

Chhattisgarh Inter State Migration Labour Policy

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As proposed

Samarthan center for development

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1. Introduction-

The economy of Chhattisgarh is agrarian, and the livelihood of its residents is the basis of agriculture and agricultural labor. 80% of the population of the state is engaged in agriculture related work which includes 55% agriculture and 25% agricultural laborers. Small farmers and agricultural labor are much affected by migration. The nature of agriculture in Chhattisgarh is low production and single crop. Chhattisgarh has 41.18 % of forest area. Natural Resource is one of the important base of livelihood of people belongs to Bastar and Sarguja. Chhattisgarh is rich in natural resources.

Efforts are being made by the Chhattisgarh government for skill development of the local youth. Efforts are being made to create agriculture and natural resource-based employment at the local level, but in the hope of earning much income, the workers have been migrating to other states. The nature of this migration of labors are seasonal and random, however some workers also do full-time migration. The nature of migration keeps changing constantly and those who are migrant today may be resident tomorrow, whereas those who are resident today can migrate outside for wages tomorrow. Workers of Chhattisgarh migrate to other states for brick construction, road construction, building construction, domestic work, industry, agriculture, etc., for wage work. The efficiency of these workers is low due to which more than 80% of the laborers do unskilled wages.

Migrant workers are an important basis of nation building. There is fundamental involvement of the workers of Chhattisgarh in the state in which they are doing migrant work, despite of this there is increasing in their exploitation and difficulties at destinations place.

2. Need of Inter-State Labor Policy required-

Exodus migration is carried out by workers in hopes of higher incomes, which is fully employed. In agriculture season most of the migrant workers returns back for the agriculture work, but this year due to lock-down in circumstances of Covid- 19, accidental homecoming has to be done while April-May and June are the months for work opportunities.

During the lockdown, the state of Chhattisgarh has worked tirelessly to bring back the workers, but the workers have found very difficulties in the destination state. Due to inconvenience in work site, about 7 lakh migrant workers have returned home in Chhattisgarh.

In this situation, it is necessary to create a safe environment throughout in India for each worker of Chhattisgarh can do fear free labor work and also worker gets the opportunity to work according to their capabilities and can run their livelihood. To build understanding

between other states to create healthy environment for workers and protection of their entitlement, today its necessary to develop and share the responsibilities and establishing procedures understanding between other states, so that workers be safe at their destinations even in emergency situations.

Contract labor for workers (Terms and Conditions of Service) Act 1970, Inter State Migrant Workmen Act 1979, Mortgage labor system (Cancellation and Completion) act 1976 provisions have been made under the Act, but the implementation is not being done as per the requirement of the Act, It will be useful strategy to simplify or improve the implementation.

3. Preambles

- To create fear-free environment at workplace outside the state and in state with inter-state cooperation so that workers can work with respect.
- To simplify the pre-operative system for the protection of social rights or rights of every migrant worker.
- To provide job opportunities and other benefits to each labor of the state based on equity and equality.
- Strengthen the information management and details of migrant workers so that it will be easy to formulate disaster management action plans on emergencies.
- To increase the participation of migrant workers in the development of Chhattisgarh and to formulate a strategy of protection in migrant workers welfare.

4. Chhattisgarh State Commitment for Migrant Workers.

- To develop awareness and efficiency of migrant workers so that they can get better employment opportunities and more wages.
- The system of cooperative and counselling can be developed in other states also, so that, workers should be able to work in any state of India according to their efficiency and capacity,
- To make the availabilities of food, health, education, timely payment and securing social rights for workers in workplace and destination states.
- Establish such system in the state of Chhattisgarh so that under emergency, the workers can easily contact in their own state.
- To ensure social security of children, person with special abilities, pregnant women, and elderly persons.
- Complying the Sexual Harassment (prevention, protection and prohibition) of Women Act 2013 at the workplace.
- To make provision in the Chhattisgarh budget for social security, education, health, residence, food etc. for migrant workers.
- To make equal arrangements for laborers of other states who works in the state of Chhattisgarh.

5. Aim-

- To build the reliable database for the skill mapping, employer planning, pattern of migration, problems during migrant and survey of rights of migrant workers with regularization of this data will be done for nearly 7 lakh workers who have returned home in the Chhattisgarh State.
- Returned migrant laborers are being surveyed, need also to done survey and preparation of reliable database of other laborers residing in the state who may be potential migrant laborers.
- Examining the availability of documents of migrant worker's like identity cards, labor registration, bank account, Aadhaar card etc. and ensuring for those who do not have them.
- Providing benefits under state and interstate government schemes based on eligibility for all registered migrant laborers.
- Identifying the destination workplaces and areas of migrant workers and securing the rights of workers at the workplace through agreements with the respective states.
- To build analytical data based on data analysis like survey, caste, category, income, gender, efficiency, migrant location, type of migration, method, period of migration etc of workers to prepare a evidence based action plan to solve the problem.

6. Definition of migrant labour-

- Workers who migrate from their place of residence to interstate for work.
- Migrant can be seasonal or temporary.
- The entire family, any one member of the family or more than one member can migrate.
- Workers who volunteered or tried through a contracting agent would be covered by this policy.

7. Rights of migrant labour –

Under Article 19 of the constitution, migrant workers have the right to freedom to visit any area of India, Article 16 of the Constitution provides equal opportunity to all citizens in the matter of employment, as Article 21 of the Constitution gives them the right to live. The right has been expressed by the Supreme Court so that human dignity can be adopted as an essential component for the right to life. It is the best category of right which is necessary to protect them under any circumstance. Under this policy, workers following rights are protected.

- A person is free to work at any place within the state or outside the state according to his abilities and opportunities.
- In other states also workers have the right to avail benefits of education, health, water, sanitation, pension, accommodation, ration, nutrition, voice,


health insurance etc. under central schemes and programs based on a permanent address or a document prepared on the original state, for which efforts will be made by the government.

- They will continue to get the benefit of all the schemes run by the state of Chhattisgarh irrespective of their migration within the state or outside the state.

In addition, the provisions made under the Contract Labor Act 1970, Inter-State Migrant Workers Act 1979, Mortgage Labor Practices Act 1976 will be strictly followed.

Proposed Action at source

8. Identification, registration and information management of workers-

 **1.Mandatory documents for workers-** Every migrant workers will have the right to have the **following documents** available before migration, for which the process of registration or preparation of documents will be simplified or improved by the Government of Chhattisgarh.

- **Digital Labor Registration Card-** The card will be in the form of a family card, which will be prepared for all the workers of the state. If 2 more workers are registered in a family, then an additional card will be provided for them. Labor resource centers will be set up at the district and block level for providing information and consultation of the eligibility of the workers for different schemes, as well as in the public service center, choice center and general service center at the village or ward level, workers will be able to establish their information and eligibility, applications can also be made for the schemes through these centers.
- There will be a less need of frequent visit to government office to meet government official to get information related to the schemes at various places or local level in the district, which also precaution measure at the time of Covid-19 pandemic.
- In addition with numbers of family members of workers there will also be detail about health, education, pension etc. in the digital labor registration card.

Other important documents

- Aadhar card
- Voter ID card
- Ration card
- Bank passbook
- Linking Aadhaar card to bank account
- Medical registration card, etc.

Efforts will be made to ensure that the above documents are available with the workers and members of their families.

2.Simplification on the process of labor registration-

- Workers will be able to register themselves on the basis of self-declaration letter.
- Camps will be organized at the village and ward level to increase the registration facility.
- All migrant laborers returned through these camps will be registered within the time limit.
- Identification of the missing workers in the current registration process and their registration will also be done within the time limit.
- Workers will be able to register themselves through Mobile App, portal, WhatsApp, Message, Phone Call, Application, Public Service Center, Choice Center and Common Service Centers, whose facility will be provided.

3.Maintenance of migrating register-

- At present, information related to migrant laborers is maintained by the Panchayat and Rural Development Department through the Secretary at the Panchayat level, but its not being regularized, so register will be maintained online for monitoring the register. For this purpose a mobile app has also been prepared.
- In this way, the system of maintaining the register of migrant workers is not in the urban area, so as per above, migration registration will be maintained wards wise, which will be maintained by the Nagaria Administration Department, so registration will be maintained online for monitoring. For this provision will be made in the mobile app.

4). Registration and responsibilities of employer contractors.

- Already there is a provision for registration of employers and contractors, but all the contractors are not registered, so the contractors will be motivated to get their registration done and monitoring will also be done.
- For registration of contractors and agents who takes migrant workers, officers of the department other than the labor department should also be authorized in charge, such as Chief Executive Officer, Janpad Panchayat / Chief Municipal Officer.
- Necessary documents and other detailed details of the labor passbook will be maintained by the contractor, this information will be updated in the Labor Department in Labor Resource Central Workers Portal.
- According to the Act, additional travel allowance for migrant workers, displacement transfer allowance etc. will be the paid, whose payment will

be ensured by the contractor, to monitor this, efforts will be made to maintain the labor passbook through the online portal.

- In accidental situation, providing information to the authority of both the states within 24 hours and making necessary arrangements for laborers.
- In the circumstances of the accident, accidental amount will be payable to the migrant labor as compensation amount by the contractor or employer, which will be determined by the competent officer on the basis of the Workmen's Compensation Act 1923.

5). information management: “Public participation labor information board and mobile app”

Citizen portal will be started by the state of Chhattisgarh in the name of public participation labor Information Portal, in which the following information will be displayed for the citizens.

- Information about registration of all employers and contractors will be displayed under various Acts like Contract Labor Act 1970, Inter State Migrant Workers Act 1979, and Mortgage Labor System Act 1976.
- Data report of the survey of migrant worker’s information, labor registration and digital labor card will be displayed, which will be updated regularly.
- After the registration of labor, what all schemes can benefit them, a detailed description will be displayed in this portal.
- Details related to the helpline's call, complaints and redressal will also be displayed for the information of the citizen.
- Information about profile of contractors, details of workers employed by contractors, etc.
- Through this web portal, all migrant laborers will be able to enter their travel details, wages, destination location information before their stay, and can also register complaints of problems of location destination.
- Through this web portal, monitoring of the facilities available to the migrant workers at the destinations can be ensured by the government, based on the information provided by the planning contractors and workers.
- Details of pregnant labor women, children, disabled, widows, single women and teenage girls are being maintained in the portal of Labor Department, which will also be displayed on this web portal too.
- Details of benefits, employment, social security benefits scheme etc. will be displayed to the workers through this web portal.
- Apart from the baseline, other important information related to the workers will also be readable on the quarterly, half-yearly and yearly basis through the phone call. This information will be regularly displayed on the portal.

✚ 6). Establishment of helpline and professional call center

- The helpline will have incoming and outgoing facilities.
- Workers will be able to register their complaints or suggestions through web portal, mobile apps, Facebook page, email, twitter etc.
- Through toll free number, phone call, miss call, SMS, voice message, video message, WhatsApp, workers will be able to register their complaint or suggestion.
- Call complaints in local languages such as Hindi, Chhattisgarhi, Gondi, Halbi, Sargujia etc. will be received.

9. Grievance Redressal Procedure-

- Grievances received by any means will be important for the department, which will be resolved through priority.
- There will be different topics and issues related to the complaints, according to which the phased, procedure, criteria and time frame for redressal will be determined by the department.
- Disposal status will be monitored regularly by senior officials.
- After the complaint is resolved, a follow up call will be made to the complainant. The satisfaction of the complainant through the call will be important. Only after satisfaction, the complaint can be considered as resolved.

10. Skill Development of Migrant Workers-

1) Assessment of skill of workers and skill development.

- Assessing the current skills and preparing an action plan for skill development, this information will be regularized and formed.
- Emphasis on need based skills and multiple skill development.
- Verification and certification of the efficiency of the workers based on a focused approach apart from capacity development training.
- The deadline for efficiency development programs will be set.
- The responsibilities of efficiency development can be determined at the Chhattisgarh State Skill Development Authority.

2) To develop an understanding of workers on legal, constitutional and financial literacy.

***Migrant labour**-Male, female, adolescent girl, third gender and children will be informed about their rights legal system designed to protect their. Support of different means and stakeholders can be taken to provide information.

***Departmental** authority- Sensitize all the departments and institutions that have been given the responsibility to protect the rights of migrant workers so that they remain in the reach of migrant workers.

*Sensitizing contractors, employers and labor organizations to make efforts to ensure the rights of workers, their safety, etc.

*financial literacy-Prior to migration, financial management of the bank, it is necessary to develop an understanding on the bank behaviour of withdrawing funds from ATMs, mobile banking, wage rate and payment so that it is safe from cybercrime or financial fraud.

*Providing detailed information to migrant workers and migrant women about the availability of all police stations and local committees (works on prevention of sexual harassment)

*Because most migrant women workers do not have access to smartphones that are usually owned by former family members, information can be transmitted via community radio, information can be disseminated rapidly through community radio.

*Social dialoguing can be organized to include the voice of migrant workers in the discussion about protecting the rights of workers.

11. Establishment of Migrant Workers Assistance Center-

To assist the migrant workers, the Migrant Workers Assistance Centers will be started at the Vikashkhan and district level. Following services will be provided to the workers through these centers.

- To develop the coordination between the Public Service Center, Choice Center and the General Service Center for facilitation of workers.
- To provide advice received in respect of registration employment and social security schemes.
- Updating workers information in the portal.
- To make efforts with the departments to provide benefits of social security and other schemes to the migrant laborers.
- Job opportunities in urban and rural areas (Construction, services and production). Identifying geographical areas in which migrant laborers can be employed.
- In order to provide employment, the private contractor consulted with private producers and service providers to give priority to migrant laborers.
- Providing legal advice to migrant laborers or linking them to Legal Services Authority.
- Coordinate with police department in case of crime.

According to the above, the responsibility of operating the Overseas Workers Assistance Center is given to the Param Mitra selected under the **Shram Mitra** Scheme currently run by the Labor Department. Shram Mitra will work like a

entrepreneur. Fixation of minimum fee for the services and facilities available in the center can be made as well as financial resources will be made available for the operation of the center. The establishment for this center will be available in the district/ block offices.

12. Ensuring departmental accountability-

Social rights protection, Awareness, to create departmental accountability for creating skill development and health environment is necessary.

Department	Responsibility
Panchayat and rural department	<ul style="list-style-type: none"> • To ensure collection and regularization of migration register • Fastening the construction works sanctioned by the department such as work of PMAY, MNREGA, other schemes, accelerate construction of CC road bridge culvert etc. so that workers get work at local level. • Maximum acceptance of material-based construction works under MNREGA so that skilled, semi-skilled workers can get work locally. • To establish department, organization and convergence to provide social entitlement or ensuring capacity of migrant laborers and to provide employment.
Skill development authority	<ul style="list-style-type: none"> • Skill development of marked workers
Employment and Planning Department, Department of Industries and Village Industries Department	<ul style="list-style-type: none"> • Employing workers for work. • Coordination with the department and industries for labour opportunity • Liasoning with private contractors to provide work
All Construction department	<ul style="list-style-type: none"> • To provide work to migrant laborers in their construction work.
Education department and tribal development department	<ul style="list-style-type: none"> • To provide education facility to the children of migration workers. • Admission of children of migrant workers to residential schools to ensure that studies are not disrupted. • Identifying children who have migrated from their region to other states or regions and informing the respective states so that they have opportunities to enter school at the destination.
Medical department	<ul style="list-style-type: none"> • Providing medical services for working women at the designated shelter site.

	<ul style="list-style-type: none"> • Providing benefits under health schemes like Medical Insurance, Ayushman Bharat, Dr Khubchand Baghel Health Assistance Scheme Chief Minister Special Assistance Scheme, etc. • Ensuring life insurance for workers working in the sanitation sector and other risky areas.
Women and child development department	<ul style="list-style-type: none"> • Better operation of Sakhi One Stop Center to increase the reach of migrant women.
Police department	<ul style="list-style-type: none"> • During migration support everyone for their stay and at workplaces, try to raise their morale with their safety. • Start a migrant workers helpdesk at the police station so that a worker can lodge a complaint related to paid accommodation, food etc. • Immediate disposal of workers' case.
Labor department	<ul style="list-style-type: none"> • Striving for better implementation of Contract Labor Act 1970, International Migrant Workers Act 1979, and Mortgage Labor System Act 1976 • Strive through network and agreement to increase interstate cooperation for migrant workers. • In the cause of death or trauma, the financial assistance to the labor's families is to be sustained until another person in their family is ready to earn. • Providing social security by registering in the respective groups according to the category of workers. • Shaheed Veer Narayan Singh labor food support centers to be expanded to ensure manure safety of workers. • To organize Shram Shakti Rojgar Mela at least once a year in collaboration with the concerned department and district administration.
Urban administration department	<ul style="list-style-type: none"> • Maintaining ward level migration register and updating online. • Making progress in construction work in urban area so that migrant laborers can be employed in work. • Workers of rural areas migrate to cities for work, in this situation, to make efforts for the system of laborers. • To assist in the mapping and registration of migrants from rural areas to the city.
District Planning Committee	<ul style="list-style-type: none"> • The responsibilities of monitoring and evaluation at the district level can be given to the District Planning Committee, which constituted before the Constitutional Committee. • Review of information received through survey, baseline, registration call center, labor research center

	<p>and preparation of upcoming action plan for labor welfare</p> <ul style="list-style-type: none"> • Along with cooperation in planning and implementation of mutual coordination between rural and urban areas can be reviewed and monitored by this District Planning Committee.
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Work to be done at destinations

Workers are unorganized at the destination, live in small groups and due to lack of information or fear of loss of work, not able to question the employer and contractor. And they have to work on that rate of wages fixed by the contractor and accommodation provided by him. In this situation, in order to increase the morale of the laborers and ensure their wage rate and facilities, adequate efforts will be made in collaboration with the destination states or local organizations for their safety at the destinations

13. Labor organizations / trade unions, participation of voluntary organizations.

- Networks will be created to help workers at destination places. These networks can include representatives of active labor organizations, trade unions, voluntary organizations etc. in the respective states.
- Monitoring of the workplace, the participation of the network can be increased as mentioned above for preparing the action plan for the capacity development and employment of the workers and for awareness and training.
- The network as mentioned above can be useful for communicating between inter-states, monitoring destinations and facilitating facilities.
- Migrant Workers Assistance Centers can be operated at destinations with the help of voluntary organizations and other donors.
- Regular dialogue will be established with labor organizations and voluntary organizations so that their suggestions and ground realities can be improved.

14. Wage rate and payment monitoring-

Provisions for monitoring of wage rate and payment have been made in the Labor Act, which will be monitored in the following context.

- According to the contractors, the wage rate of construction house cleaning work is fixed separately at the work site. Different rates are fixed for women and men. In this situation the wage rate should be fixed according to the provision of the law for which to strive.

- To ensure equal pay for equal work and equal treatment for women and men in pay.
- Workers will be encouraged to open bank accounts so that they can use digital payments in emergencies as well as to pay their expenses through online banking.
- Efforts will be made that contractors pay their laborers through bank accounts and weekly payments will be ensured.

15. Joint efforts with destination states

- Efforts will be made by the State of Chhattisgarh to enter into agreements with the destination states for the protection and welfare of the workers.
- The Central Government will be requested by the Government of Chhattisgarh that the state in which the laborers of Chhattisgarh are working should have the right to avail the benefit of service facility according to the state, which should establish the system concerned.

16. Measures for financial resources-

Financial resources are needed for the welfare of workers, which can be increased in the following ways.

- The existing gap will be identified in the recovery of building and other construction cess and to make efforts to increase the recovery by completing the gap.
- Fixation of two percent cess in agriculture market for the welfare of landless agricultural laborers, marginal agriculture and Reza Kuli Hamal working in the mandi.
- Fixation of 2% cess on Small Forest Produce Union for the welfare of workers engaged in forest produce.
- Provision for labor welfare under MNREGA to determine 1% cess for labor welfare from the budget itself.
- In addition, marking the identification and marking of other budget sources so that adequate budget is available for labor welfare.
- Keeping the welfare of migrant workers in mind, making new social security schemes based on need and making provisions in the budget of the state government for implementation.

This policy can be very useful for protecting the interests of workers and their welfare, in which the role of all departments, voluntary organizations and labor organizations is important in the implementation, it is hoped that this policy will prove to fulfil its purpose.