



**Asia Floor Wage:
Reflections, Critiques, and Aspirations**

Central International Public Launch

**Speaker Hall, Constitution Club
New Delhi, India
October 6-7, 2009
World Day of Decent Work**



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Amar Mazdoor

Amar Mazdoor, "Immortal Worker" is the name given to the art installation by garment workers. It ironically expresses the workers' self-perception that "any worker dying can be easily replaced". So the life or the place of a worker is immortal because there will always be a worker working behind the machine.



This art installation, 'Amar Mazdoor', was commissioned by the International Secretariat of Asia Floor Wage (AFW). It was displayed at the two-day AFW campaign launch, where it elicited high emotion not only from garment workers but also from eminent and diverse personalities including lawyers, academics and media people.

Like any good work of art, it speaks directly to the heart and leaves a lasting impression on the viewer.

The installation was created by fashion designer Tushar Bhartiya, along with migrant workers from

the garment industry in Gurgaon, India. They decided to call it 'Amar Mazdoor' – which means 'Immortal Worker'. It is a reminder that, for many consumers and suppliers, the 'Mazdoor' is little more than a machine – dispensable, and often not even given humane treatment.

Tushar Bhartiya studied Fashion Design at NIFT, New Delhi, and has for eight years since, extensively worked with the revival and documentation of traditional crafts as well as design development, marketing, strategy and planning for mainstream retail fashion. His intuitive-exploratory approach to design has won him many accolades.

Tushar Bhartiya describes the installation:

"The Installation is assembled with junk, redundant broken machine-parts, forcibly welded together like a slapstick humanoid, who is patched on-and-on and denied any maintenance. It is a personal reminder of the questionable stance that I share with the vast majority of people, the unabated perception of workers as tools of production. We perceive workers not as individual human-beings but solely as replaceable mechanical extensions of the machines that they are operating. The machine and its operator are essentially seen as a single manufacturing unit."

Workers spoke about the experience of being workers and the meaning of the representation for them.

Pervez

"We are made to work... machines also need maintenance... we have none... if we have fever for 4 days then too we must work.... We are made to work 24 hours; it is difficult to eat and live....They do not give overtime payment..... They keep us 2-4 months and fire us... They fire any worker who demands his/her rights"



Irfan

"Amar Mazdoor. It is in this way that we are made to work. The factory does not give bonus, PF [pension fund], pay and overtime on time. We are made to work like this machine. They call whenever they want. When we ask for your rights, they say we don't know. Where should we go?"

Introduction

The central launch of the Asia Floor Wage Campaign took place in New Delhi, India over two days, October 6th and 7th, 2009. Three seminars were devoted to building a foundational discourse for the official launch on the afternoon of October 7th, World Day of Decent Work.

The three seminars were entitled, "Minimum Wage to Living Wage: Building a Strategy", "Wage-led Growth as a Development Policy", and "Human Rights Perspectives on Wage".

October 6th began with the inauguration of an original sculpture, "Amar Mazdoor", made for the occasion, as a collaboration between a socially conscious fashion designer and garment workers.

A delegation of five garment workers from Karnataka Garment Workers' Union in Bangalore, attended the launch, in solidarity with garment workers internationally.

Shyam Sunder Yadav, INTUC leader (Indian National Trade Union Congress) and AFW Steering Committee member, welcomed the audience and affirmed the fact that no union can do anything on its own; so working together in an alliance can help in bringing forward common issues of the workforce despite differences in ideologies. He called for trade union unity nationally and regionally for the AFW effort.



Anannya Bhattacharjee, AFW International Campaign Coordinator, described the Asia Floor Wage process to the audience as having begun in 2006 in Asia and subsequently spreading to other parts of the world. The question was how to formulate a wage demand and bargain in a global industry across the global supply chain where the manufacturing takes place in the Global South and the value accumulates in the Global North.

There have been numerous debates and discussions. The newness of the concept – regional in scope, formulated across borders, going beyond national thinking – is both welcome but also challenging. However, enough political consensus was built over two years that the concept could be introduced in the public domain and given space to develop further.

The AFW affirms the principle that the only way to enforce AFW is through unions. The AFW implementation requires the existence of a union, and is not a substitution for unionization. AFW stems from a desire to make global solidarity actionable. It is committed to delivering to workers, a decent life.

Suvechha Adhikary, from the Committee for Asian Women which is a network of 43 women's groups across Asia described the working conditions of women workers who comprise 80% of the workforce in garment industries. Their immediate struggles are job security and wage security. The national minimum wages are not enough for workers to sustain a living; living wage and Asia Floor Wage has to become a reality.

The seminars at the central launch were not about endorsing AFW. They were meant to offer a space where experts would present from their experiences and put forward the issues that the AFW Alliance has had to struggle with.

Charting the Path of Capital

CP Chandrasekhar, Economist and Professor at Jawaharlal Nehru University, New Delhi: "I deem it a privilege to be at the launch of an extremely innovative initiative. Negotiating a just wage at the level of an industry across the region is not just ambitious but also innovative. It tries in multiple ways to prevent the tendency for atomistic interests [competition between nations and capital] to operate and lower the wage for workers."

Prof. Chandrasekhar charted the path of capitalism where generation of surplus value through maintaining a large reserve of labour keeps a downward pressure on wage. At the same time, as commodities enter the markets, it becomes increasingly difficult to transfer the commodities into cash, when wages are so low. If wages are cut to lower unemployment, the downward stickiness of wage leads to an economic depression. Low wages reduce aggregate demand and you get the opposite of the desired result – further unemployment and under-utilisation of resources.

In fact, paying decent wage is an essential measure for stable capitalism. It is a non-partisan belief even among those who wish to save capitalism. During the Golden Era of capitalism in the 50s and 60s, the United States established a floor below which the wage would not drop; this acted as a shock absorber. Ironically, as the welfare state's shock absorber prevented crisis in capitalism, it led to the false belief that capitalism had overcome the tendency for crisis.

Why did the welfare state begin to disappear? Many argue that the set of floor level benefits was fine so long as productivity was rising faster than the real wage and there was no profit squeeze.

However, over time, as the potential of technological and industrial revolution was exhausted, productivity began to rise at a slower rate than the real wage, and it was not possible to maintain a rising floor without squeezing profits. Then we ended up with conflict over the share of value addition.

Near full employment, high growth and low inflation became unworkable and this triggered the transition out of welfare capitalism as the inherent conflict in capitalism was exposed and the search for alternative modes of growth began. Growth must occur and could not come only from home markets but from external markets. The inducement to invest is sustained by external markets, and to get a foothold in external markets, you would have to increase your competitiveness by reducing wages.

However, in this scenario, a few countries can grow but if all countries try to access the external markets, there is no endless supply of markets that can sustain this high growth and investment. So although every country has gone on the liberalization bandwagon, we end up with two or three countries, at any given time, who manage to sustain the miracle. These grouping of countries keep shifting -- a few countries get on this trajectory based on competitiveness and sustain new growth figures on the backs of workers in those countries, for a finite period of time.

This process has brought to the fore profound global imbalance. China has most of the foreign exchange surplus and the hegemony, the leader of global capital, the USA sucks in the surpluses to maintain its debt and to continue to be a market for cheap products. This global imbalance led up to the crisis from 2007 to date. The crisis has been socialised by debt-financed expenditure and tax payers' money.

This is not a sustainable economic model. Countries like China and India should encourage domestic consumption and push up the wage rate. It is time for the AFW campaign.

Dr. Praveen Jha, Economist and Associate Professor at Jawaharlal Nehru University, New Delhi: "I take it as my privilege and honour to be in this gathering as part of this campaign. This is an exceedingly important and very powerful campaign. It attempts to overturn the tide; no doubt that it is innovative."

He emphasized that support for wage led growth and virtuous macro-economic outcomes are overwhelming. Regulation and protection such as decent wage play very important roles in generating overall positive macro-economic outcomes. It is better to take a high road to economic transformation rather than a low road to gross development and here low road means suppression of workers.

In the 50s to the 60s, there was huge and shared growth. However, now there are stark and growing inequalities. In the US economy from 1980 – 2000, the top most layer (0.1%) increased its growth by 10 times but the median family only by 22%. Average income of workers declined or stagnated. Whereas, the income of the CEO of General Motors compared to the average worker used to be 1:70; today the gap between the same in Walmart is 1:1400.

The macro-economic outcomes of current economic model are not virtuous and the current growth is unfavourable to workers. Capital can only be forced to accept social compact (between workers, state and capital) through strong working class movements. There was the time when capitalism could not ignore the social compact. But in the last decade or so this social compact has been unraveling. How do you reclaim this space for a social compact? Decent wage helps decent growth rates even from the

point of view of capital. But positive outcomes had a lot to do with regulations. Globalisation is about deregulation and the strangle hold of finance capital had to be contended with.

Throwing all these questions for contemplation he ended by saying that campaigns of these kinds provide a glimpse of hope.

Kuldeep Nayyar, Eminent Writer and Political Commentator: "Here we have human rights expanded and re-defined. Not just civil rights, but the right to live. Minimum wage connected to human rights; a stringing together of a common platform for collective strength. Gandhiji used to say – think of the poorest when you think of development and how much progress she or he has made. Large disparities would have to go."



Kamala Sankaran, Professor of Law, University of Delhi: "This is an idea whose time has come."

In 1998, the ILO brought out the declaration of fundamental rights at work. Choice of rights was significant – they were rights that neo-liberalism was very comfortable with. Why were wages and social security not been chosen as important rights at work? Why choose only costless human rights which correspond to civil and political rights and not economic and social rights?

Asia Floor Wage Alliance

However, in 2008, the ILO was compelled to adopt a declaration on social justice and globalization. In this, the ILO has shown a change -- now social security and wages are as much on the agenda as the right to freedom of

association. Worldwide there is a churning and within the last ten years, the ILO has recognized the importance of inclusion of wages. How will we use this opportunity to put wages and social security back on the agenda?



Anuradha Chenoy, Professor of International Studies and a feminist scholar, Jawaharlal Nehru University, New Delhi expressed solidarity with the AFW. Internationalization of corporate class is encouraged but labour is asked to be nationalistic. Labour is asked to help

the profits of the country and be more nationalist, against its own interests. Mobilisation and coming together of social and regional movements in Asia, legitimising working class movements and building an inter-regional movement was the only solution



Professor Chang Kai, Professor-Labour Law & Labour Relations, Beijing University: "In my opinion, both the proposition of the concept and contributions made by this organization these years, can be regarded as a significant stride in protecting workers' rights and interests in the Asian garment industry."

Dr. Chang Kai said, “there are three advantages: first of all, ‘minimum ‘Asia Floor Wage’ covers both food cost and non-food cost which includes transportation, healthcare and so forth. Needless to say, all basic elements of workers’ life have been inclusive. Secondly, trade unions, NGOs, other labour organizations as well as experts, scholars are all members of this organization. This not only strengthens the power of this organization, but also firmly guarantees the proliferation and implementation of the concept—

Asia Floor Wage. Lastly, through coalition between labour organizations at the global level, bargaining power of Asian garment workers against the tycoon, such as Walmart, Carrefour, etc. has been intensified. Therefore, despite of a young AFW Alliance, the conception of Asian Floor Wage need to be more widely admitted and announced. By and large, notwithstanding, the AFW Alliance is now endeavoring to promote the wage of Asian garment workers to the level of ‘minimum living wage’.”

Imagining a Decent Wage



Nandita Rao, Advocate, Delhi High Court: “I am very excited about the concept of decent wage. Decent wage is a very political concept.”

The AFW as a formulation of decent wage recognizes you would have to have bargaining power and that the rule of law is insufficient. We need a regional alliance of labour just as northern countries and corporations align politically with one another. We realize that south-south regional alliance of workers is necessary to put this on the government’s agenda. Living Wage concept has been fleshed out by the Supreme Court of India. Decent Wage takes off where living wage ends and argues for a decent life based on labour’s share of the percentage of the value added.

The worker brings creative input and is adding value. Decent wage is not about giving a poor worker a decent life but about recognizing that a worker actually contributes much more to value added than he is getting. The salaries of the CEO did not even decrease during the financial crisis.

Ms. Rao also pointed out that a synergy between social policy (such as social security) campaigns

and wage campaigns is necessary; both are necessary for workers' rights.

Professor T K Oommen, Eminent Sociologist:
"Floor in itself is not safe; it needs walls around: What are the walls for sustaining a floor wage? A composite notion of floor wage is needed within the context of a visionary development."

If work hours are not defined and even if floor wages are paid, the work will affect workers' health, the workers will have no time for family; and "quality of life" will suffer.

Floor wage should be instrumental in preventing the increasing wage difference between workers in organised and unorganised sectors. The wage difference between the two is at least five times causing pauperisation of the unorganised sector and bourgeoisification at the other end. Weakest link in the chain of development must be taken into account.

Floor wage is ok but the work environment has to be safe. Health hazards are antithetical to development. Differences in climatic conditions have to be taken into account.

If some categories of workers are discriminated by co-workers and management – such as in India, Scheduled Castes and Muslims or Blacks in the United States who are the last to be hired and first to be hired – how will we enable people to avail of the floor wage? Dignity of women should be taken into consideration when floor wage is thought about. Home based work is increasing.

Floor wage should not be a static concept. Floor wage would be in dynamic relation with the cost of living index and be periodically revised. For it to be a tool of development, floor wage should be increased for lower end workers in higher proportion than the top end workers.

Floor without a ceiling is problematic. Increase in profit must be linked with increase in wages. Development that increases disparities is not development it is 'mad development'; need a sense of proportionality. Labour force is internally differentiated; some may have deprivations that are specific, and the union movement has not really caught on to that. A mere floor wage is necessary but insufficient. Floor has to be dynamic, pushed upward and in relation to what is happening above.

Usha Ramanathan, Scholar & Expert on Law & Poverty: ***"If there is a decent wage, it must not leave people in a state of illegality. If it forces people to live in illegality, it cannot be a decent wage."***

The assault on people's rights and freedom has come from both state and non-state actors who are able to find illegality in the way people live. Legality has become a purchasable commodity. Any human right – health, housing, education, sanitation – is supposed to be the obligation of the state. Yet, it is impossible to obtain these fundamental rights unless you can afford to buy them. Cities have become places of exclusion for working people who cannot afford to buy their portion of legality. Since legality has become a commodity, a decent wage has to be in consonance with reality.

Historical Legacy of a Decent Wage

Dr. BT Kaul, Professor of Law, University of Delhi: "Asia Floor Wage has unconsciously or consciously some bit of Indian thinking. I have great appreciation for the efforts of AFW. But I have to warn the campaign to be on guard as the winds are not blowing in favour of workers."

The ILO declared in 1944 that labour is not a commodity. Poverty anywhere is a danger to prosperity everywhere. It also included the right to a minimum living wage. India declared in 1946 two important concepts: ensure statutory minimum wage for unorganised labour, and promote fair wages through collective bargaining and other mechanisms.

After independence, the Constitution of India supported the concept of a living wage – a wage that would provide decent and humane conditions of work. In 1948, minimum wage legislation was passed. A few years later, two landmark judgments of the Indian Supreme Court sent a powerful message to the world: the right to carry on business does not mean the right to exploit; if a business cannot pay minimum wage it can not continue.

A Committee on Fair Wage was constituted and it made three excellent contributions: minimum wage, fair wage, and living wage. It was decided that Minimum Wage has to be paid regardless of capacity of industry; Fair Wage payment will depend on the capacity of the industry, and Living Wage is an ideal to be achieved.

The Committee on Fair Wage formulated concepts within the national borders. However, even within national borders, the Committee said that fixation of wages should take a region-cum-industry formula.

Now we are at a point where we have to think beyond national borders – but we still need region-cum-industry formula across borders. We need a regional floor wage in international law.

The Supreme Court at that time took a leaf from the Committee on fair Wage and passed many positive judgments. It talked about the ladder whose base is the minimum wage and pinnacle is the living wage. The quantification of Minimum Wage was done in the 15th Indian Labour Conference: to constitute a four member household, one earner, and 2750 calories per adult. The Supreme Court in that Golden Era of the court added children's education and healthcare.

In recent Supreme Court judgments, labour is being treated as a commodity. The AFW campaign is timely but has a tough battle in its hand.

Dithi Bhattacharya of the NTUI pointed out that in setting the minimum wage is an institutional process and is based on the valuation of skills, there is an intrinsic element of discrimination which comes into this valuing of skill. A woman's work is valued to be low skill, lower castes' work is valued to be low paid; national social discrimination get into the wage question. A regional concept maybe able to rise above this and move to a need-based calculation.



Concerns for a Real Floor Wage

Utsa Patnaik, Renowned Intellectual and Professor of Economics, Jawaharlal Nehru, University, New Delhi: "In principle, the idea of a floor wage is excellent. But, we have to be very careful about exact numbers and not set our sights too low."

Prof. Patnaik believes that the Asia Floor Wage figure is too low and would not be able to provide for 3000 calories. She cautioned the AFW Alliance to look at the data carefully as even official figures cannot be free of manipulation.

She explained how the Planning Commission of India estimates wrongly the proportion of poor in the nation's population. At present, nutrition norms measure poverty to be below 2400 calories in rural areas, and 2100 calories in urban areas. But the Planning Commission, the World Bank, the UN, and the FAO manipulate the data

to claim that poverty is decreasing when in fact it is increasing.

The Indian Government claims that poverty that used to be over 60% in 1973 and is down to 24% now. But in actuality, if one takes the government's own nutrition norm, 64.5% of urban Indian is living in poverty. The manipulation lies in not using the actual rise in cost of living.

As of 2005, for a caloric consumption of 2100 calories (as opposed to 3000 in AFW), per capita spending had to be Rs.1150 per month. So, in a household of four members, it would be Rs 4600 per month. However, the cost of living has gone up since 2005 by at least 50%. Prof. Patnaik estimates that the household income would have to be at least Rs 6000 per month. If one increases caloric intake slightly to 2200 calories, the minimum expenditure would have to be Rs. 8000 per month. So, she urged that the AFW figure of Rs 6968 per month is too low.

Vijay Baskar, Assistant Professor at Madras Institute of Development Studies, Chennai: "AFW lets us imagine new standards, adds to the repertoire of techniques, and should be used as a dynamic tool."

Dr. Baskar asked how do we combine social policy campaigns (such as social security for workers) and wage campaigns which ideally should go together? Also, campaigns have an easier time defining the case for workers at the end of the global supply chain. But how do we also take on intermediate nodes in the value chain such as powerloom and spinning sectors? The domestic production sector is where most production takes place; how do build a common platform with them?

Dr. Ramanathan suggested that AFW must not work at cross-purposes to national wage struggles. There has been a division among unions about whether there should be a national minimum wage that cuts across the country as a whole or whether it should be a sectoral wage. Since 2007, there is a great deal of consensus that there should be a national minimum wage. But what constitutes it? The AFW should look into these discussions.

Minimum wage is set differentially for skilled, semi-skilled, unskilled workers but why should

there be three sets of minimum wage for different skills? The Minimum Wage Act does not provide for gender and age differences. But occupational differentials by gender do exist. Wage in garment is very low indicating gender bias; minimum wage is often not fixed for some sectors where women or Scheduled Castes dominate the workforce. How does AFW take into consideration the social biases in wage determination?

Albeena Shakil from All India Democratic Women's Association (AIDWA) said that in the last three to four years, they have seen an increase in the number of housewives doing home work – which includes a lot of work in garment such as making labels, stitching labels, cutting threads, and so on. 70% of the women in the unorganized sector workforce (which is the majority of India's workers) are home based workers. It is very difficult to segregate these women by industrial sectors. They earn an average monthly income of Rs.590 and the lowest is Rs 150. The pauperization of the unorganised sector is critical and must be included in wage campaigns.

But it is also true that without the strength of the organised sector, the unorganised sector is unable to fight on its own. So it is important to build the power of the organized sector.



Legal Landmines & Opportunities



Dr. Kamala Sankaran pointed out that commercial agreements exist across the global supply chain. She suggested using theoretical arguments to show that many of the commercial relations are actually disguised labour relations and carry liability. Labour law overlapping with commercial law and tort law should be analysed.

It might also be worthwhile to learn from the early studies on effects of Fair Labor Standards Act in the US; and demonstrating that floor wage is good for business prospects. Floor Wage is a human rights issue and also a good business decision. However, once a floor wage is set, there should not be a retreat from that based on industry's capacity to pay.

Multinationals fight against any kind of legal restraint. One of the ways they do this is by not allowing the development of a principle or a doctrine on the basis of which they can be held accountable. Most settlements are secret and if you breach the confidentiality agreement you are not entitled to compensation. This leads to one

time settlements without a process for replication of good practices. In the supply chain, till what point does the MNC have to take responsibility for what happens in the Global Supply Chain?

It is very difficult to obtain contracts made between the government and the corporation. Both claim that the contract is a confidential agreement. Why such secrecy? Formulas can be secret but why terms of contracts?

Yet another issue is the development of stabilisation clauses. Contracts carry stabilisation clauses which say that at the time a MNC is bidding for a project the state of regulation, rules, or law in a country be frozen at that time and no subsequent changes would apply during the duration of the project. This is a cautionary principle to prevent hurting the profitability of the corporation. If the law is not frozen at the time of the contract, another regressive condition is introduced where the government takes responsibility to pay the corporation the cost of the changes, should they take place. In other words, the MNC is above the law, above the Parliament of the country.

If a dispute arises in this relationship, only international arbitration would be used. Domestic courts will be overruled by international arbitration.

The Right to Information Act can get us the contract after it is entered into; however, there are no rules about what cannot be contracted away. Indian companies are not necessarily allies in increasing accountability because they are becoming multinational and resist any restraint.



Challenges & Hopes for the AFW Campaign

Vijay Baskar noted some criticisms that can be anticipated. One can be a fear of protectionist motivations on the part of the first world to prevent loss of jobs; but this clearly cannot apply to garment. The other fear may be that women will lose employment since they are clustered at the bottom of the labour market. However, there is no evidence to show that raising minimum wages results in job loss.

Dr. Baskar added that the challenge is the implementation of AFW. Countries will have different reactions depending on where their standards lay currently; for those who have the most gap to cover, one would have to account for the shock of change.

Baskar noted that factories go in for global certification but trade unions have not been able to use the space of the international certification to mobilize workers. Codes of conduct cannot deal with the violations.

Prof. Chandrashekar pointed out that capitalism is an inherently malign system where the welfare state is an aberration. It is not in the nature of capitalism to grant labour benefits. It will continue to maximise profits as long as there is too much social dissent. But, now there is a space for an

ideological movement and the challenge of this campaign is to demand that capitalism needs to change itself.

Dr. Gianni Tognoni, Secretary General, Permanent People's Tribunal, congratulated the AFW Alliance for its courage and fantasy in seeing and thinking something different from the official version' and for putting forward a different reality.

AFW sent 45 letters of introduction to Brands and Retailers in UK, USA, France, Spain, Italy, Germany, The Netherlands, Norway, and Sweden. Following brands sent their representatives to AFW International Launch in Delhi: Primark (Ternece Simon, Ethical Trade Manager for India and Bangladesh), Monsoon (Deepak Sharma, ETI Manager), Next (Sameer Sharma, Sr. Compliance Officer), GAP (Ranjeeb Sarma, Vendor Compliance Officer; Pradeep Kumar- Director- South Asia and Gulf Region Global Compliance), H&M (Linda Johansson, Code of Conduct Manager).



Noor Ain, garment worker, expressed his thoughts on the AFW convention: "It is for our brothers and sisters' wage increase. World leaders of labour have come here. They have one goal – Indian and Asian workers must get a decent wage, have a decent life. We can succeed. Our weakness is lack of unity, that is all. Those who have come and want to support us in our struggle – you too must unite."

Official Launch of the Asia Floor Wage Campaign

October 7, 2009

Opening Keynote Address Prof. Upendra Baxi, Eminent Jurist



This is not merely an occasion for affirmation, solidarity and celebration, for launching a document, and promoting a concept. But this is an event of dialog, questioning, reflection and retrospection. Dialogue of many voices not always in agreement. This lies at the very core of the concept of a Decent Wage in the ILO. Nothing outside multilateral mutual collective dialogue. No viable social futures can occur outside such willingness to question oneself and to learn from each other. This has been the remarkable power of this event.

I want to speak about what I call the 3Ds which I want to summarise as wage Depression, wage Discrimination and wage Denial. These 3Ds constitute as we have seen an everyday lived reality, an embodied reality for hundreds and thousands of human beings even in the first decade of the 21st century. A whole lot of social resources are dedicated to justify the status quo, the 3Ds in the name of economic development and long term social progress. The 3Ds constitute a fate worse than death for the impoverished people. Yet these emerge differently in languages of policies and social theories. This is the contradiction between the language of movement and solidarity and protest and reconstruction that has emerged in these two days, and the language of the administration.

In the language of theory, we bother about the borderlines between minimum wage, fair wage and living wage. We worry about wage as means and ends of development.

In social policy, we have the noble or ignoble theory and empty rhetoric of the UN Millenium Development Goal. Goals and targets which want to reduce people existing in starvation in half first in 2000 then in 2005 then in 2015 and this will go on. These are false targets and programs and seduce us into thinking that there is a global social policy for justice in place.

Since we are in Delhi let me refer to national social policy. National social policy does not

concern itself over improving the quality of life of impoverished people. Look at the Inaugural

Chapter I of the so-called 11th 5 year plan of India. The mantra of this plan is inclusive growth. The mantra of the previous plan was equitable growth. This transformation from equitable growth to inclusive growth is a regressive step. There are two mentions of labour in the three volumes of the plan under which we are living.

The plan calls for greater labour flexibility (as little regulation as possible) which is important for Indian social development. It insists that this is essential for increasing employment and for removing psychological block for entrepreneurs wishing to establish enterprises.

It targets the Industrial Disputes Act and the Contract Labour Regulation Act. The Planning Commission says that laws made to serve fundamental rights of workers are now obstacles that need to be removed. Not the Constitution of India but unwritten global constitutionalism from Washington DC, and Davos and Geneva now replaces equitable development with the subversive inclusive development. Equitable Development is based on human rights and social justice. Inclusive Growth is based on global trade and economic competitiveness. Labour flexibility is an euphemism for anti-constitutional economics.

I wish to recall two important international labour moments. ILO 2008 declaration on Social Justice for a Fair Globalisation and the ILO 1998 report entitled Decent Work. I have been very critical of fair globalisation. But still listen to the subtext of ILO sincerely.

The Declaration is important because it emphasises the idea of full and productive employment and decent work at the centre of all social and economic planning. We do not have to

invent language; it is here. International labour standard for decent work.

This declaration combines globalisation with justice and asserts that the new ILO objective is consistent with the old ILO objectives.

It is important to use these ILO reports moving from language of labour to language of work. Labour is about an employer employee relationship and productive labour in the market economy. The move from labour to work owes a great deal to the contribution from feminism and economics. Work is more than wage labour. This is a monumental shift in international thinking – we have to meditate on this and put this to good use. There is a new universality here. When you talk of work, you are universalizing labour.

Decency is a social virtue because it helps us to recognize and affirm the inherent worth and dignity of fellow human beings. Decency is a quality of social relation not just an employment relationship. We must give expansive interpretations in the interest of justice because these guys out there are giving expansive interpretations in the interest of injustice.

Decency is a virtue that frowns upon degrading others for the sake of our profit, power or pleasure. The 3 Ps. Decency reminds you of the old phrase “dignity of labour”. It is a moral concept. Decency means negation of the 3Ds. Regard for not just minimum but a fair wage.

Decency gives you a standard for judging state policy and conduct. It is given in an internationally accepted language. In Bandua Mukti Morcha (Bonded Labour Liberation Front), the Indian Supreme Court already elaborated on Decent Wage. The interpretation of Bonded Labour Abolition Act is – bonded labour is indecent, constitutionally wrong, and unfree. Denial of minimum wage has also been declared to be unfree and bonded labour.

I salute the AFW campaign – the courage to launch a struggle against the 3 wage Ds. I thought the cause was lost. It is a great achievement in itself. Whether it is

enforceable needs to be redefined, whether it is a trade union concept or a human rights concept... but, please notice what you have achieved. You have achieved a formulation of a comparative idea of economic justice and workers rights as human rights. What more do you need as a starting point?

I salute you for introducing a commendable example of globalization from below. There are not too many examples. In the area of comparative wage deprivation and denial, this is the first attempt at globalisation from below and of de-globalisation. It introduces a very viable concept, an innovative conception of a floor wage which straddles the distinction between minimum

wage and living wage. The movement is there for something new, for something that was considered un-sayable and impractical before.

The campaign is very important to me because while it is aware of the ideological critique of fair globalization, while it is aware of the labour aristocracy among us, while it is not unaware of issues of business ethics, it lays them aside. It does not luxuriate in criticism. There cannot be a critique without reconstruction. Criticism makes no difference. But critique is criticism with alternatives. We must sustain AFW in the same spirit it was started – as a global social movement where workers rights are human rights.

October 7th is world day of decent work. And close to December 10th, international human rights day. We will work together to bridge this distance.



***Submission of Petition to the Permanent People's Tribunal
by Indian Representatives on the AFW International Steering Committee***

We represent here two very old unions –INTUC and HMS -- and one very young union -- NTUI. AITUC should have been here. Unfortunately, due to last minute internal issues, they could not be present here. But AITUC is a signatory to this petition. The President of the INTUC has endorsed this, getting away from old issues that have separated the union movement. The NTUI is a new federation, takes pride in learning from the older trade unions and works to bridge trade unions and social movements. HMS has been an important union in this movement. It took the first step in India for developing a non-political union understanding.

We want to look beyond our own issues and framework and unite with others. When the PPT constitutes the tribunal, it will have eminent people from all walks and disciplines who will enrich at this concept and help is go forward.

Thanks to all AFW alliance members around the world -- those who are engaged in taking this issue forward. ITUC and ITGLWF affiliated unions are very involved. On behalf of all those who have worked, on behalf of the AFW International Steering Committee, we want to present this petition to the PPT to examine this issue and give a verdict that can help the international labour and human rights movement.



Closing Keynote Address

Dr. Gianni Tognoni, Secretary General, Permanent People's Tribunal



This is a very important opportunity when this specific request has been presented by the AFW campaign. This can be seen as a real interpretation of the role and reason for the existence of PPT.

The key actor in the process will always be by definition the AFW. The PPT is a tool in the hands of a movement. The PPT does not call for a session, does not declare itself; it responds to a movement. The PPT began on a request from a group of people in Latin America in mid 70s under the repression of military and economic dictatorship. We were examining for the first time the role of multinationals at a time in Latin America when no one was talking about multinationals. They were discovered to be the core of the motivation for repression of people.

The people of Latin America at the end of the three sessions where we denounced the crimes of the dictatorship -- request the set up of something that could be available for whoever in the future in similar conditions had the need to request for a Tribune. To give voice and visibility to those who for many reasons, were excluded

from saying anything in history. Dictatorship was one situation. It was the reflection at that time during the set up, that the 70s were a period of transition – from the end of colonization. There was the fact also that it was a start of a new kind of colonization – dictatorship in Latin America where it was conceptualized as necessary after a period when the progression of fundamental rights had been in the forefront because of the Universal Declaration. Society recognized that it was necessary to implement the universal rights. That was the same period of the golden era of capitalism. They had to reshape their strategy. On one side – declaration of human rights – on the other side – strategies of capitalism to change the way of controlling by taking over development strategy and developing that language.

Responding to people of Latin America—it was felt that in the future of the world even if we have the Declarations, it was always up to the people of history to make the Declaration a reality in their situation. The fight of the people who were the protagonists, anticipating new law to regulate development so that development could be a way of making into a reality the aspiration of people.

The cases that were taken by the PPT – accompanied the history of 30 years. In 1979 – the first session was on people who had existed forever but were not subject of international law – the Sarawi. They live in the desert and have oral memory. The PPT verdict was used by the people of Sarawi who became a protagonist in international solidarity.

Few years ago – after invasion by Indonesia with support from US of Timor-Este. The PPT documentation was used every year to legitimize the report on Timor till the end of colonisation.

Many sessions included many people from all the continents.

I would like to underline some concepts useful for collaboration. A close dialog is needed to clarify, implement, and develop suitability for a big region like Asia. Right to Life is a general but substantial definition for human rights. The PPT has been a laboratory; for we are being obliged to work on different application of human rights. What is presented here – we use the Terms of Reference to transform that possibility to Right to Life.

In war it is easy to see everything that violates life. Torture is a violation of dignity, inhuman treatment. Torture by hunger is also a torture. If somebody puts other people in a state of hunger or thirst, then it is inhuman. Same is true for slavery, forced labour.

The role of this campaign with respect to globalization -- it has established even more clearly dissociation between the world of humans and world of commodities. Globalisation imposed priorities for goods and trade. Economists and jurists have accepted in practice that you have law for economy and trade and law for human.

As a doctor I can document how tens of thousands disappear (violation of Right to Life) because of rise in food price. How many people are forced to die due to lack of Aids or anti-cancer drug or drugs for chronic treatment?

It is important to take up classical economic measures such as wage to show that we do not accept whatever enters economic life as nothing to do with human life. In 1998 before the fall of the Berlin wall, we convened NGOs in Europe to judge the World Bank and IMF for violating their mission to promote development.

In 1992, the PPT documented that international law is born out of a bad tree to justify the conquest of America.

In AFW, people are not defined by ethnicity, minority status, possession of culture, having territory. Here the proposal is to stitch across borders – workers are comparable, unified across borders. It is putting people together to become protagonists. Slavery, too, was a transnational enterprise – slaves were not divided by nations.

We have to look for solutions that must be invented as the process goes on. The Decent Wage is not established from outside. Decent Wage is defined in history – quantified to make it concrete. Main protagonist will be the AFW campaign.

This is a collaboration to declare who is accountable for what? Under different constitutions, are democratic principles applicable to real people and can we have universal fruition of human rights in each country?

PROGRAM FOR ASIA FLOOR WAGE CENTRAL INTERNATIONAL PUBLIC LAUNCH

Welcome: Shyam Sunder Yadav, INTUC
Inauguration: "Amar Mazdoor", an Art Installation

Setting the Foundation I: Minimum Wage to Living Wage: Building a Strategy

Chair: Gautam Mody, NTUI & Suvechha Adhikary, CAW

Speakers:

BT Kaul, DU
Vijay Baskar, MIDS
Albeena Shakil, AIDWA

Respondents:

Nandita Rao, Advocate;
Shakti Kak, Jamia Milia
Monica Ramesh, ASK; Orlanda Ruthven, Impactt
Dithi Bhattacharya, NTUI
Dharmendra Kumar, India FDI Watch

Setting the Foundation II: Wage-led Growth as a Development Policy

Chair: Venkitesh Ramakrishnan, Frontline & Albeena Shakil, AIDWA

Speakers:

TK Oommen, Eminent Scholar
CP Chandrasekhar, JNU
Praveen Jha, JNU
Anuradha Chenoy, JNU

Respondents:

Nishi Kapahi, ITF
Prabhu Mahapatro, DU

Stitching a Decent Wage Across Borders: The Asia Floor Wage Proposal

Release of Report: Swami Agnivesh, Bonded Labour Liberation Front (BMM)

Setting the Foundation III: Human Rights Perspectives on Wage

Chair: Kuldeep Nayyar, Eminent Writer and Political Commentator & Ashim Roy, NTUI

Speakers:

Utsa Patnaik, JNU
Usha Ramanathan, IELRC
Kamala Sankaran, DU
Chang Kai, Beijing University (by video)

Respondents:

Gayatri Singh, HRLN
Anjali Sinha, UNI
Surabhi Chopra, BHRRC

Raising Wages on a Regional Level: The Asia Floor Wage

Release of First Paper in the Asia Floor Wage Working Paper Series: Prabhu Mahapatro, DU

Asia Floor Wage International Launch

Chair: Anannya Bhattacharjee (JwJ), AFW International Secretariat

- **Keynote Address:** Upendra Baxi, Professor of Law, University of Warwick
- **Submission of Petition to the Permanent Peoples' Tribunal:** AFW ISC
- **Closing Keynote Address:** Gianni Tognoni, Secretary General, PPT