

WORKER E VS ARK INNOVATIONS (BEST CORPORATION)

OVERVIEW:

For case -5, the worker has been represented as 'Worker E'. He was appointed as Tailor in the respective company. In 2017, the company was found be locked on a Monday after a week of work in January. The workers were protested for 3 days in company, and then the company agreed to give the workers who want work very sooner and to give the wage settlement, PF, Bonus and compensation for those who are ready to resign the job. Then the protest was cancelled and 58 members wanted to pursue the job. But the company was not stand by their commitments. Then the 58 workers filed a case for conciliation in March 2017 through CITU. But, they were not able to succeed in the labour conciliation and were advised to proceed with labour court. But the case was dropped then due to the misunderstanding between the worker's leader and the CITU leader.

BASIC INFORMATION:

1. Name of the Worker: Worker E
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 51
4. Name of the Company: ARK Innovations - No: 89/2, Avinashi Road, Padmavathipuram, Tirupur - 641 603.
5. Designation of the Worker: Tailor
6. Years of work in the Company: 1 year
7. Dispute Type: Wage Settlement
8. Year of Dispute onset: 2017
9. Concluded/Ongoing: Dropped
10. Year of Conclusion (If applicable): NA
11. Individual/ Collective: Collective

TIMELINE OF EVENTS:

DATE	EVENT
09.01.2017	Company shut unexpectedly, without prior information
10.01.2017	Set of promises given by General Manager of the Company
30.03.2017	Complaint raised before Labour Officer for conciliation
17.04.2017	Petition sent to the District Collector
27.04.2017	Labour Officer called out for 1st hearing of conciliation
12.07.2017	Best Corporation replied to Labour Officer for not coming to conciliation

CASE HISTORY:

a. About the worker

Worker E has worked as a tailor under a contract and his wife worked as tailor in a company shift i.e. as a permanent worker in ARK innovations, a branch of Best Corporation Private Limited. He had worked there for a year and his wife worked there for two years. He had entered into this garment sector when he was 20 years old. He knows tailoring, cutting, and checking. Currently, the couple are doing tailoring in a domestic company for a piece rate after the dispute.

b. About the Company

ARK Innovation P Ltd Company is situated at Varappalayam Pirivu, Nambiyur, Gobi Taluk, Erode District. Below find the list of workers nearing 250 who were working in the said company. Most of them are women workers.

c. Beginning of the Conflict

On 09.01.2017, Monday the above mentioned Company Management shut the doors unexpectedly without any prior intimation. During the previous week all the workers had labored till Saturday and went on week off on Sunday. Later on as usual as they came to work, the Company Management said no work for them and that caused mental agony to all the workers. All workers have lost their livelihood in this situation but nobody from the Company Management took responsibility to respond to the workers.

d. Informal resolution process

As a consequence, on the same day and the following day the workers sat in front of the Company for a protest. Since there was no response from the Company Management side to inform the workers on the reassurance of a job for workers, and so they also had in-house agitation.

This ARK Innovation P Ltd Company is a sister concern of Best Corporation. The below enlisted workers of the Company who had in-house agitation on 09.01.2017 since morning are also members of our Union and hence on behalf of the Union workers intervened the Management and emphasized for solution. The workers issue, and in-house agitation everything were published and telecasted in the media. As a result, Police and other Government Officials also intervened for a solution. Based on the above efforts, on 09.01.2017 night followed by 10.01.2017 Morning, the General Manager of the Company had negotiation with the workers. The following were the resolutions taken,

1. Opportunity to work in ARK like sister concerns of Best Corporation Ltd for those who are willing.

2. Those who are shall not be in the position to continue work; the Company will settle for Job loss aid, PF, Bonus and Salary with reference to the relieving letter the respective workers render to the company management.

3. For those who are willing to continue tenure with ARK Innovation Company P Ltd., shall be accepted but the Management requires some time to discuss.

4. Further, those who wish to go and work in other companies or who wish to relieve themselves from ARK Innovation Pvt Ltd. The Management shall sign to receive Bonus and PF settlement to the workers for one year (2016-2017) and for those who wish to continue with ARK Innovation the Company Management shall settle salary to those workers.

The above stated resolution was promised by the Company Management and we all have accepted it. On 10.01.2017, it was noticed that whatever the Company promised earlier failed to keep it. Among the below enlisted workers, who have conveyed our willingness to continue with ARK Innovation Pvt Ltd., the management have not offered jobs till date. Whenever they approached the Company Management in this regard, they state that they have permanently bunged and could not offer work. As a consequence of the ruthless act of the company, the workers go through mental agony and experience a great loss.

ARK Innovation Pvt Ltd Company failed to adhere to any sort of legal procedures. Without any prior information the Company stopped production. Earlier the Company promised to give the workers reassurance of work but on the contrary it shut the doors permanently and caused the workers to lose their jobs. This act is in complete contradiction with legal aspects.

e. Formal resolution – Conciliation

So the workers, with the support and guidance of union leaders, sent the complaint letter to the labour officer for his/her concern on 30th March 2017. Out of no serious response they had sent another letter addressing the district collector on 17th, April 2017. Then the labour officer had sent the memo to the ARK innovations management to present themselves for hearing at the Labour office for conciliation on 27th April 2017. None of the representatives from ARK Innovation or the Best Corporation had appeared for conciliation hearings. The LO used to send the summon to the company upon the pressure of the workers. Finally, Best Corporation sent the reply letter that they cannot appear on the hearing which failed on the date of 12th July 2017 by saying they had huge stuff of work to do in the company. Even after that the company had not turned up for conciliation. Then the Labour Officer had advised them to move for a case in the labour court. But the case was dropped then due to the misunderstanding between the worker's leader and the CITU leader. The CITU leader told them to proceed with the case, but the worker's leader was not ready as it takes

such a long way to succeed and cannot organize such a huge number of workers till the end of the case.

f. Workers' view on the case process:

_____ Worker E still wants to reassure jobs for the enlisted workers besides facilitating the workers also to receive job loss aid and all other benefits whichever is lawful. Most of them don't get proper employment opportunities later and go for temporary/contract works and daily wage works.

g. Available documents:

_____ Complaint letter sent to Labour Officer, Complaint letter sent to District Collector, Summon sent to ARK Innovation by the Labour Officer, Reply letter from the Best Corporation to LO, list of the affected workers, resignation letter and settlement receipt for worker E's wife.

h. Missing Documents:

_____ Identity document of any worker is missing.