish a Social Security Fund for the welfare of the Unorganized Workers. Such Fund shall comprise of the following sources;

- (a) Penalties levied for the violation of the relevant provisions of the Code; and

(b) Such other sources as may be prescribed by the State Government.

IX. REGISTRATION OF UNORGANIZED WORKERS, GIG WORKERS AND PLATFORM WORKERS AS BENEFICIARIES (SEC. 113)

(i) Registration of Unorganized Worker, Gig Worker and Platform Worker – Conditions of Eligibility

(a) Must have completed 16 years of age or such age as may be prescribed by the Central Government;

(b) Furnish a self-declaration form containing such information as prescribed by the Central Government.

(ii) Every eligible Unorganized Worker, Gig Worker and Platform Worker shall make an application form, copy of Aadhaar Card and other documents as prescribed by the Central Government to establish his/her identity including the identity of the dependents (See Sec. 142 (1) of this Code);

(iii) The worker shall also be self-registered electronically as prescribed and provided by the Central Government;

(iv) After the completion of the Registration Formalities, the registered worker shall be given a distinguishable number; and

(iv) The registered Worker shall be eligible to avail the benefits under the relevant Schemes.

X. WELFARE SCHEMES FOR BUILDING AND OTHER CONSTRUCTION WORKERS
(SEC 7 (6))

This part is repeated for the purposes of clarity.

Under Section 7 the State Government shall, constitute a Board known as “Building and Other Construction Workers Welfare Board” and the Board shall perform the following functions, namely. -

- (1) Providing death and disability benefits;**
- (2) Payment of pension to the beneficiaries after 60 years;**
- (3) Payment of premium for Group Insurance Scheme of Beneficiaries;**
- (4) Framing educational schemes for the children of the beneficiaries;**
- (5) Providing medical expenses for major ailments of beneficiaries and dependents;**
- (6) Payment of maternity benefit to beneficiaries;**
- (7) Providing skill development schemes;**
- (8) Providing transit accommodation; and**
- (9) Making provision and improvement of welfare measures.**

XI. CONSTITUTION OF WELFARE FUND FOR BUILDING AND OTHER
CONSTRUCTION WORKERS

Sec. 100 of the Code provides for the constitution of Building and Other Construction Workers ‘Social Security and Welfare Fund’ through the levy of a cess at the rate of 2% of the cost of construction (**excluding the cost of the land and if any compensation paid to the employee for the injuries sustained**

by him out of and in the course of his employment) incurred by an employer as may be specified by the Central Government.

Such Cess must be levied before granting an approval for such construction by the concerned Local Authority and deposit the same to the Building and Other Construction Workers Welfare Board in such manner as may be prescribed by the Central Government.

Sec. 108 (2) provides that such deposited Fund shall be called as “Building and Other Construction Workers’ Welfare Fund’ and shall be applied for meeting the expenses under Section 7 (6) of the Code. (for the provision of Social Security and Welfare Schemes).

XII. REGISTRATION OF A BUILDING AND OTHER CONSTRUCTION WORKER AS A BENEFICIARY

Sec. 106 provides that every building worker who has completed 18 years of age but not completed the age of 60 years – who has worked as a construction worker for at least 90 days preceding the calendar year shall be registered as a beneficiary under the Code by such Authority.

Cessation as a Beneficiary:

Sec. 107 provides that a construction shall cease to be a Beneficiary under the Code:

- (a) if such beneficiary has not worked at least for 90 days in a year; or

(b) if such beneficiary has completed the age of 60 years.

XIII. MANDATORY SOCIAL SECURITY PROTECTION DURING THE PREVAILENCE OF EPIDIMIC AND PANDEMIC SITUATIONS

Of late, our country is confronting with continuous threat of COVID-19, a Pandemic which has created and creating a devastating effect on the lives and livelihood of millions of unorganized workers in the country. A situation forced with job and income loss, compulsory displacement of labour force, loss of life and a situation of acute poverty, hunger and helplessness. We need a defined ‘social security protection’ in the Code during the eventualities of ‘Pandemics’ and ‘Epidemics’ to prevent the hunger, poverty, loss of life and helplessness. We vest this as a bounded duty on the part of the State.

XIV. MAINTENANCE OF FUND AND ACCOUNTS

The National Social Security Board (including Gig and Platform Workers Board), State Social Security Board and the State Building and Other Construction Workers Welfare Board – are called as “Social Security Organizations” under Sec. 2 (79) of the Code.

Under Sec. 115 (1) each of the Social Security Organizations shall maintain proper accounts of its income and expenditure in the manner as may be prescribed.

XV. CHALLENGES AHEAD

- (i) The first and foremost task is the achievement of regime of implementation of this Code through the Notification to be issued by the Central Government under Sec. 1 (3) and this must be viewed as most crucial aspect of the movement;
- (ii) This would facilitate the other aspects of implementation of the Code namely, framing of appropriate Social Security Schemes to the Unorganized Workers, Gig Workers and Platform Workers by the Central Government;
- (iii) As per the provisions of the Code, above said Schemes also provide the manner in which the 'Fund' is created to administer the notified Schemes providing a measure of Social Security Benefits Protection to the said three Categories of informal workers;
- (iv) Any lapse or laxity on the part of the Central Government in this regard must be viewed as 'discriminatory' in view of the fact that the Code treats the two categories of informal sector workers, namely (i) Building and Other Construction Workers; and (ii) Other categories of Unorganized Workers 'unequally' or 'differently' amounting to an infringement or violation of 'equality' clause as envisaged under Article 14 of the Constitution. Since the Code provides an exclusive 'funding' arrangement for the 'building and other construction workers social security and welfare purposes.
- (v) The challenge coupled with present 'movement' must culminate to the point of approaching the 'Summit Court' (Supreme Court)

to seek a Writ of 'Mandamus' to cure this *vice* of imperfection, namely the 'unequal' treatment of 'equals' (building and other construction workers and unorganized, gig and platform workers) by 'Law' namely, the Code on Social Security, 2020.

- (vi) Secondly every State Government by Notification constitutes a 'State Board – to be called as “Unorganized Workers’ Social Security Board” to perform such functions as assigned to it under the Code. (Sec. 6 (9))
- (vii) In this regard the State Governments must frame appropriate Rules. (A simple exercise in the context)
- (viii) Every State Government by Notification constitute a 'Board – to be called as “the Building and Other Construction Workers’ Welfare Board” to perform such functions as assigned to it under the Code. (Sec. 7 (1))
- (ix) In this regard the State Governments must frame appropriate Rules. (A simple exercise in the context)
- (xi) The State Governments must also provide for the manner in which the relevant 'fund' will be constituted to administer the social security schemes for Unorganized Workers to be framed by the State Boards.

XVI. PROPOSED AMENDMENTS

- (1) Inclusion of 'State Governments' under Section 1 (3) for the purposes of commencement of this Code in States to the extent of the application of this Code;
 - (2) Need to include the definition of an 'enterprise' to give a wider meaning to the term 'unorganized sector' under Sec 2 (85);
 - (3) Need to eliminate the threshold part of requirement of minimum number of persons to be employed in an 'unorganized sector' under Sec. 2 (85);
 - (4) Inclusion of 'agricultural worker 'in all situations under the definition of 'wage worker' under Sec. 2 (90); and
 - (5) Inclusion of the definition of 'gig work' under the definition clause.
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XVII. ABOUT NASS AND OUR MEMBERS

National Alliance of Social Security is an alliance of membership based seven informal workers organizations across India. It was founded in 2010 to generate collective interventions to assert the social security rights of informal workers. FNV and its partners in India, who have the history of working with the informal workers' rights have come together to campaign for the social security rights of informal workers.

The member organizations in alliance are:

1. **Andhra Pradesh Vyvasaya Vruthidarula Union (APVVU) & Telangana Vyvasaya Vruthidarula Union (TVVU)**

APVVU & TVVU are the state level federations of trade unions of 562 mandal (block) level unions of agricultural workers, marginal farmers, fisher folk, indigenous people, shepherds & rural artisans spread over in 18 districts of Andhra Pradesh and Telangana states in India. The present membership of all federated mandal unions is 692,400. The union has come into existence in the year 1991 and formed as full-fledged federation at state level is in 1998. 56% members and leadership are women in APVVU.

2. **BWI- Building & Woodworkers International**

The Building and Wood Workers International (BWI) is a Global Union Federation of trade unions in the building, building materials, wood, forestry and allied sectors. The federation was established in 2005 with the mission to promote the development of trade unions in our sectors throughout the world and to promote and enforce workers' rights in the context of sustainable development. The BWI represents workers/trade unions in building, building materials, wood, forestry and allied sectors at various international forums including the International Labour Organization (ILO), ADB, WB and the UN. The organisation

works closely with the International Trade Union Confederation (ITUC) and the other Global Union Federations and has a Special Consultative status to the Economic and Social Committee of the United Nations.

3. HNSA- Home net South Asia.

HomeNet South Asia (HNSA) is a regional network of home-based worker organisations spread across eight countries. These include Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Founded in 2000, HNSA is South Asia's first and only network for home-based workers. Through various initiatives, HNSA aims to build regional solidarity among home-based workers and their representative organisations, advocate for relevant policies that include home-based workers in national statistics, Government programmes, and ensure worker's rights, ensure visibility of home-based workers by strengthening their collective voice, create better economic opportunities, secure social security, develop the capacities of grassroots-level organisations. In the years since its inception, HNSA has emerged as a leading voice for home-based workers in the region. Their initiatives, in the member countries, empower women, home-based workers and help them improve their lives and livelihoods.

4. NASVI- National Association of Street Vendors of India.

NASVI is an organization working for the protection of the livelihood rights of thousands of street vendors across the country. Beginning as a Network in 1998, NASVI was registered in 2003 under the Societies registration Act of 1860. The main objective behind establishing NASVI was to bring together the street vendor organizations in India so as to collectively struggle for macro-level changes which had become imminent to support the livelihood of around 10 million vendors

which stand severely threatened due to outdated laws and changing policies, practices and attitudes of the powers that be. NASVI is a national federation of street vendor organizations. It is a coalition of Trade Unions, Community Based Organizations (CBOs), Non-Government Organizations (NGOs) and professionals. The membership of NASVI is open to Trade Unions (TUs), Community Based Organizations (CBOs), Non-Government Organizations (NGOs) and professionals like Lawyers, Teachers, Doctors, Social activists who have been working for the empowerment and development of the street vendors. Presently, NASVI has 528645 members from 888 organizations from the states of Andhra Pradesh, Assam, Jammu and Kashmir, Bihar, Delhi, Gujarat, Jharkhand, Kerala, Manipur, Maharashtra, Odisha, Rajasthan, Tripura, Uttar Pradesh, Haryana, Uttarakhand, Madhya Pradesh, Punjab, Meghalaya, Karnataka, Tamil Nadu, West Bengal, Goa, Pondicherry, and Chhattisgarh.

5. SAVE- Social Awareness & Voluntary Education.

Social Awareness and Voluntary Education (SAVE) is a non-profit societal reconstruction organisation. Founded by Mr. A. Aloysius in the year 1993 SAVE is actively promoting the employment relationships by strengthening the freedom of association, focussing on the elimination of child labour, protecting the rights of women, promoting ethical labour standards in the value chain of textile and garments. It helps to accomplish the production process by giving them trainings at the workplace for the workers. MSI-TN is promoted to address the institutional gaps for open dialogue, discussion between the key stakeholders including businesses to discuss, promote and implement the common goals for fair labour practices.

6. SEWA- Self Employed Women's Association.

SEWA is a trade union registered in 1972. It is an organisation of poor, self-employed women workers. These are women who earn a living through their own labour or small businesses. They do not obtain regular salaried employment with welfare benefits like workers in the organised sector. They are the unprotected labour force of our country. Constituting 93% of the labour force, these are workers of the unorganised sector. Of the female labour force in India, more than 94% are in the unorganised sector. However, their work is not counted and hence remains invisible. In fact, women workers themselves remain uncounted, undercounted and invisible. SEWA's main goals are to organise women workers for full employment. Full employment means employment whereby workers obtain work security, income security, food security and social security (at least health care, child care and shelter). SEWA organises women to ensure that every family obtains full employment. By self-reliance we mean that women should be autonomous and self-reliant, individually and collectively, both economically and in terms of their decision-making ability.

7. NDWU- National Domestic Workers Union

The National Alliance for Domestic Workers (NADW) is a network of trade unions and collectives of domestic workers across India. NADW is committed to create leadership among domestic workers to advocate for justice, to collectively fight for rights and dignity, and overcome exploitation, abuse, violence and harassment at workplace. The members of the 'National Alliance for Domestic Workers' in India are committed to organize and unite domestic workers across India to reclaim democratic spaces. NADW is aware of the suppression of dissent and the denial of political rights of the working poor, farmers, Dalits, women,

minorities and tribals. NADW is committed to build up networks with secular and peace-loving movements across India and globally.

XVIII. MORE ABOUT NASS AND ITS PREVIOUS WORK

- National Conference and mass rally held on 2012 in Delhi. It has a participation of more than 1200 informal workers leaders highlighting the social security rights of the unorganized workers and a memorandum of demands from the unorganized workers was submitted to the labour minister as a follow-up to the rally.
- Organization of the 2-day National Conference on 3rd and 4th of December 2014 in New Delhi attended by more than 200 informal sector leaders, politicians, academics, young professionals, entrepreneurs and others. It brought out a future roadmap for the process of securing effective implementation of social security act and achieved adequate attention of the labour minister, with a political commitment to deal with the issue.
- Through NASS's efforts, the High court gave favourable judgment for representation of informal workers in the Andhra Pradesh Welfare Board.
- In April 2012 Bihar Government has launched a new social security scheme called "Bihar Shatabdi Asangathit Karyashetra Kaamgaar Evam Shilpkaar suraksha Yojana 2011" as a result of regular advocacy by NASS to implement the UWSSA-2008.
- After much advocacy in Gujarat the government formed the unorganized workers social security board & recently rules were framed.
- NASS collected 10 lakh signatures in 7 States through a campaign on demand for social security. These signatures and demands were brought to the notice of respective MPs and MLAs.

- COVID-19 relief by the member organizations and also mobilized/ linked from the states.
- State wise study for each state documenting the plight and coping mechanism among the informal workers was carried out with the help of the State researchers on the issues of: relief in cash, relief in other forms, unions' demands and continuing challenges. 80 case stories were submitted by all the NASS members.
- A charter of demands was prepared for workers right during the COVID-19 pandemic. A note on asserting rights of the informal workers to ensure, safety, health and food was prepared.
- A webinar was organized on the Implications of the Social Security Code. The speaker for this webinar was Professor Babu Mathew who has been a faculty member of NLSIU right from its founding days and was moderated by Janhavi Dave, International Coordinator, HomeNet South Asia.
- A Webinar was conducted with Prof Sharath Babu, professor in law, Karnataka University as the speaker on the Social Security Code. As a follow up to the discussions on the Social Security Code draft, position paper was prepared.