

WORKER H VS FAIR EXPORT

OVERVIEW:

For case -8, the worker has been represented as 'Worker H'. He was appointed as Accountant in the respective company in 2017 and was orally terminated in the year 2018. He proceeded to claim justice through the conciliation process in 2020. Then the management filed a false accusation statement. Afterwards there was no communication from the worker H and thus the case was dropped.

BASIC INFORMATION:

1. Name of the Worker: Worker H
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 35
4. Name of the Company: Fair Export – 10/320, Ganapathy Palayam Road, KN Palayam, Veerapandi (Po.) Tirupur – 641 605
5. Designation of the Worker: Accountant
6. Years of work in the Company: 1 year
7. Dispute Type: Illegal Termination
8. Year of Dispute onset: 2018
9. Concluded/Ongoing: Dropped
10. Year of Conclusion (If applicable): -NA-
11. Individual/ Collective: Individual

TIMELINE OF EVENTS:

DATE	EVENT
September 22 nd , 2017	Appointed as Accountant
October 6 th , 2017	Joined in the job as Accountant
August 3 rd , 2018	Terminated Orally by the management
November 11 th , 2020	Raised Conciliation proceedings before the Assistant Labour Commissioner (Conciliation)
November, 2020	Counter report passed by the Company Management

CASE HISTORY:

a. About the worker

Worker H (35) has joined as the Accountant in the above mentioned company. In the first month he was paid Rs.27000/- as monthly salary. The worker H was made to other works like loading and unloading the goods i.e. Garments Parcel, Finished products etc. and used to mark numbers on the packages. He was used to doing these kinds of works in his day-to-day roles and responsibilities.

b. About the Company

Fair Export is the leading Garment Buyer and Seller of finished garments. It has taken orders from the Buyers in India and also from the international buyers. Then it directs the order to various Garment Producing Units and then exports the finished garments to various countries. When Worker H was working there, there were more than 10 workers at the company.

c. Beginning of the Conflict

In the year 2018, the worker H was met with a road accident and was injured heavily. His backbone and hip joints are badly affected and so he was not able to engage in the loading and unloading of Packages along with his regular work. So, he approached the management and requested them to assign only the roles of accountant. But the company didn't respond to him and denied his request. Moreover the company management also terminated him orally from August, 2018 without any written notice.

d. Informal resolution process

Worker H has not gone to any informal solution process.

e. Formal resolution – Conciliation

Afterwards, the worker H has requested the company continuously to the company for his continuation of job. But the company kept on refusing his request. So he filed a complaint to the Labour Commissioner (Conciliation) for the resolution of this dispute in November, 2020. The Labour Commissioner has sent the summon letter to the company management and the company gave their justification on the counter notice.

The worker requested the Labour Officer to get him the work again with the actual service and the back wages during the jobless period and other legal benefits.

The company has said that the Worker H was relieved from the work on his own due to the reason that he cannot sit and work for a long time as he was met with the accident. Also, the company management had strongly refused that the management had not made Worker H to do the works like loading and unloading of packages since the organization only gets orders from the Buyers and then directs to the garment production units. The garment producers only send the finished goods to the buyers directly and so there is no work for loading and unloading the luggage and packages. They also stated that the Worker H was an Accountant in the Company and thus, he is not eligible to file a case under the ID Act. So, they requested the LO to dismiss the case.

Afterwards there were no other proceedings from worker H and thus the case was dropped.

f. Workers' view on the case process:

Worker was unable to reach and the advocate who dealt with this case also did not have any precise idea about the worker's view and involvement of the worker towards the case.

a. Available documents:

_____ Copy of the complaint notice raised through the advocate to Labour commissioner office and the counter-letter sent by the company management.

b. Missing Documents:

_____None of the documents related to workers' identity and the witness documents produced to the court were missing.