

WORKER M VS VETRIVEL KNITS

OVERVIEW:

For case -13, the worker has been represented as 'Worker M'. At the time of appointment, the factory owner agreed to pay Rs.25,000/ month as salary and agreed to give one month's salary as bonus in the festive period. But in the first year, the owner was given only Rs.10000 as bonus. But in the second year the employer also gave Rs.10000/- as bonus, so worker M had demanded a 2 month salary as bonus. But the management refused and his 10 days wages also did not settle. So he filed the case in the Labour commissioner office for conciliation. The case was dropped due to the politics that happened in between the conciliation officer and the company management.

BASIC INFORMATION:

1. Name of the Worker: Worker M
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 59
4. Name of the Company: Vetrivel Knits - 107, Sugumar Nagar, Kangeyam Road, Tiruppur - 641 004.
5. Designation of the Worker: Foreman – Machine Operator
6. Years of work in the Company: 2 years
7. Dispute Type: Non-payment of wages & non-payment of Bonus
8. Year of Dispute onset: 2019
9. Concluded/Ongoing: Failure
10. Year of Conclusion (If applicable): 2020
11. Individual/ Collective: Individual

TIMELINE OF EVENTS:

DATE	EVENT
Not known	Joined as the foreman in Vetrivel Knits
October 2019	Dispute onset
Not known	Failure

CASE HISTORY:

a. About the worker

Worker M is 59 years old. He has a small economically constrained family with his wife and a son. He was the breadwinner of the family for so many years and now his son joined him to support the family economy. His son just joined a drilling company as a temporary worker and earns Rs.9000/ month.

Worker M has 35 years of experience in the field of Knitting and worked over 10 factories in Tiruppur. He had worked in the Vetrivel Knits as foreman for 2 years.

b. About the Company

Vetrivel Knits is exporting the knitted garments. It produces baby knitted wears and exports to countries like Europe and the UK. It has more than 50 workers in production. They were exporting to International brands. After his separation, in a few years the company stopped exporting as the machines are very old models. Then they started to take job orders.

c. Beginning of the Conflict

At the time of appointment, the factory owner agreed to pay Rs.25,000/ month as salary and agreed to give one month's salary as bonus in the festive period. But in the first year, the owner was given only Rs.10000 as bonus. Since it was the first year, worker M has not demanded or forced the employer to give one month as bonus. Because, he had received a salary of Rs.25000/ month as the employer promised at the time of appointment. But in the next year i.e. at the second year also the employer has given Rs.10000/- as bonus, so the worker M had demanded 2 month salary as bonus because in the field of knitting and garment production, usually all the companies give 1 month bonus in the 1st year of service and give 2 month salary in the next year and give bonus to the maximum of 3 month salary. But, if calculated by the government rules and regulations the bonus amount will go beyond 3 month salary. When this issue started, worker M stopped working there and so he hasn't received his 10 days wage.

d. Informal resolution process

He then demanded the employer to give his pending wage and reasonable bonus. But there is no response from the company. So he approached Com. Eswaramoorthy (CITU) to get justice through the labour union. Then, Com. Eswaramurthy had spoken with the employer and stood for justice. But the owner wasn't even ready to give a 1 month salary as bonus and refused to give the pending wages.

e. Formal resolution – Conciliation

Then, Com. Eswaramurthy has advised me to approach the Labour Office for conciliation. Totally 3 hearings were done in the assistant Labour Commissioner's Office for conciliation. In the first hearing the Labour Commissioner fully supported worker M and convinced the employer to give the reasonable bonus and salary. The employer justified that the business is in loss. The Labour Officer had scolded the owner and asked whether he gave extra bonus during more profit. The owner stopped his justification there and the labour officer had asked the employer to consider and finalize the amount in the next hearing.

But before the next hearing, the caste politics had played a role. The employer and the labour Commissioner have been to the same caste and both are somehow related to the then MLA. So they came to an understanding and the scenario of the conciliation process was flipped over.

The labour commissioner has started supporting the employer and started convincing the worker M to safeguard the employer. The labour officer had asked worker M to consider the business loss and economic fall of the employer. In the 3rd hearing only, the worker M had got to know about the politics played in the conciliation process. So, worker M had lost hope and dropped the case there. He is not able to get his pending wages and any bonus for the second year of service from the employer.

f. Workers' view on the case process:

Com. Eswaramurthy has suggested worker M to appeal in the Labour Court. But, the worker M was not ready to appeal the case further. He lost his hope. Moreover, he has lost his income in the period of conciliation. The worker M has the responsibility to take care of his family. If he runs behind this case, he may not find the next work and even cannot continue the work regularly as he has to take a number of leaves and permissions for hiring. Also, the worker M cannot afford the travel and legal expenses of the case.

The worker M used to work from 9 a.m. to 9 p.m. and even worked till midnight on many days. So only he had demanded a bonus with hope. In 2019, the Diwali problem started and 3 hearings were held in the process of conciliation. For 1st hearing, Com. Eswaramurthy came. Then, worker M had agreed for a Rs.10,000 bonus since he didn't get any support from outside other than CITU leader. He had expected 2 months' salary as bonus and finally he had convinced himself to get at least Rs.25000 i.e. one month salary as bonus. But he got nothing in his hand at the end and he was totally upset and lost hope in these legal proceedings and justice. He was not ready to appeal further and to lose income and feels that it is a loss of way. He felt bad that all other knitting companies used to give a 3 month salary as a maximum bonus if a worker worked more than 3 years. He has shared that in the current workplace, he receives a Rs.20000 bonus in 1 year.

g. Missing Documents

None of the documents were available as the worker had gotten frustrated with the politics that happened in the legal proceedings. He said that had thrown all the documents in the garbage.