

A different reforms agenda: Reform of trade unions!

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Abstract *A strong regulatory system was developed during the command economy to govern the industrial relations system (IRS) and the labour market which was integral to the governance and regulation of the industrial sector by the state and its agencies. The product market became liberalized gradually, though significantly over the years and employers and other pressure groups exert[ed] pressure on the government to initiate labour law and governance reforms. Trade unions opposed the reforms. The entire debate in IRS concentrated on the labour policy issues with several questioning the role of trade unions using a capitalistic perspective. However, there is a need to interrogate trade unions from an institutionalist perspective which while recognising positive functions of trade unions calls for reforms of trade unions to enhance their relevance and capacity in the era of globalisation. To be able to confront powerful forces in the era of globalization, trade unions need to reinvent themselves constantly without relying on the past. The paper makes several recommendations to restructure and modernize trade union movement.*

Keywords Trade unions · Reforms · Globalisation · India

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1 INTRODUCTION

Trade union is an important social institution and performs significant social, economic and political functions. It is an important component of democratic system and operates on the principles of democracy with a defined Constitution, participation of members in the decision making process, periodic elections, transparency, leadership's accountability to members, union elections, structured governance etc. Its democratic base and democratic functioning distinguishes itself from the other non-governmental organizations (NGOs) that populate mass movement. In a pluralistic democratic system, trade union constitutes an important pressure group (i.e. organized group with common goals) as others like industrial capitalistic, farmers, environmentalists, students, traders etc. It has a wide ambit that, on the one hand, represents people who are at same time producers and consumers of goods, services, environment etc. and on the other hand, is concerned with international events also.

Trade union contributes to industrial productivity and efficiency in various ways. It is useful to firms as it reduces transaction costs for the employers by performing aggregation and transmission (of preferences) functions, managing workers' discontent, and helping in implementation of employment contracts. It is not to be projected as anti-development as trade unions are the basic producers who despite odds (like industrial accidents) and with sacrifices (with wages below the living wages to facilitate capital accumulation) participate in the grand scheme of development at the micro level. Workers' income powers effective demand in the economic system. It is the reason why the rising army of the unemployed strikes at the roots of the market economy.

For the workers, it provides identity and infuses a certain collective consciousness which is very necessary for their fight for their rights. It thus provides a platform for launching collective struggles for achieving ends like simple wage rise to participation in power-making bodies and further if one believes in class conflict advocacy. The normative belief on which trade unions are constructed is to fight for the under-powered and for a fair and decent society. Trade union is a "sword of justice" and reflects the aspirations of the working class. It has constructed a body of rights for the working class using different methods of action such as direct action, political and legal methods. Trade unions are unique for four reasons, it is historic, democratic, pro-development and its thrust is to work for a just society.

It is well known that, since the early 1980s, significant changes have been happening with the rise of neo-liberal ideas in various garbs like Thatcherism and economies are getting integrated to create a globalized economic environment. India has shed its command economy model gradually in the beginning and aggressively later. Employers and global bodies and multinational corporations (MNCs) have been exerting tremendous pressure on the government to carry out labour market reforms to complement product market reforms to ensure competitiveness of firms which is very necessary in the era of globalization.

Trade unions, NGOs, green activists and cultural outfits (like Rashtriya Swayamsevak Sangh in India) have been protesting against globalization.

Specifically, trade unions in India are unequivocally opposed to the initiatives and proposals by the government to introduce labour law and labour market governance system (Shyam Sundar 2015b). Consequently, there are tensions in the labour policy arena. The global and national debates have clearly been on the government and firms' labour policies and the emphasis is either for reforms or against reforms.

The foregoing has provided a sense of legitimacy for *existential* purpose of trade unions not only in the distant period of industrial revolution but also in these globalized times. Though praised, the pertinent question that arises even among the supporters of trade union is that whether trade unions justify and retain their relevance in the contemporary globalized times? This question arises because of the "potential bads" inherent in organisations in the sense that trade union can lose their social relevance by refusing to mend its organisational structure, style of functioning, methods etc. and become "oligarchic" in a broad sense (e.g. continuance of old leadership, absence of second and third levels of leadership bench strength etc.).

Employers and even some supporters urge trade unions to shed their "historical baggage" of labour militancy and hard conjunctive bargaining ('I win, you lose' type of bargaining) and become collaborators in productivity and contribute to social partnership *in lieu* of adversarial relations (Fichter and Greer 2004; Shyam Sundar 2016). Critics and supporters appeal to trade unions to modernize and innovate to match the bargaining power of employers (Shyam Sundar 2009). Firms are adopting novel organisational and process features like fissuring, supply chain model, mergers and acquisitions, hiring powerful consultants etc. Hence, employers are becoming more powerful and the probabilities of trade unions hurting their interests and even confronting them are becoming dimmer. Then, there is a need to interrogate the functioning and organisational aspects of trade unions in India which is attempted in this paper. The logic here is that while trade unions fight against labour market reforms and sustain and create new labour rights, they need to undergo reforms *within* to be able to effectively wage their struggles and retain their relevance.

Before the talk of reforms of trade unions, one needs to know the features of IRS and the reform processes at various levels in India (Sect. 2). Owing to several factors, particularly due to macro level struggles by trade unions against labour law and governance reform processes, the reform processes have acquired complex dynamics which is discussed in Sect. 3. The reforms undertaken at the firm level is also discussed in this section. The response of the trade unions informs about the strengths and weaknesses in their organisational structure and their strategy are briefly analysed in Sect. 4. In Sect. 5, the possible reform measures concerning trade union movement are discussed and logic for the same is suggested. Finally, concluding observations are offered.

2 INDUSTRIAL RELATIONS SYSTEM AND LABOUR REGULATORY MODEL IN INDIA

2.1 The IRS during the planned economy

Post-Independence, policy-makers preferred the state intervention model to the bipartite model of governing IRS primarily for two reasons i.e. power disparity in the IRS and ensuring industrial peace to comply with the needs of economic planning. State intervention in the labour market was a part of and complementary to state intervention in the product market. The institutions of the state viz. executive, legislature, judiciary and labour administration participated significantly in the rule-making processes. However, trade union movement played an influential role in building a body of labour rights *via* labour laws, judicial decisions and labour administrative policy decisions. The dominant objective of IRS during the command economy was to ensure industrial peace.

The legal framework of IRS is defined by labour laws (44 central labour laws and numerous state level laws), executive orders, judicial awards etc. The labour laws cover working conditions, wages, social security and industrial relations and contract labour. The Industrial Disputes Act, 1947 (ID Act), Trade Unions Act, 1926, Industrial Employment (Standing Orders) Act, 1946 and the Contract Labour (Regulation and Abolition) Act, 1970 are important laws that govern industrial relations and labour market actions of employers and workers. In line with the regulatory model and ratification of several International Labour Organisation (ILO) Conventions, the central and the state government had constructed and expanded a reasonably credible system of labour market governance and social dialogue. The judicial bodies constructed a body of workers' rights and simultaneously condemning extreme actions of workers like sit-in strikes and *gherao* etc. The pro-worker jurisprudence dominated during this period.

2.2 Post-reform period context

The failure of public sector, poor performance by industrial sector since the mid-1960s and the inefficiencies associated with the closed economy led to economic reforms process since the early 1980s. The balance of payment crisis during 1989–1990 prompted the Congress government to take a loan from the International Monetary Fund (IMF) and the conditionalities-driven-structural-adjustment loan from IMF has considerably impacted the economic and labour policies of the government since then. The shift from state regulation to market determination, a larger role for the private sector, reduction in space for the public sector and opening up of the economy are some of the significant changes introduced in the industrial sector in the post-reform period.

Two forces have redefined the production geography in the era of globalization. One, thanks to technological innovations, production could be outsourced to multiple locations and the head firm could actually produce and sell a product without even owning a production premise. Two, outsourcing of production means

creating supply chain networks which could be deep, wide and beyond the purview of labour market governance or trade union actions. Apart from this, positional capital enjoys immense power which derives from their threat of relocating firms to select countries with soft labour standards. Firms also enjoy powerful organisational resources and the backing of global organisations like World Bank.

3 LABOUR DEREGULATION AND POLITICS OF LABOUR LAW AND GOVERNANCE REFORMS

3.1 The reforms debate at the central level

Given the interface between product market and labour market, pro-reformers demanded liberalization of IRS and the labour market (Papola 1994). But the product market reform measures have increased the bargaining power of capital vis-à-vis labour. Capital has become more mobile and less regulated while labour is less mobile. Greater ease of mobility gives greater bargaining power to capital (Bardhan 2001, p. 470). Competition disciplines employers and trade unions and imposes constraints on the bargaining zone. Trade liberalization, international competition, privatization and stabilization policies (relying on wage restraint) are seen to adversely impact the unionized sectors.

Employers' reform demands comprise reform of several labour laws and the governance of the labour market such as labour inspection and reporting systems. Employers argue that the firms should enjoy labour flexibility to fire workers and close down unviable firms as per market dynamics, employ contract workers not only in non-core jobs but also in core jobs, have the power to initiate technological and other changes in work organisation (without bothering about retrenchment issues) and enjoy freedom from the nosy labour inspectors (Auer and Jha 2009; EFI 2000; Shyam Sundar 2015b).

The trade unions oppose reforms that result in undue power to the employers in the labour market. They contend that in the context of flexible labour market, employment relations could become more exploitative. India, having ratified the Labour Inspection Convention, 1947, cannot liberalize inspection system (Shyam Sundar 2010). Further, the trade unions demand effective enforcement and a more comprehensive coverage of labour laws. They also demand reform of labour laws but of a different kind as compared to that of the employers (Mahadevan 1999; Industrial 2016). In the post-reform period, the major objective of the state has shifted from achievement of industrial peace during the command economy (hence high attention on IRS) to ensuring of competitive efficiency of the firms in the economy (high attention on labour market efficiency) and to attract capital in the post-reform period. The State has been caught up in a classic conflict of pursuing two objectives at the same time, viz. ease of doing business to attract capital and ensure labour welfare for fear of political damage. The judiciary, in the meanwhile, in major cases relied on the globalization discourse and delivered some judgments related to contract workers, casual workers and on strike right which dented workers' rights and strengthened the employers' quest for flexibility (Singh 2008).

The central government, irrespective of the party in power, has been keen to effect reforms of labour laws and labour market governance but major strikes and various forms of agitations (Shyam Sundar 2015a) weakened the political will and hence major reforms has not occurred at the national level. However, the reform process at the national level has received major boost with the assumption of power by BJP-led National Democratic Alliance (NDA) in 2014. Since then, several reforms concerning labour have been introduced, viz. electrifying labour inspection and submission of returns under some labour laws in the central sphere. Some labour-friendly reforms have been introduced with respect to some labour laws like Employees' Provident Fund Act and Employees' State Insurance Act. It has floated self-certification system for start-ups to give a boost to new enterprises. It has adopted some sectoral reforms like introduction of fixed term contract in garment industry among others. In order to simplify and rationalize numerous labour laws and introduce critical labour law reforms, the central government since March 2015 has floated Labour Codes on Industrial Relations, Wages and Social Security (see Gopalakrishnan 2015a, b; Shyam Sundar and Sapkal 2017; GoI 2017, for details of reforms and details and critique of Codes). But these are proposals and so far, none of the parties in power at the centre could affect critical reforms to ensure labour market flexibility to employers. The central government's labour policy comprised two planks, viz. signal commitment to reforms to industry and foreign investors and simultaneous promise to hold dialogue with trade unions.

3.2 The regional reforms process

The central government has cleverly relied on the Constitutional provision of Labour being on the Concurrent List to shift the reform agenda on to the state governments for two primary reasons, viz. localization of reform processes will mean less noise in IRS and unity fronts of trade unions are weakened at the state level thanks to political divisions. State governments have responded to this as they are competing directly for foreign and domestic capital (Shyam Sundar 2010, 2015b).

They have undertaken several reforms concerning labour market governance. The underlying cardinal principles are outlined here. One, liberalise the labour inspection system to reduce the frequency and spread of labour inspections. Two, remove the discretionary element in the inspection system—inspection visits are determined by computer-operated random exercise or controlled by the higher officials via sanctions or pre-authorizations. Three, distribute labour inspections according to the “risks and enforcement records of the firms” in such a manner that high risk and low enforcement firms will receive more probable inspections as compared to others. Four, exempt the small-scale enterprises, units in special economic zones and other zones (contributing to exports) from inspection. Five, introduce self-certification systems in most states. All these have weakened the enforcement machinery considerably. On the other hand, state governments have rationalized record maintenance and data reporting systems and endorsed electronic systems of data maintenance and reporting.

Some state governments have gradually introduced critical labour law reforms since 2002 (reform of Contract Labour Act by the then government in Andhra Pradesh) and more rapidly since 2014, which the central government was reluctant to effect. Rajasthan was the first state to kick off critical reforms such as raising the threshold of Chapter V-B from 100 to 300, change the applicability of laws like Contract Labour Act (from 20 to 50) and Factories Act (20 to 40) and other states like Haryana are following the suit (Gopalakrishnan 2015a, b; Lawyered 2016; Singh 2017; GoI 2017). These reforms effectively *reduce* the regulation zone.

3.3 Changes at the firm level

Irrespective of whatever is happening on the law front, firms, in cooperation with trade unions (even the ones affiliated to the Left), have introduced reforms in some cases (where necessary and feasible) which even the labour laws could not contemplate.

- Add fixed term employment in the standing orders
- Extensively hire contract workers who, in many cases, perform regular work
- Build a deep supply chain comprising large to medium to predominantly small industries with checks on quality but not on labour rights (some big companies have over 2000 vendors)
- Grant wage revision by giving less rise in basic wages and dearness allowances and more in allowances to reduce social security burden
- Tamper with the composition of minimum wages to reduce Provident Fund burden
- Keep the workers' count below the threshold to avoid compliance with Factories Act and Chapter V-B of the ID Act
- Have agreement with the trade unions to maintain the "existing regular workers' (insiders) strength" in exchange for several managerial prerogatives like freedom to use contract labour system etc.
- Introduce category of company trainees and continue them interminably
- Increasingly link traditional workers' rights like promotion, increment etc. to performance and not as right
- Increase the weightage of variable pay component to incentivize work performance but subject to controls
- Encourage insider-based trade union leaders
- Many MNCs deny the right to unions and collective bargaining by forming internal workers' committees or sponsor company trade unions (Venkata Ratnam 2003; Shrouti and Nandkumar 1995; Shyam Sundar 2008a, 2013, 2015a, Shyam Sundar 2015b, Shyam Sundar 2016, Shyam Sundar 2017a; Sen 2011; Gopalakrishnan and Mirer 2015)

4 PROBLEMS IN THE STRATEGY OF THE CENTRAL TRADE UNIONS (CTUS) TO CONFRONT REFORM EXERCISES

The strategies of trade union movement comprise struggles, dialogue, litigation, lobbying, using ILO support etc. Litigation is a risky exercise as judicial decisions may, as in the case of regularization of contract workers upon abolition issue, go against the interests and even rights of workers. So, litigation has not been preferred much. The central government avers that its policy is to hold dialogue with trade unions before introducing labour law reforms but often fail in their commitment (Shyam Sundar 2015b). Employers outwit trade unions in lobbying with the government and political leaders hobnob with industry bodies quite frequently compared to their limited or little interaction with trade union bodies. ILO, save its workers' body, maintains an element of neutrality and takes positions along the lines of ILO instruments which sometimes may not help workers' causes. Further, as noted by the author later, Indian trade unions barring Centre of Indian Trade Unions (CITU) and occasionally Bharatiya Mazdoor Sangh (BMS) have not effectively utilized the Supervisory Mechanisms with respect to alleged violations concerning whether ILO Conventions are ratified or not (latter in the case of Fundamental or Core Conventions, since 1999). Trade unions in India then *primarily* rely on emotions of workers, sympathy arising out of exploitation and being underdogs in the IRS and street battles.

The CTUs have been aggressively fighting labour law and governance reforms measures *primarily* at the national level. Their protest methods include sixteen country-wide strikes, debates and opposition in the Indian Labour Conference (ILC), *morchas*, *dharnas*, issue of memorandums, opposition in Parliament through the voices of opposition parties etc. (Shyam Sundar 2015a, b). Given the failures or inadequacies of other options as discussed above, these struggle options are tactically justified. But the problem is that the theatre of all these performances is at the *national level*.

The point that the CTUs have missed is that a lot of reforms are *actually* taking place, as mentioned above, at the decentralized levels viz. the regional, labour enforcement, and firm levels. The CTUs have been largely successful in holding *status quo* with respect to *central* labour laws and restrain the central government from introducing global labour flexibility. They have also secured social security law for the unorganized sector workers (no matter how deficient) by forming unity front with independent unions and organisations for informal sector workers. While there are some gains at the national level, largely it is a clear case of winning the war and losing the battle! The following aspects weaken the CTUs struggles:

- Till 2011–2012, country-wide strikes/struggles did not include Indian Trade Union Congress (INTUC) and BMS, two of the largest CTUs. Only recently CTUs have been able to achieve *agitational* unity at least on the charter of demands and programme of agitations. But this is under strain as BMS has withdrawn from the struggle aspect of unity in 2015 and 2016 (Mohan 2015;

Indian Express 2016) and INTUC in the past. The sustainment of even agitational unity is the current challenge to the trade union movement.

- CTUs are clear that beyond agitational unity they will operate as individual entities pursuing their organisational interests which hurt at the level of bargaining (plant, firm, industry, region and national).
- The CTU “coordination model” could *not* be replicated at the state level save in some years (see Shyam Sundar 2008a, 2009, 2015c) thanks to irreconcilable political differences at the regional level.
- The proportion of contract workers among the total workers in the organized factory sector has increased from around 13% in 1990–1991 to over 40% in 2013–2014 (Sapkal and Shyam Sundar forthcoming)—even this inadequately captures the high and rising incidence of flexi-workers (Gopalakrishnan 2015a, b). Lack of organisation of contract workers at the micro level dampens any protests (Shyam Sundar 2011a).
- The absence of social legitimacy of workers’ concerns, their demands (like trade unions’ demand for bonus payment without thresholds) and their protests (held far too frequently) strikes at the very effectiveness of their movement and their struggles—some unions in the past called country-wide strikes as annual rituals of the Left (Shyam Sundar 2009).
- The author learnt from discussions with trade union leaders that CTUs ignore regional level trade unions like Bharatiya Kamgar Sena (BKS) in Maharashtra and till recently, the Dravida Munnetra Kazhagam (DMK) union in Tamil Nadu which weakens national industrial actions as these regional unions are powerful in their respective states/cities.

Some academics have even questioned the effectiveness of these country-wide strikes (Bhowmik 2013) as the government and the media show little interest in them. The government usually ignores the strike call and initiates some semblance of dialogue and makes some feeble offers few days before the strike date. Post-strike the labour policy remains the same and even dialogue with CTUs do not take place.

5 REFORM AGENDA FOR TRADE UNIONS

The labour organizational space in India is crowded with many forms of workers’ organisations viz. political unions, enterprise unions, independent workers’ organisations, non-governmental organizations (NGOs) etc. Trade unions need to think about bringing in new initiatives to strengthen their capacity for struggle and social dialogue. Several aspects of reforming the trade union movement to meet the challenges of globalization are discussed below.

5.1 The shift from the pyramid model to the cross model

During the command economy, the trade union movement in the country was dominated by central trade union organisations (CTUOs) which concentrated on the

dominant segments of workers, such as permanent, male, law-covered workers in the organised sector and ignored others. The dominant narrative of the trade union movement was to fight for “prized firms” in the organised sector thereby driving high-conflict-violence driven union captures. This model typifies a stagnant and non-innovative one. It is argued that the dynamics of globalization has imparted “shock effects” to the unions and coerced them to build alliances both horizontally and vertically. These alliances are captured in the “Cross Model” (Figs. 1 and 2) and the following advocates the need for implementing this model (Shyam Sundar 2017b).

5.1.1 The need for big and few trade unions

The CTUs have established in the post-reform period an institutional basis for “coordinated union movement” at the national level for conducting issue-based struggles. There are a number of coordination committees (industries like electricity, sectors like public sector and at the local levels like Joint Action Committees, Shyam Sundar 2009). There is, however, a strong need to take this issue-based unity and coordination to a higher level of effecting some kind of “structural unity”.

Capital has affected several organisational developments and even innovations like mergers, acquisitions, outsourcing, building a supply chain but trade unions in India have not shown much interest in adopting some of these suiting them. For example, forming “big and few” national level unions considerably enhance the bargaining power of trade unions and achieve organisational efficiency by reaping economies of scale. The ordinary workers cannot and do not appreciate technical and ideological differences between trade unions subscribing basically to the same

Fig. 1 The pyramid model.
Source Shyam Sundar (2017b)

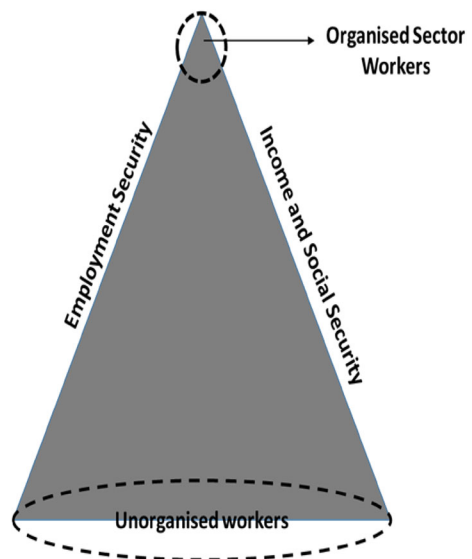
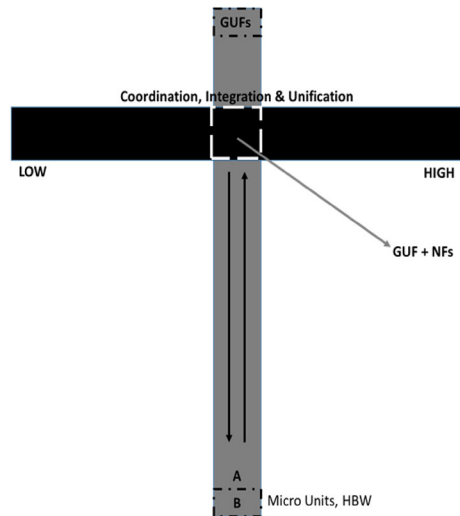


Fig. 2 The cross model.

Source Shyam Sundar (2017b)



ideology (say communist and socialist or Dravidian or Hindutva). Ideally, one should have four apex centres based on ideology: the Left (communist and socialistic and Maoist), the Centrist (INTUC) and Cultural-religious (Shiv Sena, BMS, DMK Union, etc.), and also confederation of enterprise unions (e.g. New Trade Union Initiative or NTUI). Recently, All India Centre for Trade Unions merged with Hind Mazdoor Sabha (HMS) in Kerala and Hind Mazdoor Kisan Panchayat merged with HMS in 2010.

The consolidation aspect is important as is demonstrated by the organisational experiences in the West. Organisational restructuring such as mergers and acquisitions of trade unions or federations, creation of large general unions and “superunions”, increase in union concentration (reduction in the number of union affiliates within the major union confederations) etc. has been taking place in many countries (Ebbinghaus 2003) paralleling the restructuring approaches adopted by capital. The logic of power parity is that trade unions must expand to the extent business corporations do (global unionism) and adopt organisational changes matching corporates to equal them in power. Such measures have taken place in international federations also. Trade unions should expand union coverage and organize typical and other workers in new sectors, which means going back to the basics: *organising*. In other words, there is a need to move *from union movement to labour movement*.

5.1.2 Towards an inclusive working class movement

The aggressive reforms initiatives and the perils of globalization in terms of economic crises hurt all segments of working class. As the informal sector became more visible in the post-reform period and globalization hurt their interests, micro-level organisations and federations like National Centre for Labour (an apex body of independent unorganized labour organisations in India) emerged and Self Employed

Women's Association (SEWA) played a significant role in the emergence of various forms of organisations concerning informal sector workers like street vendors, home-based workers etc. (Shyam Sundar 2009, 2011b). The CTUs claim, in their recently held membership verification drives (2002 and 2012), that the share of informal sector workers' membership in the total union membership in their organisations has been rising (Datt 2008; Harriss 2015 for quotes from CITU leader).

There are two forces at work here, first, pragmatic (the formal sector workforce has been shrinking considerably in the post-reform period which was their historical base for unionism) and second, idealistic (concern for worsening conditions of informal sector workers). Now, two parallel sets of labour institutions operate in the informal sector, viz. independent variety of organisations and federations, and labour wings of CTUs. Two developments worthy of attention are, viz. institutional basis existing for broad based unity at least for agitations (reflected in the participation in huge numbers in the national strikes by informal sector workers) and the widening struggle agenda to include not only conventional formal sector issues but also issues relevant for informal sector workers (Shyam Sundar 2015a, b). While Rina Agarwal sees hope in her study of informal sector organisations, Roy Chowdhury is critical of the struggle and organisational aspects of CTUs or even the NTUI (quoted in Harriss 2015). Then one may agree with Harriss (2015) when he concludes that "There seems to be some potential in the labour movement if those in privileged jobs really can come together with the mass of the 'unorganised' labour force. There are hints of this taking place, but not much more than that. p. 27" This is surely the greatest challenge faced by the working class movement.

5.1.3 Broad-based social movement unionism: positive interface between red and green movements?

Harriss (2015) explores the possibility of a social democratic politics in India through a careful and comprehensive analysis of both organized and unorganized working class movements, social and political mobilizations (against corruption, promise of a new social order, etc.) and concludes on a note of caution and even aspiration—"There is a long way to go toward social democracy, but isn't this the direction of travel?. p. 28" Workers and their organisations need to be concerned not only about the conventional and new-found issues with respect to their class interests; the social, economic and political policies and practices (such as corruption, environmental issues) also affect them eventually as people and even as workers. Thus, there is a case for forging broad based class to social mobilizations based on moving away from "class identity" to "citizenship identity".

The author is not even imagining such a far-fetched social movement as explored by Harriss (2015), given the limitations of high amount of fragmentation in the working class movement, alienation of middle class from social issues (stemming from their 'safety and self-interest first' politics), the political divides and unsustainability of social protests into movement (the politics of Singur is well-known). Hence, the first step towards such "huge politics" is to build a social movement unionism (SMU). A small stride towards SMU is to build a strong

interface between the Green (environmental) and the Red (working class) because SMU embodies industrial and economic interests which go beyond the factory boundaries and conventional working class issues and could comprise unionized or unionisable working classes, ecological, women and human rights organisations (Waterman 1999). Such a movement could fight for issues which eventually affect their working and living welfare. Trade unions being the vanguard of the SMU could coalesce with green organisations. This issue assumes urgency due to the transfer of “harmful industrial activities” like ship-breaking, e-waste, asbestos etc. from the developed to the developing countries on the outrageous premise that relative cost of these activities in the developing societies will be much less than that in the developed societies. The trade unions and the environmental activists need to protest against this “waste imperialism” and their dangerous implications for sustainable development.

But there are some tricky issues at work. Trade unions argue that the environmentalists are middle class activists with little sensitivity to labour issues and interests (e.g. relocation of hazardous industries from the urban area to rural for narrow “urbane” interests) and the NGOs (not being membership based and funded organisations are least accountable) could have hidden agenda. The environmentalists hit back by saying that the trade unions have “narrow and insiders” perspective and do not support the larger and futuristic struggles waged by them. While the environmentalists rely more on legal battles, the trade unions have organisational and struggle experience. Ironically, both are opposed to capitalistic globalization. However, the mutual suspicion spoils the outcomes. The author advocates the integration of the two axes of social struggles on two premises: one, hazard is both at the workplace and in the society and two, workers are eventually consumers and citizens.

5.1.4 Towards global unionism

The case for global unionism is clear and simple. The bargaining power of national-oriented unions has been eroded because capital has become global and as a response to this trend labour unions need to globalize—if business and capital go global, then government and labour should follow suit (Breintenfeller 1997). For two reasons labour is on a weak platform in the global arrangement of production where the MNCs have entered in a big way. One, the supply chain operations are deep and beyond the coverage of formal union and public sector inspection system. Two, MNCs are arguably equipped with much stronger resources making them more powerful vis-à-vis [local] trade union organisations, even if political unions.

The fantastic changes in the transport, information and communication technologies that promoted international divisions of labour also aid the trade unions in (a) building networks and alliances, (b) conducting global as well as local struggles and coordinating them, (c) disseminating information in real time and (d) building global solidarity. Trade unions in India need to adopt these strategies to reinvent themselves and pose themselves as a relevant social force in the society.

There could be organisational resources from the demand and the supply side. On the demand side, i.e. trade unions operating at the MNCs’ local units could seek

assistance from the global union federations (GUFs) operating in that sector as GUFs have regional and national structures and branches. The logic is to strengthen the bargaining power of trade unions in terms of resources such as information, money, strategists, organizing infrastructure etc. and intervention by the GUFs can help in this process. On the supply side, the GUFs have to participate in starting trade union organisations in the MNCs that have union avoidance and no-collective bargaining policy and strategy and to become more global (for e.g. Nestle India story at IUF 2009; 2010).

While there have been encouraging signs on the global solidarity front (Breintenfeller 1997; Hodkinson 2005), there are several tricky issues. The basic issue at the heart of international solidarity is whether there will be genuine solidarity between the unions in rich and poor countries or will it be characterized by “dependence” (Gumbrell-McCormick 2004). The divide between the North and the South within the International Trade Union Confederation (ITUC) on the issue of “social clause” (and the problem of global labour arbitrage) or export subsidies is well known. The international union movement is divided between the pluralistic Anglo-Saxon model of industrial relations espoused by the ITUC (ibid.) and the class conflict model followed by the World Federation of Trade Unions or WFTU (WFTU 2017).

5.2 ILO and trade unions in India

India has ratified *six* of the eight core conventions of the ILO (ILO 2017). The Constitutional guarantees and the liberal-pluralist legal framework in India uphold the principles contained in the ILO Core Conventions and India’s record in respecting the principles of freedom of association is considered better than that of other countries in Asia. Trade unions do not accept this argument and demand ratification of ILO Core Conventions relating to freedom of association and right to collective bargaining (Industrial 2016). Trade unions should lobby with the government and use their connections with ILO *via* Bureau of Workers’ Activities (ACTRAV) to pressurise India to ratify these Conventions (NTUC 2010; ILO 2013) though not with much promise (Menon 2013).

To apply and promote international labour standards, ILO has created supervisory mechanisms such as the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Conference Committee on the Application of Standards (CCAP). The CEACR makes an impartial and technical evaluation of the state of application of international labour standards on the basis of reports on ratified ILO Conventions and since 1999 on Core Conventions on a cyclical basis since 1999. The annual reports of CEACR are further examined at the International Labour Conference (ILC) by the tripartite-structured CCAP.

ILO attaches tremendous importance to freedom of association and the right to bargain (C.87 and C.98) and hence, in 1951, it set up the Committee on Freedom of Association (CFA) for the purpose of examining complaints about violations of freedom of association irrespective of ratification status of the two conventions. Workers’ or employers’ organisations can submit complaints before CFA. However,

CTUs in India have *least* utilized these forums which could make vital positive impact on assertion of trade unions (Gopalakrishnan 2009 for a discussion of impact of ILO's CFA's intervention in union recognition dispute in MRF in Tamil Nadu in 2009)—Raghwan (2015), former ILO ACTRAV Desk's Officer for Asia-Pacific Region, lamented this fact. CTUs, mainly the CITU, have submitted *only six* cases in the last decade (as in 2015)! Trade unions in India need to use resources available at the global level (ILO) to seek redressal of violation of labour rights and to enhance labour standards in the country.

5.3 Battle of ideas

The battle for public policy is often held in the realm of ideas and the policy corridors which at times are more powerful than the battle on the streets. Employers primarily rely on the former while trade unions rely on the latter. The battle concerning labour law reforms is all about creating public legitimacy and policy legitimacy. Both require considerable skills such as soft skills, research base, access to information, access to power, clever use of public media etc. Trade unions need to sharpen their skills in other areas like lobbying, shaping public opinion, know-how to wield research base to support their anti-reform arguments and so on.

Trade unions need to strengthen their interface with academia and involve in research and training. Employers aggressively forge ahead in capitalizing supportive ideas and lobbying. They are further aided by ranking exercises by global and national bodies/academics on ease of doing business such as World Bank, World Economic Forum etc. (Shyam Sundar 2008a, b), by academic works of pro-reform mainstream economists (Fallon and Lucas 1991; Besley and Burgess 2004; Ahsan and Pages 2009) and World Bank publications on labour market efficiency (e.g. World Development Report 2013 2012). Though stingingly contested (Bhattacharjya 2006), these are effectively used for lobbying by the employers' group.

There are studies (Sarkar and Deakin 2011; Dutta Roy 2002; Deshpande et al 2004; Sapkal 2016; Papola et al. 2008; Shyam Sundar 2008a, b; NCEUS 2009; Kucera 2001) that contest and argue that the effects of labour regulation are exaggerated and in fact labour regulation performs positive social functions. Though there exist fewer counter-ranking methods on labour rights (e.g. ratification of international labour standards of ILO, labour rights violations index prepared by International Trade Unions Confederation (ITUC) (ITUC 2017; Kucera 2007), they have not made much impact as those supporting the case for labour flexibility on policy-makers for two reasons, one, policy-makers are under pressure from global capital and institutions and they have pre-determined policy mind-set; two, trade unions have failed to capitalize on this strand of academic research and ranking systems. Trade unions in India at various levels hardly cited them though India has been ranked as worse in respecting trade union rights (ITUC rankings).

Further, ideas and research have a great role to play in shaping not only public policy but even in conduct of regular collective negotiation exercises and running union organisations innovatively and resourcefully. The interface between trade unions and consultants and academics must be built in cases, where non-existent and strengthened, where it is present. Trade unions possess vast amount of

information and experience which could be used for credible and policy oriented research and trade unions can benefit from the world of ideas. The Shramik Ekta Mahasangh, a federation of enterprise unions in Pune, is an excellent example of benefitting from active consultancy and interaction with academics and GUFs (like Industrial).

5.4 Capacity building of trade union leaders

While the management officials hail from reputed academic organisations (like Indian Institute of Management, Xavier School of Management in India or from foreign business schools) and frequently undergo training in these institutions, the trade union leaders often have to depend on poor training resources. There is a need for level playing field in both social dialogue and negotiations between management and trade unions. The typical response from the trade unions is that they have limited resources unlike the big companies. While it is true to some extent with respect to several unions, CTUs and GUFs are not starved of funds and there are global institutions which can offer support. The author suggests five solutions apart from self-financing by trade unions. One, the ILO's International Training Centre (ITC) at Turin is a global body conducting capacity building exercises which CTUs in India can attend. While ITC supports national bodies like V.V. Giri National Labour Institute (VVGNI) in India, there is a need for this global body to integrate its training methods in a vertical supply chain framework, i.e. connect between ICT and national and regional bodies in member countries. Two, the VVGNI being a part of Labour Ministry suffer from limited resources and hence its training effectiveness may not be optimum. CTUs should exert pressure on both ILO and the Labour Ministry to enhance VVGNI's resources. Three, CTUs and big unions have their own training centres and a critical study of these programmes must be made. Four, foreign NGOs like Friedrich Ebert Stiftung (FES) provide support to trade unions in both formal and informal sectors and trade unions should tap such other bodies. Five, global bodies and NGOs should support training programmes and trade unions should approach training bodies for subsidized training programmes.

5.5 Labour market intelligence

Employers' bodies like Confederation of Indian Industries or Mahratta Chamber of Commerce and Industries (MCCI) in Pune provide periodical information on policy developments, case laws and policy counsel through web resources apart from other forms of support to their members. Web resource management by trade unions need to be dynamic (e.g. India LabourStart). There is a critical need to expand the use of website as these are not only green-friendly but also provide opportunities for meeting the diverse needs. Some see it as enabling trade union democracy (Shyam Sundar 2009). It can provide information on protests also in real time (as LabourStart India does) in two ways. First, trade unions concerned can have their own dynamic websites to serve not only their organisational needs but also for providing information as mentioned above. Second, the trade union movement as a

whole at the national or state level could create a common portal at which common struggle documents, government policy documents, statistical reports, organisational reports, etc. could be posted for the consumption of those involved in the movement and others like researchers.

5.6 Strengthen social dialogue in India

Four aspects with respect to social dialogue at present need attention here. One, trade unions question the seriousness attached to the social dialogue forums by the government. The government makes a last ditch effort to prevent national strike from occurring just days before the conduct of all-India strikes and not much happens after the strike. Some long-standing tripartite industrial committees have been scrapped by the Government of India. Trade union leaders submit that even the consensual decisions reached in ILC have not been implemented by the government. Two, recently, the NDA government at the centre and some state governments like Rajasthan, Madhya Pradesh have initiated some reforms. It is reported that in these states, little social dialogue took place preceding the reforms. Three, it is widely held by both the social actors (i.e. employers and their organisations and workers and their organisations) that at the state level, the tripartite consultative institutions have not been functioning satisfactorily. It is gathered that state labour advisory boards (SLABs) have not been functional and even if they are functional, their effectiveness is unknown. Four, interviews and discussions with trade union leaders reveal that some state governments do not constitute or renew the statutory tripartite boards under some laws like the Minimum Wage Act and the Contract Labour Act and this is indicative of the state governments' approach towards tripartism and dialogue. Further, nominations to the tripartite forums suffer from two serious shortcomings, viz. one, the nominations are often dictated by political considerations, and two, suitable and qualified people are not nominated to the technical bodies.

6 A FEW MORE WORDS

While it is important and even necessary for the trade union movement to fight and resist the attacks on labour rights and steer the discourse on labour along the lines of decent work, it is also necessary for the trade unions to reform their own house. The traditional strategies are necessary but more importantly, they need to reinvent their strategies and adopt inclusive, broad-based, academic and modern methods as outlined in the foregoing. They cannot remain blind to the losses at the micro-levels and expend much of their energies at the macro-level—it is self-defeating.

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