



राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

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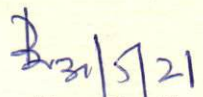
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May 31, 2021

Subject: Human Rights Advisory on safeguarding the rights of informal workers during the second wave of the COVID-19 pandemic (Advisory 2.0)

The National Human Rights Commission (NHRC) is mandated by the protection of Human Rights Act, 1993, to protect and promote the human rights of all the people in the country.

2. In view of the second wave of COVID-19 pandemic and the ground reports relating to the problems faced by the vulnerable sections in realisation of their human rights, particularly the informal workers, the Commission hereby issues this **"Human Rights Advisory for safeguarding the rights of informal workers during the second wave of the COVID-19 pandemic (Advisory 2.0)"** (copy enclosed), which may be read and implemented in conjunction with the earlier "Advisory on human rights of informal workers during COVID-19" issued by the Commission on 5th October 2020.
3. All the concerned authorities of the Union/State Government(s)/UTs are advised to implement the recommendations made in the said advisory 2.0 and submit the Action Taken Report within four weeks for information of the Commission.


(Bimbadhar Pradhan)
Secretary General

Encl: Advisory 2.0

1. **The Secretary to the Government of India**
Ministry of Labour and Employment
Shram Shakti Bhawan Rafi Marg, New Delhi
2. **The Secretary to the Government of India**
Ministry of Women and Child Development
Shastri Bhawan, New Delhi
3. **Chief Secretary (all States)/Administrators (all UTs)**



NATIONAL HUMAN RIGHTS COMMISSION

ADVISORY 2.0

Safeguarding rights of informal workers during second wave of the COVID-19 pandemic

Context

The National Human Rights Commission of India has been concerned about the impact of COVID-19 pandemic on human rights. During the first wave of the pandemic, it had deliberated with multiple stakeholders, assessed the ground realities and issued a comprehensive advisory on upholding rights of informal workers in October 2020.

With the closure of employment opportunities in urban areas due to lockdowns, most informal workers or unorganised sector workers, also migrants into towns and cities of India, are severely impacted. With huge reverse migration in the first wave and disruptions in the agricultural value chains over the year, COVID-19 has impacted the rural economy and the livelihoods of informal and agricultural workers in rural areas too. All evidence points to a deep economic crisis of job loss, reduced wages, shrinking of economy and manufacturing sector. In the report titled 'State of Working India 2021: One year of COVID-19'¹ (2021) twenty three crore Indians have been pushed into poverty in past one year. These are families in primarily in the informal sector comprised of over 50 crore Indians. Other surveys conducted during the previous months also indicate high unemployment and wage losses among informal sector workers across different States in India².

With renewed surge in the cases of COVID-19, India is experiencing a second wave of the pandemic and has been pushed into crisis on several fronts such as health, employment, food security etc. To combat these crises, Central and State Governments have been trying to provide for emergency needs of the people and enforcing curbs and lockdown measures to break the chain. The situation has created panic among informal sector workers and exposed them to economic and health risks due to lack of work and income and additionally in this wave the mounting health costs, and deaths in the immediate and wider families.

There are several specific groups of workers in the informal sector such as, crematorium/burial ground workers, domestic workers, traditional artisans, gig workers, small enterprises etc. who face certain additional vulnerabilities in the second wave of the pandemic. Crematorium and burial ground workers have emerged as frontline workers as they deal with dead bodies affected by COVID-19. They are often found working without proper personal protective equipment. Domestic workers, who are still seen as potential carriers of the virus, face curbs on movements by Resident Welfare Associations (RWAs) which affects their livelihoods and pushes them to the fringes. Micro enterprises such as tea shops, barber shops are getting shut due to lockdowns

¹Azim Premji University, (2021). State of Working India 2021: One year of COVID-19. https://azimpremjiuniversity.edu.in/SitePages/pdf/SWI2021_OneYearofCovid19.pdf

²ActionAid Association India (2021). Workers in the time of COVID-19 Round II of the National Study of Informal Workers'. https://www.actionaidindia.org/wp-content/uploads/2021/02/WORKERS-IN-THE-TIME-OF-COVID-19-I-Report-of-Round-2_Final-V2.pdf

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or lack of customers. These situations evidence the levels of precarity experienced by informal sector workers.

In view of the multiple factors which make the informal worker the most vulnerable in the second wave of the pandemic, the National Human Rights Commission issues '**Advisory 2.0: Safeguarding rights of informal workers during second wave of the COVID-19 pandemic**'.

The Commission strongly believes that no situation, whether predictable or unprecedented, should compromise with inalienable human rights. Thus, in this time of crisis, the endeavour should be to safeguard human rights of all, especially those who are vulnerable and marginalized.

I. Protecting Migrant workers in Transit

1. **24x7 Worker Support Helpline:** '24x7 Worker Support Helplines' should be established by all State Governments and Union Territories (UTs) to facilitate safe migration, provide accurate information regarding COVID-19 protocols, health facilities and community kitchens availability, vaccination and any other information needed by any worker.
2. **Ensuring transportation facilities:** Central and State Governments need to arrange adequate transportation for migrant workers leaving for native States. While Governments may consider providing these services free of cost or at subsidized rates, they must ensure arrangements of food, water and emergency health services at the transportation sites.
3. **Reactivating and strengthening temporary medical centres and quarantine centres in the 'Source' States:** Since migrant workers in transit are at higher risk of contracting the infection, all States/UTs where migrant workers are returning back, especially districts with high return migrants, need to urgently re-activate the temporary medical camps, quarantine centres and COVID care facilities. There should be Rapid Antigen Testing in these centres and those testing negative should not be retained. These centres should also facilitate vaccination of incoming migrant workers.

II. Enhancing Employment and Socio-economic security for informal workers

4. **Employment generation initiatives:** Government may explore the possibility of introduction of a *Shahari Rojgar Yojna* -Urban Employment Programme which would help mitigate distress in urban areas. The programme could entail the following works:
 - Public works: Building, maintenance and upgradation of civic infrastructure.
 - Green jobs: Creation, Restoration maintenance of urban commons & greens, rejuvenation of degraded lands, cleaning of water bodies and waste management.
 - Assisting Care work: For example, child-minding services in crèches, care for the elderly and persons with disabilities & outreach for drop out children.
 - COVID-19 related public works to produce 'essential commodities' such as protective equipments etc through Self Help Groups (SHGs).

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5. **Revision of wages and increasing working days under MGNREGA:** All State Governments and UTs must revise daily wages under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) as per the inflation rate and consumer price index. Working days under MGNREGA may also be increased to 200 days at least up to 31st March, 2022 and individual job cards given. The shelf of projects/types of projects under MGNREGA need to be expanded creatively to accommodate diverse skills and address social needs.
6. **Fast Tracking Rural Enterprises and Employment.** Each District needs to speed up and facilitate setting up one or more collective/cooperative enterprise in non-farm/farm sector to strengthen rural industrialisation. It could be financed from existing schemes³ such as SFURTI, ASPIRE, CLCSS, PMEGP, CGTMSE, and PMMY. Moratorium on EMI and interest on this may be considered.
7. **Rejuvenating Micro and Small, Medium Enterprises:** In order to revive employment for informal workers and economy during the pandemic, the Union Ministry of MSME may consider the following steps for reviving MSMEs: a) Moratorium of Loans outstanding on both interest and EMI component; b) Additional Pandemic Emergency Loans; c) Extension of ongoing loan restructuring scheme beyond June; and d) Removal of foreclosure penalty levied by banks on prepayment of loans.
8. **Discouraging wage deductions:** States may issue advisories to employers discouraging reduction of wages due to lockdown or slowing down of business, and consider wage compensation at half the rate of earlier paid wages.
9. **Supply Chain Relief Contribution Fund:** Governments must direct corporate brands and retailers to set up a Supply Chain Relief Contribution Fund (SCRCF) to provide relief to contract, sub-contract and home based workers. A start up support to build this fund may be considered from PM-CARES fund.
10. **One time Direct Benefits Transfer (DBT).** State Governments and UTs may consider one time DBTs as a humanitarian compensation measure given the wage losses due to lockdowns, economic retardation and health costs that informal workers families have suffered. A few States have undertaken it for specific sectors, and these may be considered to be paid from existing Welfare Boards for all categories of informal workers.
11. **Portability of food security scheme:** States and UTs must fast track implementation of 'One Nation One Ration Card' to facilitate portability of ration benefits and ensure food security of migrant workers in both 'source' and 'destination' States.

³ SFURTI: Scheme of Fund for Regeneration of Traditional Industries; ASPIRE: A Scheme for Promoting Innovation, Rural Industry and Entrepreneurship; CLCSS: Credit Linked Capital Subsidy Scheme; PMEGP: Prime Minister's Employment Guarantee Programme; CGTMSE: Credit Guarantee Scheme for Micro and Small Enterprises; and PMMY: Pradhan Mantri MUDRA Yojana

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12. **Distribution of dry rations:** All States and UTs must ensure distribution of dry rations under *Atma Nirbhar Bharat* Scheme to migrant and other informal workers who are not covered under Public Distribution System in either 'source' or 'destination' States.
13. **Setting up community kitchens:** State Governments and UTs must ensure operationalisation of community kitchens at appropriate levels and widely publicise it for the needy to avail its benefits.
14. **Drives to register actual and potential beneficiaries under government schemes:** Central government may develop a web-portal and give link to the State Government and up to Block level for recording and uploading actual and potential beneficiaries and the benefits given to them through the portal.
15. **Non-discriminatory relief distribution:** The States and UTs must ensure that no caste, religion and gender-based discrimination takes place in relief and aid distribution processes.

III. Ensuring protection of vulnerable frontline workers

16. **Ensuring PPEs for frontline workers in the informal sector:** In context of the pandemic, frontline workers in the informal sector such as crematorium/burial ground workers, sanitation workers, domestic workers, mortuary workers face severe occupational health hazards. In this regard, States and UTs may advise the employers to provide adequate Personal Protective Equipment (PPEs).
17. **COVID-19 Health insurance for frontline workers in the informal sector:** Governments should initiate campaigns to register crematoriums/burial ground workers, sanitation workers, mortuary workers and their family members for specific COVID-19 and other health insurance.
18. **Domestic workers and the RWAs:** The State Governments and UTs must notify against RWA imposed curbs on entry of domestic workers in residential complex. Decisions on such matter should solely be between the employer and the domestic worker. States and UTs should also make an appeal to employers to pay domestic workers full wages for the period of the lockdowns or any other period where they are prohibited from going to their place of employment due to the pandemic. When an employer or employer's family member(s) is tested positive, employer/RWAs should be made responsible for testing and isolation of the domestic workers.
19. **Registration of domestic workers and other informal workers under health schemes:** State Governments must work towards making schemes such as *Rashtriya Swasthya Beema Yojna* (RSBY) available and accessible to all domestic workers, homebased workers, rag pickers, other vulnerable workers on self-registration basis.

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20. **Notification of Rules under Street Vendors Act, 2014:** States must ensure notification of Rules under Street Vendors Act, 2014 and undertake campaigns to increase the outreach of registration and issuance of identity cards to vendors so that they can receive benefits under PM Street Vendor's *Atma NirbharNidhi* (PM SVANidhi).
21. **Sharing of household/care duties and protecting women workers:** While the pandemic has left women economically vulnerable, their responsibilities of unpaid care work have multiplied, negatively affecting their labour force participation. To reduce their burden of unpaid care work, Central Government may initiate a National Campaign of Sharing of Work (adequately titled), in collaboration with other stakeholders, targeted at reducing care burden and other household work responsibility of women.
22. **Education and support for children of informal workers.** These children are at high risk of child labour, early marriage and trafficking. The Union Ministry of Women and Child Development may consider directing panchayats to undertake vulnerability mapping of all out of school children to provide need based support such as enrolment to public education, support for education in COVID-19 appropriate manner and linkage with Mid Day Meal rations.

IV. Ensuring health security of informal workers

23. **Displaying COVID-19 protocols at workplaces:** Every employer is obligated to conspicuously display COVID-19 protocols in local language(s), like physical distancing, wearing mask properly at all times, sanitization etc. at the workplace.
24. **Compliance to COVID-19 protocols and facilitating vaccination:** Every employer, including those who employ labour in household such as domestic workers, should ensure compliance to COVID-19 protocols to prevent the spread of the virus. Employers are obligated to provide scientific information on COVID vaccination and facilitate the vaccination process of the employees. State Governments may consider setting up vaccination camps near settlements of informal sector workers to promote greater outreach of the vaccination.
25. **Management of informal workers testing positive for COVID-19:** All informal workers who possess Below Poverty Line (BPL) Cards and test positive for COVID-19 should receive free treatment in public health facilities. In case of severe conditions and non-availability of appropriate facilities, it would be the obligation of the respective Health Departments to oversee the transfer of such cases to appropriate care facilities.

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