

Organ of Federation of Medical And Sales Representatives' Associations of India

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New era of resistance arrives with All India General Strike

26th November, 2020



General Strike Mandi, HPMSRU



General Strike, Dhanbad, BSSRU

Field workers along with all other section of workers, the peasants, the common people rose as one across the country to protest the senseless attack on the toiling people at the instance of NDA government led by Bharatiya Janata Party and the massive General Strike on 26th November 2020 called a halt to all industrial, business and sales promotion activities in all states and union territories. Besides workers farmers too took to the streets which took the General strike to new height and intensity not only in urban and industrial area but also in rural landscape. All those who give labour to earn livelihood and all those who give labour to create wealth actively joined the strike. Over 25 crore workers, agricultural workers and others, struck work on the day.

Workers, organized jointly by the Central Trade Unions and independent Federations including FMRAI, on 2nd October 2020 gave the call of the strike. All India Kisan Coordination Sangharsh Committee, the joint platform of 250 organizations of farmers and agricultural labourers joined hand with workers in this strike.

Massive campaign was organized by the states and subunits of FMRAI throughout the country to popularize the demands of the strike. Strike notices were sent to all India and state level companies by FMRAI and the state units of FMRAI. Strike notices were submitted in thousands to all managers and supervisors in the field. Field workers wore badges, distributed leaflet, pasted poster, displayed banner, painted walls with graffiti conveying the burning

This National Convention of

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General Strike, Delhi, DSMRO



General Strike, Nellore, APMSRU



General Strike, Nagpur, MSMRA

Editorial

Give back SPE Act and rules

Draft rules of all the labour codes have been framed in remarkably quick time as the government wants to put into practice the labour codes as early as possible, if possible, in the current fiscal year only. Why the government is in tearing hurry to prepare the rules and implement the codes? The answer to this question is blowing in the air. The air echoes the voice of the millions of workers. The ruling coalition at the centre do not hide their toxic intention altogether and indicate, in their skillfully-coded language, that giving push for more profit and quick profit by big industrial houses is the holy duty of the government. But, the voice of dissent of the enormous general strike on 26th November, 2020 by the working class continues to ring loud.

The four labour codes have made broad and open-ended frame-work for robbing the workers of their existing rights and privileges which all along have remained limited and deficient. The draft rules made under the codes offer more specific details of provisions of the codes and allow reckless flogging of the workers by their employers in concrete manner. Torture on workers by their tyrannical employers is no new thing; what is new is that now the employers, even the most refined among them, can beat their workforce quite legally.

Even if the government claim that the 13 acts which has been repealed by OSH Code has been subsumed and incorporated in the code, but the code either omits or dilutes many essential provisions in these acts. For example, Section 6 of SPE Act ensures applicability of workmen's compensation Act, Industrial Dispute Act, Minimum Wages Act, Maternity Benefit Act, Payment of Bonus Act and Payment of Gratuity Act for all section of field workers whereas the OSH Code has no provision (or even mention) to ensure applicability of these acts for sales promotion employees. The draft rule of the Occupational Safety, Health and Working Conditions Code (OSH Code rule) also attempts repeal of 13 rules including the Sales Promotion Employees (Conditions of Service) Rules, 1976(SPE Act rule). This draft OSH Code rules, in the similar manner, omits, mutilates and disgracefully disfigures many indispensable provisions available under the SPE Act rules.

The surprising and wicked omission is repeal of appointment letter in prescribed Form A. 'Every employer shall issue a letter of appointment to every employee' mandates the code. But sales promotion employees are defined under the definition of 'worker' (what is notable here is that the word 'worker' and the word 'employee' has used against each other, used interchangeably, and used ambiguously even if these words have different definition in OSH code). For 'employees' issuance of appointment letter has been mandated but for them too it has not been in a prescribed 'form' but in a 'format' and the rule is unclear if such format is legally mandatory or suggestive. What is extremely repugnant that issuance of appointment letter (either in any prescribed form or otherwise) to the sales promotion employees has not been legally mandated to the employers.

SPE Act rules keeps provision of different kind of leave like earned leave, leave on medical certificate, extraordinary leave, leave not due,

casual leave, study leave or quarantine leave and also statutory holiday and compensatory holiday. The OSH code and rule dilute and curtail many provisions available to field workers through SPE Act and rules. Fifteen days of Casual leave is legally binding to employers under SPE Act rules. Draft OSH rule leaves it to 'the discretion' of the employers (and Casual leave may altogether be denied, lawfully, by employers). Besides, under SPE Act rules 15 day of Casual leave can be availed at a time and it can be prefixed with any other leave, but OSH rule limits it to five days and it cannot be combined with any other leave. .

According to this bewildering draft OSH rule, casual leave, extraordinary leave, leave not due, study leave available to sales promotion employees will now be obtainable 'at the discretion of the newspaper establishment'. Therefore, all these leave available under SPE act rules is denied to sales promotion employees as they do not work in newspaper establishment but are employed in pharmaceutical and other industries. The draft nowhere mentions pharmaceutical and other industries. The draft is full of ambiguity and error. Thorough reading of the draft makes it evident that the draft made by the labour ministry has remained sorrowfully careless to guard the employees and the workers but, on the other hand, has remained careful, particular and diligent to give excessive freedom, exemption and reward to the employers.

Rules under SPE Act ensures that earned leave can be accumulated up to 180 days and 90 days of earned leave can be availed of at one go (in case of any lingering illness it can be availed of beyond 90 days at a time). On retirement and resignation, a field worker is 'entitled to cash compensation for earned leave earned by him and not availed of' up to 120 days'(in some situation cash compensation may be up to 180 days).Now, as per the draft OSH rule earned leave can be accumulated up to 90 days('Provided that he shall cease to earn further such leave when the earned leave due amounts to ninety days') and drastically reduces the quantum of cash compensation('cash compensation for earned leave not availed of up to a maximum of thirty days')

OSH rule states that a sales promotion employee is entitled to one month of earned leave 'for every eleven months spent on duty' while SPE Act rules entitles earned leave 'one-eleventh of the period spent on duty' which is one day at every eleven days and one week at every eleven week. Not calculating earned leave on pro rata basis is injurious to the injurious to the interest of the field workers and leads to deprivation more often than not. OSH rules limits Leave on medical certificate to 90 days while SPE Act and rules do not limit it and ensures entitlement across the service period (at the rate of 'one-eighteenth of the period of service').

Rules under SPE Act provide 30 days of Quarantine leave. Section 49 of OSH rule states that 'quarantine leave on full wage shall be granted by the newspaper establishment' 'not exceeding twenty-one days or, in exceptional circumstances, thirty-days'. Notwithstanding error, it makes mention of sales promotion employees in connection with quarantine leave in this section itself.

Rules under SPE Act ensures that 'compensatory holiday can be availed within thirty days immediately following the holiday, on a day mutually agreed upon by him and his employer'. Draft OSH Code rules creates a unique example of double speak. In the same text of the draft rule in one place (section 37) it states, as in SPE act rules, that 'a compensatory holiday shall be given to him, within thirty days immediately following the holiday, on a day mutually agreed upon by him and his employer'. In another place(section 55) , it states that it can be given 'within the two months immediately following that month' and 'shall be so spaced that not more than two compensatory holidays are given in one week' and it will not be mutually agreed upon but will be decided by the managers and the dates will be notified by them.

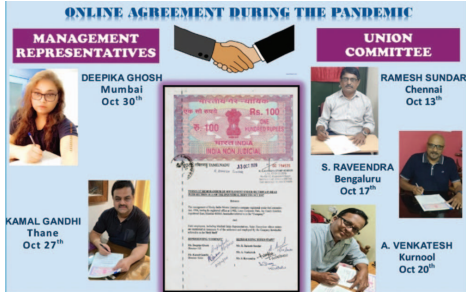
OSH Code rule increases spread-over time to 12 hours from existing 10.5 hours. The existing law mandates at least 30 minutes of interval for rest at every four hours while the draft rule offers provision of at least 30 minutes of interval for rest after each five hours of uninterrupted work. The new rule also says 'no worker shall be required or allowed to work in an establishment for more than forty eight hours in any week'. What kind of double speak is this? In practice the rule extends the working hours up to 12 hours or even more. In field work (and in industries involving hard work and physically difficult job) five hours of uninterrupted work combined with 12 hours of work in a day is appalling, terrible and cruel. Thus the OSH code and its rule legally announce that workers are no human being and attempt to pull them down to subhuman level. This rule awfully violates the natural law and contravenes the stipulation of the Hours of Work (Industry) Convention, 1919 ILO, (which was its very first convention and) which was ratified by the Government of India long back in 1921.

In India, the work in many industries is labour intensive and involves large sum of labour and provide huge employment opportunity. In these industries works are organized, till the current time, in three shifts (eight hours a shift). The NDA government now gives clue to the employers that they may organize work in two shifts (twelve hours a shift) and may retrench the workers from existing workforce and cut jobs, besides enormously increasing the workload on the rest of the workers.

SPE act (and other acts too) directs state governments to appoint inspectors 'for the purpose of ascertaining whether any of the provisions of this Act have been complied with in respect of an establishment'. OSH rule abolishes inspector and introduces the inspector cum facilitator to facilitate ease of business of the employers.

SPE act did not see the light of the day by divine injunction. It came through long drawn struggle and sacrifices of the field workers across the country. There were struggles at every step, first to enact it, then to make it worthy and implementable (by removal of irrational wage ceiling) and then to implement it. Field workers' movement refuses to give up their hard-earned rights. At this hour, for protection of rights and privileges available through SPE Act, field workers movement will formulate its urgent and immediate tasks and will chart the path of bigger movement forthwith.

Wage Settlement in Essity



Essity is a Sweden based leading multinational hygiene and health company, part of a MNC called SCA. Formerly it was BSN Medical. In 2017, Essity acquired BSN medical. Further back, in April 2001, BSN medical was established as a joint venture between Beiersdorf AG, Hamburg, and Smith & Nephew plc, London. FMRAI has bilateral relation and signed wage agreement with BSN.

After the expiry of the last wage settlement in December 2018, a fresh COD was placed by FMRAI. There were four rounds of discussions in 2019 and one in February 2020.

At the time of the company's All India Conference in January 2020 at Chennai, an All India Council meeting was held, in which the members opined that the negotiations can be concluded at any reasonable amount.

In the February meeting, the management made some offer as quantum of wage settlement. Due to the Covid 19 situation, the negotiations were continued over virtual platform with the guidance of FMRAI Secretariat. Both the parties had 3 rounds of interactions from July and finally, the negotiations were concluded mutually with an average increase of Rs. 4098 per person.

Daily allowance increased to the

tune of Rs. 50 per day. Kilometer fare etc were already concluded in January 2019, taking the average net increase to approx. to Rs. 5800, which is advancement as compared to earlier settlements.

The text and clauses of the settlement remained the same as last two settlements did not incorporate any changes.

As regards the procedure of signing the settlement, since face-to-face meeting could not be held due to lockdown restrictions, the committee had taken legal opinion and also consulted senior TU leaders. Accordingly, after the management and FMRAI Secretariat's approval, two sets of stamp paper of Rs100/- were purchased by the All India Convenor at Chennai and after incorporating the text and affixing his signature; it was forwarded to Bangalore and from there to Kurnool (AP), to complete signature of the Negotiating Committee members. At all the places, one witness has made his signature too.

Thereafter, it was forwarded to the management who have now completed the process with due witnesses' authentication, and sent back the original to the committee.

It is indeed yet another achievement to have signed a wage settlement during such difficult times. Though it will benefit only 17 field workers, it is significant in view of being the nine settlements in the last 29 years since 1991 in the path of several takeover and acquisition (which now is a multinational company) starting as Leukoplast India Ltd, then as Beiersdorf, then BSN Medical and presently Essity.

Obituary

Binda Prasad, employed in Medispan and a member of UPMSRA, passed away on 2nd November 2020, in a massive heart attack. He was working in Banda HQ. FMRAI grieves sad demise of Binda and conveys condolence to his bereaved family.

Vikek Kushwaha, a field worker working in Eugen Healthcare with Farrukhabad as headquarter and a member of UPMSRA passed away on 26th November, 2020. FMRAI deeply condole his death and conveys condolence to his family.

Pandemic has created an abnormal situation. Government, together with employers and big business, is training its guns on the workers and peasants as they find a comfortable playground in the pandemic. Unexampled is the fact, in independent India, that so much of important changes in the labour and the agricultural laws have been passed in parliament like a shot without any discussion, let alone any debate. History keeps evidence that during war and epidemic, democracy sees the worst of it and the authoritarianism lifts its nasty head. Rudeness and apathy with which the rulers are responding to the crying voice of the people produce doubt if the government has called a halt to democracy.

But the workers, the peasants and the common people across the nation rejects any postponement of democracy in the name of disease outbreak. The thumping success of the

strike paints a new picture and inspires the oppressed. The common citizens refuse to get crushed under the rolling wheels of the big business. Thousands and thousands of farmers continue to march towards the capital of the country braving deadly disease and biting winter. The militant struggles of the workers and peasants are radiating warmth clearing the fog of the winter. The hearts of the field workers are warm too. They have to 'speak against unconscious oppression'. They have to 'speak against the tyranny of the unimaginative'. They have to 'speak against bonds'. Field workers must have to fight back. Should the government pay attention to the demands of the peasants, the workers, the common citizens and to the demands of the field workers? Yes or no? Whatever may the answer be, the conscious citizens must have to stand guard and stand awake at the door of democracy.

All India General Strike

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demand memoranda to the prime minister through e mail. Field workers joined strike in large number and organized human chain, picketing, demonstration, rally independently in Gondia, Yavatmal, Khamgaav, Baramati, Pune Pimpri Chinchwad, Junnar, Ambegav, Khed , Shirirampur, Parbhani, Latur Raigad, Thane

the campaign and the strike. MPMSRU organized all campaign programmes and the strike independently and along with other trade unions and federation involving at units across two states. The sales promotion activities were completely halted in the cities and towns in the two states including places like Indore, Ujjain, Ratlam, Mandsour, Khandwa, Khargone,

manor, Ipca, Nutrateg, Micro, Aristo, Glenmark, Troika, Joint care, Novonodisk, Intas, Emcure, Svizera, Cadila, Torrent and Alembic made unsuccessful attempt to break the strike. • In Uttar Pradesh and Uttarakhand UPMSRA mobilized field workers in strike on 26th November, even if the state government invoked ESMA , imposed section 144, detained organizers. Fifty two units of UPMSRA in all major cities and

including Bathinda , Ludhiana Chandigarh , Jalandhar , Husharpur, Sangrur, Ferozepur , Amritsar and Patiala In RMSRU due to imposition of section 144 there was restriction on holding outdoor programmes. Meetings were held in 5 subunits and 12 submitted memorandum and in 3 subunits rallies could be organized. Picketing points were vigilant in all the subunits and press coverage done. The members spontaneously

demands where leaflets too were distributed among the people. 75 localities walls were painted with graffiti and flexes were displayed across the state conveying the demands of the strike. Central rally and mass meeting was organized on 19th November at Kolkata. To popularize the demands of the strike Facebook live virtual meeting was organized on 12th Nov was addressed by Tapan Sen.

Picketing were organized at 141



General Strike, Karimnagar, TMSRU

Nandurbar And Karad and jointly with other Trade Unions And Federations in Nagpur , Wardah, Chandrapur , Bhandara, Amravati Akola, Buldhana, Nashik, Dhule

Bhopal, Vindhya, Malwa, Sagar, Damoh, Guna, Gwalior, Chhatarpur, Satna, Rewa, Katni, Jabalpur, Chhindwara, Balaghat, Betul, Durg, Raipur, Bilaspur,

towns in these two states, including Ballia , Jaunpur, Basti, Shahjahanpur, Varanasi, Allahabad, Aligarh Lakhimpur, Gorakhpur Kanpur, Agra,

resorted to strike in the state of Rajasthan. • In Bihar and Jharkhand, BSSRU members took to street in organizing the campaign and organizing the strike in two

points across the state where large number of members actively joined the strike. In Seven North Eastern State including Assam , Megalaya, Manipur, Nagaland, Mizoram and



General Strike, Brahmapur, OSRU



General Strike, Jalandhar, PCMSRU



General Strike, UPMSRA



General Strike, Sirsa, HSMSRU

Malegaon, Sangamner, Ahmednagar, Solapur, Kolhapur, Ichalkaranji, Gadhinglaj, Sangli ,Satara, Sindhudurg, Aurangabad , Jalna, Beed, Nanded, Usmanabad , Hingoli and Mumbai

Raigarh and Ambikapur.

In Goa, Goa MRA organized the strike and the strike brought all sales promotion activities to halt across the state In Delhi, large number of field workers at the call of DSMRO, joined and organized the strike. Picketing and squads, at 11 hospitals and trade areas, including AIIMS,SJH,Escort Fortis, Mohan Nursing Home, Krishna nagar, Chetak Complex, Sanjeevan Hospital,Dwarka, Muni Mayaram hospital and Vinayak Hospital, were organized. All sales promotion activities came to grinding halt. Management of DRL, Sun, Lupin, Eris, Alkem, Zuventus, MSN, Med-

Moradabad, Bareilly, Dehradun, Pithoragarh,Orai, Siddharth Nagar, Bahraich Raebareli, Sultanpur, organized rally independently and jointly with other trade union. Prior to strike, Facebook Live was organized on 5th November 2020 and on 24th November with Sanjeev Khandelwal and JS Majumdar as speaker, respectively. On 19th November, 2020, 81 units of UPMSRA submitted memorandum comprised of demands of the strike to Prime Minister through email and through District Magistrate. On 7th November special general meeting were organized at every units of UPMSRA. on 26th November picketing were organized in all major cities and town in Uttar Pradesh and Uttarakhand at the behest of UPMSRA. In Punjab and Chandigarh, PCMSRU inspired and brought the field workers in the campaign and the strike. All sales promotion activities came to complete halt in Punjab and Chandigarh. Field workers joined in the strike in large number across the units of PCMSRU. On 26th November, colorful rally and picketing at various PCMSRU units

states independently and jointly with workers organized in Federations of Bank, Insurance, Post office, Railway and the central trade unions. Thirty four units including Ara, Araria, Aurangabad, Begusarai, Bettiah, Bhagalpur, Biharsharif, Bokaro, Chapra, Daltonganj, Dehri-on-Sone, Deoghara, Dhanbad, Gaya, Giridih, Hazaribag, Jamshedpur, Jhumri Tiliya, Katihar, Khagaria, Kishanganj, Laheriasarai, Motihari, Munger, Muzaffarpur, Patna, Purnea, Ranchi, Saharsha, Sahebganj, Samastipur, Sasaram, Sitamarhi, Siwan and Nawada, Garhwa, Ramgarh, Madhubani satellite units of BSSR Union successfully organized the strike.

In West Bengal all the districts of WBMSRU mobilized the field workers in the strike campaign and the strike. Strike notices were submitted to the companies and their managers in the field. Convention and rally on the demands of the strike were organized in 103 localities in 19 districts and in 52 different points across the state street corner meeting were organized on strike

Tripura, organized the strike. Memoranda were submitted to the PMO through the Labour office by 15 out of 16 organizational districts of CRU. 14 organizational districts held General Body meetings. Council Meetings of Identified Companies were held. 48 Picketing Points were organized in 12 organizational districts . Due to administrative restrictions in other 3 places it could not be organized. District administration of Silchar and Nagaon in Assam arrested 80 field workers who were organizing strike programmes and Picketing. Rallies on the strike day were organized in all cities and towns except Dimapur, Shillong, Agartala and Imphal . In Agartala the Police and administration of the BJP government connived with political hoodlums in breaking the Offices of CITU and CPI (M) on the Strike day. Many persons were also injured. Large number of strike reports were collected. OSRU in Odisha organized the strike and organized programmes to campaign the strike demands and large number of field workers took to street on the strike day and made the strike successful.

All India General Strike

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demands of the strike. General meeting with field workers, member and non-members, public meeting including street corner meeting, discussed the demands of the strike. Field workers made Social media abuzz with strike campaign. Rallies and torch rallies were organized independently (also jointly) by the state units of FMRAI in preparation of and on the day of the strike. On the strike day picketing were organized at workplaces in all cities and town by the members of FMRAI across the country. In Karnataka, all the units KSM&SRA including Bagalkot, Belagavi, Bengaluru, Bidar, Kalaburagi, Vijayapura, Hubli Gadag, Sirsi, Mandya, Tumukur, Davangere, Raichur, Bellari, Hassan, Mysuru, Kolar, Shimoga, Mangalore, Udupi large number of field workers joined and organized the strike and there was no sales promotion activities 26th November, 2020. In some places in Karnataka the management of Lupin, Cipla, DRL, FDC, Sun, Micro, Biocon, Mankind, Icpa, Intas, H&H, KAPL, Blue cross, Meyer, overseas, USV, Himalaya and Trika made unsuccessful attempt to break the strike. In several unit Signature campaign on the medicine related demands of the strike were organized with large participation of the common people.

In Telangana TMSRU organized the campaign and organized the strike. Virtual State Strike Convention was conducted on 22nd November, 2020. Strike Notices to three hundred companies based in Telangana were sent from State Centre only by mail, besides, Strike Notices being served to the managers in the field across the state.

TMSRU members were demand badges to popularize the demand of the strike. TMSRU units throughout the state submitted Memoranda to Prime Minister of India through District Labour Departments. All Sales Promotion activities were paralyzed across all districts of the state including Karimnagar, Kukatpally, Khammam, Warangal, Mancherla, Mahabubnagar, Adilabad, Secunderabad, Nizamabad, Khammam, Hyderabad, Kothagudem, Jagtial, Kamareddy, Nalgonda And Siddipet. Squads, rallies were organized on the strike day and the strike was a resounding success in the state. In Tamilnadu pre strike campaign was successfully conducted with display of 500 posters, 4000 badges were worn by the members of TNMSRA during fieldwork and 10000 leaflets were distributed amongst common people on the demands of the strike, and strike notices were served the executives of nearly 500 companies during joint work. Squadding were held in all the subunits including

rallies in 11 subunits. Memorandum were submitted by 11 sub units. The strike was overall participated by the members in a befitting manner and 100 were arrested on the day of strike. In the state of Andhra Pradesh strike was a complete success despite Nivar Toofan, the natural calamity, members responded in a militant manner even in incessant downpour. The pre strike campaign was conducted throughout the state with enthusiasm and vigor. An impressive bike rally travelling the town involving 100 vehicles with members that too during heavy

downpour in Vijaywada was organised, This spectacular event inspired the members. A state general body meeting was organized on 9th November, 2020 where CITU All India President Com. Hemlata addressed the viewers, 8000 pamphlets were distributed and posters were released by 7 subunits, conventions held with fraternal trade unions, strike notices were served to the managements, memorandum submitted to district labour authority and sent to PMO. All programmes were held in Srikakulam, Vizianagaram, Vizag, Kakinada, Rajamundry,

Amalapuram, Tanuku, Bhimavaram and Eluru. Strike reports were also collected in most of the sub units. In Kerala KMSRA, took the field workers to the forefront in organizing the strike

In Maharashtra MSMRA mobilized field workers in organizing the strike. On 1st November MSMRA organized workshop for leading comrades where Dr. D. L. Karad, Vice-President All India CITU (& President Maharashtra CITU), explained and elaborated the demands of the strike. On October 4, State level Workshop on Labour Codes was organized where Prof.

Ajeet Abyankar addressed. General body meeting, council meeting, seven regional committee meeting, state council subcommittee meeting (5th November), discussed in concrete the demands of the strike, the strike preparation and the strike. Organizing campaign leaflets (in Marathi) were distributed and posters were pasted across the state. Booklets, numbering 3000, titled 'Reasons and demands of 26th November All India Strike' were printed to arm the activists and the leading comrades. On the strike day all units of MSMRA had sent

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General Strike, KMSRA



General Strike, Kota, RMSRU



General Strike, Gwalior, MPMSRU



General Strike, Silchar, CRU



General Strike, Gadag, KSM & SRA



General Strike, Dindigul, TNMSRA



General Strike, GSMRA



General Strike, preparatory rally, WBMSRU