

INDUSTRY OF THE NATIONAL COMMISSION ON LABOUR.

II EMPLOYMENT

20. There are no organised arrangements to regulate employment in the construction industry at present except in respect of technical and skilled workers directly employed by Government, who are usually recruited through the Employment Exchanges. The main contractors usually maintain a small nucleus of skilled workers necessary for their operations and out of this pool, the required number of skilled workers is deployed at the work-site by the contractor. The main requirement of labour is of unskilled workers and these are usually recruited locally nearabout the place of work. For this purpose, the contractor usually sends out a Mukadam or a Mistry to scout for available labour. This mukadam goes around the villages recruiting workers and generally also fixes up the rates of wages. Alternatively, the main contractor breaks up his work into small parcels and gives out these parcels to sub-contractors. The sub-contractors then recruit labour for their own requirements. In some cases, there are also labour contractors who do the work merely of finding the necessary number of workers and bringing them to the work site.

21. Because of their scarcity, the skilled workers in many cases do enjoy a fairly high degree of security of employment. The semi-skilled and un-skilled workers, however, have virtually no such security. In fact, since the recruitment of the un-skilled workers is made by the sub-contractors or the labour contractors, the principal contractor assumes no responsibility about the continuity of their employment. It is true that under the Payment of Wages Act, the principal contractor is responsible for ensuring that correct wages are paid even to those workers who are employed through the sub-contractors. However, such responsibility does not extend to continuity of employment. At present, the principal contractor who gives out the work to sub-contractors has no record or information as to the names of the workers actually at work on the project, since such workers are mostly employed by the sub-contractors. If any dispute regarding improper discharge of a workman or non-payment of proper wages arises, the principal

contractor. The workers themselves have hardly any protection in such a situation.

22. The Planning Commission recently set up a Working Group to draw up a standard contract form for construction work. The Group included some contractors also. The Group has suggested, among other things, that contractors should be required to maintain musters and wage records for all workers employed on the projects in the prescribed forms and also to issue employment card to each worker. It has also recommended that "the wages due to every workman shall be paid to him, direct." If this is done, it will certainly go a long way in ensuring job-security to the workmen and in minimising complaints of irregularities in wage payment. Of course, such additional obligations should not be imposed upon the contractors piecemeal. The entire set of recommendations of the working Group should be taken as a whole and the above obligations will follow as a part of them.

23. Thus, the employment problem in the industry falls into two sharply different categories. The skilled workers are very scarce and there are no organised training facilities for training additional workers in the construction trades. The skills of the trade are usually handed down from father to son and are sometimes picked up on the job through learning by doing. Some of these trades have now been designated under the Apprenticeship Act. In practice, however, various difficulties have been experienced in implementing the provisions of the Act in relation to the work of the contractors. Hence, it is unlikely that a large number of apprentices in the construction trades will get recruited or trained under the Act in the near future. It is of the utmost importance that systematic training facilities be provided so that the scarcity of skilled personnel in building trades in the construction industry may be remedied in the shortest possible time. For this purpose, the Industrial Training Institutes should provide extensive facilities for theoretical and related instruction to apprentices in the building trades and on completion of such instruction at the ITIS, they should be given further practical training by the industry itself.

24. On the other hand, the problem regarding the unskilled workers is to ensure for them at least a minimum security of employment. Both the structure of the industry

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at present and the inherent nature of the industry makes this somewhat difficult. All the same, since security of employment is of great importance to a worker, whatever is possible in this respect needs to be done urgently.

25. The problem can be approached sector-wise. In large urban centres where some construction activity can be reasonably expected to go on all the time even if the actual location of the construction work may move from point to point within the centre, it should be possible to evolve some kind of decasualisation schemes on the lines of those governing the cotton textile industry in Bombay and Ahmedabad or those applied in the Ports and Docks. All the construction workers in a particular city should be registered at any one of a suitable number of decasualisation centres distributed over the whole city. The construction contractors should be required to recruit their respective requirements from the pool of the registered workers available at these centres. Wherever possible, a worker should be recruited for a period to be stated, say a month, three months, a year, etc., depending upon the period for which the contractor expects his work to continue, so that the workers and contractors may not have to go to the decasualisation centre everyday. After the tenure of one job is completed, the workers can report back to their decasualisation centres from where they might get recruited for some other work project.

26. The approximate requirements of construction labour in each trade or category within a particular city should be estimated by making actual studies over a period and as soon as the total pool of registered workers in each trade category reaches the estimated figure, further registration should be stopped. Thereby the constant influx of new job-seekers into this industry can be checked and those who are already in the industry can expect to get reasonably steady work. It is true that such a scheme might impose certain restrictions on the contractors which, in the beginning, might be considered irksome by them. All the same, we feel that the scheme will not hamper their operations in any manner, but might actually help them by assuring them of the availability of labour to meet their requirements. The experience of the decasualisation schemes in the other industries can be drawn upon and a pilot scheme can be prepared for some suitable urban centres. The operation of such a pilot scheme will yield valuable data and indicate the

difficulties to be overcome. The final blue print 304
decasualisation scheme, if found practicable on the experience
of the pilot scheme, can then be produced for application in
other urban centres.

27. This kind of decasualisation scheme will not be possible at work-sites which are distant from the urban areas such as the construction of dams or of major industrial projects. In such cases, unskilled workers will usually have to be recruited in roundabout areas, while skilled workers will have to be recruited over a wide area and will have to be taken to the work-site. The requirements of labour at the work-site are not constant. Moreover, when a particular project is completed, it is not usually possible for workers to find work elsewhere close to the original project.

28. The need for providing job security to the employees should not, however, be ignored even in such situations. Each contractor or sub-contractor should be required to estimate roughly how long he is going to need the services of a particular person when he employs that person. It may be that this period may be only short—about a month or two, or it may be fairly long—may be four to five years. In any case, workers should be given, at the time of recruitment, a work card, showing the approximate period for which his services are likely to be required and during that period the contractor should be required to give him work subject, of course, to accepted disciplinary rules and so on. Reciprocally, the worker should also be required to keep himself available for work during the stipulated period. This is important because it is often complained by contractors that the seasonal absenteeism amongst construction workers is very heavy. If the workers are to gain reasonable security of employment then they must also accept the obligation of being available for work during the agreed period of work. This kind of procedure will be beneficial to both the workers as well as to the contractors.

29. There are certain kinds of jobs in the construction industry which are not really casual at all. For instance, the maintenance work on roads, buildings, airports, irrigation canals, etc., is not casual. Similarly, the work of operating and maintaining construction machinery is not casual. Unfortunately, even the workers doing these kinds of work, a large majority of whom are employed either by the Government or by some other public authorities like the Zilla Parishads, do not enjoy the benefits of permanency.

They are employed either as "muster roll" or as work-charged" staff. In either case, they are not deemed to be permanent. We see no justification for denying these workers the full benefits of permanency as are enjoyed by other employees both in the private sector and the public sector who do work which is essentially of a permanent nature. We would, therefore, strongly recommend that employees on such work should not be treated as temporary or casual but they should be treated as permanent and given all benefits accordingly.