



# HIND MAZDOOR KISAN PANCHAYAT

Garment and Allied Workers Unit of HMKP

REGD. NO. A.L.C. / KARYASAN- 17/10600

To,  
The Additional Labour Commissioner, Gurugram,  
Panchayat Bhawan, Nehru Yuva Kendra,  
Gurugram, 122001.

Date: 26.11.2018.

**Subject: Memorandum of demands against the widescale violation of the Minimum Wages Act 1948 and the Haryana state Minimum Wages notifications, in the State of Haryana specially in the industrial region of Gurgaon and Manesar, this memorandum is also against the widescale use of contract labour in the garment industry and the auto parts manufacturing industry of the region, the partial and exploitative treatment of women workers in these industries and the termination of workers at short intervals without allowing them work for a longer period so as to become entitled to gratuity and other larger compensations.**

I Amarnath Sharma am the general secretary of the Garment and Allied Workers Union ( now known as HMKP- Garment and Allied Workers Unit) and have been working for the workers of the garment industry this region for the past 10 years and in my 10 years of work I have found that there are several provisions in law whose implementation have not been carried out properly in the State of Haryana.

This memorandum is the third in the series of memorandums that have been given by us to the labour department Haryana citing the infractions in the implementation of specific labour laws. We would like to recall your attention given by us on 28 April 2016 and 4 September 2017, and would like to point out that under these two memorandums also, very little or no action has been taken by your department.

By now it has become pretty conspicuous that the companies/establishments across Haryana are not paying proper minimum wages to their employees and are employing several tactics to carry out this wage theft. These establishments first of all are not paying the appropriate wages of the employees as per the notifications of the government of

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Haryana under the Minimum Wages Act 1948, and are not taking into consideration the actual skill category of the employee and decide to his wages according to that. The seniority of the employee is never taken into consideration and even during the time of filling the application for the job the companies have no point mentioned in these applications where there could ask the employee about this skill category and his past experience in that skill category. It is also pertinent to mention here that the bifurcation of wages is not permissible as per the notifications of the government of Haryana but the establishments of Haryana are carrying out all these above mentioned mala fide steps to deny the workers of their rightful wages.

During our last campaign when we presented our memorandum we also we pointed out these mala fide practices to your office and after that your office asked us provide documents substantiate our assertions and We provided the payslip and other documents of the workers of the companies that we had named in that memorandum, but no action was taken by your office. You also said several reminders add additional documents your office and subordinate offices this but no action was taken by them also.

Under the Contract Labour(Regulation and Abolition) Act, where there was no advisory board in Haryana it was due to our effort that the board was formed in the state in the month of November 2017. Whereas it is very discouraging to know that even after the formation of the board there has been no proper meeting of this board and the complaints against establishments that we filed for hearing, have not yet been presented before the board.

We would also like to point out that it is the duty of this Advisory Board to try every matter complaint that comes before it and it is for the state of Haryana make proper rules for the functioning of this board which apparently has not been done by the State. The garment companies of the State are employing up to 90% or even more contractual workers in their establishments which is leading to wide scale exploitation of these

workers and denial of the rights and entitlements. We are most willing to cooperate with your department for the abolition of these malpractices has stated above, but your department in spite of showing some initial interest did not care take the matters further.

These industries are terminating the workers at very short intervals and in majority cases not even allowing them to complete one year of employment thereby not giving any chance to the worker to become permanent, Be entitled to gratuity and also not paying any retrenchment compensation to these workers. The women workers of the area are facing a different level of bias wherein they are not easily hired in any skilled or highly skilled job or function, there are more women casual and contractual workers in the garment industry than men contractual workers and the women workers face constant abuse and harassment at the workplace which has on several occasions escalated into sexual harassment.

It is our utmost willingness to support the Labour Department in every way to check and stop the violation of these laws by the companies of this region and we have since past several years done this by constantly informing and showing our research and compilation of documents to you, but there has been lack of action on your part. This time again we request and demand that steps be taken to curb these non-compliances and violations and we are ready to co-operate with you. Failing which we would be compelled to approach higher authorities and courts for compliance.

Amarnath Sharma

General Secretary, HMKP- GAWU