

Tea workers' wages finalised **Owners win, workers lose**

Philip Gain

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Tea workers striking in August 2022, demanding a daily wage of Tk 300. PHOTO: PHILIP GAIN

The Minimum Wage Board, which was initiated in October 2019, finally published the gazette on tea workers' wages on August 10. It is a shame that the wage board completely failed in framing and presenting acceptable recommendations on the tea workers' wage structure. Ultimately, the prime minister made a move and fixed the wage of daily-rated tea workers at Tk 170 per day for A-class gardens, Tk 169 for B-class and Tk 168 for C-class gardens.

But why did the wage board take so long to formalise the wage structure and publish a gazette, despite the prime minister's decision going into effect on August 2022?

The tea workers' wage board struggled to ensure consent of the workers' representative on the board, who actually resigned and did not approve of the acts of the wage board. The representative accepted the PM's decision about the wages, but there are a few important issues that they did not approve while the board was completing its formalities. Regarding those matters, the Minimum Wage Board (excluding the tea workers' representative) submitted to what the tea garden owners wanted.

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The first important issue that disappointed the tea workers and their union was an abrupt change in a central point of the negotiation between the owners' apex body, Bangladesh Tea Association (BTA), and the tea workers' union, the Bangladesh Cha Sramik Union (BCSU). Traditionally, BTA and BCSU have signed a labour agreement every two years, through which they fix wages and agree on other benefits. The Minimum Wage Board has been an irregular presence in the tea industry and has been formed three times so far to fix the tea workers' wages. Its role seemed insignificant because the wages used to be set based on labour agreements signed between the BTA and BCSU. The last labour agreement expired on December 31, 2020, and no agreements were signed for the 2021-2022 period or the ongoing period. The anomalies in the wage board and the arrogance of BTA led the PM to intervene in setting the labour legislation.

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This was an abrupt change, made at the wish of BTA, in the best interest of the employers, and to the great disappointment and loss of the workers. The change was reportedly proposed by BTA's representative on the wage board, which Rambhajan Kairi (representing BCSU) rejected outright. Kairi's argument was that such a change should have been discussed at length with BCSU and the tea workers. Cornered and disappointed, he resigned

from the wage board claiming that the other members (including the chairman) had always sided with BTA. BCSU Vice President Panjkaj Kando, who replaced Rambhajan Kairi, attended one meeting before resigning on the same grounds.

The tea workers – the majority of whom are non-Bangalee, mainly Indigenous or low-caste Hindus – are tied to the tea gardens. Unlike workers in other industries, tea workers get rations at a subsidised price and some fringe benefits including housing, very basic health care, and free primary education. All the fringe benefits plus Tk 170 (the current daily wage of a tea worker) amounts to less than Tk 300, say labour leaders and workers. This, however, is calculated to be Tk 540 by BTA.

"A yearly increment of five percent is a very small amount and unacceptable to us," says Kairi, former general secretary of BCSU. While he was on the Minimum Wage Board, he protested the owners' intention to not negotiate the wage issue with BCSU. "Now, we see the Minimum Wage Board has submitted to the owners' wishes. This goes against the long-time custom in tea gardens," adds Kairi.

The owners not only follow the labour legislations in governing tea workers, they also follow *dastur* or customs that have existed in the tea gardens for a long time. The Minimum Wage Board, in its March 2010 gazette, clearly spelled out that "Cha Sramik Union in the tea garden industry sector and Bangladesh Cha Sangsad [BTA] representing the owners' side will take decisions on productivity and other issues in addition to wages, on consensus basis, every two years after discussion according to the established custom in the tea industry." Rambhajan Kairi and many others want this custom to prevail.

"But the August 10 gazette clearly shows that the Minimum Wage Board has imposed the owners' wishes," says Tapan Datta, a senior trade union leader and chief adviser to BCSU. "Because crucial decisions have been taken in the absence of the tea workers' representative. They have actually been ignored and excluded."

An important addition to the wages is festival bonus. In an MoU signed between BTA and BCSU in May 2023, the owners agreed to pay a festival bonus equivalent to 52 days of wages. The employers started paying festival bonuses from Durga Puja last year at this rate. The wage board has trimmed the festival bonus amount down to 47 days of wages, which is the bonus that workers had been getting before the last Durga Puja.

A lasting concern for the tea workers has been the issue of gratuity, which no worker has ever received. It has always been their demand that they are given gratuity according to the labour law. Instead, they receive a so-called pension upon retirement. This was determined to be Tk 250 a week, from January 1, 2021, and used to be Tk 150 per week before that, and only Tk 20 in 2008. BTA agreed to pay gratuity in the labour agreement signed for the 2017-2018 period with BCSU. But the employers backed out from their commitment and no worker received gratuity.

In the meantime, an amendment was made to Section 28(3) of the labour law in 2018 that exempts tea garden owners from paying gratuity. What the labour agreement signed for 2019-2020 stated was that gratuity would be paid according to the Bangladesh Labour (Amendment) Act, 2013. Labour leaders allege that the owners influenced the amendment. Now, the wage board has brought the issue into the wage structure and has stated that gratuity will only be for the staff, and that the workers will get pensions in place of gratuity, according to *dastur*.

But the pension that tea workers get upon retirement is much smaller than the gratuity amount, a grave injustice the hapless tea workers face. The owners' argument for not paying gratuity is that a worker's family does not vacate the house given to them upon retirement and that they are replaced by a family member. This is a clever way of avoiding gratuity payments, and demonstrates how the tea workers remain a captive labour force, whose forefathers arrived as indentured labourers to the tea plantations.

This situation must change. The tea workers and their communities, tied to the labour lines for five generations, must be treated as dignified people. The government has a pioneering role to play in ending the discrimination of labour legislations and practices.

An overlooked issue in the tea gardens is workers' access to shares in the company's profits. The owners of the tea gardens have never shared profit with tea workers. Now, the Minimum Wage Board has replicated the profit-sharing arrangement in the RMG sector (0.03 percent of sales proceeds) in the tea industry. But this is a very small amount, as 0.03 percent of total sales would be Tk 3,000 for every Tk 1 crore in sales. Secondly, workers' participation in the company's profit is subject to the formulation of a law and rules regarding the creation of a fund and publication of a gazette. It remains to be seen when the government will formulate the law and rules to create such a fund.

What can the tea workers and their lone union do at this critical time? The central union leaders of BCSU wanted the wage structure amended in the aforementioned areas. There is perhaps no other issue more important for them to press for than eliminating the discrimination of the wage structure and the labour legislations, as well as work on their negotiation capabilities (in facing the government and owners) for their legitimate rights.

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