

A Note on the demands of the Kerala Construction
Workers Federation

1. Over the years, construction industry has emerged as a major industry in Kerala. As on today, it has approximately a work force of about 20 lakhs including all categories of construction workers. It is estimated that women construction workers and workers aged between 15 to 18, constitute about two lakhs each. The Kerala Construction workers Federation has been agitating a separate legislative protection for construction workers. The demands include a self-contained machinery for regulating employment in construction industry and for discharging welfare and other social security measures.

2. One of the basic issues against which the Federation has been raising objections is the increasing tendency to resort to sub-contracting system. This appears to be a practice in governmental construction activities, as is the case elsewhere. The experience of the Federation has been that the welfare provision stipulated in the contract Labour system (regulation and abolition) Act, 1980, are not being complied with. There is no way of a construction worker, securing their enforcement except at the cost of his employment and the wrath of the employer. It has also been noticed that equal pay for equal work and for same and similar type of work is not being paid. Women workers are also not being paid equal wages, in accordance with the equal remuneration Act, 1976. Having regard to the nature of the construction industry, with its changing employer and employee and shifting work

place relationship, the abovesaid legislations are not capable of enforcement. They are applicable only in the normal situation of determined employer employee relationship.

3. The erstwhile Government of Kerala had appointed a commission following, State wide struggles and agitations by the construction workers. The Commission was headed by the then Secretary for labour of the Government of Kerala Mr. Mahabala Rao, The Commission studied the matter in detail and had submitted a report, to the Government.

4. The Commission made a recommendation for setting up a welfare Board tripartite in constitution. It envisaged compulsory registration of contractors and construction workers. It found fault with the sub-contracting system. The welfare board was modeled on the basis of a similar Board which is already in existence in the State, in respect of the toddy workers.

5. The Commission suggested the following means to raise necessary funds and money for the discharging of various welfare measures:

- a) lifting of cess on the taxable materials used for construction, such as Cement, Steel, paint, electrical materials etc. The draft bill, for lifting such cess was also annexed with the report;

- b) setting aside a portion in the annual budget towards of the Government/Construction workers welfare fund;
- c) collection of some determined percentage of the contractors bill;
- d) collection of some percentage of construction cost in construction work exceeding value Rs. 1 lakh;
- e) collection of minimum monthly contribution workers, ranging from Rs.10-15.

6. It was expected that the amount collected through the above mentioned 6 sources will meet the liabilities towards payment on accident, compensation medical aid, pension, education of children and financial aid at the time of marriage of daughters of construction workers. The commission also made a recommendation that in course of time, the Welfare Board may take steps to support construction workers meeting their housing needs. The Commission suggested that the Board should commence its functioning with the registration of construction workers in the State of Kerala.

7. A statement was made in the floor of the assembly by the Hon'ble Minister for labour that the process of registration will begin by December, 1988 and would be completed by March, 1989 and that the welfare Board will start functioning from April, 1989. However the process of registration has not commenced. The Kerala construction workers Federation is pressing the Government of Kerala to take immediate steps to give effect to the recommendations of the Commission.

8. The recommendation made by the Mahabala Rao Commission are in tune with the recommendations made by several commissions and bodies at central level. It has accepted in principle the need for regulating the employment in construction industry and an appropriate self contained enforcement machinery, with tripartite participation. The Kerala Construction workers Federation, would therefore urge that the Central Government also to deem it necessary to enact such a comprehensive central legislation.