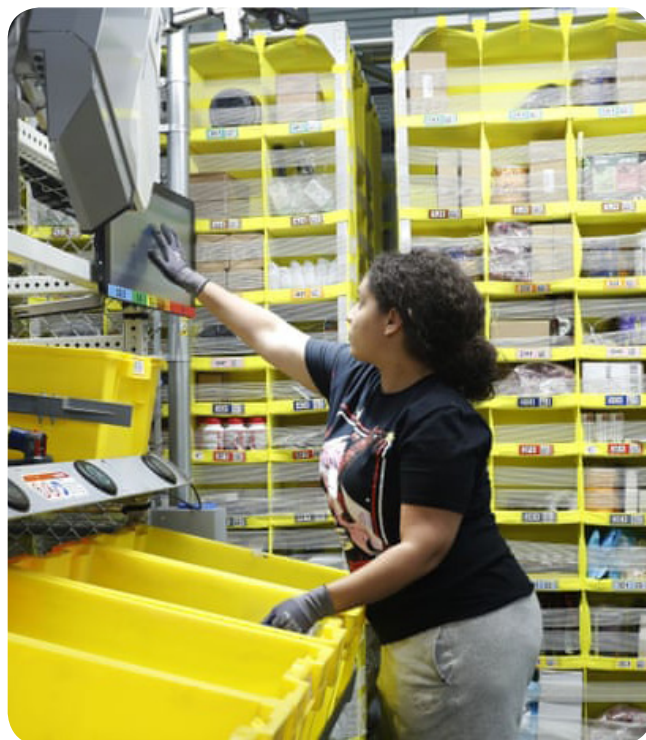




HANDBOOK FOR AMAZON WAREHOUSE WORKERS' RIGHTS



One Voice, One Fight—For Safe and Fair Work Rights



1. Are individuals hired by vendors but working in an Amazon warehouse considered Amazon employees?

Despite being hired by vendors, individuals working in an Amazon warehouse are considered Amazon employees under Indian labor laws, due to the company's substantial control over their work and working conditions. According to the Contract Labour (Regulation and Abolition) Act of 1970, Amazon would be recognized as the principal employer as it directly manages the work and roles of workers within its premises. This suggests that these workers would receive the same statutory protections and benefits as direct employees. Therefore, anyone working in Amazon's warehouses in India would be deemed an Amazon worker, entitled to fair treatment and benefits under Indian law. Furthermore, even if vendor oversight fails to provide these benefits, Amazon remains liable.

2. How many days do I need to work to attain the permanent employee status?

Individuals (workmen or workwomen) who have completed 240 days of work within a 12-month period can claim permanent or regular status, as per the Industrial Disputes Act, 1947, and the Bombay Industrial Employment (Standing Orders) Rules, 1959, also known as the Bombay Model Standing Order.

3. If I am a warehouse worker in Haryana, which category do I fall into: skilled, Unskilled or Higher Skilled?

According to a notification by the Haryana State Government's Labor Department, labor is classified into four categories: unskilled, semi-skilled, skilled, and highly skilled. Any worker who operates machinery, uses an app, or employs electronic devices is considered skilled labor.

4. In Haryana, based on the category, what is the minimum wage?

Minimum wages are determined based on the Minimum Wages Act of 1948, as implemented through notifications by the concerned state government. Labor is categorized into four groups: unskilled, semi-skilled, skilled, and highly skilled, with wages fixed according to these categories. These wages are revised periodically.

The table below shows the minimum wage for each category as issued by the Haryana government.

क्रम संख्या	श्रेणी	पद/व्यवस्था	मूल वेतन (अविशुद्धता दिनांक 21.10.2015 के अनुसार) (₹)	दिनांक से लागू न्यूनतम वेतन (₹) (क)	दिनांक 01.01.2023 से लागू न्यूनतम वेतन (₹) (ख)	दिनांक 01.07.2023 से लागू न्यूनतम वेतन (₹) (क+ख)	दैनिक वेतन (₹)
1.	अवशाल		7600.00	10532.84	128.44	10661.28	410.06
2.	अर्धकुशल (पू) (बी)		7980.00	11059.44	134.86	11194.30	430.55
			8379.00	11612.40	141.60	11754.00	452.08
3.	कुशल (पू) (बी)		8797.95	12193.03	148.68	12341.71	474.68
			9237.85	12802.69	156.12	12958.81	498.42
4.	उच्च कुशल		9699.74	13442.82	163.93	13606.75	523.34
5.	विशेषीय तथा सामान्य स्टाफ	(i) मैट्रिक से कम	7980.00	11059.44	134.86	11194.30	430.55
		(ii) मैट्रिक लेकिन स्नातक नहीं	8379.00	11612.40	141.60	11754.00	452.08
		(iii) स्नातक या ऊपर	8797.95	12193.03	148.68	12341.71	474.68
		(iv) स्टेनो टाइपिस्ट	8379.00	11612.40	141.60	11754.00	452.08
		(v) कनिष्ठ वेतनमान आनुसंधानिक	8797.95	12193.03	148.68	12341.71	474.68
		(vi) कनिष्ठ वेतनमान आनुसंधानिक	9237.85	12802.69	156.12	12958.81	498.42
		(vii) निजी सहायक	9699.74	13442.82	163.93	13606.75	523.34
		(viii) निजी सचिव	10184.73	14114.97	172.12	14287.09	549.50
6.	बाल आर्पेटर		8797.95	12193.03	148.68	12341.71	474.68
7.	बालक	हल्का वाहन	9237.85	12802.69	156.12	12958.81	498.42
		गंभीर वाहन	9699.74	13442.82	163.93	13606.75	523.34
8.	सुकाकर्मी	बिना शरण	7980.00	11059.44	134.86	11194.30	430.55
		शरण सहित	9237.85	12802.69	156.12	12958.81	498.42
9.	गुस्सा निरीक्षक/ गुस्सा अधिकारी/ गुस्सा सुपरवाइजर						
10.	सफाई कर्मचारी/ किराई निवेशक/ बी						

नोट- क्रम संख्या 10 के कर्मचारियों से पूर्व में दिये गये वेतन से कोई वृद्धि नहीं की जायेगी।



5. How many hours does a worker need to work in a week and a day?

- The Factories Act, 1948:**
 - Section 51:** No adult worker shall be required or allowed to work in a factory for more than forty-eight hours a week.
 - Section 54:** Subject to the provisions of Section 51, no adult worker shall be required or allowed to work in a factory for more than 8 hours a day.
- The Punjab Shops and Commercial Establishments Act, 1958:**
 - Section 4, Sub-section 7:** No person shall be employed in any establishment for more than forty-eight hours a week and nine hours a day.

6. If I work more than 8 hours, will I be eligible for overtime pay, and what is the rate for overtime?

As per Chapter 6, Section 59, Clause 1 of the Factories Act, 1948: If a worker works in a factory for more than eight hours in a day or more than forty-eight hours in a week, they are entitled to receive wages at twice their ordinary rate for the overtime work. However, overtime must not surpass 50 hours per week. In addition, according to Section 4, Subsection 7, Clause 2(b) of the Punjab Shops and Commercial Establishment Act,

1958, employees who work overtime are entitled to receive overtime rates at double their regular hourly wage.

7. How many paid leaves do warehouse workers receive in a year?

According to Chapter 8, Section 79, Subsection 1 of the Factories Act, 1948, every worker who has worked for at least 240 days in a factory during a calendar year is entitled to annual leave with wages in the following calendar year. The leave is calculated as follows: For a worker, one day of leave for every twenty days worked in the previous calendar year. Furthermore, according to Section 4, Sub-section 14, Clause (a) of the Punjab Shops and Establishments Act, 1958, every employee who has worked for at least twenty days in a year is entitled to one day's earned leave for every twenty days worked.

8. Within the paid leaves, how many are sick leaves and casual leaves in a year?

Under Section 4, Sub-section 14, Clause (4) of the Punjab Shops and Establishments Act, 1958, every employee in an establishment is entitled to seven days of casual leave and seven days of sick leave with wages each year, regardless of the provisions in the preceding sub-sections.



9. During working hours, how many breaks should we receive and when?

The Factories Act, 1948, Section 55 of Chapter 6: Rest Intervals

- **Provision:** The Act mandates that no adult worker shall work continuously for more than 5 hours without a break.
- **Duration:** The break should be at least half an hour.
- **Under Section 4, Sub-section 8, Clause (1) of the Punjab Shops and Establishments Act, 1958,** a person employed in an establishment must not work continuously for more than 5 hours without a break of at least half an hour for a meal or rest.

10. Does the break time count towards the 8 hours of working time, or should we work for 8 hours and 30 minutes?

Under Section 4, Sub-section 8, Clause (2) of the Punjab Shops and Establishments Act, 1958, and Section 56 of Chapter 6 of the Factories Act, 1948, the inclusion of break time in working hours is addressed. However, the application of these provisions may vary based on legal interpretation.

11. I work in an Amazon warehouse, and my weekly working hours are 50 hours, but they never record two hours. Where are those hours adjusted?

If you are working 50 hours a week in an Amazon warehouse but only 48 hours are recorded, this constitutes a serious violation of labor laws and employee rights. The deliberate underreporting of work hours amounts to wage theft and exploitation, as it denies employees their rightful compensation for all hours worked. According to the Factories Act, 1948, and relevant state-specific Shops and Establishments Acts, employers are mandated to accurately record and remunerate every hour an employee works. Failing to do so not only breach these legal requirements but also undermines worker welfare and trust.

12. What is the definition of the “restroom”, and what should be the recommended capacity of a restroom intended for workers?



Definition of “Restroom”

In the context of Indian labor laws, particularly under Chapter 4A, Section 47 of the Factories Act, 1948, a restroom is a **designated (gender-specified i.e., male and female)** area within a factory where workers can rest during their breaks. This facility is intended to provide a clean, cool, and well-ventilated space for workers to relax and refresh themselves.

Requirements for Restrooms, Shelters, and Lunch Rooms Provision and Maintenance:

- In every factory employing more than one hundred and fifty workers, adequate and suitable shelters or restrooms, along with a suitable lunch room, must be provided and maintained.
- These facilities should include provisions for drinking water and must be maintained in a clean and sanitary condition.

Use of Lunch Rooms:

- Workers are expected to use the provided lunch room to consume meals they bring from home.
- If a canteen is maintained in accordance with Section 46 of the Factories Act, it will be considered part of the required facilities.

Standards and Conditions:

- The shelters, restrooms, or lunch rooms must be sufficiently lighted and ventilated.
- They should be maintained in a cool and clean condition to ensure a comfortable environment for the workers.

State Government Regulations:

- The State Government has the authority to pre-

scribe standards regarding the construction, accommodation, furniture, and other equipment required for the shelters, restrooms, and lunch rooms.

13. Which types of workers are excluded from the minimum wage requirements according to the schedule?

The Minimum Wages Act, 1948, sets the framework for determining minimum wages in India, but its application varies by state. Each state defines “scheduled employments”, or job categories that have prescribed minimum wage rates, through periodic notifications. These rates and categories covered can vary between states. States also have the discretion to exclude certain workers from minimum wage requirements based on local economic and labor conditions. Exclusions may include unskilled workers, family members employed in private households, apprentices under the Apprentices Act, part-time, and self-employed individuals like freelancers. While many workers are covered under the minimum wage laws, those excluded may still be protected by other laws or special provisions. For detailed and specific information, refer to the latest notifications from the respective state government.

14. What maternity benefits are applicable to Amazon women workers?

Applicability to Shops and Establishments

- The **Maternity Benefit Act, 1961** (as amended) applies to all establishments— including shops and commercial establishments—employing **10 or more employees**.
- Such establishments must provide statutory maternity benefits, including paid leave, job protection, and access to any required facilities (like crèches).

Grievances and Enforcement

- Women employees in shops and establishments can seek recourse through internal grievance procedures, the **Labour Commissioner**, or **labor courts** if their statutory rights are denied.

15. What is a trade union?

General Definition:

A union, as defined by Indian labor law, is an organization formed by workers from related fields that work

for the common interest of its members. The primary purpose of a union is to protect and advance the rights and interests of workers through collective bargaining, representation, and negotiation with employers.

Legal Definition:

According to the Trade Unions Act, 1926, a “trade union” is any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workers and employers, or between workers and workers, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business.

16. How can a union be formed?

Formation of a Union as per Indian Law

Under the Trade Unions Act, 1926, the process for forming a union in India involves several key steps:

Gathering Support:

- Workers who are engaged or employed in the same or similar trade, occupation, or industry must come together to form a union.

Drafting a constitution:

- The founding members must draft a constitution or set of rules for the union. This document should outline the union’s objectives, membership criteria, election process, duties of office bearers, and other operational guidelines.

Application for Registration:

- The union must apply for registration to the Registrar of Trade Unions in the respective state. The application should include:
 - The name of the trade union.
 - The names, occupations, and addresses of its members making the application.
 - The names, occupations, and addresses of the office bearers of the union.
 - A copy of the union’s constitution/rules.
 - A statement of the union’s assets and liabilities.

Fee Payment:

- The application must be accompanied by a registration fee, which varies by state but is generally nominal.

Verification by the Registrar:

- The Registrar of Trade Unions will review the application to ensure it complies with the requirements of the Trade Unions Act, 1926. This includes verifying that the union’s rules are reasonable and provide for all necessary matters.

Registration and Certification:

- Upon satisfactory verification, the Registrar will enter the union’s name in the Register of Trade Unions and issue a Certificate of Registration. This certificate serves as conclusive evidence that the trade union has been duly registered.

Important Legal Considerations

- **Minimum Membership:** A union must maintain a minimum of ten percent or one hundred of the total workforces (whichever is less), to be considered a representative union.
- **Annual Returns:** Once registered, the union must submit annual returns to the Registrar, detailing its activities, membership, and financial position.
- **Legal Status:** Registered trade unions gain legal recognition and can sue or be sued in their own name. They also acquire certain statutory benefits and protections.

17. What are the benefits of forming a union?

Forming a union in India provides several benefits to

workers, particularly within the framework of Indian labor laws. These benefits help protect workers’ rights, ensure fair treatment, and provide a collective voice in negotiations with employers. Below are some key advantages:

• Collective Bargaining Power:

- **Enhanced Negotiation:** Unions empower workers by allowing them to negotiate collectively with employers. This strengthens their position to secure better wages, working conditions, and other employment benefits.
- **Legal Backing:** The Industrial Disputes Act, 1947, provides a legal framework for collective bargaining, ensuring that the process is recognized and respected by employers.

• Protection of Rights:

- **Legal Safeguards:** Indian labor laws, such as the Trade Unions Act, 1926, provide unions with legal recognition, offering protection to their members against unfair labor practices, wrongful termination, and other forms of exploitation.
- **Grievance Redressal:** Unions play a crucial role in representing workers in legal disputes and grievances, ensuring that their rights are upheld in labor courts or tribunals.

• Improvement of Working Conditions:

- **Health and Safety:** Unions often advocate for better workplace safety standards, ensuring compli-



ance with laws like the Factories Act, 1948, which mandates safety measures in hazardous industries.

- **Work-Life Balance:** Unions negotiate for reasonable working hours, leave policies, and other benefits that improve the overall quality of life for workers.

Social Security and Benefits:

- **Access to Welfare Schemes:** Through unions, workers can better access social security benefits, including provident funds, pensions, and insurance schemes, as stipulated under various laws like the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.
- **Job Security:** Unions work to secure employment stability for their members, reducing the risks of arbitrary layoffs or downsizing.

Representation and Advocacy:

- **Voice in Policy-Making:** Unions can influence labor policies at the state and national levels, ensuring that workers' interests are considered in the formulation of laws and regulations
- **Support in Disputes:** During industrial disputes, unions provide organized support to workers, facilitating strikes or negotiations, and helping to mediate conflicts with employers.
- **Empowerment and Solidarity:**
 - **Building Unity:** Unions foster a sense of solidarity among workers, which can be crucial in facing challenges collectively and standing up against injustices in the workplace.
 - **Empowerment:** Being part of a union gives workers a greater sense of empowerment, knowing that they have a structured organization to support them in various aspects of their employment.



- **Legal Recognition and Protection:**
 - **Recognition by Law:** The Trade Unions Act, 1926, gives unions legal recognition, ensuring that they can operate without undue interference from employers or the government.
 - **Protection Against Unfair Practices:** Indian labor laws protect unionized workers from discrimination or unfair treatment due to their union activities, ensuring that their rights to organize and participate in union activities are respected.

18. What rights do union members have?

Union members in India are granted specific rights under various labor laws. These rights are designed to protect the interests of workers, ensure fair treatment, and provide a platform for collective bargaining and representation. Below are the key rights of union members according to Indian labor laws:

Right to Form and Join a Union:

- **Freedom of Association:** The Constitution of India guarantees the fundamental right to form associations or unions under Article 19(1)(c). This allows workers to form and join unions without fear of retaliation from employers.
- **Legal Formation:** The Trade Unions Act, 1926, provides the legal framework for the formation, registration, and functioning of trade unions in India. Thus, workers have the right to form and join unions that are recognized by law.

- **Right to Collective Bargaining:**
 - **Negotiation with Employers:** Union members have the right to engage in collective bargaining with their employers on issues related to wages, working conditions, hours of work, and other employment terms.
 - **Representation:** Unions represent their members in negotiations, ensuring that their collective interests are effectively communicated and addressed by employers.
- **Right to Participate in Union Activities:**
 - **Active Participation:** Members have the right to participate in union activities, including attending meetings, voting in union elections, and being involved in union decision-making processes.
 - **Protection from Discrimination:** The law pro-



hibits employers from discriminating against workers because of their union membership or participation in union activities.

- **Right to Strike:**
 - **Right to Strike:** Union members have the right to strike as a form of protest, provided that the strike is conducted in accordance with the provisions of the Industrial Disputes Act, 1947. The law requires that certain procedures be followed, such as giving notice of the strike, to ensure its legality.
 - **Protection During Strikes:** Workers are protected against dismissal or other punitive actions by employers for participating in a lawful strike.
 - **Freedom of Association:** The Constitution of India guarantees the fundamental right to form associations or unions under Article 19(1)(c). This allows workers to form and join unions without fear of retaliation from employers.
 - **Legal Formation:** The Trade Unions Act, 1926, provides the legal framework for the formation, registration, and functioning of trade unions in India. Thus, workers have the right to form and join unions that are recognized by law.
- **Right to Legal Representation:**
 - **Legal Advocacy:** Unions have the right to represent their members in legal disputes with employ-

ers, including cases of wrongful termination, unfair labor practices, and disputes over wages or working conditions.

- **Access to Labor Courts:** Union members can seek legal redress through labor courts or industrial tribunals, where unions can advocate on their behalf.

19. What are the main features of existing labor laws?

Labor laws encompass a wide range of regulations designed to govern the relationship between employers, employees, and labor organizations. A key feature of these laws is the establishment of minimum wage and overtime pay, which ensures that workers receive fair wage for their work. Working hours are regulated, with laws defining standard workweeks and mandating rest and meal breaks. Health and safety provisions are central to labor laws, requiring employers to maintain a safe workplace and provide worker's compensation for job-related injuries. Employment discrimination is strictly prohibited, with laws enforcing equal employment opportunities and protecting employees from harassment. Additionally, labor laws often enforce employment contracts and protect against wrongful termination. Collective bargaining rights are another critical aspect, allowing employees to organize and negotiate employ-

ment conditions through unions. Leave and benefits, such as family and medical leave, are also mandated to support employees during significant life events. Child labor laws protect minors by setting age restrictions and regulating the type and hours of work they can perform. Finally, labor laws often include mechanisms for resolving disputes between employees and employers, covering procedures for grievances, strikes, and lockouts. In India, labor laws are particularly extensive, with more than 40 laws currently in place to regulate various aspects of labor relations. These features collectively aim to protect workers' rights, promote fair treatment, and maintain a balanced employer-employee relationship.

20. What is social protection?

Social protection, as defined within the framework of labor laws, refers to a comprehensive set of legal measures and policies designed to safeguard individuals and families against social and economic risks. These risks include unemployment, illness, disability, old age, and economic downturns, which can negatively impact a person's ability to earn a living or maintain a basic standard of living. Labor laws mandate various social protection mechanisms, which typically include:

- **Social Insurance Programs:** These are contributory schemes that provide financial support during periods of unemployment, illness, disability, or retirement. Workers and employers contribute to these funds, which then offer benefits such as pensions, unemployment insurance, and health coverage when needed.
- **Social Assistance Programs:** Labor laws often require the government to provide non-contributory support to vulnerable groups who do not have access to social insurance. This includes cash transfers, food assistance, and other forms of aid aimed at alleviating poverty and ensuring a minimum standard of living.
- **Labor Market Interventions:** These policies and programs are designed to improve employment opportunities and working conditions. Labor laws may include provisions for job training, wage subsidies, and employment services to help individuals secure and maintain employment, particularly during economic downturns.

Through these measures, labor laws aim to create a safe-



ty net that protects workers and their families from the adverse effects of economic and social risks, promoting social equity and economic stability within society.

21. What is the Occupational Safety and Health Act?

The Occupational Safety and Health Act (OSH Act) in India, officially known as the Occupational Safety, Health and Working Conditions Code, 2020, is a comprehensive law aimed at ensuring the safety, health, and welfare of workers across various sectors. This Act consolidates and rationalizes several existing labor laws related to occupational safety and health, providing a uniform framework for worker protection. It applies to all establishments employing twenty or more workers and includes specific provisions for smaller establishments in hazardous industries. The Act mandates that employers ensure a safe working environment by providing appropriate safety equipment, training, and welfare facilities, including drinking water, restrooms, and first aid. It also prescribes limits on working hours, ensures rest periods, and mandates overtime pay for extra hours worked. The OSH Act enforces compliance through inspections and penalties, while also encouraging worker participation in safety committees and ensuring workers' have access to information about workplace hazards. The primary objective of this act is to create a safe and healthy working environment, minimizing the risk of occupational accidents and diseases, thereby protecting workers' well-being and promoting workplace productivity.

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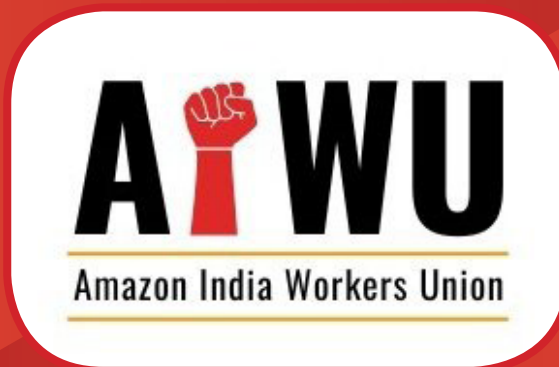
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PUBLISHED AND DISSEMINATED BY
Amazon India Workers Union

Amazon India Workers Union (AIWU) - Contact & Social Media

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