

Recommendations

To the government of India:

- Review and properly enforce the Plantation Labour Act (PLA), 1951 and provide tea plantation workers with the equal rights afforded to workers in other industries.
- Ensure plantation companies respect international labour standards and recommendations as set by the International Labour Organization (ILO).
- Include women plantation workers in wage negotiations and incorporate their suggestions into official plans to ensure a minimum wage guarantee. Wage negotiations should be expedited by state authorities.
- Hold local authorities accountable if the laws and policies set forth by the government are not enforced.

To the local authorities and district administration:

- Ensure that women workers have adequate access to government welfare programmes such as the public distribution system, education and mid-day meal programmes and disability support.
- The local labour and social welfare departments need to properly enforce the Plantation Labour Act, 1951 and ensure that women plantation workers receive their due legal rights through the government welfare provisions.

To the tea plantation companies:

- Provide welfare provisions and entitlements such as maternity leave, daycare centres, potable water, sanitation and hygiene facilities, free education and healthcare facilities as stipulated in the Plantation Labour Act, 1951.
- Abide by the Minimum Wage Act of 1948 and provide a living wage that will meet the basic standards of living.
- Adhere to relevant ILO conventions as well as follow ILO standards regarding labour rights.

⁸ This sets the minimum rates of wages of workers for them to experience the basic standard of living in India. See The Minimum Wage Act of 1948 at <http://www.ilo.org/dyn/travail/docs/623/Minimum%20Wages%20Act%201948.pdf>

About the Nething and AAWAA

Nething is a feminist collective using art, culture and literature to tell stories of marginalised groups in Assam. All Adivasi Women's Association of Assam (AAWAA) is working for the rights of Adivasi women in Assam including the tea garden women workers. Nething and AAWAA conducted the FPAR with support from Pajhra, an organisation working for the Adivasi communities in Assam.

Email: nethingnortheast@gmail.com



Asia Pacific Forum on Women, Law and Development

Website: www.apwld.org
Email: apwld@apwld.org

APWLD, a regional feminist and women's rights organisation with 252 members in 27 countries in Asia and the Pacific. This FPAR is part of APWLD's Labour Programme. APWLD worked with and supported 11 partner organisations from nine countries to conduct FPAR on women's labour rights in Asia and the Pacific between 2017 and 2019.

APWLD, a regional feminist and women's rights organisation, produced with the support of Sida, Norad and Foundation for a Just Society.

Organising Women Workers in the Tea Plantation in Assam to Demand Decent Work and Living Wage

Nething
INDIA

The situation of women workers in the tea plantations in Assam

Assam has a labor-intensive tea industry.¹ However, the industry is marred by exploitative working conditions and the continuing violation of women workers' rights. The ongoing labour practices in these tea plantations violate two existing national laws - the 1951 Plantation Labour Act and the 1948 Minimum Wage Act.

The Plantation Labour Act is supposed to ensure the provision of housing, education and healthcare services, yet women workers are routinely denied these rights. The Minimum Wage Act stipulates that workers are entitled to a minimum wage of Rs. 250 (USD3.53) per day, however, in reality they only receive between Rs. 137-170 (USD1.93- 2.40) per day². According to calculations by the Asia Floor Wage Alliance in 2017³, the living wage⁴ in India is roughly Rs. 23,588 (USD 333) per month, which is significantly higher than the income of the women workers at the tea plantations in Assam.

In the state of Assam, the Adivasi community constitutes the majority of the tea industry workforce. Adivasi is a collective term used for the earliest indigenous inhabitants of India. The Adivasi communities are diverse and vary in terms of ethnicity and culture. Historically and up to this day, Adivasi women are some of the most marginalised groups in India while routinely facing prejudice, violence and the gradual displacement from their lands.⁵ Despite demands for a minimum wage by the Adivasi and other women workers in the tea plantations, women's voices remain absent from the decision-making spaces within the movement and they are, for instance, excluded from trade unions.

Nething's Feminist Participatory Action Research (FPAR) initiative

Through the Labour FPAR, Nething and All Adivasi Women's Association of Assam (AAWAA) with support from Pajhra led a Feminist Participatory Action Research (FPAR) to investigate the situations and issues that women workers face in the four tea estates: Daflagarh, Helem, Letekujan and Gotonga. The tea plantations employ roughly 3,139 permanent workers. Through the Labour FPAR, the research team organised nine training programmes, 31 community meetings and eight awareness programmes. A total of 1,185 workers, out of which 40 were male, participated in the programmes and meetings.

The FPAR team worked to:

1. organise women workers in the tea plantations to become aware of, and demand their rights under the Plantation Labour Act, 1951⁶;
2. form and strengthen union organising; and
3. calculate and demand a minimum living wage.

¹ Hazarika, K. (2012). Tea Tribes are lagging behind in the Process of Urbanization. International Journal of Trends in Economics Management & Technology, 1(6).

² Banerji, A. & Hussain, Z. (2018). India tea workers living in 'appalling' conditions on \$2 a day: report. Reuters. 22 May. Retrieved from <https://www.reuters.com/article/us-india-tea-workers/india-tea-workers-live-in-appalling-conditions-on-2-a-day-report-idUSKCN11N29P>

³ Clean Clothes Campaign. Retrieved from <https://cleanclothes.org/livingwage-old/afw/calculating-a-living-wage>

⁴ A living wage is the minimum income necessary for a worker to meet their basic needs and live with dignity. See APWLD brief: http://apwld.org/wp-content/uploads/2018/10/2017_Living_Wage_brief.pdf

⁵ Minority Rights Group. Retrieved from: <https://minorityrights.org/minorities/adivasi-2/>

⁶ It is an act in India which regulates the conditions of work and ensures the welfare of the workers in the plantations. See Plantations Labour Act, 1951 at <https://labour.gov.in/sites/default/files/The-Plantation-Labour-Act-1951.pdf>

FPAR FINDINGS: THE WORKING CONDITIONS OF TEA PLANTATION WOMEN WORKERS

Inadequate healthcare facilities

Women workers in the tea plantations, including pregnant women, are not provided with free medical services. All workers have to pay for ambulance services and medicine. The infrastructure on the ground is insufficient with a shortage of doctors and medical staff, poor medical facilities and inadequate resources. In addition, the women workers also reported blatant malpractice by the doctors in the healthcare centers. For instance, there were cases where the same medicine was prescribed to all patients regardless of the diagnosis or illness; while other cases involved doctors using the same syringe to inject to various patients.

High maternal mortality rate

Assam has the highest maternal mortality rate in India. Between 2014 and 2016, for every 100,000 births in Assam, 237 women died.⁷ The number one cause of maternal deaths is anemia, which coupled with the general malnutrition among the women workers, proves to be lethal. Many women workers who survive childbirth are not provided with six and a half months of paid maternity leave as stipulated in the Plantation Labour Act, 1951. Women workers reported that they only received three months of paid maternity leave and/or only for their first-born child.

⁷ Gupta, S. (2019). 'Pregnant women are risking their lives to bring people tea'. CNN, 6 February. Retrieved from: <https://edition.cnn.com/2019/02/06/health/india-assam-tea-asequals-intl/index.html>

Domestic and gender-based violence

The stories shared by the women tea workers illustrate that domestic violence is prevalent in many households in Assam. Women workers identified the excessive consumption of alcohol by men as a problem, and recounted stories of their inebriated husbands returning home at night and physically assaulting their wives. In addition to domestic abuse, women workers face continuous verbal abuse and harassment at the hands of supervisors and managers and it is common for them to use abusive language to get workers to work harder and longer hours. With the help of the FPAR research team members, women leaders in the tea plantations have been able to come forward and raise awareness of these issues.

Substandard sanitation facilities and poor hygiene

The sanitation facilities at the tea plantations are substandard. The management of the tea estates does not provide enough or adequate toilets and drinking water facilities. As a result, women workers suffer from serious health issues. Women workers at the tea plantations described how they have found plastic and hair in the water tanks and fallen ill from drinking the unfiltered and contaminated water. After the FPAR team filed complaints regarding the poor sanitation facilities to the managers of the tea plantations as well as to state officials, potable drinking water was provided to workers during a limited time period. However, it was a temporary improvement and the women workers desperately need real and sustained change.

Gender wage gap and forced overtime

All workers are supposed to receive equal pay in Assam regardless of gender (male or female) or work status (permanent or temporary workers). In the FPAR surveys conducted with 116 women across tea plantations, 84.5 percent of women workers stated that women and men receive equal remuneration. However, 15.5 percent of the women claimed that the salaries of their male counterparts were higher than theirs.

Moreover, women workers in Daflagarh tea estate revealed that managers threatened to fire them if they did not work an extra two hours in the mornings and evenings, signalling excessive overtime. Women workers were not paid for their overtime, instead, they were paid in proportion to the amount of tea leaves plucked. Unequal remuneration indicates a significant gender disparity and exploitation of the women workers at the Assam tea plantations that needs to be addressed. Whenever the FPAR community researchers tried to interfere in the situation, they were interrupted by the management of the tea estates.

Barriers to girls' education

Many young girls in the tea plantations of Assam are forced to drop out of school. One reason behind this is that they have to stay at home to look after and care for their younger siblings while their mothers are at work at the plantations. Furthermore, some tea estates such as Daflagarh and Helem only offer primary school education and many workers cannot afford to put their children through higher education because of the high costs. Ensuring access to education for girls is key to improving the living standards of communities in the Assam region and needs to be prioritised.



Women's actions through the FPAR

As a result of the Labour FPAR, women workers have become aware of their rights. They have strategised plans to send their children back to school and have themselves started attending night classes held by a local women's group. According to the FPAR findings, positive developments are occurring at the tea plantations. However, there is a long way to go in combating gender disparities and human rights violations, and in improving the working conditions for women workers at the tea plantations.