



UNION POWER

NTUI

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Editor: Ashim Roy

Printed and Published by Gautam Mody for the New Trade Union Initiative, B-137, Dayanand Colony, First Floor, Lajpat Nagar – IV, New Delhi – 110024
Phone: 011-26214538/ 26486931 Fax: 011-26486931
Email: secretariat@ntui.org.in

E D I T O R I A L

On 31 July this year the court of the Chief Judicial Magistrate of Bhopal passed an order directing the Government of India to renew its efforts to produce Warren Anderson, the former CEO of Union Carbide before the court. This is another small victory in the 25 year long saga of fight for justice in the Bhopal Gas disaster. A saga of continuing failure of the regulatory system of the country at all levels to enforce accountability in a clear instance of corporate crime.

The Bhopal Gas disaster was the prime reason for the then government to set up the Ministry of Environment and Forests in 1985. An Environment (Protection) Act of 1986 was also legislated with provisions for regulating of new projects, including industries. One central provision of the Act was the involvement of stakeholders in a public consultative process for environmental clearance. However, the exigency of providing a “favourable investment climate” soon overtook the need for regulation.

The new Environment Impact Assessment (EIA) Notification of 2006 further watered down regulatory provisions making the EIA process a mockery. The Govindarajan Committee on Investment Reforms, a major influencing factor in the reform of the EIA Notification, advocated against comprehensive review of project impacts on forests, if this slowed down investment and proposed “deemed clearances” including for “pre-construction activities” such as in mining and building dams.

This environment of allowing a free-play of capital has substantially increased the number of industrial accidents. From repeated accidents at the metro sites in Delhi to the death of workers due to a collapse of a chimney at the BALCO site in Chhattisgarh to the numerous unreported accidents at various construction sites across the country – the list is never-ending. These accidents may not be comparable to the Bhopal tragedy but is definitely a fallout of the government's policy to overlook them. The prevalence of accidents is related to poorly organised industrial relations. Though there are laws for regulation of industrial relations in the country, most of them have been compromised over the years by interpretation by the judiciary. The accidents are primarily a result of:

- The general failure of employers to comply with existing laws;
- Ineffective action by the public administration; and
- Insecure employment.

To combat this increasing urge for profits even at the cost of employees, a regulatory framework has to be put in place that is binding on employers and has unambiguous punitive measures. There should be legislation on accident prevention that clearly delineates the employers' responsibilities and establishes mechanisms for the participation of workers' representatives in health and safety issues.

It is time to unite and demand for a Comprehensive Law on Industrial Regulation for Health and Safety.

SPECIAL ARTICLE

THE MRF UNITED WORKERS' UNION CASE: RULING OF THE MADRAS HIGH COURT ON THE RECOGNITION OF TRADE UNIONS

The workers in the Arakonam factory of MRF Limited, a tyre major, ended their 125 day old strike on 14 September 2009 and resumed work following the pronouncement of the much awaited verdict in the case filed by the MRF United Workers' Union before the Madras High Court concerning the recognition of the union by the management of the company.

The Arakonam factory of MRF Limited in Vellore District, Tamil Nadu is the largest of the six tyre manufacturing factories of the company. The workers in the factory are paid piece rate wages with no clear definition of the rate. Moreover, the number of contract workers engaged in the factory for direct production work is more than twice the number of direct permanent workers engaged for doing the same work. There was thus a long felt need among the workers for an independent and effective trade union to protect their interests.

The management has thwarted all attempt of the workers at forming an independent trade union organisation from the 1970s onwards by victimizing those identified as working in that direction. Apart from this, it had also established its own 'union' in the factory and hand-picked the office bearers of the union. Furthermore, using the check-off facility extended to its union, it had arbitrarily been deducting subscription from the wages of all the confirmed workers in the factory towards its union.

In 2003, the workers finally formed the MRF United Workers' Union and got it registered. The majority of the workers in the factory soon joined the union. Given this, in February 2004, the union sought recognition from the management as the sole bargaining agent of the factory workers. It also sought that the management refrain from making deductions under the check-off system towards subscription to the management operated union from the wages of its members.

The management did not accord recognition to the union and continued to deduct subscription from the wages of the members of the MRF United Workers' Union towards the management controlled union thereby creating the false impression that a majority of the workers are members of the latter union. Additionally, the management has been, from January 2004, discriminating against the office bearers and members of the union. Unjust dismissals, suspensions, inter departmental transfers, initiation of disciplinary proceedings on false grounds, issue of warning letters and memos on false grounds and the lodging of false criminal complaints against the office bearers and members of the union has been on.

The labour authorities had failed to take any action to check such practices on the part of the management. They also did not refer the industrial disputes raised by the union for adjudication. In respect of the request of the union to hold a secret ballot to clearly establish the representative status of the unions operating in the factory and ensure that the management accord recognition to the majority union, the labour authorities took the stand that there was no central or state law in force in the state providing for ascertaining the representative status of the trade unions operating in an establishment by secret ballot and therefore, it could not be done.

On account of the failure of the Government and the local labour authorities to address the legitimate grievances of the workers, the MRF United Workers' Union lodged a complaint before the ILO Governing Body's Committee on Freedom of Association (CFA) which was taken up as Case No. 2512 (India). The complaint highlighted the violation of the freedom of association and collective bargaining rights of the workers in the Arakonam factory by the management of MRF Limited. In November 2007, the CFA published its 348th Report that contained its conclusions and recommendations in Case No. 2512 (India).

The CFA emphasized that only representative and independent organizations of workers should participate in collective bargaining with the employer and sign the resulting agreements. It stressed that employers should recognize for collective bargaining purposes the organizations representative of the workers employed by them and that the determination of which organizations meet the criteria of independence and representativeness should be carried out by a body offering every guarantee of independence and objectivity. Considering the factual background of the case, the CFA was of the view that 'the determination of the most representative trade union by secret ballot would not only be an acceptable but also a desirable way to ensure that workers exercise their right to choose the organization which shall represent them in collective bargaining.'

At the same time, taking note of the fact that the Government had in its reply filed in the case indicated that following verification of the MRF United Workers' Union's membership records, it was found that the union represents 70 percent of the workers in the Arakonam factory, the CFA recommended that the Government take appropriate measures to obtain the employer's recognition of the union for collective bargaining purposes.

From a broader perspective, taking note of the fact that except for a non-binding Code of Discipline, there was neither any central law nor any state law in Tamil Nadu prescribing any procedure for recognition of trade unions, the CFA recommended that the Government consider laying down objective rules for the designation of the most representative union for collective bargaining

purposes, when it is not clear by which union the workers wish to be represented.

Taking serious note of the allegations of anti-union discrimination made by the union, the CFA also recommended that the Government forthwith conduct an independent inquiry into all alleged acts of anti-union discrimination suffered by the office bearers and members of the union and provide appropriate redress if the allegations were found to be true.

The Government thereafter did not take any effective steps to implement the recommendations of the CFA despite the representations of the union and also the demonstrations conducted by the workers demanding that the Government implement the recommendations.

This led to the union filing a Writ Petition before the Madras High Court seeking the implementation of the recommendations of the CFA, particularly the recommendation relating to the recognition of the union by the management of the company. The Writ Petition came to be finally heard by a Division Bench of the Madras High Court. The union also added that as a member state of the ILO, India was duty bound to implement the recommendations of the CFA.

On 9 May the MRF United Workers Union went on strike protesting against the action of the management in entering into a 'settlement' with the management controlled union and for ignoring the recommendation of the CFA for its recognition.

The Government of India neither filed a counter statement in the case nor did it address oral arguments before the court. The stand taken by the Government of Tamil Nadu was that there being no central or state law on the subject of recognition of trade unions, neither could the recommendation of the CFA to ensure that the union was accorded recognition by the employer be implemented nor could its suggestion to hold a secret ballot be acted upon. However, it was open to the union to undergo the procedure for recognition laid down under the Code of Discipline by submitting a petition to the State Evaluation and Implementation Committee. The employer and the management controlled union took the stand that the CFA's recommendations are not binding and therefore need not be implemented.

On September 8, 2009, the First Bench of the Madras High Court passed orders in the Writ Petition. The court underscored the importance of workers having a truly representative and independent collective bargaining agent observing that this was in the interest of industrial peace apart from being in the interest of the workers. The court held that it is the mandate of the ID Act that the truly representative and independent collective bargaining agent of the workers be recognized by the management and that the management cannot refuse to bargain collectively in good faith with such a union.

On the issue of the mode of determination of the representative status of the unions operating in the factory, differing from the view expressed by the CFA that secret ballot would be the appropriate method, the court opined that the verification procedure prescribed under the Code of Discipline would be the correct method. It issued directions for determination of the representative status of the unions operating in the factory in accordance with the verification procedure provided for under the Code of Discipline. The court permitted the MRF United Workers' Union to make an application to the concerned Labour Commissioner claiming recognition on the basis of its membership figures for the last six months and issued a direction to the latter to thereafter call upon the two unions to submit their membership registers for the last six months and other supporting documents to determine which union has a larger membership. The court further directed that the union found to have a larger membership on the basis of the aforesaid exercise shall be accorded recognition by the management.

The court also ruled that it would be open for the petitioner union to raise an industrial dispute challenging the legality and validity of the settlement of May 9, 2009.

The interpretation of the court that the right of workers to have a truly representative and independent collective bargaining agent flows from the provisions of the Industrial Disputes Act, 1947 relating to the prohibition of unfair labour practices and the fifth schedule to the Act and that it is the mandate of the Act that such an agent be recognized by the management appears to be a first of sorts. Such an interpretation of the Act assumes added significance in the light of the fact that there is a legislative vacuum in several states on the subject of recognition of trade unions. Furthermore, the ruling clearly establishes that even in a state when there is no specific law in operation relating to the recognition of trade unions or no statutory requirement as such requiring an employer to accord recognition to the union in the concerned establishment with the largest membership, the employer is bound to accord recognition to the most representative union in the establishment for collective bargaining purposes.

(This is an edited version of a report prepared by Advocate Ramapriya Gopalakrishnan for the Committee on Freedom of Association of the ILO.)

TOWARDS THE SECOND GENERAL ASSEMBLY

Southern India Regional Meeting in Chennai

The Southern India regional meeting in Chennai on 6-7 September 2009 was attended by members of TMKTS, PTS, Jeeva Construction and Cashew Workers Union, Garment and Fashion Workers Union and WPTUC. The meeting was aimed at evaluating the work of affiliate unions in the region in the last three years. Comrade R

Kuchelar chaired the meeting. Comrades Ashim Roy, D Thankappan, M Subbu and Gautam Mody were also present in the meeting. It was felt in the meeting that though affiliates in Tamil Nadu have made significant strides, they have not been able to initiate a meaningful process for formation of the State Council. It was also felt that a greater effort has to be given by existing affiliates to bring together different political tendencies into the NTUI. It was agreed that effort needs to be given to organising in new areas and sectors in future.

Rural Workers Conference in Patna

Members of Jagrit Adivasi Dalit Sangathan (M.P.), Rajasthan State Mine Labour Union (Rajasthan), Nadi Ghati Morcha (Chhattisgarh), Paschim Banga Khet Majoor Samiti and Shramajibee Samanvay Committee (W.B.), Kaimur Shetra Majdoor Kisan Mahila Sangharsh Samiti and Gramin Mazdoor Union (U.P.), Janmukti Andolan and Jan Jagran Abhiyan (Bihar), Jharkhand Grameen Mazdoor Sangh (Jharkhand), Dehati Mazdoor Morcha (Punjab) and Gramin Mazdoor Sabha (Gujarat) participated in the Rural Workers Conference held in Patna on 11-12 September 2009. The discussion focussed on the development paradigm, on questions of food security, employment opportunities both under NREGA and other avenues, wages, work conditions, social security, challenges of unionising rural workers and forest workers.

It was decided to initiate a process of a larger alliance or a federation for rural workers unions following actions at state, regional and national level; launch issue based campaigns over the following two months on food security, social security, minimum wage and NREGA; widening the social alliance by including other unions working on similar issues; and call for a meeting in January 2010 to consolidate the federation.

Eastern Zone Regional Meeting in Patna

Unions from West Bengal and Jharkhand participated in the Eastern Zone meeting in Patna on 13 September 2009. Members of Paschim Banga Khet Majoor Samity, Shramajibee Samanvay Committee, All West Bengal Sales Representative Union, Hosiery Workers Unity Centre, HM&HIL-SSKU, Jharkhand Krantikari Mazdoor Union and National Hawkers Federation were present.

Brief reports were presented by these unions about their union activities and struggles. Two major decisions were taken: first, to have an NTUI office in Kolkata or anywhere in West Bengal, as would be decided by the West Bengal affiliates and second, to have a larger meeting in January 2010 after the NTUI General Assembly in December to bring together all left democratic trade unions.

Meeting on Women's Work in Mumbai

The meeting was called of women workers and the women leadership of various NTUI affiliates to meet and take forward the agenda of women workers in Mumbai on 20 September 2009. Participants were from 11 unions representing 12 sectors. 9 observers from 6 organisations

also participated in the meeting. The discussion focused on 5 key issues – understanding women's work, violence against women in public places, home and workplace; sex work and the struggle to have it recognised as legitimate work; the hesitancy to talk about sexual harassment; and the impact of trade policies on women. 3 decisions were taken at the meeting – a resolution on women's work will be drafted for the NTUI Second General Assembly being in December 2009; a working group was formed for the drafting and coordinating process; and the working group will suggest a plan for celebrating the Centenary Year of the International Women's Day.

NEWS UPDATE

INDUSTRIAL SAFETY IGNORED: 41 WORKERS DIE IN AN INDUSTRIAL ACCIDENT AT BALCO THERMAL POWER PLANT IN CHATTISGARH

41 workers (mostly migrant) died and 6 workers were injured in a chimney collapse on 23 September at BALCO thermal power plant in Korba district of Chhattisgarh. Many more workers are feared to have died. Vedanta has a 51 percent stake through its subsidiary Sterlite Industries which is the builder at the site in Korba. It is setting up a 1,200-MW power plant at its aluminium facility. On completion, the capacity will be a million tonnes a year, making Balco the world's largest producer of aluminium from a single location.

Sepeco, a Chinese company, had bagged the award for the power plant, while GDCL was constructing the 275-metre chimney. The chimney collapsed when about 100 workers and engineers were engaged in the construction work of the chimney. The staffs of GDCL, SEPCO and Balco have escaped from the site and not a single arrest had been made even though under Factories Act, the occupier and the owner of the company are to be arrested immediately.

A group of journalists, social activists, trade union leaders, labour activists, human rights activists and advocates visited BALCO on a fact finding mission. The team included NTUI Joint-Secretary Darshan Singh Chawla, and Sudha Bhardwaj, Jan Adharit Engineering Mazdoor Union.

CAMPAIGN NEWS

CAMPAIGN ON TRADE: FORUM AGAINST FTAS

A national consultation on India's FTAs was held on 31 August – 1 September 2009 at the Indian Social Institute (ISI), Lodhi Road, New Delhi. It was organized jointly by the Hind Mazdoor Sabha (HMS), New Trade Union Initiative (NTUI), along with CEC, CECOEDECON, FDI Watch India, Focus on the Global South India, GRAIN, Intercultural Resources, MSF, PIRC, and the TWN.

This consultation aimed to bring together some of the key constituencies that stand to be negatively impacted by the

FTAs, as well as activists and groups who already work on trade and World Trade Organization (WTO) issues.

Ever since the multilateral trade negotiations at the World Trade Organisation (WTO) looked as if they would not reap enough benefits for them, the US, Europe and other industrialised powers like Japan have stepped up their efforts to sign bilateral FTAs with developing countries. Now the newly elected Indian Government is not only in the process of reviving the WTO negotiations but is also moving towards many FTAs. India is currently negotiating 19 regional trade agreements; four in the pipeline (China, Australia, New Zealand, Indonesia); 10 that have been concluded and at least 17 trade talks at various stages with US, Association of South East Asian Nations (ASEAN), Chile, Korea, etc.

The Consultation had a number of sessions addressing issues such as the Political Economy of India's FTAs policy, development implications of FTAs, impact on employment, agricultural sector and health sector. 4 sectoral workshops were organised on (i) FTAs vs Right to Food, Seed and Food Sovereignty, Fisheries & Agricultural Livelihoods; (ii) FTAs vs labour rights, right to livelihood and community rights over natural resources; (iii) Health and Environment in FTAs and (iv) impact on banking, retail, MSMEs and other services.

The session on labour rights, right to livelihood and community rights over natural resources was jointly organised by ICR and NTUI. The presentations and discussion included the following issues: land acquisition and change of land use in both rural and urban areas; the impact of investment clauses and non-tariff barriers in the FTAs on livelihoods and environment; impact of export led growth on industrial work, particularly in the garment and auto sectors and particularly on women and migrant workers. The workshop concluded with an agreement on two issues, namely that labour standards can only be set through the ILO and not suo moto through other multilateral organisations and that mere opposition to FTAs is not enough. We also need to come up with alternatives and seek out possibilities of south-south trade agreements that might work in favour of working class interests.

CAMPAIGN ON RIGHT TO FOOD

Right to Food Sannelan on the National Food Security Act held on 17 September 2009 at Indian Social Institute in New Delhi. The Sannelan called for a national campaign on the demands for a universal PDS with affirmative action for the vulnerable; food procurement and distribution policy which strengthens small farmers and food sovereignty of the nation; universal food entitlements for children and vulnerable sections, pension for the old and preventing the invasion of corporate interest in food related matters among others.

The Congress party in its manifesto promised to pass a National Right to Food Act. Intervening in the process of

drafting legislation, the steering committee of the campaign put together a set of the "essential demands". They are:

Food Entitlements Act: Essential Demands

1. The Act must hold the government accountable to ensure that no man, woman or child sleeps hungry or is malnourished.
2. The Act must place an obligation on the government to encourage food production through sustainable and equitable means, and ensure adequate food availability in all locations at all times.
3. The Act must incorporate and consolidate all entitlements currently existing under Supreme Court orders (Annexure 1) and existing schemes, especially:
 - Hot, cooked, nutritious mid-day meals in all government and government-assisted schools.
 - Provision of all ICDS services to all children below the age of six years.
 - Antyodaya entitlements as a matter of right for "priority groups".
4. The Act must not abridge but only expand other entitlements such as old age pensions, maternity entitlements and work entitlements under NREGA.
5. The Act must also create new entitlements for those who are excluded from existing schemes, including out-of-school children, the elderly and the infirm in need of daily care, migrant workers and their families, bonded labour families, the homeless, and the urban poor.
6. The right to food of children in the age group of 0-6 months must be ensured through services to the mother, including support at birth; skilled counselling especially to promote breast feeding; maternity entitlements; and crèche facilities at the work place.
7. The Act must create an obligation for governments to prevent and address chronic starvation, and reach food pro-actively to persons threatened with starvation.
8. The Act must create provisions for governments to deal adequately with natural and human-made disasters and internal displacement, including by doubling all food entitlements for a period of at least one year in affected areas; and removing upper limits to person days of employment in NREGA.
9. All residents of the country, excepting possible for categories specially excluded because of their wealth, must be covered by the Public Distribution System, with at least 35 kgs of cereals per household (or 7 kgs per person) per month at Rs. 3/kg for rice and Rs. 2/kg for wheat. Coarse grains should be made available through the PDS at subsidised rates, wherever people prefer these. In addition, extra provisions of subsidised oil and pulses should be made.

10. Women must be regarded as head of the household for all food-related matters such as the distribution of ration cards.
11. The Act must seek to eliminate all social discrimination in food-related matters, including discrimination against Scheduled Castes, Scheduled Tribes, Most Backward Classes and minorities.
12. Cash transfers must not replace food transfers under any nutrition-related scheme.
13. The Act must include safeguards against the invasion of corporate interests and private contractors in food policy and nutrition-related schemes, especially where they affect food safety and child nutrition. In particular no GM food and hazardous or useless additives must be allowed in public nutrition programmes. Governments must not enter into any partnerships with the private sector where there is conflicts of interests.
14. The Act must include strong, in-built independent institutions for accountability along with time-bound, grievance redressal provisions (including provisions for criminal prosecution), mandatory penalties for any violation of the Act and compensation for those whose entitlements have been denied. In particular, the Gram Sabha must have effective powers for grievance redressal and monitoring of food-related schemes.
15. All programmes of food entitlements must have strong in-built transparency mechanisms, and mandatory requirements of social audit.
16. Within the existing PDS system, the Act must provide for mandatory reforms such as de-privatisation of PDS shops, preferably to women's groups, with sufficient capital and commissions for new owners; direct door step delivery of food items to the PDS shop; and computerisation, along with other measures for transparency.
17. The Act must specify that no laws or policy shall be passed that adversely impact the enabling environment for the right to food.

but, also gravely undermine economic development. We are also deeply distressed by the fact that the Government of India has not taken any initiative to discuss these issues with trade unions, social movements and people's organizations that represent a large number of workers and working people whose life and livelihood will be affected by these negotiations.



Key issues of Concern and Demands for the current Doha round of negotiations:

1. **Publish White Paper on the Doha Round Negotiations:** and do not keep the primary stakeholders, the people of the country and even the Parliament in the dark.
2. **Reject the Swiss Formula in NAMA:** The present approach to the Swiss formula violates the principal with which it was originally proposed wherein differential treatment in favour of developing countries was aimed at providing them with preferential treatment for development. In the present form the Swiss formula will only further undermine autonomy of developing countries in exercising their development choices.
3. **Discard the Anti-concentration Clause in NAMA:** which was added in the December 2008 draft, as it will mean that developing countries will not be able to protect an entire industry, or even significant parts of a sector, from the application of the Swiss Formula. Committing to zero or extremely low tariffs will be detrimental to the development of certain key new sectors and also destroy many of the traditional industries like fisheries.
4. **Remove Negotiations on Non-tariff barriers from Doha Round:** since it will be advantageous to developed countries and will bar many products produced in developing countries from entering the markets of developed countries. The US agenda of 'green' production if included will keep a large number of products from the developing world out of the markets of developed countries.
5. **No concessions in Agreement on Agriculture:** as it will severely damage the agricultural sector which is already in grave crisis. India must withdraw completely from any further negotiations on the Agreement on Agriculture.
6. **No to further liberalisation of services:** With an economy in which almost 54% of the GDP comes from

PRESS STATEMENTS

Joint Trade Union Press Statement

3 September 2009, New Delhi: TRADE UNIONS OPPOSE THE 3- 4 SEPTEMBER TRADE MINISTERIAL MEETING HOSTED BY GOVERNMENT OF INDIA

We the, progressive and democratic Indian trade unions, marched with hundreds of our activists and members, to Parliament earlier today to express deep concern over the present turn of the negotiations on the WTO Doha Round at the ministerial meeting hosted by the Government of India on 3-4 September 2009 in New Delhi. We believe that it will lead to far-reaching tariff liberalization, which will not only severely affect employment and working conditions of millions of workers in India and other developing countries

services of which a considerable section is in the public sector, liberalisation of this sector would have very serious implications not only with regards to employment but also with regard to delivery of these services.

7. Protect our Ecosystem and Community Rights by rejecting implementation of Intellectual Property Rights:

The issues of protecting biodiversity and traditional knowledge, which once again impacts our ability to create resilient farming and ecosystems amidst food and climate crises have been undermined by the new regime of intellectual property protection and the negotiations, are not moving towards safeguarding people's interests. We urge the GoI to stand by their position and not dilute it by making the obligation proposed under the treaty merely voluntary rather than mandatory.

In view of the foregoing we call upon the Government of India to closely examine the manifesto commitments on the WTO of the various parties in the UPA Government and ensure that the position that the UPA Government pursues on the WTO is set out in a white paper and discussed in the Parliament. Furthermore, Government must ensure that it does not make any commitments without consulting the parliament and state legislatures and that reference to the legislature must be preceded by extensive consultation with trade unions, agricultural workers organisations, peasant organisations and other social movements.

We the trade unions, All India Central Council of Trade Unions, All India Trade Union Congress, All India United Trade Union Centre, Hind Mazdoor Sabha, Trade Union Co-ordination Centre, United Trades Union Congress and New Trade Union Initiative, call upon the Government of India to act within the democratic framework of the republic and hence ensure that its actions protect, and do not in any manner undermine, the livelihood of the working people of this country who constitute the republic's vast majority.

Issued by Swapan Mukherjee (AICCTU), H. Mahadevan (AITUC), Shankar Saha (UTUC), R.A. Mittal (HMS), S. P. Tiwari (TUCC), Abani Roy (UTUC) and Ashim Roy (NTUI)

4 September 2009, New Delhi: INDIA BETRAYS FARMERS AND WORKERS BY ENDORSING WTO DECEMBER TEXTS; MINI-MINISTERIAL RESULTS IN MORE US DEMANDS

The much hyped Delhi mini-ministerial ended today with most developing country delegates saying that it was business as usual with negotiations going back to Geneva and Chairs of the Negotiating Committees of the Doha Round. However, Indian Commerce Minister Sharma summarized the meeting by saying that both the G20 and the G33, "were of the view that the texts of December 2008 must form the basis of future work."

Late last year the chairs of the Agriculture and NAMA working groups had issued revised draft texts to be used as the basis of further negotiations. The texts were criticized by many developing countries as imbalanced and that

differences amongst the membership were not adequately reflected. This flies in the face of India's rhetoric that the Delhi conclave was about development concerns.

"Minister Sharma promised us in a meeting with farmer leaders on September 1 that he would not undermine the interests of farmers in India at the WTO. Then he turns around and endorses an agriculture text that allows us to protect only 5% of our agriculture products from any customs duty cuts. Furthermore it has ineffective safeguard mechanisms that will not save our farmers from chronically subsidized products coming from the USA and EU. This is a clear betrayal of the 65 crore farming community that is already devastated by India's agrarian crisis". said Yudhvir Singh from the Bharatiya Kisan Union (BKU). We will intensify our mobilizations at the local, state and national level until Minister Sharma and the Prime Minister live up to their promises of protecting farmers livelihoods.

The BKU organized a massive rally of 51,000 farmers who courted arrest in the Capital on September 3, the day the meetings began. The three day affair was mainly a talk shop about process that resulted in yet another scheduled senior level meeting in Geneva on September 14. It also clearly revealed US's agenda of even greater market access than is currently being offered in the December texts. The US for instance wants clear market access on specific crops such as corn, rice, cotton and soya---the crops heavily subsidized and dumped onto world markets. The latter three are a source of livelihood for millions of farmers and agriculture workers.



NTUI Rally in Delhi against the WTO Mini-Ministerial

Ashim Roy, General Secretary of NTUI who led hundreds of workers from across from the country said that, "It is most disappointing to see India gloat over its feeble initiative to avoid being a scapegoat in the global arena at the expense of industrial workers and fisherfolk and undermining national autonomy. The December NAMA texts will leave as little as 1% of water between our applied and bound rates at the WTO. This is a real shame that India cares more about validation from the US and

the G7 rather than the future of its own manufacturing and fisheries and defending the developing world.”

“The Indonesian trade minister as leader of the G33 will have a rude awakening back home in the months ahead as she has also endorsed the December texts. These ministers need to realize that it is not about numbers that the commerce industry compromises on but about life and death for farmers and workers who cannot compete with transnational agribusiness,” said Henry Saraghi from the Indonesian Peasants Union and La Via Campesina.

Signed by Yudhvir Singh (BKU), Gautam Mody (NTUI), and Henri Saraghi, (La Via Campesina) among others .

9 September 2009, New Delhi: JET AIRWAYS - STOP UNION BASHING! SUPPORT THE WORKERS FIGHT FOR RIGHT TO ASSOCIATION AND TRADE UNION RIGHTS!

The New Trade Union Initiative condemns the illegal dismissal of two Jet Airways pilots, Captains Balaraman and Sam Thomas on 31 July 2009, exactly 7 days after the pilots registered their union, the National Aviators Guild (NAG), on 24 July 2009. Captains Balaraman and Sam Thomas, the General Secretary and Joint Secretary respectively of NAG, had been at the forefront of union formation and the union has the support of 85% of the 760 pilots employed by Jet Airways. Jet Airways management refused to recognise the union and went on to summarily dismiss two of its office bearers. Management has dismissed an additional 5 pilots earlier today for supporting the struggle for their democratic rights.

The right to association is a recognised right of workers, enshrined in this country's constitution and protected by national statute and requires no justification. In fact, the pilots were forced to register a union because the Jet Airways management stopped consulting with the ten year-old pilots' welfare body, the Society for Welfare of Indian Pilots (SWIP), on the grounds that this body did not have any legal standing to negotiate with management. Jet Airways management has also refused to recognise the National Aviators Guild which is a duly registered union with the Registrar of Trade Unions, Maharashtra. Hence, the Jet Airways management believes it is above Indian law.

Both SWIP and NAG gave the Jet Airways management ample time to reinstate the illegally dismissed pilots before NAG finally issued a 2-week notice for a strike on 24 August, three weeks after the dismissal of the two pilots. The matter was referred to the Regional Labour Commissioner (RLC) for conciliation the next day. The RLC advised that under provision of law, the Jet Airways management cannot terminate the services of any pilot and the pilots cannot go on a strike as long as the matter was under conciliation.

The Jet Airways management went to the Bombay High Court despite the matter being under conciliation. Since

there is no strike, the strike notice was withdrawn, and no court of competent jurisdiction has declared it illegal, the Bombay High Court ought not to have interfered at this stage, particularly as the Union was not present and may not have been served notice. However, by terminating the services of the additional pilots today, the management has acted in contravention of the conciliation proceedings under the provisions of the Industrial Disputes Act. Furthermore provisions concerning public utilities can not be invoked against a single service provider when other service providers are available to travellers.

The Government of India has also allowed itself to act in concert with the Jet Airways management with the Union Home Secretary G. K. Pillai writing to the Chief Secretaries of all states advising them to invoke ESMA against the sick leave of Jet Airways pilots. Earlier this afternoon the Union Labour Minister Mallikarjun Kharge was virtually egging on the Ministry of Civil Aviation to invoke ESMA.

The actions of Jet Airways management against a duly registered trade union with publicly displayed support of those it represents, engaging in legally sanctioned actions to have its grievances addressed, stands in stark contrast to the same management's actions earlier in August 2009 when it got together with other private airlines and attempted to arm-twist Government by threatening to suspend all airline operations if the Government did not bail them out of a financial crisis of their own making.

The NTUI demands that the Jet Airways management:

- Stop violating the Indian constitution and recognise the National Aviators Guild
- Reinstatement all the dismissed pilots immediately
- Stop victimisation of workers
- Stop engaging in unfair labour practice

The NTUI calls upon the Ministry of Labour to defend the right to association and ensure that Jet Airways management follows the due process of law and engages in negotiation with the registered trade union, the National Aviators Guild.

ALERTS

All-India Trade Unions Day of Protest on 28 October 2009

A National Convention of Workers was organised jointly by AICCTU, AITUC, AIUTUC, BMS, CITU, HMS, INTUC, TUCC and UTUC on 14th September 2009 in New Delhi. This Convention, having made a joint assessment of the condition of workers, issued a statement with a common set of demands and called for a joint programme of organising an All-India Protest Day on 28 October 2009.