ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಗುತ್ತಿಗೆ ಪೌರಕಾರ್ಮಿಕರ ಸಂಘ
BBMP GUTTIGE POURAKARMIKARA SANGHA
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Affiliated to AICCTU
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20.04.2018

To,

1. The Mayor
   Bruhat Bangalore Mahanagara Palike
2. The Commissioner,
   Bruhat Bangalore Mahanagara Palike
3. The Joint Commissioner (SWM and Health)
   Bruhat Bangalore Mahanagara Palike

Dear Sir,

Sub: Reg. Failure to properly implement the decision of the Government to ensure direct payment to powrakarmikas

As you are well aware our Union has been at the forefront of the struggle for justice to the contract powrakarmikas including agitating for abolition of contract system, regularisation of workers, etc. We have consistently exposed the various corrupt practices including ghost workers, siphoning of workers' wages etc.

In pursuance of the assurances given by the Government of Karnataka, to the thousands of protesting powrakarmikas in the strike held by the BBMP Guttige Powrakarmikara Sangha ® and other organisations, on 12th and 13th June, 2017, the State Government took a cabinet decision on 12th July, 2017 giving its approval for abolishing the highly exploitative and corrupt contract labour system, cancel all contracts, to make direct payment of wages to powrakarmikas and regularize all powrakarmikas. Thereafter, the Government of Karnataka has issued Government Order bearing No. NaAa 126 TMS2016 dated 07.08.2017 directing the immediate end to the contract system and enforcement of direct payment of wages to the workers from the Urban Local Body, which has also been mandated in the Office Order issued by the BBMP bearing No. A.A.Sha/PSR/2250/2017-18 dated 26.10.2017 and 22.12.2017.

However, despite these steps being taken to remedy a historical wrong that has been done to the tens of thousands of contract powrakarmikas who are victims of their caste, class and gender, the same has been marred by the failure to ensure the proper implementaiton of the said decision. It appears that the contractor mafia along with certain officials of the BBMP are making concerted efforts to hamper the direct payment

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system by coming in the way of its implementation. Immediate steps need to be taken against any and all such efforts.

We have repeatedly highlighted these issued before the BBMP and the concerned officials, however, the failure of the BBMP to address the concerns of the workers has left us with no option but to come today to the Head Office.

1. Non-payment of Wages: The powrakarmikas have not been paid wages from January, 2018 till date. Even where wages are paid, only part of the workers are paid wages, while others have not been paid wages. The Junior Health Inspectors have in some cases even told workers that several of them will not be paid wages. As you are aware, wages are required to be paid before the 7th of every month. Even where wages have been paid, the full salary has not been paid, and amounts have been deducted without any basis. In some areas workers are being denied wages on the stated reason that the contractor has failed to furnish their ESI and PF numbers. Such reasons are blatantly illegal and call for action against such contractors, and not denial of wages to the workers. Some examples of non-payment of wages are detailed below:

    a. In Ward No. 110, no wages have been paid from January, 2018 onwards

    b. In Ward No. 91, of 98 workers, only 15 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

    c. In Ward No. 90, out of 43 workers, only 29 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

    d. In Ward No. 151, of about 240 workers, only 100 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

    e. In Ward No. 25, of 350 workers, only 70 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

    f. In Ward No. 149, of 267 workers, only 50 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

    g. In Ward No. 54, of 197 workers, only 70 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

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h. In Ward No. 82, of 110 workers only 30 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

i. In Ward No. 26, of 210 workers only 70 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

j. In Ward No. 52, of 92 workers only 20 workers have been paid for the month of January, 2018. None of the workers have been paid from February, 2018.

2. Failure to issue pay slips: The BBMP has to issue pay slips/wage slips to the workers before deposit of wages in their accounts. This is mandatory under law.

3. Non-payment of full minimum wages: In some instances where workers have been paid wages for the month of January, 2018, the wages paid to them have been paid with unauthorized deductions, due to the non-working of the bio-metric on several days. Hence, although workers have performed their work, wages for those days have not been paid.

4. Ensure Direct payment of wages to all powrakarmikas, sweepers, drivers and helpers and other miscellaneous and associated works: The BBMP is attempting to make a differentiation between sweepers and drivers/helpers by making direct payment applicable only to sweepers and not to drivers/helpers. As you would be aware drivers and helpers play a core role along with sweepers in the work of solid waste management, and have been exploited through several decades in a similar manner. The exclusion of drivers and helpers from the purview of the order is not only a backtracking of the assurances made by the Government and the BBMP to the thousands of powrakarmikas, but is also arbitrary and unreasonable.

5. Non-inclusion of names of powrakarmikas in the workers list prepared by BBMP and the bio-metric attendance: It has come to our attention that several workers who have worked with BBMP for several decades have been left out in the list prepared by the BBMP and the bio-metric attendance. In regard to the same, complaints have also been given. However, their names continue to be excluded.

6. Threats of termination of powrakarmikas: The Health Inspectors have been threatening powrakarmikas that workers are going to be removed and only half or less than half the workers are going to be retained. On seeking further information from them, they refer to some "micro plan" on the basis of which such removal of workers will be done. Such "micro plan" has never been brought to the attention of or discussed with the Union nor to any of the workers and any such attempt is

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looking to increase the workload on the powrakarmikas who are already working under extremely unhygienic and precarious working conditions. It is unimaginable how the work being done is now sought to be done by just half or less than half the workers and the basis for such a decision, if at all. We would also like to bring to your attention that in several areas, money is being collected from the powrakarmikas in the guise of retaining workers and threatening to remove workers if such money is not paid. We stronly oppose such arbitrary decision making and any such removal of even a single powrkarmika would be blatantly illegal.

7. Review the population: powrakarmika ratio to at the very least 500:1: The fixing of the population: powrakarmika norm at 700: 1 is highly unscientific and contrary to the reality of the work being performed by tens of thousands of powrakarmikas. Please remember that in meeting with the officials and the Hon'ble Ministers when the question of the norms being revised was raised by us, we were assured that these norms were only directory and that no workers currently employed through contractors would be retrenched or forced out of their jobs. We were also informed that these norms are only for calculating the number of street sweepers required and not the entire solid waste management workforce. In respect of the same, we have submitted several representations, despite which steps have not been taken. Further, as pointed out by the Report of the Committee on the Improvement of Living and Working Conditions of Sweepers and Scavengers by Sri I.P.D. Salappa apart from the above, similar proportionate appointment is to take place of other related categories of employment dealing with the work of cleaning of main channels, gutters, drains, workers on lorries and dumping yards, etc.

8. Bogus workers registered in bio-metric attendance: It is also clear that several persons who are not workers are having their bio-metric attendance taken, clearly showing the large number of "bogus workers" on the rolls.

9. Pathetic conditions of work: Workers are not provided with pushcarts and are forced to use gunny sacks to collect the garbage. No safety gear including that listed in the Minimum wage notification is provided.

10. Payment of Provident Fund Dues as determined by the Regional Provident Fund Commissioner: ESI and PF deductions payable by the contractors and the BBMP to the contract powrakarmikas were being siphoned off by the contractors from 2007 onwards. Our repeated complaints and stand has been vindicated by the order passed by the Regional Provident Fund Commissioner dated 26.10.2018 under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 determining that Rs. 90,18,89,719 (Rupees Ninety Crores Eighteen Lakhs Nine Thousand Seven Hundred and Nineteen Only) payable on account of Provident Fund, Pension Fund and Insurance Fund contributions and administrative charges for the period January, 2011 to July, 2017 in BG/BNG/44679. It is pertinent to note that the

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said amount does not cover the period from 2007 to 2011, during which serious non-compliances took place.

11. Failure to ensure implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Although the Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been formed, the various duties and functions of the employer under the Act have not been complied with. As per the Act, it is the mandatory duty of the employer to conduct awareness workshops amongst workers in each ward, ensure that full publicity is given in respect of the constitution of the Committee and the procedure for filing complaints and to display at conspicuous places in the workplace, the penal consequences of sexual harassments: and the order constituting, the Internal Committee. However, till date no awareness program has been carried out in respect of any of powrakarmikas keeping them uninformed and in the dark in respect of their rights and remedies available. Further, in respect of the grave sexual harassment suffered by powrakarmikas of Ward No. 55 a complaint was filed before the Committee against Sexual Harassment Committee of the BBMP, in respect of which an enquiry was underway. However, till date we have not received information in respect of the conclusion and finding of the committee.

Hence, we demands that:

1. The BBMP must implement the decision of the Government to immediately end to the contract system, and transfer to the system of direct payment of wages to the powrakarmikas, in full letter and spirit.
2. Wages for the months of January to March, 2018, must be immediately disbursed along with wage slips.
3. From next month onwards wages hold be paid before the 7th of every month and wage slips has to be given to the workers
4. System of direct payment must extend to all SWM workers including drivers/helpers.
5. Names of genuine powrakarmikas excluded from the workers' list must be immediately included in the said list.
6. All equipment including pushcarts, gloves, boots, etc. as listed in the minimum wage notification shall be provided to workers immediately.
7. FIRs should be registered against "ghost workers" and the concerned BBMP officials.

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8. BBMP must revoke any "micro plan" that aims to terminate workers or increase the workload of powrakarmikas, and any and all plans made in the future must only be with consultation and discussion with the Union.
9. BBMP must issue strict instructions to all of its officers and inspectors not to threaten workers with termination.
10. BBMP must comply with the order dated 26.10.2018 of the Regional Provident Fund Commissioner in BG/BNG/44679 and deposit Rs. 90,18,89,719 (Rupees Ninety Crores Eighteen Lakhs Nine Thousand Seven Hundred and Nineteen Only).
11. BBMP must implement the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
12. The Order passed in regard to the case of sexual harassment suffered by powrakarmikas of Ward No. 55 should be declared.
13. The population to sweeper ratio ought to be reduced from 1:700 to 1:500.
14. Immediate action must be taken against previous contractors as per the several complaints submitted by the Union in respect of exploitation of the workers as well as siphoning off public monies
15. Strict action must be taken against all BBMP officials who hamper the direct payment system or fail to perform their role in the implementation of the direct payment system in any manner.

Thanking you

Nirmala

Nirmala M.
General Secretary

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