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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Joint written statement\* submitted by Europe-Third World Centre, non-governmental organizations in general consultative status, International Association of Democratic Lawyers, non-governmental organizations in special consultative status\***

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2013]

## **VIOLATIONS OF WORKERS' AND TRADE UNION RIGHTS AT MARUTI SUZUKI INDIA LTD<sup>1</sup>**

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

<sup>1</sup> This declaration was written on the basis of the report released by a fact-finding delegation convened by the International Commission for Labor Rights (ICLR) entitled: "Merchants of Menace: Repressing workers in India's new industrial belt, Violations of workers' and trade union rights at Maruti Suzuki India Ltd.". See [www.laborcommission.org](http://www.laborcommission.org)

In July 2012, dozens of workers of the Manesar plant of the car company Maruti Suzuki India Limited (MSIL) - located in the State of Haryana in northern India - were dismissed and detained without charge because they were exercising their right to association and affiliation to a trade union of their choice. Indeed, workers' rights and trade union rights, including the right to freedom of association, the right to collective bargaining and the right to equal pay for equal work, are not respected by the management of MSIL.

For sometime, workers at MSIL-Manesar had consistently raised with management issues related to working conditions and respect of labour law, including:

- The physical and psychological strain associated with having to produce one car approximately every 45 seconds.
- The lack of adequate rest time for meals and bathroom breaks.
- A wage structure where up to half of monthly pay is based on productivity and other subjective factors (for instance, taking a sick day will cost workers a quarter of this discretionary pay).
- An average of two hours of unpaid overtime a day.
- Reliance on a highly precarious workforce, where 75% of workers are contract labour, trainees, or apprentices. These workers earn dramatically less than permanent workers and have no job security or benefits.

As no progress were made, the workers at MSIL-Manesar chose to form an independent union, believing that the company-imposed “yellow” union, the Maruti Udyog Kamgar Union (MUKU), did not represent their interests. The formal process began in 2011. After a long period of struggle to have their union recognized by the Labour Department of the State of Haryana, the new union was registered, in March 2012, as Maruti Suzuki Workers Union (MSWU). Nevertheless since the beginning MSIL refused to negotiate with them in good faith.

## **1. The event and arrests**

On 18 July 2012, following two months of MSIL’s refusal to bargain with the MSWU, a supervisor abused a worker in casteist terms while raising a production-related issue. The worker involved was immediately suspended. The Union protested and demanded the withdrawal of the suspension, or that both the worker and the supervisor should be suspended. While negotiations were taking place between the union and the management, suddenly violence broke out at the MSIL-Manesar facility. There are strong reasons to believe that MSIL management brought thugs known as “bouncers” into the workplace, dressed as workers, to instigate violence and to create a pretext for the repression of the newly-formed union.

In this very tense context, a fire broke out. As news of violence and fire spread, workers from the different departments in the plant began to rush out of their work places. The police forces, which

had been on the spot since morning but not called to action till then, intervened to arbitrarily arrest workers. Many managers, workers and police officers were badly hurt in the violence. The Deputy General Manager for Human Resources, Avnish Dev, died in the fire.

The origin of fire and the circumstances of Mr. Dev's death are yet to be ascertained. It should be noted that, under company regulations, no worker is allowed to enter the plant premises with even a matchbox, and everyone is thoroughly searched by security guards at the gates. The production areas and offices are monitored by closed-circuit TV, and police recovered the hard disk containing the footage on 18 July. This information should, presumably, have implicated some individuals and exonerated others relatively quickly. Indeed, contemporaneous media reports stated that the police had reviewed the footage and had begun making arrests based on this and other evidence. However, four days later, according to media reports, the police claimed that the recovered CCTV hard drives were damaged, and that no images could be retrieved from them.

147 Maruti Suzuki workers have been arrested in the wake of industrial violence at the Manesar facility on 18 July 2012. At present they remain in detention without charges or bail; many have been subjected to beatings and torture. In addition, there are non-bailable warrants still pending against 66 workers. Eleven others connected to the MSWU struggle – workers, family members and supporters – were recently (May 2013) arrested during a protest in Kaithal.

On 22 August, in a clear and impermissible act of retaliation against those exercising their right to form and join a union of their choice, MSIL summarily dismissed 546 permanent workers and 1800 contract workers, a high percentage of whom were known to be leaders, members or sympathizers of the Maruti Suzuki Workers' Union.

The fact that police arrested key union organizers at MSIL-Manesar and that key union members in neighbouring plants have also been suspended or terminated suggests that certain individuals were targeted at the behest of MSIL-Manesar.

However, as of August 2013, there has been no independent investigation of the violence, or of the underlying industrial dispute. Only the 11 people arrested in Kaithal were released in August 2013, after a long confrontation with the court. The Police of the State of Haryana seems to have transgressed its powers in ways that amount to gross and inappropriate interference in industrial disputes, and yet failed to its duty to protect law and order.

## **2. 'Collateral' arrests and state repression**

On 24 January 2013, months after the incident, police arrested one member of the five-member Provisional Committee of the MSWU while he was waiting to address a press conference.

The human cost of the violations of workers' rights at Maruti Suzuki India Ltd is difficult to quantify. The economic hardship caused by job loss, the psychological strain caused by state persecution, the impact on physical health, and the social stigma of being branded criminals, are not being borne by workers alone. Entire families and communities are affected by MSIL practices and state repression. Nevertheless, the Public Authorities made no efforts at dialogue or mediation but decided to use only force to address the industrial dispute and its broader repercussions.

In the wake of the brutal assault on the MSWU, families and communities have stood up to demand justice for the dismissed and detained workers. The authorities responded with heavy deployment of police and restrictions on the right of assembly; demonstrations have been violently suppressed and dozen of workers and union leaders have been arrested. One particularly troubling tactic employed by the police, and widely documented by human rights groups in the region, was to harass, threaten, and beat and detain in police custody the family members of any individual deemed to be absconding, until he surrendered.

The repression of civil and political workers' right, such as the right to peaceful protest and demonstration, represent a direct attack to their trade union rights because, as underlined by the ILO's Committee on Freedom of Association (CFA), "[a] genuinely free and independent trade union movement cannot develop in a climate of violence and uncertainty."

### **3. The situation today**

The MSWU Provisional Committee has also described a large number of police inside the MSIL-Manesar facility. This is a concern: a highly visible and intrusive police presence creates a climate of fear that is not conducive to workers associating and assembling freely.

Union leaders of the industrial area of Gurgaon, Dharuhera and Manesar cited multiple instances of companies colluding with the authorities in the state of Haryana to ensure that workers are unable to form and register unions of their own choice. Management efforts to counter independent union organizing by registering company-sponsored unions with a compliant Labour Department, and then forcing workers to join, are also common. Across the region, a heavy police presence, as well as the presence of the management-sponsored goons known as "bouncers," creates an atmosphere of fear that is not conducive to union organizing.

According to the unions in the industrial area, the Suzuki family of companies presents an extreme face of anti-unionism, in a climate that is already very hostile. At Suzuki Powertrain, where car engines are made, the company has tried to dismember the registered Suzuki Powertrain Employees Union, and replace it with MUKU, on the pretext that, since the companies – Suzuki Powertrain and Maruti Suzuki – have merged, so should the unions. At both the Suzuki Powertrain and the Suzuki Two-Wheeler plants, union leaders remain suspended without pay, after the unions participated in a solidarity strike in support of the MSIL-Manesar workers.

The violations of workers and trade union rights at the MSIL-Manesar must be addressed as a matter of insurgence. Justice delayed is justice denied. A broader union movement – in India, across South Asia, and around the world – has come out in strong support of these workers, stressing the critical importance of a just resolution of the crisis at MSIL, not only for trade union rights in India but also for the global auto sector. For auto workers across the world, the intensity of work pressure and the erosion of working conditions at MSIL signals the real possibility that India will lead a "race to the bottom" in this sector, institutionalizing the use of cheap, disposable and non-unionised labor in global auto manufacturing.

### **Conclusion**

The International Association of Democratic Lawyers (IADL) and the Europe-Third World Centre (CETIM) urge the Government of India to ensure the enforcement of Labour Laws and the two International Covenants on Human Rights (covering civil, political, economic, social and cultural rights) by the Government of Haryana and the management of MSIL, as well as ratify the ILO Conventions No. 87 (Freedom of Association) and No. 98 (Collective Bargaining).

We demand that the Government of India takes immediate measures to ensure:

- The immediate release of the 147 MSIL workers currently detained in Bhondsi Jail (Gurgaon).
- The end of arbitrary arrests of workers seeking to defend their occupational interests by the Haryana state police. It must also end the harassment of workers and their families.
- The constitution of an independent and impartial judicial inquiry to investigate the full scope of events that led up to the industrial violence on 18 July 2012, as well as subsequent events, including but not limited to the custodial torture of workers.
- The full reinstatement of all workers who were at MSIL-Manesar as of 18 July 2012, whether permanent or precarious workers.
- The establishment of constructive good faith negotiations between the MSIL and the union of the workers' choice, and more broadly.

Our organizations call on the Human Rights Council to ensure the implementation by the Government of India of its international obligations with regards to Human Rights all over the extent of its territory.

Our organizations also call on holders of the following mandates: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Working Group on Arbitrary Detention, to make a visit to India, especially in the State of Haryana.

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