The invisible workforce
Labour laws must change to benefit the lowest common denominator

MIGRANT labourers are of two types. One type reads newspapers, like this one, and are educated. They work in the organised sector, or are self-employed professionals. The second type are with little, or no formal education, though often with special skills (like diamond cutters of Surat). When the lockdown was announced, the first type took all precautions, stayed home and conducted webinars. The second type desperately tried to get back to their home states. With no transportation, they started the arduous trek, on foot, interspersed with lifts from trucks and other commercial carriers, many of them charging hefty fare for the ‘cattle-class’ ride.

There were no discussions about what will be done with the second type of labourers when the lockdown was announced. We missed thinking about them till we saw them walking on our locked down streets. Till they came out on the streets, they were invisible; after they came out, they became a threat to be met with lathis and tear gas. It may be worthwhile understanding why migrant labourers reading this newspaper did not start the trek back home while those who do not read such newspapers did. The reasons are many but inter-related.

Many of them are paid daily and/or weekly and save in real assets back home (land and house). They do not have, or keep, financial savings near where they work. They do not build, or buy, any physical assets like houses in their place of work since they aspire to settle back near their homes. They work in the unorganised sector with no one employer and depend entirely on labour contractors and community networks to find their next jobs. They operate outside the official/institutional social safety nets in their place of work (example, no ration cards in place of work, though they have ration cards back home; no pension/gratuity, etc.). And, importantly, the state where they work does not recognise them as ‘citizens’ of that state because they vote in their home states.

None of these reasons is the result of the pandemic. But the virus and the lockdown increased their vulnerability because of these reasons. The Covid measures are not addressing any of the fundamental problems faced by these labourers, though, of late, there are attempts to lessen the impact of these reasons. So, even though current measures may work, these labourers will remain as vulnerable once the pandemic disappears.

There are two critical factors that make them vulnerable. They are in the informal sector with no record of their existence where they work. They are not treated as citizens of the state where they work, and they stay in congested housing, often in or bordering slums.

Given that we are on a spree of announcing structural reforms, there is a simple change in law that could make these workers less vulnerable. We could get rid of all thresholds in labour laws — thresholds that suspend applicable labour laws if the unit is less than a certain size, or if workers work with an employer for less than a pre-specified number of days in a year. Law should state that even if someone hires a person for a day, there must be a pro-rata payment of gratuity, provident fund, insurance, etc. In the Mecca (US) of private enterprise and easy hiring and firing of labour, that our businesses are so fond of citing, such (pro-rata) payments are mandated by law. But why blame businesses? Even so-called experts had hailed state governments that relaxed labour laws by allowing employers to make workers work for 72 hours a week. It is sad that such measures would be applauded in a country where the Tatas voluntarily introduced the 40-hour week in their factories, well before it became a law.

To address the second crucial factor, one needs a mindset change. State governments must treat migrant labourers working in that state the same way they treat labourers that reside (permanently) in the state. For, even though migrant labourers do not vote for the local government, they create economic surplus for the state they work in. Our experts wax eloquent about why we should treat foreign investors in the same way as local investors. Yet, very few of them insist that states should treat their migrant labourers the same way as they treat their non-migrant labourers? Such a mindset change will make the state administration accountable to migrant labourers in the same way as they are to non-migrant labourers. In other words, politics (votes) should be disconnected from administration. It is strange that our administrative culture treats tourists as guests, and hence, gods but migrant labourers as scum.