



UNION POWER

NTUI

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EDITORIAL

On 7 June 2010, more than 25 years after the world's worst industrial disaster that killed 25000 and affected over 6 lakh people, a Bhopal court convicted eight former functionaries of Union Carbide (India) Limited – all Indians - of "causing death by negligence" and sentenced them to two years imprisonment. The accused were fined Rs 1 lakh each and immediately granted bail. The Judge, P Mohan Tiwari, also found Union Carbide (India) Limited guilty and directed the erstwhile company to pay Rs 5 lakh as punishment under section 304(A), Rs 250 under section 336, Rs 500 under section 337 and Rs 1000 under section 338. The Supreme Court in 1996 had modified the charges against the Indian accused -- from culpable homicide not amounting to murder, which is punishable by up to 10 years in prison -- on grounds that culpability lay with Union Carbide Corporation, which, in turn, has paid only \$470 million in compensation to the Indian government 20 years ago. Dow Chemicals, which bought the company in 1999, says this settlement has resolved all existing and future claims against the company. While we see no merit in extraditing a nonagenarian and possibly senile Anderson twenty five years after the crime, this verdict has actually masked the real issue of criminal liability of directors, including non-executive directors, for all criminal acts of their company. The defence for Mahindra in the criminal liability case was that he was a "non-executive" director.

The spectre of the magnitude of the disaster and the travesty of justice that the verdict represented now looms over the proposed nuclear liability bill to be presented before the forthcoming parliament session that proposes to place a cap in nuclear liability in case of an accident, disaster, and to further limit the liability of the power generation enterprise towards the disaster. Further, the case of the BP oil spill in which the US President intervened to force the Company to pay a sum of \$20 billion as corporate liability opened up a Pandora's Box. One factor that drastically pushed up industrial safety and safe technology in the first world was the very large size of compensation for any industrial disaster. Duality in design and safety standard to increase profitability has become an inherent tendency within the imperialist global order that differentially values nations, regions and peoples as well as exert collective pressure to allow for further flexibility in regulation in southern nations suitable that offer attractive opportunities for investment. The opposition of progressive forces to the effort of the Indian government to bring in this legislation for nuclear liability that leaves out suppliers from any liability for accidents, stems from this risk of supply of low-cost and unsafe technology and equipment.

It is therefore crucial to enact a comprehensive legislation on regulation of industrial health and safety with strict punitive actions for violations that amount to 'criminal liability'. It is also essential that the government immediately develops a framework to ensure corporate accountability at all necessary levels. Specific to Bhopal, the government should take immediate steps to force the Company to pay at least the originally claimed amount of Rs. 3900 crores to the families of the deceased as well as the survivors and ensure appropriate medical treatment for survivors along with decontaminating the site.

SPECIAL FEATURE

Air India Crisis: Union Concerns for Passenger Safety vs Company's Image and Profits

The first round of confrontation between the unions and the National Aviation Company of India Ltd (NACIL) left 58 staff terminated, 24 employees including 15 engineers suspended, two powerful unions de-recognised, their offices sealed, 138 flights cancelled, 13000 passengers affected and a revenue loss of Rs 10 crore.

It is time to pause and take a look at the terrain of the new round that will surely come. Will it be fought by the two unions or an alliance of all unions in the company or at the industry level? Is it sign of new round of unionization of service industry or another destruction of old unions built in the shadow of the Public Sector? For the unions in the aviation industry, and in general, it is time for deep reflection, developing strategies and building newer and broader alliances. In many ways our ability to do so will decide the outcome.

Safety of Passengers

A substantive issue involved in this incident is the safety of passengers. The safety review of India by International Civil Aviation Organisation is not good overall, and is extremely poor in the area of qualification and training of technical personnel. India received a rating of 2 out of 10 in this sphere. It was this concern that was raised by Y.V Raju, the General Secretary of the AIAEA, when he spoke to the media about the competence of the Kingfisher engineer who certified an AI Airbus 320 flight for take-off from the Mangalore airport on 22 May 2010. Instead of addressing this issue, the Air India management decided to confront the union and take actions against union leaders on the basis of an internal memo circulated in July 2009 that prohibits AI employees from making public statements that may damage the image and commercial interests of the carrier.

Safety is too serious an issue to be left to Companies. There is enough evidence that safety issues and rules are neglected. More so, when a company is in the red or there is an economic slowdown and crisis. Today, when airlines are not paying fuel and airport charges, and even lease charges for aircrafts, safety routines are bound to be affected. It took a threat from the US Federal Aviation Authority to downgrade India in their system and the intervention of our Prime Minister to reverse the course. However, just external regulation and recruitment of safety officials is not enough. An internal agency with political capacity and will to drive it is needed. Whistleblowers require institutional

support. Who better than unions? In our view, the unions can, and must act, as the conscience of consumers in service industries. At the same time unions need to view this as being of intrinsic value and not just a bargaining chip. We need to convince the public of our sincerity, consistency and capability, and win their confidence.



*Air India Employees on strike at the Chennai Airport.
Photo courtesy The Hindu*

The need to protect a company's reputation must never be allowed to override safety concerns. The responsibility of developing an internal mechanism and institutional culture that maintain a balance between them, lies with the Ministry of Aviation. In absence of such a transparent and credible mechanism, it is natural for such concerns to spill into the public domain. The actions of NACIL were uncalled for and contributed to precipitating the industrial action. In the end, the government appointed a 28 member Civil Aviation Safety Council, with the DGCA Chairman heading it. They could have taken on the safety concerns of the unions and engaged them to build a participatory process. Even in this first step, the Safety Councils have no union representatives, not even from the professional associations.

This reflects the government's underlying fault line: seeking a turnaround of the public sector without participation of key stakeholders. Without developing strong values, embodied and enforced through a participatory model, it will not be possible to break the vicious circle of capital infusion and leakage. Praful Patel, the Minister for Aviation forced the merger of Air India and Indian Airlines, but could not integrate them. He argues for strategic disinvestment but demands capital infusion of Rs 5000 crore. He takes a good company and merges it with a sick company to create a big sick company! Is there an underlying logic to his unapologetic conviction in privatization and willingness to subvert state growth? Praful Patel's advisors must have reminded him of former President Reagan's role in breaking the Air Traffic Controllers' Strike in the US

that ushered in an era of unbridled attack on unions and fast paced privatisation. It is therefore unsurprising that Praful Patel is being lauded in the edit pages of the business press.

Role of the Judiciary

The repeated use of Judiciary to de-legitimise unions is another ominous trend. The High Court of Delhi ought not to have given an *ex parte* order declaring the strike illegal. If the strike is illegal under section 22 and 24 of Industrial Dispute Act, so are the suspensions and dismissals in midst of a conciliation proceeding. The government has powers to act and therefore the process of bargaining should have been allowed to play out. The legality of actions could have been assessed in totality, and lessons learned by all. Due to the Delhi High Court's actions The Company was emboldened to act, more than it was necessary, and as result the collateral damage is wide and deep. It will require more energy, resources and time of the Company to clear the debris of this assault which could have been otherwise used for turning around the company.

In fact, the strike is in the first place a reaction of broken industrial relations. It affects 31000 thousands employees and 10000 contract workers. There are many issues to be addressed and resolved: the delayed payment of wages, parity of wages and career progression, wage revision and productivity linked incentives, contractualisation to name a few. And yet these have been dragged for too long without a clear road map or degree of reasonableness. So this confrontation was bound to happen. Though, the union was right on all issues that it raised, yet it got a beating and lost the sympathy of the very middle class it is a part of. This should force us to reflect on the timing and wider perception of our actions as they can seriously affect the outcome.

Before the next round, the unions have to introspect. If the core struggle is against the privatisation of a public sector airline in a neo-liberal environment, then, to win it, we have to ensure that Air India retains its dominance in price, service and market share in the airline industry. Only then can the value of the Public Sector in controlling and regulating the private industry be understood and defended by all, even by the middle class. For such a struggle, the unions have to give strategic depth to their battles, overcome their fragmentation through reorganisation and democratization. Unions must also ally with other social movement to win the battle of opinion making in wider society.

Ashim Roy

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AFFILIATE NEWS

Kachra Vahatuk Shramik Sangh demand pending dues: 2 June 2010, Mumbai: Over 2,000 conservancy workers protested outside the Brihanmumbai Municipal Corporation (BMC) head office at CST on 1 June demanding dues pending for two years. The temporary contract workers of the BMC's solid waste management department represented by Kachra Vahatuk Shramik Sangh (KVSS) claimed that though they are entitled to 21 paid leaves per year they have not been paid for the same since 2008.



KVSS members at the BMC Headquarters

There are about 6000 conservancy workers in the city, who earn Rs 180 per day as minimum wages. They have not been paid for the 42 paid leaves in the last two years. Despite repeated representations to local ward offices, the BMC had not paid the workers. The workers have decided to go on strike in future if their demands are not accepted.

Dehati Mazdoor Morcha Protest against Non-payment of Increased NREGA wages: 11 June 2010, Ludhiana: While wages of workers employed under the National Rural Employment Guarantee Act have been revised on two occasions, it is far from being implemented. To protest against this, the Dehati Mazdoor Morcha led by Comrade Tarsem Jodha demonstrated outside the District Collector's office on 11 June and submitted a memorandum, which was also sent to the Chief Minister.

Workers are being paid Rs 123 per day while the latest revision has fixed it at Rs 142.77. On 1 April 2009, daily wages of NREGA workers was fixed at Rs 133, which was increased to Rs 136.79 in September 2009. NREGA has not even been implemented in many villages yet. In many villages, even the rozgar sewaks have been expelled from their jobs.

PBKMS organises Blood Donation Camp in Badu: 19 June 2010: Badu Sanghati Janaswasthya Adhikar Raksha Yojana, formed by PBKMS, organised a Blood

Donation and Eye-screening Camp on 19th June at Maheswarpur, Badu. About 50 people donated blood in this camp. The Badu Sanghati Janaswasthya Adhikar Raksha Yojana is a health programme that provides subsidised health services to the poor and marginalised people in the adjoining rural and urban areas.

CAMPAIGN NEWS

Revisiting the Emergency: In defence of Democracy:

On 26 June 2010 a meeting was organised in Delhi to mark the 35th anniversary of the Emergency by a coalition of Delhi human rights groups and individuals including Delhi Forum, PUDR, PUCL, NAPM, Delhi Solidarity Group, NFFPFW, Campaign for Judicial Accountability and Reforms and INSAF. Comrade Ashok Chowdhary addressed the meeting on behalf of NTUI and NFFPFW and stressed on the need for strengthening the relationship between mass organisations and social movements.

Crisis in Sri Lanka: 8 June 2010, Delhi: A number of organisations and concerned citizens from across South Asia came together in a meeting in Delhi to condemn the policies and diplomatic choices of the Sri Lankan and Indian governments which are against the interests of the people of Sri Lanka, especially those directly affected by the war.

This meeting was held on 8 June while the Sri Lankan President Mahinda Rajapakse was visiting New Delhi. It is more than a year since the 'War' was declared to be officially over by the Rajapakse government. There have been an unaccounted number of deaths of civilians in the last phase of the war, beginning in 2006, due to aerial bombing and artillery attacks. Estimates range from 7,700 to 22,000, and this is without counting those who died due to deprivation of food and nourishment, lack of basic amenities leading to disease and adverse weather conditions. Over 300,000 people have been displaced, of whom around 63,000 are still in restricted camps, controlled by the military. As on 15 January 2010 there were over 10,833 surrendered persons and detainees in 14 special camps. The whole country continues to face the heavy-handed presence of the military, which has been granted police powers. The draconian Prevention of Terrorism Act continues to be in force along with emergency regulations.

India has been involved in making available weapons and surveillance mechanisms to the Sri Lankan Government. The Indian government is now also involved in a range of development projects in Sri Lanka, including in the war torn areas that go against the interests of the people of Sri Lanka, especially those in the north and east. A range of business deals have been made between India and Sri Lanka, from setting

up oil plants in so-called "Special Economic Zones" (SEZs) to building highways and flyovers.

CAMPAIGN ON TRADE

India implements FTA with Vietnam, Myanmar: 1 June 2010: India implemented the Free Trade Agreement with two more ASEAN countries - Vietnam and Myanmar - by slashing duties on hundreds of products, including seafood, chemicals, apparel and tyres. In turn, these countries would also slash import duties on hundreds of Indian goods. In accordance with the agreement, duties on products such as fruits, nuts and seafood would be reduced by about 70 per cent. The agreement, signed with 10 South-East Asian nations in August 2009, is already functional with three ASEAN members -- Singapore, Thailand and Malaysia. The notification was issued by the Central Board of Excise and Customs.

India, Sri Lanka work to resolve CEPA deadlock: New Delhi, 10 June 2010: India and Sri Lanka progressed further on resolving the political deadlock over Comprehensive Economic Partnership Agreement (CEPA) that seeks deeper economic ties between the two nations. An agreement, however, might be clinched only towards the end of the year. The two countries have also agreed to launch a CEOs Forum to involve the business community in a dialogue to generate ideas to deepen and broaden the bilateral economic partnership.

Negotiations on services and investment sectors have already begun. The CEPA would mean India reducing its negative lists by another 114 items while Sri Lanka would reduce by 32 items. By the Indo-Sri Lanka FTA, Sri Lanka has a negative list of 1,180 tariff lines while India, of 429. India has also offered additional concessions on garment quota of 8 million pieces that was granted under the FTA. Port entry restrictions and conditions of sourcing fabrics from India have also been removed. In the services sector, too, India will open about 80 sub-sectors and grant deeper concessions in each of these areas while Sri Lanka will open about 20 sub-sectors with restrictions.

India-SACU to conclude Preferential Trade Agreement soon: 4 June 2010, New Delhi: Talks for signing a Preferential Trade Agreement (PTA) between India and South African Customs Union (SACU) are in progress. South Africa is perceived as one of the most attractive destinations for Indian investors and many Indian companies in the agro-processing, pharmaceuticals, energy, tourism, mining, film industry have invested substantially in South Africa. In a bilateral meeting between the two Commerce Ministers, the need for sustained and institutionalised dialogue at the ministerial level on issues relating to trade and investment and speedy conclusion of various

agreements, especially India-SACU PTA and Bilateral Investment Promotion & Protection Agreement (BIPPA) was emphasised. The major items of exports to South Africa are petroleum, drugs, pharmaceuticals and fine chemicals, transport equipment, electronic goods and machinery. The major items of imports from South Africa are gold, coal, coke, inorganic chemicals, non-ferrous metals, pulp and waste paper.

CAMPAIGN ON CLIMATE JUSTICE

India, Canada sign Nuclear deal: 29 June 2010, Toronto: India and Canada signed a civil nuclear cooperation agreement on 28 June 2010. Both countries resolved to ratify the accord and complete all remaining steps soon. This agreement will provide access for Canada's nuclear industry to India's expanding nuclear market. Canada plans to supply 2,000 tonnes of uranium to power India's existing and future reactors.

According to MEA sources the Canada agreement would provide for cooperation in "design, construction, maintenance, sharing of operating experience and decommissioning of nuclear reactors, supply of uranium, projects in third countries, nuclear fuel cycle and nuclear waste management. India is keen to access new reprocessing technology and has already committed more than one civilian-dedicated reprocessing facility for the purpose. But apart from France, no other country has so far offered this technology.

Dubious Carbon Credit Project in Delhi, a public health disaster: New Delhi, 26 June 2010: Disregarding Supreme Court's order as well as the adverse order of the Delhi High Court, Sheila Dikshit laid the foundation for a polluting waste to energy plant in the national capital. This plant will emit large quantities of hazardous and toxic emissions (such as dioxins and furans) due to burning of Municipal Solid Waste, and will profoundly affect the health of the people living in the surrounding areas and environment. The proposed site is located in the residential area of Okhla. Despite repeated protests by locals, the New Delhi Municipal Corporation (NDMC) has permitted Jindal Urban Infrastructure Ltd to set up this plant that will produce 16 MW power from 2,000 metric tonnes of municipal waste. The plant is scheduled to be commissioned in late 2010-2011. A similar waste to energy project will also come up at Ghazipur, East Delhi.

The Delhi Government and the Ministry for New and Renewable Energy are oblivious of the fact that recycling the waste would not only prevent toxic emissions and recover valuable waste materials but also create almost six to ten times more jobs than incinerating it as is envisaged in the project.

NEWS UPDATES

Social Security Fund for unorganised workers: *New Delhi, 2 June 2010:* The UPA government's *Report to the People 2009-10* released by the Prime Minister noted that the government is committed to extending social security cover to all sections, and hence has decided to set up a National Social Security Fund for workers in the unorganised sector. The National Social Security Fund for workers in the unorganised sector would cover weavers, toddy tappers, rickshaw pullers and bidi workers with an initial allocation of Rs. 1000 crore.

Working Group for sanitation and leather workers constituted: *New Delhi, 29 June 2010:* In consultation with the Social Justice and Empowerment Ministry, the Labour and Employment Ministry has constituted a Working Group to look into the issues concerning sanitation and leather workers. The Working Group will look into the issue of framing of legislation for certain matters relating to the workers, and submit its report to the Ministry by 30 September. The group of 15 members would include Anil Swarup, Joint Secretary/Director General (Labour Welfare) in Labour and Employment Ministry, and a representative each from the Union Ministries of Social Justice and Empowerment, Urban Development, Railways and Planning Commission. It will also include a representative of V.V. Giri National Labour Institute, and also from the ILO.

West Bengal Tea workers demand hike in wages: 7 June 2010: The Coordination Committee of the Tea Workers Union observed a 24-hours strike in West Bengal's Darjeeling District on 7 June demanding hike in wages. The Defence Committee of Plantation Workers Rights also participated in the strike. The strike was called on the nine-point charter citing different demands for the workers including increase in the wage rate, re-opening of closed tea gardens as well as demands for better housing and medical facilities.

New pension scheme for construction workers in Andhra: The State Building and other Construction Workers Welfare Board has decided to introduce a new pension scheme that envisages payment of Rs 1,000 a month for registered construction workers who have attained the age of 60 years.

The scheme was ratified by the board at the meeting held by Chief Minister. All registered workers between the age group of 18-50 years are eligible to enroll under the scheme. The annual contribution of the worker will be Rs 200, while the board and the Union government pays Rs 1,000 each towards premium. The board also approved the proposal to extend Rs 2 lakh under the Personal Accident Benefit Scheme. Besides, an amount

of Rs 5,000 will be paid under the Maternity Benefit scheme. Each worker's family will also be paid a funeral expense of Rs 5,000 and will be provided free ambulance services for shifting the body to the deceased's native place.

Sit-in Strike at Hyundai plant in Sriperumbudur halts production: 410 workers within the plant and 400 others outside went on a flash sit-in strike at the two Hyundai Plant in Sriperumbudur on 7 June demanding reinstatement of the 67 workers dismissed after the July strike in the plant. The CITU-affiliated Hyundai Motor India Employees Union (HMIEU) is also demanding recognition of the union, a registered body that was formed in 2007 and the only union in the company. The union was also protesting irregular employment practices in the plant and the hiring contract workers for direct manufacturing. The factory employs 1,650 permanent workers, 2,000 casual workers, 1,500 apprentices, 1,000 Hyundai trade apprentices and 1,200 technical trainees.

The three-day strike was called off on 9 June following an agreement between the management and the union. They signed an MOU in the presence of the state Labour Minister and officials from Commissionerate of Labour. A 6-member review committee with two representatives from the union, company management and labour commissioner office will be constituted to consider the reinstatement of the 35 dismissed employees on a case by case basis. The remaining 32 dismissed workers have to seek legal recourse. The recommendation of the committee will be binding.

Union formed at Ford in Chennai: 21 June 2010: After a long drawn struggle for forming a union at the Ford plant in Chennai, the Ford India Employees' Union (FIEU) was registered on 18 May 2010 and is now seeking recognition from management. The union is affiliated to CITU. Ford employs 1,200 permanent employees at the plant and between 2,500 and 3,000 apprentices. A further 600 materials handling jobs are outsourced to a separate logistics company.

INTERNATIONAL NEWS

ACFTU Seminar on Employment and Employability in Beijing: The All China Federation of Trade Unions (ACFTU) organised a three day Seminar of South Asian Trade Union Leaders from 18 - 20 May 2010 on Employment and Employability in the region to strengthen exchange and cooperation in the region to fight against the post-financial crises risks and challenges. It was attended by representatives from the Pakistan Workers Federation and Pakistan Labour Federation from Pakistan, All Nepal Trade Union Federation, General Federation of Nepalese Trade

Unions, Confederation of Nepalese Professionals, Nepal Trade Unions Congress-Independent from Nepal, Bangladesh Trade Union Centre, Jatio Sramik Federation-Bangladesh, Jatio Sramik League, Bangladesh Workers' Federation, Bangladesh Jatiyatabadi Sramik Dal from Bangladesh, Ceylon Workers Congress, Ceylon Federation of Trade Unions, Ceylon Federation of Labour, Lanka Jathika Estate Workers Union from Sri Lanka and AITUC, BMS, CITU, HMS, INTUC and Comrade Ashim Roy of NTUI from India.



International Delegates at the ACFTU Seminar in Beijing

ACFTU was represented by Comrades Chen Rongshu, Vice Chairman and Member of the Secretariat-ACFTU, Zou Zhen, Director General, Social Security Department-ACFTU, Wang Zhoubo, Deputy Director General, Institute of China Labour Movement, Peng Yong, Depute Director General, International Liaison Department-ACFTU among other sectoral leaders.

9th Congress of SIGTUR in Sao Paulo: 110 delegates from 26 countries assembled at Sao Paulo, Brazil for the 9th Congress of the Southern Initiative on Globalisation and Trade Union Rights (SIGTUR) on 18-22 April 2010 and expressed their firm determination to fight globalisation and attacks on trade union rights all over the world. The CUT hosted the Congress. Trade unions from Brazil, Argentina, Paraguay, Bolivia and Colombia from Latin America, South Africa, Senegal, Togo, Ghana, Nigeria, Guinea, Kenya, Sierra Leone, Congo, Tunisia, Zambia, Angola and Eritrea from Africa, India, Thailand, Malaysia, Indonesia, East Timor, Philippines and South Korea from Asia and Australia. Besides CUT (Brazil), COSATU (South Africa), KCTU (South Korea) and ATUC (Australia), a 16 member delegation affiliated to CITU was present from India. NTUI was represented by Comrade Gautam Mody.

Besides detailed deliberations in Commissions on issues of free trade, multilateral institutions and struggle for global justice, on the crisis of capitalism and its effect on working class, on the climate crisis, on the role of the TNCs and prospects of enhancing working class

solidarity, on Decent Work and a special commission on gender discrimination at workplace, the Congress passed a strong resolution condemning Israeli aggression in Palestine and called for solidarity action for the people of Palestine. The Congress adopted a declaration that calls for a world free from nuclear weapons, wars of aggression and occupation, economic blockades and unjustified sanctions.

Gaza Freedom Flotilla Attacked, 19 killed, over 60 injured, rest detained: The Free Gaza Flotilla of 6 ships with 700 international activists on board and carrying 10,000 tonnes of humanitarian aid were attacked by Israel, killing at least 16 and injuring dozens. The attack was launched on May 30th night in international waters, 65 kilometres from the Gaza coast. The Israeli attack on ships in international waters is completely illegal. That it killed a large number of unarmed peace activists shows the contempt it has for international law and any canon of civilised behaviour.



March in Solidarity with Palestine in Johannesburg

Gaza and its 1.5 million residents have been facing a 3-year long brutal siege. The siege was intensified after the 2008 Gaza war, in which more than 1400 were killed and large sections of Gaza completely demolished.

The COSATU has launched a national campaign against "the Israeli occupation of Arab lands" demanding that South Africa impose a boycott on all Israeli goods and break all diplomatic relations with Israel. COSATU also belongs to a recently-formed coalition of organizations operating under the banner "End the Occupation." The organizers intend to picket across South Africa which will culminate in mass marches and rallies on 9 June, both in Cape Town and Johannesburg.

ILO sets standards for Domestic Workers' Rights: 9 June 2010: The International Labour Conference of the ILO has overridden opposition from Bangladesh, India, and some other countries and employers to adopt a convention on the rights of domestic workers around the

world. Opponents to the measure tried to have the document limited to a non-binding "recommendation." Support for the convention came from China, the Maldives, Sri Lanka and Thailand. The new convention was passed at the ILO's June 2-18 meeting in Geneva, attended by more than 2,500 delegates from member countries, trade unions and employer's confederations. It provides for freedom of association, fair terms of employment and decent working and living conditions, easy access to dispute settlement procedures, regulation of employment agencies and protection of migrant domestic workers.

15,000 garment workers block Dhaka streets: 30 June 2010, Dhaka: At least 15,000 protesting garment factory workers blocked key roads in Dhaka. Police fired tear gas and used water cannons to disperse the workers after they blocked a major intersection in the north of the city. The trouble began at four factories, owned by one of the country's leading garment manufacturers, and then spread to all of the dozens of factories along a five-kilometre stretch of road in the Kafrul and Mirpur areas. This unrest is the latest in a series of violent protests over low wages in Bangladesh's more than 4,500 garment factories.



Bangladeshi garment workers protest against low minimum wage. Photo Courtesy AFP.

A week ago at least 76 factories were shut down and more than 100 were injured after tens of thousands of workers battled with police over wage-hike at Ashulia industrial area. Police fired rubber bullets, lobbed tear gas shells and used water canons to disperse the workers. The protestors were demanding a minimum monthly wage of 5,000 Tk. The factories were reopened a day later after the government brought in nearly a thousand riot police to guarantee security. At least 250 people were injured in the clashes. As many as 50,000 to 60,000 garment industry workers have been booked for violence. Garments accounted for nearly 80% of Bangladesh's 15.56 billion dollars of exports last year. The garment sector employs three million workers, mostly women, constituting around 40% of the industrial workforce. The current minimum wage is

less than 2000 Tk. A Bangladesh parliament committee has told the government to declare 'a time befitting minimum wage structure' by 29 July. The parliamentary standing committee on labour and employment also recommended taking measures to resolve all the other problems in the garments sector.

PRESS STATEMENTS

10 June 2010, New Delhi: NTUI condemns Bhopal Gas Verdict: An Unpunished Crime by Industry

Twenty six years have elapsed before the world's worst industrial disaster due to criminal corporate negligence has led to a verdict – a two-year imprisonment to seven Indian officers of Union Carbide, not one of whom will have to spend even a day in prison. The delay in pronouncing the verdict and the inadequacy of both compensation and punitive action constitute a travesty of justice.

The consequences of the Bhopal gas leak are yet to be ascertained in their entirety. The death toll exceeds 15,000 and the total number of victims is over 5 lakh. However, the long term genetic effects of methyl-isocyanide have still not been fully understood, the site continues to be heavily contaminated and environmental damage resulting from the leak is yet to be assessed. Despite the magnitude of this disaster, the response of the Indian judiciary and polity has been tawdry and apathetic. In 1989, the government settled for a compensation package of Rs.705 crores in an out-of-court deal with Union Carbide (UC) sanctioned by the Supreme Court (a mere 18% of the original amount claimed) – this amounts to an average of Rs. 10,000 per victim for irreparable damage to health and capacity to earn a livelihood, a lifelong sentence of medical treatment and the knowledge that adverse effects may be visited upon future generations.

The NTUI notes that the trial court was handed down a severely restricted mandate by the Supreme Court, when the latter in 1996 diluted the charges from culpable homicide not amounting to murder (punishable with 10 years' imprisonment) to causing death due to negligence (with maximum imprisonment of 2 years), the provision used most commonly for traffic accidents. This, despite the prosecution presenting ample evidence that the UC management was operating a defective plant at Bhopal and was aware of lapses in maintenance and safety norms at the factory. While UC has repeatedly refused to take responsibility for such design flaws and operational laxity, it has been allowed to sell its business to Dow Chemicals which, against all tenets of corporate law, has refused to assume the liabilities of UC in India.

The Bhopal incident is reminder of the ominous trend of relocation of hazardous industry to developing countries without the accompanying safeguards in design and operation. This trend is accentuated by the tendency to exempt industry from criminal liability in case of a disaster and impose limited civil penalties. A case in point is the Indian government's determination to push through a nuclear liability bill that caps liability of nuclear companies to a paltry Rs. 500 crores in case of a nuclear disaster. This, despite full knowledge that risks from a nuclear disaster would dwarf the Bhopal gas disaster.

Today when the Indian government is aggressively pursuing corporate investment, it is critical to ensure that any industrial venture, particularly hazardous industry, is subjected to the highest standards of scrutiny in design and operation norms.

The NTUI demands:

- That the government takes up the matter at all necessary levels to ensure corporate accountability.
- The enactment of a comprehensive law on industrial regulation for health and safety with strict punitive actions for violations.
- A review of the Supreme Court's judgement diluting charges and if necessary a fresh probe into violation of safeguards at the UC plant.
- That the government immediately pursues the extradition of Warren Anderson.
- That the government pays the originally claimed amount of Rs. 3900 crores to the victims and continue litigation to recover it from the company.
- That the government and the company take immediate steps to decontaminate the site and ensure appropriate medical treatment for survivors.

The NTUI pledges to support the struggles of the Bhopal Gas victims in their heroic struggle of over twenty five years, for justice and fair compensation.

ALERTS

NTUI Public meeting on Contract Work: 8 July, Baroda

NTUI Public meeting and Rally of Construction Workers: 29 July, Tirunelveli

Right to Food and Work Convention: 6-8 August, Rourkela