

THE TAMILNADU CONSTRUCTION WORKERS' UNION

by
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A movement of construction workers has taken root and acquired statewide character in Tamil Nadu in the past ten years. The unionization of construction workers outside the party fold first began in Madras and gradually spread to other districts of Tamil Nadu.

The Tamil Nadu Construction Workers Union is a trade union with a difference. Unlike a conventional union which would basically demand benefits from employers, this one has fought for the self respect of construction workers. Among the union's demands has been social and governmental recognition of construction workers as a part of the labour force, their rights as labourers, as also the regulation of employment in the construction industry through legislative enactments. The role of women in the movement is significant not only because of their militancy or their participation in the struggles in large numbers, but also because specific issues concerning their position in the construction industry have been raised by the women workers.

Construction is an industry basic to human society. It is seldom acknowledged that the construction of roads, dams, bridges, factories, buildings etc., provides the basis for economic development. Ironically, although the state and central governments are the largest employers in this sector, and spend crores of rupees annually on construction work, particularly as part of state developmental activity, this sector remains totally neglected as far as the workers are concerned. In Tamil Nadu alone construction workers number nearly 25 lakhs and the all-India figure is approximately 2 crores. Women workers are the most exploited in this sector, which remains socially backward, a condition that is reinforced through the extensive use of child labour.

The industry is organized in both public and private sectors on the basis of contracting, sub-contracting and labour contracts. Whether the work involves building factories or railway lines, it is all given out on contract. Neither the principal employers nor the contractors take any responsibility for organizing the labour process or for the labourers. All contractors, big and small, whether in the private or public sectors, have only a small number of

workers on the muster roll. This is true even of public sector undertakings such as the Tamil Nadu Building Construction Corporation. The major portion of the work is divided and given out: a skilled worker with a group of workers under him will undertake a turnkey arrangement to complete the task. Thus masonry, carpentry, bar bending, painting, welding, mosaic work, earth work and concreting are undertaken by different labour groups.

There is a hierarchy of relationships in this industry with the principal employers standing at one end with their massive capital outlay and the impoverished wage labourers at the other, with the different layers of contractors and sub-contractors in between. On the lowest rung of the hierarchy stand the women labourers known as *chitahals*, in Tamil, 'small person'. It is they who do the most arduous part of the work, namely lifting and carrying construction material such as bricks, mortar, water and sand. Balancing a dozen bricks on their heads and climbing three ladders at frequent intervals requires considerable skill and stamina, but the work done by women is said to be unskilled work. There is a strict sexual division of labour: men dig the earth, mix the mortar, carry cement bags. They are called *pevials*, meaning 'big person' which symbolizes their status. Women are employed only as 'unskilled' hands in masonry, mosaic, concreting, earthwork and carpentry. While some *pevials* are able to acquire some skills through informal on-the-job training, such opportunities are denied to women.

Workers are recruited by *maistries* (foremen) and homeowners from local areas or from their native villages, and sometimes from marketplaces in villages, small towns and cities. A problem peculiar to the workers in the construction industry is that unlike the factory situation where the place of work is fixed, and the product of labour goes into circulation, in construction it is the latter that remains fixed after the work is completed, while the workforce shifts to a new site and acquires a new employer. This constant mobility of labour from site to site coupled with the system of contracts and sub-contracts poses serious problems in organizing the workers, and in securing any benefits for them from the employers.

Conditions of work

While the big employers on major sites sometimes offer continuous employment for over a year, on an average, the workers in the housebuilding sector get employment for three to four weeks at a time, while those recruited from the marketplace get employment for only one or two weeks at a time. The monsoon months bring a rise in the price of bricks and this brings house construction to a halt. Since the industry does not provide a lay-off wage, these are periods when the workers tend to become indebted to moneylenders (sometimes the moneylenders are contractors and sub-contractors themselves). It is during the monsoon also that their shacks and makeshift huts in cities get flooded and many workers move back to their native villages. Their rural links help them to survive during this period.

Since employment is mainly through *maistries*, no records are maintained by contractors or principal employers for the workers. Despite the provisions of the Contract Labour (Abolition and Regulation) Act, except for the companies' direct recruits, of whom there are only a small number on any big site, the construction workers are not provided with either an employment card or a wage slip. Thus they have no proof of employment and even after working in the industry for several years, they have no service records.

The wage rate in general bears an inverse relationship to the regularity of employment. In any particular city or town, the bigger the construction, the lower the wages. Everywhere, the wages are lowest for women. Women suffer along with men from the long hours of back breaking work, lack of amenities and social security. In addition, they face discrimination in terms of wages and opportunities for acquiring skills. Indeed, often the men, because of relatively better access to opportunities for improving skills, are able to move up the hierarchical ladder and get better wages. No such facility exists for women. Actual differentials may vary from a few rupees to up to ten rupees a day. In Sinaganga, where there are no male unskilled labourers and women do all the ancillary tasks in masonry, earthwork etc., their wages have not reached the levels prevalent in other towns. Wage rates are, however, very much dependent on the existence of the union. In villages, small towns, slums, markets and construction sites, wherever the union exists, it is responsible for fixing the wages. But migrant labourers, recruited directly by sub-contractors from villages in the interior, do not have even this protection and get the lowest wages.

Construction work is hazardous and accidents involving simple injuries occur every day while fatal accidents are

not uncommon. Falling from heights, electric shocks, cave ins etc., are the major types of accidents which occur. There are no safety norms on construction sites, nor are accidents compensated for. On big sites it is not uncommon for fatal accidents to be hidden by contractors and employers, with entire families being forced to go back to their villages in order to 'keep them quiet'. Unless there is pressure from the union no accident gets compensated for.

Women construction workers

Bad though the conditions are for male workers, they are much worse for women. Women carry heavy loads often to the very end of their pregnancies and sometimes deliver their babies while still at work. After childbirth, it is common for women to return to work within a month. The babies are generally left in cloth cradles that hang from trees. Children grow up on sites, older children are left to care for the younger ones as there are no creche facilities. There is little or no access to education and children are exposed to all the hazards of the site. Basic amenities such as drinking water and toilets are not provided at sites, even in public sector undertakings. To answer nature's calls, women have to go hunting for dark places. They frequently suffer from neck and chest pains as well as fever because of exhaustion. Thus, every fortnight or so they are compelled to take a few days off work, something they can ill afford. Since there are no medical facilities, they have to spend money on medicines etc., from their meagre earnings. The total lack of security means that women survive by working as long as their energy lasts. By the time they are fifty they have completely lost their capacity for work.

Child labour is widely prevalent in construction. Boys and girls working in the industry are usually children of women workers who get pulled into the work because of the need to earn whatever is possible, and also because for the children themselves, since there are no educational facilities, there is little else to do. A considerable percentage of the women workers are heads of households, and even where this is not the case, women often have to bear the burden of supporting the families as the men use up all their earnings on drink. The incomes of women and children thus, are often central to the survival of several families.

Early stages in collectivization

Construction workers began collectivizing in the early thirties in Tuticorin; this later spread to many other towns. In the early stages they formed guilds whose activities included:

(i) Stopping work once a month and holding monthly meetings;

(ii) Fixing of wages and wage enforcement on the principle that no member could work for a wage lower than that stipulated.

Though the guilds were effective locally in towns and villages, unskilled workers, including all the women in the industry were outside their purview. Although attempts were made to generalize guilds and form a state level organization, these were unsuccessful because of the unregulated nature of the industry. In addition, activities at the state levels consisted mainly of holding meetings and passing resolutions that free implements should be provided to construction workers and that cement should be distributed only through the guilds. The guild phase lasted only for a very brief while and was fairly limited in its perspective.

Guilds were basically groups or organizations of workers with a particular skill and were an expression of their solidarity. Each guild operated on the principle that one worker should not substitute for another. This was an effective weapon against victimization and retrenchment. In cases of victimization, no other worker would offer his or her services and this would pressurize the employer into approaching the guild for a settlement of the dispute. Wages were also fixed in a similar way at general body meetings and were enforced on the principle that no worker would work for a lower wage than what was fixed. Thus, if any employer refused to pay the stipulated wage, no worker would work for him. Guilds were not divided along party lines, but they did create a hierarchy of skills among the workers which was ultimately divisive. When the union came in this was one of the problems it had to face and the process of creating unity among the workers was an uphill one.

The difference between the two phases, that of the guild and the union, is brought out in the different flags that symbolized their identities. The guild's organizational flag was yellow in colour (in order to denote auspiciousness and the social importance of construction work) and carried on it depictions of implements of the trade, such as mason's spoons etc. The union flag on the other hand was one third yellow and the rest red, and carried on it the outline of a building. Here the social importance of the activity was combined with the need for struggle (red), involving the blood and toil of the workers.

A brief history of the union

In 1979 the construction industry faced a severe slump. It was also at this time, because many workers were out of work, that the need to organize was voiced for the first time. The year began with an acute shortage of cement and, at the same time, its widespread availability (along with steel) in the black market in Madras. The month of *thai* (January 15 to February 15) is the first auspicious month after the monsoon and normally witnesses a spurt in construction activity. This time, however, there was no such spurt, instead things came to a grinding halt.

Hundreds and thousands of construction workers banded together spontaneously and converged in demonstrations outside Fort St. George, then the seat of government. There was some hope that the newly elected Anna DMK government would look into their demands sympathetically. The workers demanded fair prices and relief for those who had been laid off because of the slump. Although women participated in these demonstrations, they formed only a small number, approximately ten per cent.

It was as a result of these demonstrations that activists involved with construction workers met and decided to form a trade union which would demand that:

- (i) a commission be set up to fix minimum wages.
- (ii) provision of the ESI;
- (iii) a sum of Rs 10,000 per person from the Chief Minister's relief fund to be paid to victims of fatal accidents;
- (iv) creches be set up at construction sites;
- (v) a separate law be enacted for the protection of construction workers.
- (vi) a twenty five per cent reservation of houses by the Tamil Nadu slum clearance board;
- (vii) free implements

Subsequently, the next few years were marked by demonstrations, picketing, and hunger strikes by

construction workers. Over a period of time guilds from twelve districts affiliated themselves to the union. Women's participation in demonstrations increased rapidly and soon they could be seen in large numbers both in Madras city and the districts.

The Union and legislation

In 1981, at a seminar on construction workers, a group of lawyers made a preliminary attempt to draft a bill to protect construction labour. The bill contained a provision for a welfare fund which could be utilized to provide housing, medical care, creches and educational facilities for children of construction workers. Copies of the bill were circulated to central and state governments, members of parliament and the legislative assembly members. It was subsequently filled as a private member's bill in the Lok Sabha and the Rajya Sabha but it did not come up for discussion in the former, while in the latter it was discussed only in November 1985. At the end of the discussion the union minister for rural development stated that the union government was in the process of framing legislation to protect construction labour. Meanwhile the Tamil Nadu government introduced a bill in the state legislative assembly entitled the Conditions of Employment and Miscellaneous Provisions Bill 44/83 which had one serious flaw: it did not take into account the shifting nature of the employer - employee relationship in the industry.

The union, the Tamil Manila Kattiga Sangam, formed a committee to suggest amendments to the Tamil Nadu government bill. In addition, a state-wide campaign culminated in a mammoth conference in Madurai in February 1984. Addressing the budget session of parliament a few days later, the Governor promised to amend the bill to register all construction labour in the state, provide compulsory insurance and to provide Rs.10,000 from the Chief Minister's relief fund to the families of victims of fatal accidents. Although all other recommendations were ignored, this at least provided a ray of hope.

Nonetheless, agitations continued. Then, without any notice, the bill was suddenly passed without including provisions for registration of workers, or for payment of compensation as promised in the case of fatal accidents. This sparked off picketing by construction workers in Madras; women were in the forefront of this campaign and agitation, and demonstrations were held throughout the state. Although the government tried to pacify the workers by making gestures such as offering them a self-insurance scheme, the union refused to accept these. As a result of the unity built up in the course of this campaign, the workers took a stand in the general elections (which were

announced soon after) that they would put forward their view during the elections and would not support a candidate who was not willing to give a written undertaking that they supported the demands of the construction workers.

Government legislation and women

The state government's Act included, in its fourth chapter, special provisions meant ostensibly to protect women construction workers. The union raised several questions about the validity of these provisions and these questions were the subject of considerable debate among the members. Section 27 of this chapter laid down restrictions on the employment of women. It stipulated, as the Factories Act does, that women 'in construction' would not be allowed to work after 7 p.m. The women felt that this, instead of protecting them, would deprive them of existing employment opportunities. In concreting work, for example, the work has to be completed in one stretch, and if women could not work continuously, their places would be taken by men. In fact, concreting provided employment to large numbers of women, and what they really needed were proper overtime wages. Since they worked in groups, they did not in any case need protection after dark, thus such measures, they felt, were diversionary and patronizing.

A second provision related to maternity benefits. The Act extended the benefits of the Maternity Benefit Act to construction workers. But because the employer and the place of employment kept shifting, it was not possible for women to claim these benefits at small and medium construction sites or even at large ones, especially those where identity cards are not issued. Instead, they felt that this legislation would have the reverse effect and would make employers wary of employing women. Similarly, the extension of benefits such as provident fund etc., was also farcical given the frequent changes in the employer-employee relationship. Thus, the state government, in framing this legislation, revealed its total ignorance of the specific conditions of the industry as well as its disregard for the real interests of women.

While these agitations continued the union also kept up the pressure on the government to frame a central legislation on construction labour. Seminars were held to discuss possible clauses for inclusion and, at a seminar organized by the Tamil Manila Sangam in Delhi in 1985, various unions of construction workers resolved to frame common demands and to wage a common struggle to achieve these. The seminar identified the government's special responsibility to construction workers given the unregulated nature of their industry, and it was suggested

that construction labour boards be set up at various levels. In addition it was also suggested that a welfare fund be set up with the principal employer making a compulsory contribution of 2 per cent of the total cost of construction. The money thus collected was to be used for housing, education of children, provision of creches and childcare.

The seminar's recommendations made special mention of women and suggested that they be given skill training in order that they could become masons. Women were to be represented on the board in proportion to their numbers on the workforce.

At the end of the seminar a national campaign committee for central legislation was formed which formulated a bill on the basis of the seminar's recommendations. A signature campaign was also carried out and over 500,000 signatures were collected. The petition that was prepared was handed over to the petitions committee of the parliament on December 5, 1986 by a nationally constituted representation of construction workers. Meanwhile, local campaigns continued.

In Madras on 18 July 1987 construction workers took out a huge demonstration demanding implementation of minimum wages and implementation of the seminar's recommendations; this was followed by a convention of construction workers in which representatives of organizations from all over the country took part. To focus on the specific problems of women a special session was organized where women representatives spoke of the discrimination in wages and the resistance to acquiring skills that they faced. They also reiterated their special needs such as creches and clean drinking water at worksites and in and around the home.

The union and the role of women

Today the union's membership is largely among the small and medium housing sector workers, both in urban and rural areas. Apart from campaigning at the national level, the union has also taken up the issue of accidents and has been working hard to obtain compensation for victims of accidents. Here they have had to resort to both legal and direct action, and women have played a major part in such disputes, often helping to resolve the issue or taking part in large numbers in direct actions. The ex-gratia payment of Rs. 10,000 for families of accident victims that the union had been demanding was sanctioned (by a government order) after a long drawn out struggle, but even after this, very little action was taken at the implementation level. Thus the union's statewide agitation has continued and a writ has been filed in the state High Court at Madras.

Violation of labour laws on big sites and non-payment of minimum wages to women in the districts are issues that have been taken up as campaigns in the past one year through legal literacy camps for both female and male workers, and also through direct action. The union has also been campaigning against police harassment, and for housing.

The union has branches in residential areas, in villages, in towns and slums or market places where workers assemble. Each branch has a membership ranging from 30 to 200. Branch unions elect the executive committee and the office bearers, this includes the secretary of the women's wing who is elected by the women members. The paying membership of the union is about 20,000 of which about 30 per cent are estimated to be women, although often the campaigns and agitations have drawn much larger numbers. The women's wing of the union was formed in order to encourage women to participate in union activity. Women's participation is noticeably higher in Madras than elsewhere. In Madras city, women workers constitute as much as 40 per cent of the membership of the union and are very vocal in the monthly meetings of the unit as well as in the general council. But, in spite of this, and other than in a few units, women do not get elected to general posts in the union. Although it is true that involvement in the union has helped the women to be more militant, and to articulate their problems both at home and at work, there are still very few of them in leadership positions.

The union has, apart from taking up workers' problems at work, also begun to play a major role as arbitrator in domestic disputes, in organizing marriages and arbitrating in disputes relating to them, as well as helping to organize funerals etc. In particular its role in arbitrating familial disputes among members and supporters, in negotiating tricky inter-caste marriages and divorce arbitrations have made it a social force in the lives of workers in many cities, towns and villages.

Thus, the union has played a fairly major role in articulating the issues raised by workers, as well as in articulating the rights of women in the industry. However, it is important to remember that though women have come a long way since union activity began, they still have a considerable ground to cover in this respect. Although efforts to break down old taboos and barriers are being made, women still suffer from wage discrimination and skill barriers. Men's wages are hiked up faster than women's so called unskilled labour and there is considerable resentment among women on this count. One of the major problems that the union faces today is the tension between men and women workers on these

issues. There is no adequate appreciation of the high degree of skill required to perform the 'unskilled' work of women. This is true not only of the employers but also of male workers within the union. For example, assisting a mason and anticipating his exact requirements so that

work can progress smoothly requires a high degree of skill, as does climbing scaffoldings and balancing loads of bricks. However, these are not considered skilled activities. These problems continue.