

WORKER B VS PREMIER KNITS APPARELS

OVERVIEW:

For case -2, the worker has been represented as 'Worker B'. She was appointed as Tailor in the respective company in 2017 and was orally terminated in the year 2019. She proceeded to claim justice through the conciliation process. The company management stood strong and never agreed to take her on again. They settled Rs.13500/- instead of Rs.20000/- to worker B at the end of the conciliation process.

BASIC INFORMATION:

1. Name of the Worker: Worker B
2. Gender of the Worker: Female
3. Age of the Worker (at the time of IDI): 40
4. Name of the Company: Premier Knits Apparels, No.2/240, Kunnathur Road, Virumandampalayam (PO), Chengappalli, Tirupur – 638812.
5. Designation of the Worker: Tailor
6. Years of work in the Company: 3 years
7. Dispute Type: Illegal Termination
8. Year of Dispute onset: 2019
9. Concluded/Ongoing: Conciliated
10. Year of Conclusion (If applicable): 2020
11. Individual/ Collective: Individual

TIMELINE OF EVENTS:

DATE	EVENT
December 22nd, 2016	Joined in the Company
April 1 st , 2017	Appointed as Tailor (as per records)
November 11 th , 2019	Terminated Orally by the management
March 13 th , 2020	Raised Conciliation proceedings before the Assistant Labour Commissioner (Conciliation)
June 12 th , 2020	Process of conciliation initiated
September 4 th , 2020	Final hiring of Conciliation Process
September 9 th , 2020	Conciliation & Settlement Date

CASE HISTORY:

a. About the worker

Worker B (40) was the actual resident of Anthiyur. She joined one of the units of Premier Knits Apparels of Tirupur in Anthiyur when it was newly initiated in the year 2017. She was trained to be a Tailor and started to work in a production line. She has worked for 3 years in the

company. She used to join so many workers from her village to the company. She will be given the target to stitch 150 pieces in an hour.

b. About the Company

Premier Knits Apparels is located in Tirupur and exports Garments. They used to produce children's clothes etc. to brands like Mother Care. They have the units of Knitting, Printing, Embroidery, Cutting, Garments etc.

When Worker B was working, around 400 laborers were working in the garments unit itself and there were also so many workers in other units. Among male and female, female workers are in the highest ratio. At that time no contract based work was there, now there is contract based workmanship in the production line.

c. Beginning of the Conflict

In the year 2019, there was a problem raised regarding Tea Time. The management had cut the Tea Break in the morning time. The workers felt that it's a burden for them to work continuously without a break. But, the workers feared asking for their break to the management. At that time, Worker B has taken steps to reach the management by making support of some 20 employees. She went to the HR team and asked for the Tea Break. The HR replied to her that no one is resting in the Tea time and justified that everyone wants to finish their work on time. She fought with the management for their rights. After some days, Worker B's son was affected with some health issues and was admitted to Hospital. So, she has taken leave. There is no written procedure for taking leave. She just took leave by informing me through a phone call. During the leave period, she just went to another company to check out the working nature along with a coworker. In that company, they asked her to show her tailoring skills. She also stitched it there. Somehow, the Premier Company got to know this and dismissed her from the job without any notice. They have pointed out that she has taken so many workers to work from their company to other companies.

d. Informal resolution process

Worker B was upset and shared his problem with his Husband and relatives. Her niece is in one political party; he went to the HR and asked them to take her back to the job. The HR told them worker B is so annoying that she was frequently asking for worker's benefits to the company and making other workers to distract from the work and she made others move to other companies. So we don't want her in the company, then the HR told him that he will discuss with the Head Office and then take her back in 1 week. But there is no call from the company. The niece went to the company with a politician from DMK. When he asked again they started like before and asked for 10 days. But, no call has come from the company. Then worker B has gone to CITU through his Husband. The company management has not responded to CITU also. CITU advised worker B to go with the case in the Labour Commissioner's Office. Hence, Worker B decided to file a complaint at the Labour Commissioner's Office as per the guidance of CITU. It took 3 months of process from the date of termination.

e. Formal resolution – Conciliation

After 3 months only the Worker B went to the Labour Commissioner's Office. It has taken 7 months in the Labour Commissioner's Office for conciliation. At first, the Labour Officer has sent a call letter to the company management and asked to make their presence for conciliation. The company HR has presented along with their advocate for the 1st hearing of conciliation process. The Labour Officer ordered them not to come with advocate. Then 6 to 7 Hearings were taken for conciliation in the due period of 15 days/ a month. The Worker B, her husband and a representative of CITU was gone to all the hearings. The travel and food expenses for all the three were taken care by Worker B. The HR from her Unit, Head Office were presented in the hearings and stand rigid on their deal that they never want to take her back on the job. So, the Labour Commissioner has told her the situation, the company was not ready to take the Worker B in job gain, and asked whether she wants a settlement or job. The worker B wants the job, so the Labour Officer has advised her to go for a case. On that time, the company management approached her and asked her not to go for any case to the labour court and told her they may discuss to give her job in future after some years. She also thought of her expenses for this case, as all these time and cost are waste. She doesn't want to waste her time and money anymore. So, she accepted to get a settlement and informed the Labour Commissioner. Then he demanded the Company Management to settle her Rs.20000/-. But the company management refused and after some conciliation process, they have decided to settle Rs.13500/-. In front of the labour commissioner the worker B has received her Cheque of Rs.13500/- from the company management.

f. Workers' view on the case process:

The company had never taken her back in job. She is still waiting for the company's call. She was in a big depression because of her act of filing a case against the company. She says, "I was working there from its start, it's like my second home. I still want to go there and happily work again". She used to join so many people in the company still, and ask for her job too in the company whenever she gets a chance. But the management gives her some replies that we will call you if we have a job, if the Head Office says to take a job. The company even restricted their contractors from taking her job. She said that she has spent so much money and time on the case and she felt guilty for her actions. She says, "I did all these because I want to go back to the company as before, so I only filed a case. But still I cannot go there." She doesn't want to go and work in any company after; she remains in the home and used to produce door mats in a handloom machine.

She also says that she doesn't want to take her company to court and make them feel ashamed. So only she didn't go to court and wait for her company's call to work again.

g. Documents Available

- a. Identity Card of Worker B
- b. Pay Slips
- c. Summons (Call Letter) from Assistant Labour Commissioner (Conciliation)
- d. Success Report from Assistant Labour Commissioner (Conciliation)

- e. Final Settlement Receipt
- f. PF Claim E-print