WORKING CONDITIONS OF EMPLOYEES IN HOTELS IN GOA: A HUMAN RIGHTS PERSPECTIVE


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ABSTRACT

The Goa Shops and Establishment Act, 1973 is passed by the State Government to regulate the working conditions of the employees. It stipulates the working conditions of the employees including the daily hours of work, rest interval, spread over period of time, timely payment of wages, leave with wages, medical leave and casual leave. Due to tourism, hotel industry is booming. But, many hotel employees are exploited by the employers. The paper aims to study the violation of the law by the employers and the extent of the exploitation of the workers with a human rights perspective.

Key words: Working conditions, Exploitation and Human right.

1.1 Introduction
Labour law defines the rights and obligations as workers, union members and employers in the workplace. It also includes industrial relations, management relations, collective bargaining certification of unions, labour-management relations, and unfair labour practices; health and safety, employment standards, general holidays, annual leave, working hours, unfair dismissals, employment standards, minimum wage, layoff procedures.

The term "labour" means productive work especially physical work done for wages. The Indian labour legislation is influenced by existing social and economic conditions. Labour legislations are passed by the State for regulating workers working and living conditions. The protection and safeguarding the interest of labour as human beings is enshrined in (Articles 16, 19, 23 & 24, 39, 41, 42, 43, 43A & 54) of the Constitution of India. The important human rights Conventions emanating from the United Nations have also influenced the labour legislations in India. These include right to work of one’s choice, right against discrimination, prohibition of child labour, just and humane conditions of work, social security, protection of wages, redress of grievances, right to organize and form trade Unions, collective bargaining and participation in management.

1.2 Labour laws and Hotel Industry in Goa
The labour laws passed by parliament are enforced in the state with a few amendment made to suit the locals needs. In organized and unorganized sector mostly the central legislation prevail in Goa. However, the State Government has also passed a few legislation to cater of the needs of the labour force. The laws are implemented by Directorate of Labour and Employment, Inspectorate of Factories and Boilers and Employees State Insurance Corporation. The state government has notified rules for implementing the labour laws. The important labour laws includes The Goa, Daman and Diu Shops and Establishment Act (GDDSEA), 1973, The Apprentices Act 1961, Employees State Insurance Act 1948, Factories Act 1948, Industrial Disputes Act 1947, Payment of Bonus Act 1965, Payment of Gratuity Act 1972, Workmen Compensation Act 1920, Minimum wages Act, etc. However these laws are flouted by employers and the working class is exploited as claimed by trade union and agitating workers. In the State of Goa, the hotels are classified as „A‟, „B‟, „C‟ and „D‟ grade hotels as per the Goa Tourist Trade Act, 1982 and the Rules 1985. The „A‟ grade hotels are sophisticated accommodation suitable for upper middle class tourists. The „B‟ grade hotels are medium class accommodation suitable for middle income group tourists. The „C‟ grade hotels are economy class accommodation suitable for lower income group tourists whereas the „D‟ grade hotels are paying guest accommodation suitable for lower income group of tourists. It is noted that the „A‟ grade hotels consists of star hotels (consists of 1 to 5 stars) whereas „B‟, „C‟ and „D‟ grade consists of non-Star hotels.

1.3 Working Conditions of Employees in Hotels in Goa

Working conditions are at the core of paid work and employment relationships. Generally speaking, working conditions cover a broad range of topics and issues, from working time (hours of work, rest periods, and work schedules) to remuneration, as well as the physical conditions and mental demands that exist in the workplace. There are over 3358 residential hotels in Goa including starred and non-starred with 31,767 rooms as per the statistics compiled by the Goa Tourism Department in 2015. In Bardez taluka there are more than 1200 hotels. Hence, the study is limited to Hotels in Bardez Taluka where 27 percent of hotels in Goa are situated. The Goa, Daman and Diu Shops and Establishment Act (GDDSEA), 1973 is applicable to the hotels in Goa including the notifications issued under the Minimum Wages Act, 1948. As per the GDDSEA, "establishment" means a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment, a bank to which this Act applies and includes such other establishment as the Government may, by notification in the Official Gazette, declare to be an establishment for the purposes of the Act. "residential hotel" means any premises used for the reception of guests and travellers desirous of dwelling or sleeping therein and includes a club.

GDDSEA provides for daily and weekly hours of work, interval for rest, spread over period of work, weekly holiday, maternity benefits, cleanliness, ventilation, safety of employees, yearly leave with wages, payment of wages, fixation of wage period and wages for overtime work. Even as the hotel industry is booming, the working conditions in most of the hotels is not as per the labour laws prevailing in Goa. Many employees are not getting wages, rest, leave and other benefits as provided under the law. The minimum wages act provides wages ranging from Rs. 307 to Rs. 428 per day for various kind of employees working in residential hotels. The meagre salary is the main issue that affects the life of working class and their families causing them much stress in Goa. Due to increasing inflation, this labour class fails to meet their daily needs due to increasing cost of living.

1.4 Objectives of the Study
1. To find out the working conditions of the employees in select starred hotels in Bardez taluka
2. To find out whether the employers are following the provisions of the The Goa, Daman and Diu Shops and Establishment Act (GDDSEA), 1973 and The Minimum Wages Act, 1948

1.5 Hypothesis
There is violation of the provision of working conditions of the employees employed in establishments under the Goa, Daman and Diu Shops and Establishment Act, 1973 and The Minimum Wages Act, 1948.

1.6 Data collection
For the present study, the researcher collected data through primary method secondary method.

1.7 Scope of study
The scope of study is limited to the survey conducted by the researcher after visiting 50 selected starred hotels in Bardez taluka.

1.8 Limitation of the study
The study is limited to the assessment of working conditions of the employees in the establishments in Bardez taluka with reference to hotels.

1.9 Data and its analysis
For the purpose of study, the researchers conducted survey 50 starred hotels in Bardez Taluka for assessing the working conditions of employees. There are more than 1200 residential hotels of various categories including starred and non-starred in Bardez Taluka. The number of hotels in Bardez taluka is highest as compared to other talukas in Goa. The researcher visited the 2,3 and 4 starred hotels located at Mapusa, Siolim, Vagator, Anjuna, Baga, Calangute and Porvorim to collect the data. There are various categories of employees in hotels including cashier, Accountant, Receptionist, Room Boys, Gardener etc. The information was collected on working conditions of Receptionists and Room boys. The researchers surveyed 50 starred hotels in Bardez Taluka and found that all the employers are not totally complying with the Goa Daman Diu Shops and Establishment Act and the Minimum Wages Act. Even as the law stipulates that minimum wages for Receptionist is Rs. 11,128 per month, only in 19 hotels there was compliance with respect to payment of minimum wages. Room Boys are entitled for Minimum wages of Rs. 8,138 per month. Only in 21 hotels, the minimum wages are paid out of 50 hotels. As per section 11 of the GDDSEA, the daily hours of work should not be more than 8 hours a day and it should not exceed 48 hours in a week. In many hotels, the daily hours of work for Receptionists and Room Boys exceeds 8 hours of work. In 40 percent cases there is violation with respect to receptionists and in 38 percent of cases there is violation with respect to Room Boys. The rest interval of one hour is mostly given after five hours of work for room boys.
Receptionists and Room Boys. In 82 percent and 76 percent hotels, respectively, the Receptionist and Room Boys got salary on time. There is violation regarding grant of 5 public holidays and the Receptionists and Room Boys get five day public holidays in 12 percent and 14 percent cases, respectively.

Section 12 of the Act provides that after every 5 hour of work there should be rest for at least one hour. Only in 2 percent of cases of both the receptionist and roomboys there was violation. According to the section 30 of the Act, the wages of every employee shall be paid before the expiry of the seventh day of the wage period in respect of which the wages are payable. In 18 percent of the cases, the receptionist did not get the wages on time and in 24 percent of the room boys were not paid salary on time. Section 13 of the Act provides for the Spread over of periods of work. The periods of work of an employee in an establishment shall be so arranged that, along with his interval for rest, they shall not spread over more than twelve hours in any day. There was no violation regarding the spread over period of time. According to section 29 of the act, the employees should be paid Wages for overtime work. These wages are paid. According to Section 24 of the Act, every employee in establishment shall also be entitle to seven holiday in year. It include the 26th January (Republic Day), The 1st May (May Day), The 15th August (Independence Day), The 2nd October (Gandhi Jayanti) and The 19th December (liberation day) in addition to two holidays to be availed of after prior fixation and declaration made in the prescribed manner by each establishment in first month of year. In 54 percent of the hotels receptionists are not getting any holidays. All five holidays are given only in 12 percent of the hotels for the receptionists. No hotel gives additional 2 days of holiday. In 20 hotels all public holidays are not given to room boys. Hence only 14% of hotels where complying with the requirement of giving 5 holidays to room boys. As per section 23 of the Act, every employees who have served for the period of two hundred and forty days or more during continuous period of 12 month in any establishment shall be entitle during the subsequent period of 12 months, to leave with wages for the period of 15 days. In 64 percent of the cases, the Receptionist do not get 15 days yearly leave with wages while in 78 percent of the cases, the Room Boys do not get this right. The employers are also not keen on granting casual leave as in 62 percent cases for receptionist and in 66 percent for room boys. According to Section 23(4) of the Act, an employee is entitled to leave with wages for a period not exceeding nine days, on the ground of any sickness incurred or accident sustained by him.

2.1. Conclusion and Suggestion

In these circumstances considering the data, it is clear that there is exploitation of the Receptionist and Roomboys in the starred hotels. The government machinery is also not taking appropriate action against the erring hotel owners. The workers are also not aware about their rights. There is violation of the provision of working conditions of the employees employed in establishments under the Goa, Daman and Diu Shops and Establishment Act, 1973 and The Minimum Wages Act, 1948. The present study was limited to the implementation of labour laws. There is further scope to study the action taken by the enforcement authorities against the employers for violating the labour laws with respect to the employees.

Suggestions:-
1. The law enforcement agencies should frequently conduct proper inspection of the starred hotels and take action against the employers for violating the provisions of law.
3. The penalty for violating the labour laws should be amended so that it serves as a deterrent to the employers.
4. The measures like providing online help to the workers by the labour department should be undertaken to protect him from exploitation.

References

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