

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**

[ISSN 2581-5369]

Volume 4 | Issue 4

2021

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Problems of Unorganised Workers and Ways to Approach Them

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ABSTRACT

Unorganised labours are the workers who are easily exploited by the society Persons employed in the unorganized make a large portion of workers in India. Since the sector does not have an organized structure, the workers employed in these sectors are not protected against the risks of the society such as the illness, old age, disablement etc. The persons employed in the organized sectors receive social security benefits such as pension, medical benefit, disablement benefit etc., to deal with the insecurity that the society throws upon them. These benefits are made mandatory by the statutes. But the unorganized worker is denied of such benefits in many cases. The family of the unorganised labours also face a lot of problems. This paper focuses on the problems faced by the unorganised labours and its solutions.

Keywords: *unorganised, sector, worker, social security benefits, exploitation.*

Section 2(m) of the Unorganized Worker Social Security Act, 2018 defines unorganized labor as a home-based worker or a self-employed worker or a wage worker in the unorganized sector. There are various sections of unorganised workers. It also includes persons who are employed in the organized sector who are not covered by the welfare schemes as mentioned in schedule II of the Unorganized Worker Social Security Act. A few examples of people working in unorganised sector are sweepers, construction workers, power loom workers, auto drivers, domestic workers, handloom weavers etc. Their working conditions are very unhealthy and they receive very low wages. Some of the workers get daily wages while some receive hourly wages. The problems that they face in their everyday life are:

The working environment of these workers is unhygienic and unhealthy. Due to unhygienic working conditions many of these workers are subjected to high level of health risks. Many workers also suffer health issues due to the unhealthy working environment. Due to the health issues, the workers sometimes have to pay more to the hospital than what they receive as wages. Some of the workers also suffer injuries and disability and therefore they face revenue loss. If

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these workers get disabled, they won't be able to receive wages as they won't be able to work anymore and they would also have to pay for their treatment therefore they will face a huge amount of revenue loss.

Working hours are very long for most of these workers. They do not have any breaks and all the workers work for long hours. This is one of the major problems that the labours in the unorganised sector face. They don't get minimum wages. Many of the workers in this sector are paid below the minimum wages requirement and therefore the workers are getting hugely exploited. The workers are not able to find employment and they therefore take the work even if they are being paid low. Unemployment is the main reason for these workers to take up the work in unorganised sectors.

The workers in these sector workers are not aware of their rights and therefore they face a lot of exploitation by the society. Lack of awareness is a huge issue and it has to be addressed properly and if it is not attended properly then these workers will continue being exploited. Another problem that the unorganised sector workers face is insecurity of jobs. They might lose their job any day and there is no guarantee for permanent job . These workers get to work some days while some days they are not able to find work and therefore their whole family also has to suffer due to it. If the workers get sick they will not be able to work during the sickness period and therefore they will not be able to receive any income. There would be a loss of income and the worker has to suffer along with his family as his family would also face the consequences of loss of income.

Due to low wages the workers in the unorganised sector face poverty. Due to poverty the family of these workers will also suffer. Due to lack of money, the workers and their family aren't able to satisfy their basic needs. They aren't able to afford houses and many of them aren't able to eat proper food. Many of the workers are able to afford only one meal a day as they do not get paid fairly. Workers in the unorganised sectors suffer from debts. As workers in this sector do not earn much, they are forced to borrow money and therefore they have high debts. Most of these workers aren't able to pay the debt amount and therefore their family members also have to start working to pay the debts amounts. Even the children drop out of school and start working to pay the debts that have been borrowed by their parents who are working in this sector. Sometimes these workers borrow huge amounts at huge interest rates due to the crisis they are facing and later suffer as they aren't able to pay the debt as well as the interest amount. Therefore, this is one major problem that the workers in this sector face. These workers do not have any savings money as they don't get paid well. As they earn low they aren't in a position to save money for a secure future. Their future is not secured and their future of their children

is also not secure. They do not have any money to be used in emergency situations. As a result, they are forced to borrow.

Another problem faced by the workers in this sector is that they do not get any benefits. Even when the workers work for a long period of time, they aren't paid the correct wages for it. Most of these workers do overtime work and yet they are paid below the minimum wages level. In the organised sectors the workers get paid fairly for their overtime work but this does not happen in the unorganised sectors. When the workers in the unorganised sector work for overtime, the benefit goes only to the employer. There are no paid leaves or sickness leaves for these workers. There is no maternity benefit for the women working in this sector. The women workers may face miscarriage or have a premature delivery but still they aren't given paid leaves or any other maternity benefit. The employers do not pay gratuity or provident fund for these workers and therefore they workers have to suffer in their old age as well. These workers do not get pension or gratuity and therefore they have to depend on their family members and are exposed to various risks even in their old age.

These are the various problems faced by the workers working in the unorganised sector. Only when these problems are solved the workers in this sector would be able to lead a happy life and live in a happy environment. For this, a few improvements have to be made in the unorganised workers social security act. This act is for the welfare of the workers in the unorganised sector. Under this act, the state government and central government formulate schemes for the welfare of the workers. The social securities are provided through various schemes. These schemes provide benefits for old age, education, medical, employment etc. This Act has also constituted two boards namely National Social Security Board and State Social Security Board for the implementation of the social security schemes for the unorganized workers. The National Social Security Board is formed by the union government and the union minister is its chairman. Seven members are appointed to represent the unorganized workers. This board recommends schemes for unorganized workers and also checks whether the schemes are implemented properly. The State Social Security Board is constituted in each state by the state government. The board reviews and monitors registration of unorganized workers and provides the unorganized workers with identity cards. The Boards powers is limited and only the state government can make decision based on the advice given by the State Social Security Board. Even though there are various schemes formulated, there is a problem in the implementation.

These schemes aren't properly implemented and therefore the workers in the unorganised sectors face many challenges. Therefore, for the welfare of these workers there should be a

proper implementation of these schemes. These schemes should be closely monitored and after its implementation, it should be properly followed and if any changes are required, they should be made immediately. The schemes should be effective and efficient. It should be planned properly and it should be executed correctly without any errors. If any scheme is felt to be inefficient and ineffective, then the problems in that scheme should be identified and the errors should be rectified immediately. Awareness about these schemes should be made. Many workers do not know that these schemes exist. Creating awareness of the schemes will help the workers to know more about their rights and the benefits they get under the unorganised workers social security act. The government must protect them by providing them social securities. A large amount of the Indian work force is employed in the unorganized sector; hence the government must take appropriate steps to protect the rights of the unorganized workers and must ensure the workers with the better working environment.

There are various cases when it comes to unorganized labor. Some of the important cases in this area are Vandana Prasad v ministry of labor and employment; Neeraja Chaudhary v state of Madhya Pradesh. An RTI was filed by the appellant Vandana Prasad seeking information regarding the total number of women, domestic workers, construction workers employed in the employed in the unorganized sector who have received maternity benefit in the last five years. In the case of Vandana prasad vs. Ministry of Labor & Employment the court held the ministry to take appropriate steps to formulate statistics regarding the number of construction workers, domestic workers, and women employed in the unorganized sector and to promote transparency and accountability by updating the above information in the official website. Any failure on the part of the state government in implementing the minimum wages Act violates Article 21 & 23 of the constitution of India. This was held in the case of Neeraja Chaudhary v state of Madhya Pradesh³. Hence if a person working in the unorganized sector is given low wages or made to work in the poor working conditions then it violates of the fundamental rights of the worker. In the case of crown aluminum works v workmen⁴, the Supreme Court held that if the employer is not ready to pay even the bare minimum wages to the workers, then such enterprises doesn't have the right to exist. In the case of Chandra bhavan boarding and lodging Bangalore v state of Mysore⁵, the Supreme Court held that the main purpose of the unorganized workers social security act was to prevent the exploitation of the workers in the unorganized sector. The Supreme Court also held that freedom of trade does not mean freedom to exploit.

³ AIR 1984 SC 1099.

⁴ 1958 AIR 30

⁵ 1970 AIR 2042

In the case of Sanjith Roy v state of Rajasthan⁶ the Supreme Court held that even if a provision in the law allows payment lower than the minimum wages to the workers, such provision is not valid as it is violating article 23 of the Indian constitution. Article 23 in the Indian constitution states prohibits traffic in humans and forced labor. This article provides for right against exploitation. Right against exploitation is an important human right and it is available to each and every citizen in this country.

The unorganized workers are the major portion of the Indian workforce. Hence the government must protect the rights of the workers and must ensure them with proper pay and proper working conditions. The government must provide social benefits to the unorganized workers so that are not completely dependent on their employers and also they feel a sense of security. The unorganized labors are fully dependent on their employers for their livelihood. Hence the government must make sure that the workers in the unorganized sector are not exploited by their employers.

⁶ 1983 AIR 328