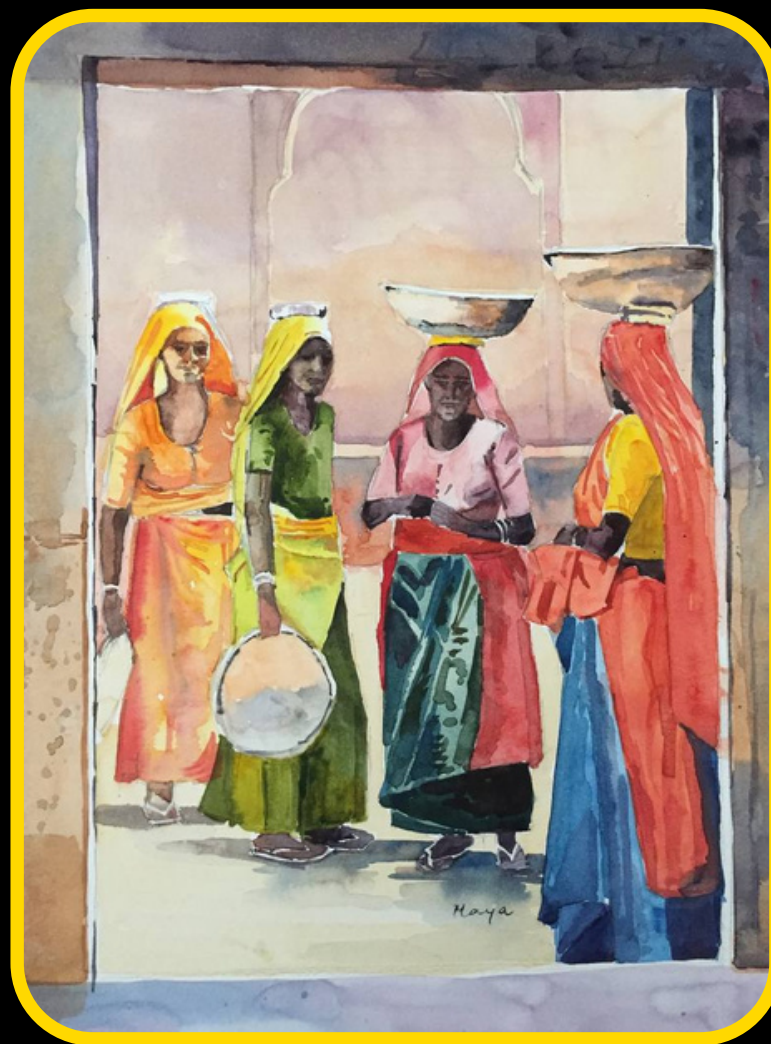




National Workshop

Construction Workers and New Labour Reforms: Challenges and Aspirations



Labour markets are about people. And people have a right to be treated with dignity and respect.
'Juan Somavia'

Thursday, 3rd November

About Us

The centre strives to study conditions where all working people can live with dignity.

It also tends to work to make efforts that will ensure all working people are able to access nothing less than a 'need-based minimum wage', along with 'decent conditions at work' as laid down in policy documents, legislation and the law of the land.

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Centre for Labour Law Research & Advocacy



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About the Workshop

The National Law University, Delhi and the Centre for Labour Law Research and Advocacy in association with Delhi Building and Other Construction Workers Welfare Board (Delhi BOCW Board) and Indo-German Focal Point are organising a one-day National Level Workshop on '**Construction Workers and New Labour Reforms: Challenges and Aspirations**'.

This National Workshop aims to bring together CEOs of BOCW Boards, civil society organisations on construction workers/trade unions, workers' representatives, industry representatives, academicians, researchers, and lawyers on one platform for a fruitful discussion and deliberation on Construction Workers' Law which is in Transition to the Labour Codes.

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In association with



BWI • BHI • BTI • IBB • ICM



Date & Venue:



Thursday, 3rd November



Centre for Labour Law
Research and Advocacy,
NLU Delhi

Concept Note

The Periodic Labour Force Survey 2018-2019 stated that 83% of the total casual workers and 11% of the people who are self-employed are construction workers. It's India's second-biggest employer. As India's economy improved in the 1990s, the building industry grew. Non-regulation led to widespread exploitation and degrading of the construction labour. In *PUDR & Ors. Vs. Union of India & Ors.* (1983), the judiciary noted the exploitation of construction workers on sites and held that non-payment of minimum wages to construction workers in the case would amount to Forced Labour. To alleviate the exploitation of construction workers by providing labour rights and welfare provisions, the state enacted two laws: The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act for registration and welfare benefits, and the Building and Other Construction Workers Welfare Cess Act of 1996 for levy and collection of Cess on construction costs to be credited to welfare boards.

Despite these two construction worker laws, there were implementation flaws, especially with State BOCW Welfare Boards, worker registration, Cess collection, and welfare benefit delivery. National Campaign Committee for Construction Labourers petitioned the Supreme Court for implementation of the Act in 2006, and the battle proceeded until 2018, when the Court ordered Welfare Boards in all States, worker registration, and ID cards. Soon after, the central government unveiled the 2020 Codes on Social Security and Occupational Safety, Health, and Working Conditions.

This National Workshop aims to bring together CEOs of BOCW Boards, civil society organisations on construction workers/trade unions, workers' representatives, industry representatives, academicians, researchers, and lawyers for a fruitful discussion and deliberation on Construction workers law in transition to the Labour Codes. The Workshop would discuss the following:

- The 2020 Codes on Social Security and Occupational Safety, Health, and Working Conditions would kill the BOCW Act and the 1996 BOCW Cess Act, according to some. CSS provides two parallel benefit systems dependent on the size of the establishment they work in, causing unnecessary confusion, whereas the BOCW Act had one welfare regime for all building workers. Uncertainties abound.
- Further, OSHWC Code debates help grasp its consequences for construction workers. The session will specifically cover definitional issues, absence of proper safety provisions, workers' right to remedy, etc.
- Non-registration under the BOCW Act is one factor for construction workers' informality. The session must cover growing registration and welfare benefits access.
- CEOs of welfare boards should be consulted on best practises. This is because judicial activism established state boards, which began operating as mandated.

- The key question widely in discussion is about the corpus of Cess money with the Boards and its low spending for beneficiaries. There are different experiences in states regarding spending of Cess for the workers.
- Covid challenged State BOCW performance. Unspent State Board monies were used for "politically pressing goals in emergency situations." Paradoxically, the Fund was not used for their benefit, but rather for other pressing requirements, while the beneficial personnel faced difficulty on the roads when returning home. It's crucial to investigate different states' welfare-related practises and outcomes. Further, it's vital to ask if the Boards have preventative welfare procedures to protect construction workers from natural disasters and pandemics.

Though our conversation isn't limited to the aforementioned topics, they are the main ones that will be elaborated on during the Workshop. It will profit from the discussion and push us ahead. We hope all parties will work together to make the Workshop a success and address the important topics we're discussing.

Program Schedule

INAUGURAL SESSION	TIMING	PROGRAMME	SPEAKERS
	9:00AM – 9:30 AM	WELCOME ADDRESS	Prof. Srikrishna Deva Rao Professor and Vice-Chancellor, NLUD
		KEY NOTE ADDRESS	Prof. Ravi Srivastava, Centre for the Study of Regional Development, JNU (TO call and find out today)
		SPECIAL REMARKS	Prof. Karl-Heinz Noetel, President ISSA Construction, Senior Advisor BG BAU, Germany
		INTRODUCTION TO THE WORKSHOP	Dr. Sophy Associate Professor of Law, NLUD
		VOTE OF THANKS	Prof. (Dr.). Harpreet Kaur, Professor and Registrar, NLUD
SESSION 1	9.45 A.M. – 11:30 AM	WELFARE BOARDS UNDER THE BOCW ACT: CHALLENGES AND BEST PRACTICES	
		CHAIR: PROF.BABU MATHEW (Introduction of the theme and the Panel)	Speakers: 1. Dr. Himanshu Upadhyaya, Assistant Professor, APU
	9.45 A.M. TO 9.55 A.M.		
	9.55 TO 10.10 A.M.		

	10.10 A.M. TO 10. 25 .A.M.		2. Dr. Arun Kumar Jha, IAS, Secretary, DBOCWWB
	10.25 A.M. to 10.40 A.M.		3. Mr. KN Sen Head EHS at L&T (ONLINE)
	10.45 A.M to 10.55 A.M		4. Mr. Ramendra Kumar, Member DBOCWWB
	10.55 A.M. TO 11.30 A.M.	Discussion (After facilitating the discussion, the Chair will have the liberty to request the CEOs of State Boards to share their experiences with its functioning)	
TEA BREAK: 11. 30 a.m. to 11.45 a.m.			
SESSION II	11:45 A.M. TO 1.30 P.M.	CONSTRUCTION WORKERS UNDER CODE ON SOCIAL SECURITY: A REVIEW	
11:45 A.M. TO 11.55 A.M.		CHAIR: Mr. PARTHA MITRA, Indian Economic Service (Retd.) (Introduction of the theme and the Panel)	Speakers:
11.55 A.M. TO 12.10 P.M.			1. Prof. K. R Shyam Sundar, Professor, XLRI, Jamshedpur (ONLINE)
12.10 P.M. TO 12.25 P.M.			2. Mr. J John, CEC, Delhi
12.25 P.M. TO 12.40 P.M.			3. Dr. Otojit Kshterimayum, Fellow, V.V. Giri National Labour Institute, Noida (TBC)

	<div>12.40 P.M. to 12.55 P.M.</div> <div>12.55 P.M to 1.30 P.M</div>	DISCUSSION	4. Harshil Sharma, Research Consultant, DBOCWWB
Lunch Break: 1.30 p.m. to 2.00 p.m.			
SESSION III	2.00 PM – 3:45 PM	CODE ON OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS: IMPACT ON CONSTRUCTION WORKERS' LIVES AND LIVELIHOOD	
	2.00 to 2.05 P.M	CHAIR: PROF. SOPHY K.J., ASSOCIATE PROFESSOR OF LAW, NLUD (Introduction of the theme and the Panel)	<div>Speakers:</div> <div>1. Dr. Ashok Sahu, Indian Economic Service (Rtd.) & Former Secretary General, NHRC</div> <div>2. Mr. Ponkumar, Chairman, TNBOCW Board (ONLINE)</div> <div>3. Ms. R. Geetha, a Regional coordinator of the Nirman Mazdoor Panchayat Sangam, TN</div> <div>4. Adv. Chirayu Jain, Delhi High Court</div>
	2.05 PM to 2.20 PM		
	2.20 PM to 2.35 PM		
	2.35 PM to 2.50 PM		
	2.50 PM to 3.05 PM		

	<div>3.05 PM to 3.20 P.M</div> <div>3.20 P.M to 3.50 PM</div>	DISCUSSION	5. Dr. Pramod Pushkaran, Director of Factories/CEO, BOCW Kerala
TEA BREAK: 3.50 PM to 4.00 PM			
CONCLUDING SESSION	4:00 PM – 4:20 PM	Conclusion: Way Forward	<div>1. Mr. B.K. Sahu</div> <div>2. Mr. Subhash Bhatnagar</div> <div>3. Dr. Sophy K J</div>