



# Working Conditions on Talup Tea Garden, Assam, India

Geneva, July 2, 2009

## Main findings regarding Talup plantation in Doomdooma, Assam:

- \* Violation of the Plantations Labour Act, 1951 (PLA) in terms of:
  - Lack of adequate and good quality drinking water in the plantations and in workers' houses
  - Very bad housing conditions of workers
  - Toilets extremely inadequate and in bad state of disrepair
  - No crèches
  - Lack of educational facilities, with the result that most girls have not gone to school
  - Less paid leave than legally granted
  
- \* No electricity in workers' homes; those houses that have electricity, have to pay almost one-sixth of their monthly wages for one bulb of light
- \* Presence of child labour
- \* No provision of Personal Protective Equipment for young pesticide sprayers
- \* Medical facilities inadequate
- \* Very few paid leave and holidays
- \* Contract women workers do not get paid maternity leave
- \* Very low wages, inadequate rations
- \* Very visible malnutrition among workers and their family members

*Note: The plantation is spelt as Talup as well as Talap. Talap is the railway station as well as the town where the plantation is housed*

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Talup is one of 17 tea gardens owned by the Apeejay group in Assam. Talup is located in DoomDooma, eastern Assam and is one of the relatively better-maintained gardens. They have a big nursery, a new plantation zone. The average age of the bushes is less than 40 years. There are sufficient numbers of shade trees and there exists a proper irrigation system. (A very large proportion of the gardens in Assam are sick, with very little recent investment; most of the bushes are old and less productive.)

The Apeejay group, according to their web-site, is 'among the largest producers of tea in the country, with a workforce of 40,000.' The 17 estates are spread over 50,000 acres in Assam, and produce close to 25 million

kilograms of tea (peak crop). Appejay is among the oldest tea companies in India.

The web-site further states, `Tea is a labour-intensive industry and our driving objective has been to improve living and working conditions for our large workforce and their 100,000 dependants. We aim at benefiting all aspects of human life, from providing homes and bringing relief to flood victims, to constructing schools and providing health care through our own hospitals. Supporting our people with the latest technology underlies our strategy for success.

We met several groups of workers, women workers, adolescent workers, ex-workers and family members of tea workers. The following information comes from meeting and interviewing over 30 – 40 people.

We went to Talup twice –on the 3<sup>rd</sup> and 5<sup>th</sup> of June 2009. On the 3<sup>rd</sup> of June, we were able to move around freely and talk to several people as well as visit and photograph the condition of their houses. The workers told us that child labour is utilised in Talup; however, children and adolescent workers work only for half a day and that too in the early morning. Hence we went back early in the morning on the 5<sup>th</sup> of June.

On the 5<sup>th</sup> of June, while we were talking to workers, mainly adolescents and some children, the department manager came along. He was very upset and asked us our intention in talking to workers. He also asked us why we had gone to workers' houses earlier and why we had photographed toilets, though according to the Plantations Labour Act, section 16(f), there is `access to the public to those parts of the plantation wherein the workers are housed.' Hence workers' houses can be accessed by people workers want to relate to.

### **The most important legislation that governs tea garden workers is the Plantation Labour Act, 1951.**

According to the Plantation Labour Act (PLA),

#### **PROVISIONS AS TO HEALTH**

##### **8. Drinking water**

In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

**Reality:** The reality at Talup is different. Workers from different sections and labour lines complained of the bad quality and insufficient quantity of water. There are houses that have had to construct their own tubewell, as there was no water supply available.

## 9. Conservancy

(1) There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.

(2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.

**Reality:** Each and every worker told us that there are no bathrooms, latrines or toilets in the plantation. In fact, there are a very large proportion of houses that do not have toilets. Workers have to often go out in the open to relieve themselves.

Said one of the women workers: 'Water supply is bad. There are no latrines or bathrooms. We have heard that 10 houses will be given latrines this year. We do not know whether that will ever happen.'

## 10. Medical Facilities

(1) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers [and their families] as may be prescribed by the State Government.

**Reality:** There is a 13 bedded hospital in Talup. When we went, there were patients lying on the floor as well. The accompanying film says a great deal about the state of the hospital.

There is a resident male doctor in Talup, but no female doctor.

Another senior woman worker told us: 'I am permanent, so I get medical facilities; my small child also gets medical benefits; but if other family members need medical treatment, we have to pay.'

## WELFARE

### 11. Canteens

(1) The State Government may make rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(2) Without prejudice to the generality of the foregoing power such rules may provide for-

(a) The date by which the canteen shall be provided;

(b) The number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteen;

(c) The foodstuffs which may be served therein and the charges which may be made therefor;

(d) The constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;

(e) The delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).

**Reality:** According to the workers, there is no canteen in Talup.

## 12. Crèches.

(1) In every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by the employer suitable rooms for the use of children of such women workers.

**Explanation** - For the purposes of this sub-section and sub-section (1-A), "children" means persons who are below the age of six years.

(1-A) Notwithstanding anything contained in sub-section (1), if, in respect of any plantation wherein less than fifty women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of such women workers is less than twenty, the State Government, having regard to the number of children of such women workers deems it necessary that suitable rooms for the use of such children should be provided and maintained by the employer, it may, by order, direct the employer to provide and maintain such rooms and thereupon the employer shall be bound to comply with such direction.

(2)[The rooms referred to in sub-section (1) or sub-section 1-A] 1 shall-

- (a) Provide adequate accommodation;
  - (b) Be adequately lighted and ventilated;
  - (c) Be maintained in a clean and sanitary condition; and
  - (d) Be under the charge of a woman trained in the care of children and infants.
- (3) The State Government may make rules prescribing the location and the standards of [the rooms referred to in sub-section (1) or sub-section (1-A) in respect of their construction and accommodation and the equipment and amenities to be provided therein.

### **Reality:**

At the worksite in Talup plantations, a 6 month old baby was with her mother. Another 12 year old girl, who was the young mothers' neighbours' daughter was accompanying the young mother and looking after the baby. There is no creche the women workers told us. We looked at the structures around the plantations. There was the hospital, the tennis club, but there was no creche.

In the labour lines, we met at least 8 girls, aged between 7 and 15. None had gone to school because:

1. they had to look after their siblings, while their parents worked
2. as there was no creche to keep the younger ones.
3. they also had to do housework
4. their parents could not afford to pay for school and school transport as their wages were too low.

According to the workers, the management does not support even the school transport. Workers have to pay for the school bus for children.

An entire generation of young illiterate women growing up in the garden!! Some of the young boys were going to school, or had gone to school before they began working in the plantations.

### 13. Recreational facilities

The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therein as may be prescribed.

**Reality:** According to the workers, no such facilities exist for workers and their children.

### 14. Educational facilities

Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules, requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

**Reality:** One woman worker said: 'My children go to school. I could afford to put them in school only because I sold hariya (local liquor). Otherwise, in our wages, how can we afford to send children to school? I had to pay Rs. 160/- only for his admission. The management does not give any educational support. Only God is helping us to educate our children.'

Because they have to pay for the school bus, most of the boys walk to school, which is quite far away, several kilometres, they said. or they just drop out of school. But the girls do not have any options whatsoever!

### 15. Housing facilities

It shall be the duty of every employer to provide and maintain necessary housing accommodation-

(a) For every worker (including his family) residing in the plantation;

(b) For every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation:

Provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family, of a deceased worker who, immediately before his death, was residing in the plantation.]

**Reality:** Most of the workers and ex-worker we met had worked and lived in Talup for over 10 years. Yet they had not seen their dilapidated houses being repaired.

We went and saw the houses – most in dilapidated condition. The toilets were completely broken in the few houses we went to. They were completely unusable.

Another worker we met, who was the watchman and a permanent worker is paid Rs.700/- for 12 days. He has been given a house, but is in disrepair and has not been repaired for 10 years now. The house does not have electricity. Their house faces an acute problem of drinking water.

Other workers told us that they have had to get their own tube-wells constructed. Their houses too do not have bathrooms. The latrines / toilets were in a very bad condition.

### **17. Other facilities.**

The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of umbrellas, blankets, rain coats or other like amenities for the protection of workers from rain or cold as may be prescribed.

#### **Reality:**

Workers are given aprons, umbrellas, but not regularly. The footwear is supposed to be given every year according to the Assam Plantations Labour Rules, 1956. However, all the workers complained that the footwear was very fragile and did not last even a few months. Then they have to buy their own footwear if they did not want to work in the plantations barefoot.

### **30. Leave**

According to Section 30 of the PLA, workers are entitled to leave with wages as follows:

- a) for adults – one day leave with wages for every 20 days worked;
- b) for young workers – one day leave with wages for every 15 days worked.

#### **Reality:**

None of the workers we met knew of this provision and said none of them had enjoyed such leave with wages.

### **Sickness Allowance**

According to **Section 74** of the Assam Plantations Labour Rules, 1956, 'Payment of sickness allowance, (1) Every worker shall be entitled to obtain sickness allowance from his employer for each day of certified sickness for a total period of 14 days in a year at the rate of two-thirds of his daily wages.'

#### **Reality:**

All the workers said they did not get paid medical leave. 'If we are ill, we can stay away from work, but the principle is no work, no pay.'

### **32. Maternity leave**

Talup **pays** maternity leave according to the law, for 3 months, **though only for permanent women workers**. According to the Maternity Benefits Act, even contract and other non-permanent women workers are entitled to paid maternity leave.

**However, the most important issue is that workers' wages are a mere pittance.**

#### **Wages**

Workers get Rs. 610/- every fortnight. Rs.1220/- per month. The minimum wage in Assam is Rs. 58.50. All the workers insisted that the absolute minimum that workers could barely live on would be Rs. 3500/- per month. The minimum wages for tea workers in Assam are among the lowest in the entire country. While prices, especially food prices have shown a sharp rise of double digits in the last few years, the wage rates have lagged very far behind. Workers' real wages have in fact fallen steeply, according to all the unionists we met. Groups of workers also confirmed this in terms of the quantum of food consumed over the years.

The concept of minimum wages is that, even the most sick units / companies have to pay that wage rate. Given that Talup is not a sick garden, that it is owned by a large internationally reputed company, it needs to pay closer to a living wage and not the measly minimum wage, which in fact is a near-starvation wage.

#### **Ration**

Every worker gets 3.28 kgs rice and 3.26 kgs wheat every fortnight, which all workers unanimously said was insufficient. After a family member is 18 years old, he / she does not get rations. Only permanent workers get rations.

#### **Electricity**

Very few houses have electricity. Most do not have any electricity. Those houses that have electricity, have to pay Rs. 100/- per fortnight. Some houses have a fan, very few houses have a TV and most houses have nothing but one or two bulbs. Yet all of them have to pay almost one-sixth of their wages on electricity. According to workers, the management provides free electricity to the management staff and staff.

#### **Hospital**

There are 13 beds in the hospital. There were more people admitted when we went and some were sleeping on the floor. The condition was very unhygienic. There is one male residential doctor and 4 staff in the hospital. There is no woman doctor.

#### **Holidays**

According to workers, they enjoy no holidays, except 3 and a half days a year – 1 and a half during Durga pooja, 1 on Bihu day and 1 day on Kali pooja day.

## Personal Protective Equipment

We met young boys – mostly adolescent boys – who were carrying spraying equipment. None of them had any protective gear whatsoever.

## Child Labour

We saw many children carrying work implements. We began talking to them and asked them what work they did and how old they were. Most said: 'I am 16; he is 16; he too is 16.' Many of them were smiling and giggling when they answered us. 16 is the cut-off age for adolescent workers. Children below 16 cannot work in tea gardens. Most of them said they did the work of weeding – uprooting unwanted weeds from the garden. Before we could talk to them further and in greater detail, the manager of the division came along and asked us to leave. There was a poster in the hospital, which said: 'Young boys and girls will get Rs. 29.25 per day.'

## General Impressions

Going through the labour lines and meeting the workers, retired workers as well as workers' children, it seemed that the nutritional standards of the entire workforce and their families were very poor. In the short time we were there, it was not possible to do a proper nutritional study, though it seems much needed.

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## International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations

*Rampe du Pont-Rouge, 8, CH-1213 Petit-Lancy (Switzerland)*  
tel: + 41 22 793 22 33, fax + 41 22 793 22 38, e-mail: [iuf@iuf.org](mailto:iuf@iuf.org)  
[www.iuf.org](http://www.iuf.org)

