

6. Tea Workers Invoke Ilo Article 24

1. Why in News

1. Tea plantation workers in West Bengal raised labour rights violations with International Labour Organization (ILO)
2. Workers invoked Article 24 provisions against India
3. Allegations include starvation deaths, malnutrition, wage non-payment
4. Systemic violations despite India's ratified ILO conventions
5. Highlights gaps between international commitments and ground reality
6. Women and Adivasi workers face particular discrimination

2. Workers' Concerns and Allegations

Severe Labour Rights Violations

Starvation deaths – Workers dying due to inadequate food security

Severe malnutrition – Particularly among children and pregnant women

Non-payment of wages and dues – Chronic wage arrears, unpaid benefits

Lack of minimum wage – Earnings below statutory minimum wage levels

Gender discrimination – Women workers paid less, denied benefits

Caste-based discrimination – Adivasi workers face systemic exclusion and exploitation

Violations persist despite India ratifying relevant ILO conventions

3. Article 24 of ILO Constitution

Provision and Purpose

1. Enables industrial associations of employers or workers to file representations
2. Against member states failing to secure effective observance of ratified conventions
3. Enforcement mechanism for international labour standards
4. Holds governments accountable to their commitments

Examination Process

1. Tripartite committee – Three-member body from ILO Governing Body
2. Examines representation and government's response
3. Committee composition reflects tripartite structure (government, employers, workers)

Committee Report

1. Sets out legal and practical aspects of case
2. Examines all submitted information
3. Concludes with recommendations to Governing Body
4. Can lead to pressure for compliance or technical assistance

4. International Labour Standards

Historical Development

1. System maintained since 1919 by ILO
2. Legal instruments drawn up by constituents – governments, employers, workers
3. Establish basic principles and rights at work

Types of Standards

Conventions and Protocols – Legally binding international treaties; may be ratified by member states; create binding obligations

Recommendations – non-binding guidelines; provide direction for policy; complement conventions

Adoption and Ratification Process

Article 19(6) requirement – Member states submit adopted standards to competent authority within 12 months

Ratification – Convention comes into force one year after ratification date

Implementation – Ratifying countries apply convention in national law and practice

Reporting – Regular intervals reporting on application required

Technical assistance – ILO provides support if necessary

Enforcement Mechanisms

1. Representation procedures (Article 24)
2. Complaint procedures against ratifying countries
3. Monitoring through regular reporting
4. Technical assistance for compliance

5. International Labour Organisation (ILO)

Establishment and History

1. United Nations agency established 1919
2. Part of Treaty of Versailles ending World War I
3. First specialized UN agency (1946)
4. India – Founding member 1919 (pre-independence)

Membership and Structure

1. 187 Member states currently
2. Unique tripartite structure – Only UN agency bringing together governments, employers, workers
3. Ensures balanced representation in decision-making

Mandate and Functions

1. Sets international labour standards
2. Develops policies promoting decent work
3. Devises programs for all women and men workers
4. Promotes social justice and fair labour practices

Headquarters – Geneva, Switzerland

6. Labour Laws in India

Four Labour Codes (Implementation from 2025)

1. Rationalize 29 existing labour laws into four comprehensive codes

1. Code on Wages, 2019

1. Regulates wages and wage payment
2. Bonus payments provisions
3. Equal remuneration for equal work
4. Universal minimum wage

2. Industrial Relations Code, 2020

1. Trade union recognition and functioning
2. Employment conditions regulation
3. Layoff, retrenchment, closure provisions
4. Industrial dispute resolution mechanisms

3. Code on Social Security, 2020

1. Merges laws on provident funds
2. Pension schemes
3. Insurance coverage
4. Maternity benefits
5. Gratuity provisions
6. Extends coverage to gig and platform workers

4. Occupational Safety, Health and Working Conditions Code, 2020

1. Safety regulations consolidation
2. Working hours limits
3. Health standards
4. Welfare provisions

5. Applicable across sectors

Coverage and Enforcement

1. Apply to both organized and unorganized sectors
2. Enforcement challenge – Unorganized sector compliance weak
3. Enforcement agencies – Ministry of Labour and Employment; state labour departments; specific boards (EPFO, ESIC)

7. Challenges in Labour Law Implementation

Plantation Sector Issues

1. Remote locations limiting oversight
2. Weak enforcement mechanisms
3. Employer dominance in isolated areas
4. Vulnerable worker populations

Unorganized Sector Gaps

1. Limited inspections and monitoring
2. Workers unaware of rights
3. Fear of retaliation preventing complaints
4. Inadequate grievance redressal

Institutional Weaknesses

1. Insufficient labour inspectors
2. Corruption in enforcement machinery
3. Delayed dispute resolution
4. Lack of coordination between agencies

8. Conclusion

Tea workers' invocation of ILO Article 24 highlights serious implementation gaps in labour rights protection. Strengthening enforcement, ensuring wage security, ending discrimination, and effective implementation of Labour Codes are essential for protecting vulnerable workers and upholding India's international commitments.

Source – <https://www.downtoearth.org.in/governance/west-bengal-tea-workers-invoke-ilo-article-24-allege-systemic-labour-rights-violations>