

સામાજિક સુરક્ષા



NASS
National Alliance for Social Security

જાતિક નિરાપত্তા

સામાજિક સુરક્ષા

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"NASS 5 Demands"

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Recommendations to be incorporated in the Code of Social Security, 2020 and subsequent Central and State Rules

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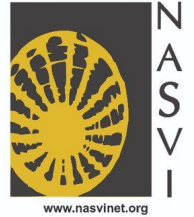
BWI
Building and Wood
Workers' International
www.bwint.org



SEWA
Self Employed Women's Association



Homenet
SOUTH ASIA
Network of Homebased workers in South Asia



www.nasvinet.org



Anukatham
ONE STEP AHEAD | TRADE UNION



DEMAND 1: We are Workers, Recognize and Register Us

On the 75th Year of Independence, the workers in the informal sector of India have been still seen as beneficiaries of Social Security schemes. The newly enacted Code on Social Security 2020 considers the workers in the informal sector as beneficiaries. During the past decades, there is a substantial increase in the informal sector trades and workers due to rapid economic and technical changes. The workers in the informal sector are engaged in two to three informal trades simultaneously due to the inflation and rising prices of the commodities against which wages have not increased. Furthermore, the workers keep on changing informal trades for better income due to which most of the trades and workers are not even covered under the existing social security schemes.

In 2019, when the Covid-19 pandemic struck, one of the groups which were severely affected was the workers in the informal sector especially poor and vulnerable migrant workers. Supreme Court of India understood that no state government nor the central government had proper data on the workers and pointed one of the major reasons for the non-reaching of social security provisions to the workers was the insufficiency of data. The Supreme Court of India directed the Central Government and the State Governments to complete the registration process of workers in the informal sector so that they can avail the welfare provisions given under various government schemes and accountability for the workers in the informal sector can be ensured. The Ministry of Labour & Employment accordingly initiated a portal named **e-Shram** for creating a National Database of Unorganized Workers including prime recognition of their employability and extending the provisions of social security to workers in the informal sector. According to recent data; 28.41 crore population has registered until now.

This shows the importance of the registration of informal workers including women workers and migrant workers. The registration entitles them with identification that is the **KEY NECESSITY** of any worker and in turn, provides them with recognition and validation. Registration of the workers also enables them to better work opportunities, skill upgradation, and social security entitlements from Central and State Governments.

The Govt of India is also currently codifying all the labor laws into four codes. The Code on Social Security, 2020 is one of them. For the very first time after 75 years of our independence, workers in the informal sector are covered by it under section 113 read with Rule 50(1) and (2) central rules, 2020. Unfortunately, it is still a scheme based and **IT IS NOT DECLARED AS THE RIGHT OF THE WORKER**. Moreover, the Code suggests that the schemes will be framed by the Central and State Governments respectively. It lacks two things participation of the informal sector workers in framing the schemes according to their needs and trade specifications and secondly it will be run by the State and Central Government without the involvement of the informal workers and their organizations. Moreover, the Code and subsequent Central Rules state that the registration and disbursement of the social security schemes will be done digitally. There is a great **DIGITAL DIVIDE** with informal sector workers having no or negligible access to digitalization and technology. Digitalization will make it difficult for informal workers especially in the interior parts to register themselves and avail of social security provisions.

NASS recommendations to be incorporated in the Code of Social Security, 2020 and Subsequent Central Rules thereunder:

- 1) Registration of all workers in the informal sector above the age of 16 years
- 2) Fix minimum prescribed registration fees to entitle access to social security provisions
- 3) e-Shram registration for workers validates the Employment Status
- 4) Easy and Continual Accessibility of the Registration of the e-Shram Portal through various digital and other modes facilitating the informal sector workers
- 5) e-Shram Portal should be updated constantly to enable the workers to enroll/change/update/modify their work/employment/skill status (similar to Aadhar Card)
- 6) State governments/Other Authorities/ Organisations of the Workers should have access and right to use the e-Shram data for enacting/developing/implementing social security entitlements/programs/policies for the informal workers

Social Security is the Right of the Workers and it is the responsibility of the Central and State Governments to register all the workers in the informal sector and provide them access to the Social Security Entitlements

DEMAND 2: Pay us Wage Compensation for Maternity (6 months minimum wage)

Maternity provisions are a must for all women workers. It is a Constitutional Right that provides women workers with the right to health, nutrition, and care, and wage compensation for lost days of work during pregnancy, childbirth, and the period of exclusive breastfeeding. This is a period when the rights of the mother and the child are intertwined. Wage compensation and maternity provisions during the maternity period are a right of all women workers. As per Census 2011, the total number of female workers in India is 14.98 crores and female workers in rural and urban areas are 12.18 and 2.80 crores respectively. Out of the total of 14.98 crore female workers, 3.59 crore females are working as cultivators and another 6.15 crore are agricultural labourers. Of the remaining female workers, 0.85 crore are in the household Industry and 4.37 crore are classified as other workers.

The Maternity Benefit Act, of 1961 protects the Maternity Rights of Women Workers that included the provisions like 26 weeks of Maternity leave for the first two children, 12 weeks of leave for a mother adopting a child under 3 years of Age, Permission to work from home if the job allows, and Establishment with 50+ employees should provide a creche facility, etc. The Act is now codified in the Code of Social Security, 2020.

Unfortunately, the Provisions of the Maternity Benefit in the Code of is specifically applicable to the women workers employed in the organized sector only. The remaining women workers employed in the informal sector which constitute more than 60% of the working force remain outside the purview of the Maternity provisions.

These vast numbers of women workers are majorly employed in diversified trades of the informal sectors such as agriculture, domestic workers, home-based trades, waste recycling, street vendors, and so on. Informal Trades are not classified as an establishment and hence these women workers remain outside the coverage of the Maternity Benefit Entitlement. These women workers cannot rely on their employers for maternity benefit entitlement.

Women workers in the informal sector are on the lowest rung of the labour pyramid with unsustainable employment of just six months or less during the year and low income/ wages/ earnings. Women during their confinement period not only lose income but has to incur additional expenditures related to health/medicines/food and etc. The State Governments have fixed maternity schemes that vary from Rs 600 to Rs 18,000. There are glaring differences in the Maternity entitlements to formal sector workers and that to informal sector workers, the important one is 26 weeks' leave with wages. The Government should consider every woman worker equal and the Maternity provisions entitlement should be framed accordingly. The Code of Social Security, 2020 in section 109(1) read with sub-section (4) of section 109 provides for the Government to enact provisions for maternity provisions.

NASS recommendations to be incorporated in the Code of Social Security, 2020 and Subsequent Central Rules thereunder:

- 1) Maternity entitlement should be declared as a Universal Right of all Women Workers in the informal sector and should be provided regardless of duration/ consistency and status of employment
- 2) The Maternity entitlement should be linked to the National Minimum Wage, with wage compensation of six months/ Rs 60,000
- 3) Pregnancy Leave should be granted to all informal women workers.
- 4) The Maternity entitlement should be easily accessible with minimum requirements.
- 5) The Maternity entitlement should be provided in all childbirths and should not be restricted to one or two children

Social Security is the Right of the Workers and it is the responsibility of the Central and State Governments to register all the workers in the informal sector and provide them access to the Social Security Entitlements

DEMAND 3: Pay us a Pension (50% of minimum wage monthly)

The vast and diversified informal sector is characterized by highly unsustainable livelihoods and incomes. Most of the workers are daily wagers and have to work for long years as they have no savings. With no Social Security and saving, the survival of the workers at a later age becomes difficult. They have to depend upon their family members' earnings; a son/daughter-in-law who again is working in the informal sector and survival becomes a question mark.

Aged Workers are seen in many of the informal trades like construction, agriculture, domestic, waste recycling, and care economy, especially in the informal service sector. Many times their health is at stake and they do not get rest or nutritious food.

THESE AGED WORKERS OF THE INFORMAL SECTOR ARE NOT AWARDED THE DIGNITY OF THE OLD AGE THAT THEY ARE ENTITLED TO.

A Pension/old age provision is an asset to the aged workers in the informal sector that provides monthly income to live the last years of their lives with dignity. Pensions for the workers in the informal sector should be made mandatory for reasons concerned like growing informality, economic changes, rising inflation, price rise of essential commodities, emergency conditions, health issues, and incapability of working. Hence, a pension/old age provision covering the aged workers of all informal sectors should be enacted and the primary agenda should be enrolling/registration of the workers in a pension scheme. The data available in the e-Shram portal can be utilized for enacting such a provision.

Many States have come out with different either voluntary or contributory welfare schemes relating to pension/old age benefits. The benefit is different in all the schemes and creates confusion among the workers in the informal sector. Furthermore, many current Central and State Government schemes are unavailable for the current elderly population as only workers below the age of 40 can be enrolled in these schemes. Many of these schemes are stagnating with the poor enrolment of workers in the informal sector.

State-level non-contributory pensions are very low, which is not even $\frac{1}{4}$ of the National Minimum Wage. Even though not everyone is covered in these schemes, in most places workers in the informal sector are waiting for someone to be deceased for them to gain the slots for the pension. The Code of Social Security, 2020 in section 109(1) read with sub-section (4) of section 109 provides for the Government to enact provisions for old age protection.

NASS recommendations to be incorporated in the Code of Social Security, 2020 and Subsequent Central Rules thereunder:

- 1) Pension/Old Age entitlement to the elderly workers of the informal sector should be fixed at a minimum rate of 50% of the National Minimum Wage/ Rs. 5000 per month
- 2) Pension/Old Age entitlement should be revised periodically considering the state-wise cost of living index and minimum wages
- 3) Hazardous conditions of work should be factored in, for defining the age criteria for pension
- 4) Ensuring Pension for all informal workers without age constraints
- 5) Pension/old age entitlement should be contributory (minimal) as it ensures the participation of the workers

Social Security is the Right of the Workers and it is the responsibility of the Central and State Governments to register all the workers in the informal sector and provide them access to the Social Security Entitlements

DEMAND 4: Link us to Employees' State Insurance (ESI) with all benefits

A large number of workers in the informal sector both in rural and urban life and work in unhygienic conditions and are susceptible to many infectious and chronic diseases. A vast majority of them neither have fixed employer–employee relationships nor do they get any statutory social security benefits. This implies that workers in the informal sector do not get health care provisions and paid leave for illness. The persistent poverty and disease syndromes have pushed the families of workers in the informal sector into the process of indebtedness to meet their day-to-day medical care expenses.

The high incidence of morbidity cuts their household budget both ways, that is not only do they have to spend a large amount of money and resources on medical care but are also unable to earn during the period of illness. Very often they have to borrow money at a very high-interest rate to meet both medical expenses and other household consumption needs. The burden of expenditure on health care is unduly heavy on workers in the informal sector and their families.

ESI (Employment State Insurance) provides medical coverage and other essential benefits to workers and employees. It was the first major legislation on Social Security for workers enacted by the Parliament. The ESIC has a very good infrastructure across the country like hospitals, dispensaries, etc. But at present, the ESIC extends medical facilities to its members or insured persons, and members of their families, called beneficiaries, through a network of 160 ESI hospitals including eight medical colleges, two dental colleges, 1,517 dispensaries, and 76 dispensaries-cum-branch offices. The number of ESIC beneficiaries now stands at over 13 crores.

Unfortunately, only 7% of the working population are benefited from ESIC, the majority of the working population that is 93% of the workers in the informal sector are not covered by ESIC. Thus, despite having such a good provision and health infrastructure the workers in the informal sector are not able to get entitlements out of it.

The Code of Social Security, 2020 provides the right to health security under section 45 (chapter 4 on ESIC) to the workers in the informal sector. The government of India during the 185th meeting of the Central Board of Employees State Insurance Corporation (ESIC) has decided to extend its coverage to all unorganized sector workers. The Standard Note on Employees State Insurance Scheme published by Employees State Insurance Corporation also states that many states have decreased the threshold applicability to extend the coverage to more employees/ workers.

NASS recommendations to be incorporated in the Code of Social Security, 2020 and Subsequent Central Rules thereunder:

- 1) Ensuring ESIC coverage to all workers in the informal sector including migrant labours as their right
- 2) All six provisions available under ESIC of medical, sickness (wage compensation) with leave, temporary disability benefit, maternity benefit, death benefits and funeral assistance benefits should be extended to workers in the informal sector
- 3) Infrastructure of the ESIC should be enhanced by incorporating the Central and State Governments to provide accessibility to all workers in the informal sector
- 4) Enable proper infrastructure facilities for workers in the informal covered under ESIC
- 5) ESIC entitlement should be contributory (minimal) as it ensures the participation of the workers
- 6) Providing Budgetary allocation for expanding ESIC provision to workers in the informal sector

Social Security is the Right of the Workers and it is the responsibility of the Central and State Governments to register all the workers in the informal sector and provide them access to the Social Security Entitlements

DEMAND 5: Pay minimum compensation of Rs 5,00,000 (deformity and death)

The work of workers in the informal sector is more often characterized by uncertainty, instability and insecurity. As opposed to those in the formal sector, they bear the risks of their work and receive limited social entitlements including life coverage. They are more likely compared to formal workers to belong to low-income households and often live hand-to-mouth. If they cannot work for extended periods, their family's income is at risk. Also, for many workers in the informal economy, savings are either non-existent or extremely limited. Typically, they lack employment security, healthcare benefits, sick leave, pensions, and severance packages. In short, workers in the informal sector earn their living without a safety net.

Without the protections, workers in the informal economy workers face a wide range of occupational, safety, and health risks. They are disproportionately affected by natural hazards and human-made disasters. When affected, the workers tend to lose a larger fraction of their limited savings, given their lower ability to cope and recover from disaster impacts. Even during Covid-19, many at-risk workers in informal sectors were classified as "essential workers" to keep the economy going during the pandemic even though they lack basic labour protections including life/ accident/ disability coverage.

About 48,000 workers die in India due to occupational accidents of which 38 fatal accidents take place every day in the construction sector, and only 20 percent of them are covered under the existing health and safety legal framework. This data comprises the formal sector only. The accidents in the informal sector especially in the construction, agriculture, fisheries, and other trades go uninformed and unnoticed. It is seen that in a few cases the employer/contractor provides them with immediate primary medical care. But the rest of the expenses of medical treatment, medicines, and food and diet suggested are to be borne by the injured worker themselves. The worker in such a scenario incurs debts at a high rate of interest. With no livelihood and income during this period and exorbitant debt incurred the worker in the formal economy and dependant families never come out of the vicious circle of poverty.

There are many life and disability insurance schemes run by the Central and State governments but the compensation is very low for life and disability benefit. Moreover, the workers are less aware or cannot cope with the requisite documentary procedure necessary to avail of the benefit. The provisions currently have varying thresholds. This means that the provisions one is entitled to depend on the wage earned by the worker and the total number of workers in the enterprise, among other things. Thus, there is no minimum provision that a worker especially in the informal sector is guaranteed. The Government of India, in the Code of Social Security, 2020 under section 109(1) read with sub-section (4) of section 109 provides for the Central Government to frame Life/Disability coverage for workers in the informal sector.

NASS recommendations to be incorporated in the Code of Social Security, 2020 and Subsequent Central Rules thereunder:

- 1) The entitlement of life/disability coverage to all workers in the informal sector in line with the current provision under the building and construction worker's welfare board of 5 lakhs in the event of death.
- 2) Ensuring the entitlement to continue even after the worker attains the age of 60 years and auto registration to the policy through e-Shram
- 3) The entitlement should be contributory with a minimal annual premium as it ensures the participation of the workers
- 4) The life/disability entitlement should be extended to include natural disasters/pandemics/accidents etc.

Social Security is the Right of the Workers and it is the responsibility of the Central and State Governments to register all the workers in the informal sector and provide them access to the Social Security Entitlements

About NASS and its Associates:

National Alliance of Social Security (NASS) is an alliance of membership-based seven informal workers' organizations (trade unions and membership-based organisations) across India. It was founded in 2010 to generate collective interventions to assert the social security rights of informal workers. The alliance associates in India, who have a history of working with informal workers' rights have come together to campaign for the social security rights of informal workers as an Entitlement. NASS is carrying out the campaign in 13 states of India focusing on the issue of **Social Security** for informal workers. NASS had carried out various studies on Social Security Code and had given recommendations to the Government in addition to sensitization actions to the union leaders, cadres and workers in the informal sector.

To sensitize the workers in the informal sector, NASS has released documents on Social Security Code and its Rules (central) and distributed to educate workers in informal sector. These documents were translated in 7 regional languages & also published online, also NASS produced e-Shram educational video with 5 demands. NASS associates after exploratory studies and consultations amongst workers in informal sector, have come with **NASS 5 Core Demands for Workers in informal sector** and have it released it through associate unions across 13 states to sensitize about Social Security entitlements.

The Associate Organizations in the alliance are:

1. 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. BWI in India has 18,300 paid membership and works across 13 states in India.

2. 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. SEWA has a membership strength of 21,41,487 Women members across the nation.

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. HNSA in India has more than 6,00,000 members across India.

4. NAAWU – National Alliance of allied Agriculture Workers Union

NAAWU is the National alliance union of APVVU, TVVU, and KVVU in the states of Andhra Pradesh, Telangana & Karnataka. Three state-level trade unions of agricultural workers, marginal farmers, fisher folk, indigenous people, shepherds & rural artisans spread over more than 18 districts of Andhra Pradesh, Karnataka and Telangana states in India. The present membership of all federated Mandal unions is 729,666. The union has come into existence in the year 1991 and formed as a full-fledged federation at the state level in 1998, 60% of members and leadership are women in NAAWU.

5. National Alliance for Domestic Workers (NADW)

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 has a membership strength of 52,200 women members across the nation.

6. 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. NASVI in India has a membership of 10,00,495 and works across 28 states in India.

7. ANUKATHAM

Anukatham is union of informal sectors workers in Tamil Nadu and is actively promoting the employment relationships by strengthening the freedom of association, focusing on the elimination of child labour, protecting the rights of women, and promoting ethical labour standards in the value chain of textiles and garments. It helps to accomplish the production process by giving training at the workplace for the workers. Anukatham is having a membership of 54,258 members and 95% of the members are women.