Trade Unions and Export Processing Zone Workers: Swimming in Turbulent Waters

Vidura Prabath Munasinghe
TRADE UNIONS
AND
EXPORT PROCESSING ZONE WORKERS:
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The Law & Society Trust (LST) is a not-for-profit organisation engaged in human rights documentation, legal research and advocacy in Sri Lanka. Our aim is to use rights-based strategies in research, documentation and advocacy in order to promote and protect human rights, enhance public accountability, and ensure respect for the rule of law.

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EXECUTIVE SUMMARY

SIGNIFICANT number of workers in EPZs are dissatisfied with their employment in the EPZs due to their low salaries, heavy workload, difficulties in obtaining leave, the lack of facilities provided for them and harsh management structures. A majority of the workers are aware that trade unions are the best mechanism to fight against workplace injustice. They believe trade unions can play a significant role in terms of fighting for workers’ rights. However, an overwhelming majority of workers are reluctant to join trade unions. This figure is much greater among female workers.

Even when the workers are interested in joining trade unions in the face of the injustices they experienced, many of them are not willing to actively participate in any sort of trade union activism. This is evident even among the current trade union members.

This reluctance is mainly attributed to two reasons:

1. Suppression of trade unions by the factory management.
2. Unfavorable attitude towards trade unions in the society.

Given the hostility of the factory management towards trade unions, a majority of the workers feel that trade union activism will put their job at risk.

There are trade union members who have left trade unions under the pressure of the factory managements. Most of the times, workers are either afraid or reluctant to even talk about trade unions. At present, the most common method of joining trade unions is through the network of friends. Similarly, anti-trade union sentiments also prevail among networks of friends and this will negatively affect trade unions by discouraging workers from joining trade unions.

Generally, trade unions are not popular among the general public. A vast majority of the workers had not heard of the term ‘Trade Unions’ until they came to the EPZ. This indicates that workers are learning about trade unions in conditions that are averse to trade unions. The suspicion and antipathy towards trade unions may be attributed to these factors.

Further, there is confusion on the true role of trade unions. There is a sentiment among workers that the trade unions must engage in welfare activities to support workers apart from fighting for the rights of workers.
**Although** the Export Processing Zone (EPZ)s have been in existence in Asia for many decades they have not been the 'engines of development' which was expected by the recipient countries. Countries that pioneered the establishment of EPZs in the late 1960s and early 1970s as a part of their development strategy are less interested in this type of development. The main reasons for the failure of 'enclave manufacturing' are the high levels of exploitation and marginalization of the employees.
1. Introduction

Employment status is a key determinant of poverty levels. A well-paid and secure job is regarded as the most sustainable path to increasing income levels leading to the economic and social progress of the working population.\(^1\) However, in reality the labour market in the formal economy of most developing countries fails to create the jobs that enable individuals and their families to prosper. When the concept of Export Processing Zones (EPZ) was first introduced, it was expected to create secure jobs and pave the way for growth in trade and industrial development.\(^2\) The EPZs were special enclaves that operated outside the nation’s established customs barriers and were designed to attract international manufacturers from the developed world. Today, there are 900 EPZs employing over 55 million employees in Asia and they account for almost 83% of the total EPZ workforce in the world.\(^3\) The EPZs in Asia are labour intensive and the low labour costs in many Asian countries are the main attraction for most of the international manufacturers to locate their operations in Asia.

Although the EPZs have been in existence in Asia for many decades they have not been the ‘engines of development’ which was expected by the recipient countries. Countries that pioneered the establishment of EPZs in the late 1960s and early 1970s as a part of their development strategy are less interested in this type of development.\(^4\) The main reasons for the failure of ‘enclave manufacturing’ are the high levels of exploitation and marginalization of the employees.\(^5\)

The value of conducting a survey to explore the conditions of the workers in EPZs in Sri Lanka\(^6\) was highlighted at a discussion organized by the Law and Society Trust (LST) with several trade unions and organizations engaged with workers’ issues. These organizations also recommended exploring the attitudes

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6. There are 10 EPZs located in Sri Lanka (Katunayake, Biyagama, Koggala, Wathupitiwala, Mirigama, Horana, Seethawaka, Polgahawela, Mawathagama and Mirijjawila).
of the workers towards trade unions and the rationale for their attitudes. The focus of collecting data on workers’ attitudes towards trade unions and the rationale for these attitudes was promoted by the trade union leaders as they were puzzled that a majority of the workers are reluctant to join trade unions although they work in extremely challenging conditions and are subjected to exploitation. As a research institute which works on labour rights and conducts applied research with a view to support the strengthening of trade unions, LST undertook to design and administer a perception survey. LST thanks Sugath Rajapakse of United Federation of Labour (UFL) and Padmini Weerasooriya of Women's Centre for their invaluable support given to make this study complete by supporting the data collection of this survey.
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2. Methodology

The focus on the data collection was on the working and living conditions of the workers, their attitudes toward trade unions and the reasons behind these attitudes. Data was also collected on the number of years workers spent in the EPZ, the type of accommodation available to the workers, and the job satisfaction of the workers. Data was also collected on the workers' interest in trade unions, their awareness about trade unions, their views on the role of trade unions and their expectations of the trade unions, methods of joining trade unions and their engagement with trade union activism.

The Katunayake EPZ was selected as the site of the research as this was the first to be established and it is the most developed and the largest EPZ in Sri Lanka. The survey sample included 275 female workers and 225 male workers (total of 500 workers) randomly selected from 34 factories. (See, Figure 01)

Members of Katunayake EPZ branch of United Federation of Labour and Women’s Centre conducted the field work under the training and supervision of LST’s Senior Researcher. After the data collection process, the field work team was interviewed by LST’s Senior Researcher on their observations and feedback was obtained on the experiences of their engagement with workers in the process of data collection. In addition, several activists from the trade unions and organizations engaged with worker’s issues in Katunayake were interviewed.

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8. According to Board of Investment worker population of Katunayake EPZ is 39,000 (Female: 22,300, Male: 16,700).
10. Vidura Prabath Munasinghe
11. The Contribution of Prabath Hemantha, Malinga Jayarathe and Ishan Chamara, Research Assistants at the Law & Society Trust is gratefully acknowledged.
3. Survey Findings

The majority of the workers in the sample (51%) have been working in the EPZ for 1-3 years while 21% of the workers were newcomers to the EPZ (working for less than 1 year). 15% have been in EPZ for 3-5 years. Only 13% could be considered long-term workers at the EPZ (more than 5 years). (See, Figure 02)

Interviews with trade union and community organization activists revealed that a majority of the factories are reluctant to hire male workers from the surrounding areas due to their familiarity with the neighborhood community. The men from the locality are generally considered to be “troublemakers”. There were certain instances, where male workers from the surrounding villages tried to extract revenge on the supervisors who had scolded them at the factory.\(^{12}\) Internal migrant workers can be easily controlled, even exploited as they are away from their support networks and this is advantageous to the management. Furthermore, it was also revealed that most of the young men in the surrounding villages are able to find jobs outside the EPZ through their networks.\(^{13}\) (See Figure 03)

(A) Job satisfaction

Only 6.6% of the respondents stated that they are totally satisfied with their job. (See Figure 04)

When asked if the salary they receive is adequate, 390 (78%) of the respondents stated that they are not satisfied with the salary they receive.

Out of 500 respondents, 260 said their workload is overwhelming. 255 said that it is very hard to get leave. When questioned about safety, hygiene and other facilities, 245 respondents said they are not satisfied with the facilities. 225 out of the sample of 500 said they are working under stressful, even oppressive conditions created by the management of the factories. (See Figure 05)

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12. Interview with Ashila Dandeniya on 12/06/2020.
13. Interview with Sugath Rajapakse on 12/06/2020.
**BESIDES** the low rate of job satisfaction there are many other issues troubling workers. These included: low salaries, non-approval of leaves, issues with safety, hygiene and other facilities and oppressive management. Yet the workers have not sought the Trade Union membership. It is generally expected that low job satisfaction and suppression of their rights will motivate workers to organize themselves and demand their rights.

Only 16% of the respondents were members of trade unions while 84% had no connection with trade unions. Interestingly, 28 respondents had been trade-union members and due to various reasons had quit the trade unions. The reasons provided for this included the influence of family or friends and threats from the factory management. Five of them said the factory management had taken letters from them stating that they will no longer be engaged in any sort of trade union activism. 2 respondents said they found trade unions to be useless and decided to quit their membership. (See Figure 06)

![Figure 03: Accommodation types by gender](image-url)
A female, over 35 years of age, working at the EPZ for over 10 years while staying in a boarding house was a candid respondent. She said she is totally dissatisfied with her job due to an insufficient salary, high workload, the difficulty of getting leave, the lack of facilities, and issues with the safety conditions and unfriendly management. But she has left the trade union, fearful that she would face more difficulties at the workplace if the management found out that she is involved in trade union activism.

**Anti-trade union sentiment due to union busting and lack of awareness**

Workers appear to hold strong anti-trade union sentiments. This was evident when 189 out of 500 respondents stated that they have never been and never will be a trade union member. Respondents (390) who stated clearly that they are not trade union members at the time of the survey were further asked why they have decided not to become a member. 49% (192) of them stated that they feel that trade union activism will put their job at risk. 7% (27) were of the view that their friends and relatives would not approve of their membership. 14% (52) thought they won’t find time for trade union activities due to their busy work schedules.

![Figure 04: Job satisfaction](image-url)
In some of the interviews, respondents expressed that the trade union leadership does not have a clear or accurate idea about workers’ realities and problems. Furthermore, few trade union members found that the trade union structure is too hierarchical. According to them, some trade union leaders are like politicians whom they could never reach. Trade unions are often seen as entities with ulterior political motives and are not committed to genuinely representing and defending workers.

In addition, a remarkably high number of female workers said they would never become a trade union member (162 out of 189). It is important to view this in the context of the male domination of trade union leadership that may have created a perception that trade union activism is a predominantly male enclave.

Furthermore, the numerous incidents of union busting activities may have contributed to the growing wariness and anti-trade union sentiments. Some workers said the factory management maintains a strong anti-trade union attitude and they make these attitudes known, even conveying them through supervisors. Also, their administrative actions clearly indicate that they will not tolerate trade union activism among their employees. They demonstrate their antipathy towards hiring workers from the surrounding areas as they prefer isolated migrant workers who are docile and easy to control or suppress as they feel vulnerable in a new environment. A young female worker in an alien environment easily absorbs the anti-trade union propaganda and even develops a strong anti-trade union sentiment. (See Figure 07)

Workers are relatively reluctant to express their views when it comes to discussing about trade unions. 49% of the non-trade union members respondents were of the view that becoming a trade union member will put their job at risk. This fear of trade unionism is attributed to propaganda maintained the factory management.
"We are leading a harsh life. We are away from our homes. We face lot of difficulties. We have to pay for boarding houses. When factory learns that we have attended a trade union meeting they try to influence us in number of ways. We don’t know how they get to know those things, but they get all the information. First, they advice us through supervisors. Sometimes management threatens us and get letters from us stating that we will not join trade unions. Difficulties we will have to face will vary from discrimination and scolding to termination of employment. Sometimes after few days we see the trade union member who ushered us to the meeting standing with factory management. Later we find that he has quit from trade union. Sometimes management must have given him a lump sum. Finally, it’s us who become victims."

- Employee in Katunayake EPZ

An overwhelming majority of the workers had (80.6%) not heard about trade unions until they come to the EPZ. Only 2.6% respondents said they had heard about trade unions in their homes. 5.6% had heard about trade unions at school and another 11.2% said they had heard about them from the media before coming to the EPZ. This indicates the lack of awareness about trade unions among the general public. When the workers learn about trade unions for the first time, it is through people who hold strong anti-trade union sentiments (EPZ) and in a context that maintains barriers against trade union membership. (See Figure 08)

Workers who said they may join a trade union (173) in the future were asked what would be the main factor that would motivate them to join a trade union. 58% of them stated that the injustice they face in the workplace is the key factor which will ultimately lead them to become a member of a trade union. This indicates that amidst all the suppression and anti-trade union sentiments maintained in the EPZ, a notable percentage of workers still think trade unions are the ultimate force through which they could fight against the injustice in the workplace. One can infer that this is the cluster of workers (nearly 35% of the total sample of 500) more likely to become trade union members in the future. (See Figure 09)

However, even among the workers who thought they may join a trade union in the future, many were not ready to engage in trade union activism. Out of the 173 respondents only 8 thought that they might directly engage in any trade union activism in the future. This again indicates the fear among the workers of risking their jobs due to trade union activism. Further, it should be noted at this point that whether to join a trade union and engage in activism is a decision taken by a worker considering the nature of injustice he/ she faces at a particular moment. Therefore, an answer given in the present context cannot be considered as a decision applicable to all the future situations that could arise. For instance, in 2011 an overwhelming majority of the Katunayake EPZ workers took to the streets, protesting against government’s proposal to introduce a private sector pension scheme which would have resulted in cutting wages and limiting employee benefits. The fear factor prevailing among the workers is a major challenge that must be overcome by the trade unions if they are to strengthen their membership.

Even from the 80 trade union members among the respondents, only 24 (30%) had participated in any form of trade union activism. This activism included negotiating with the management on an issue related to uniforms, protesting against management’s decision to relocate the factory, participating in May Day rallies and attending workshops organized by the trade unions. (See Figure 10)

The respondents were asked whether they would consider engaging in any sort of trade union activism in the future.

About 18% of the trade union members in the sample said that they will not engage in any activism while another 15% remained silent. This indicates the reluctance on the part of workers to actively engage with trade union activism, although a majority of them hold the view that the trade unions are equipped to defend them from workplace injustice. (See, Figure 11)
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Figure 09: Reasons which may lead to join trade unions

Figure 10: Trade union activism
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**Figure 11:** Possibility of joining trade unions and engaging in trade union activism in the future
"It is useless to join a trade union if it has lesser membership. Weak trade union cannot discuss our issues with factory management face to face. We don't want to put ourselves in further danger by joining a weak trade union which is not a real force in the EPZ. Everyone will tell us 'we warned you before'. We cannot afford to lose the job."

Employee in Katunayake EPZ

IT was evident that the least interested workers on trade unions are the newcomers to the EPZ. Lack of awareness of trade unions exists in a context where the new workers are still struggling to get used to the EPZ setting which is an unfamiliar environment to them.

Workers who have been in the EPZ for more than 5 years have a relatively favorable attitude towards trade unions. With their experience and their inability to move away from this economic setting, they may wish to mitigate the harsh realities of their employment and trade unions are one of the mechanisms that they can refer.

The people who were from the villages surrounding the EPZ showed the least interest in trade unions and an overwhelming majority of them were females. Their lack of interest in trade unions is attributed to their dependency on their families and their social networks outside the context of EPZ. (See Figure 12)

![Figure 12: Possibility of joining trade unions by age](image)
Respondents were asked what they would prioritize if they could determine the role that trade unions would play in the EPZ. 201 respondents stated they will fight for the injustice in the workplace while 99 said TUs can be more effective by playing an intermediate role between employers and employees. 178 respondents wanted trade unions to be organizations working on the workers’ welfare. It is interesting to note that workers expect welfare activities from trade unions while clearly accepting the fact that trade unions’ main duty is to fight against injustice in the workplace. (See figure 13)

An overwhelming majority of the workers think that trade unions can play a significant role in terms of securing workers’ rights although they remain reluctant to speak about trade unions and are unwilling to engage with trade unions as they believe that involvement with trade unions will put their jobs at risk. Significantly,

(F) Expectations from trade unions

![Figure 13: What workers expect from trade unions]
23.2% of the workers viewed employee councils rather than trade unions to be more suitable to address job security and entitlements. The employee councils are favored by the factory management to address such issues and workers or employees may believe that these forums would be useful to secure worker’s rights without being subject to harassment by the factory management. This again indicates the workers’ overarching reluctance to get into trouble with the management even where their working conditions may be intolerable.

Interestingly, 10.2% of the respondents stated that trade unions are not doing enough when it comes to securing worker’s rights while 8.4% said that trade unions do not have a proper idea about the problems of the workers. Trade unions will have to take these perceptions very seriously if they are to gain the confidence of workers. (See, Figure 14)

Respondents who are members of trade unions had joined them through 2 main channels, i.e. through trade unions leaders in the EPZ or through their friends who are already members. (See, Figure 15)

A notable characteristic of the engagement process is that the young workers who have been working for a lesser number of years in the EPZ have joined mainly through their friends while the more experienced workers have joined trade unions through trade union leadership. Thus, it can be assumed that the circle of friends plays a major role in both attracting workers to trade unions and shaping attitudes. Research findings revealed that networks of friends have also acted to discourage workers from joining trade unions. This may be another manifestation of the prevailing anti-trade union sentiment in society.

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17. Employee Councils are a structure that consists of representatives of both employers and employees. This is the structure that has been promoted by the consecutive governments as well as factory managements for a long time. The critique from the part of the trade unions is that the representatives of the employees elected for the Employee Councils are those who are loyal to the factory management. Therefore they are of the view that Employee Councils do not provide solutions for the real problems of the employees.
**Figure 14: Views on trade unions**

- **72.8%** prefer employee councils for representation.
- **23.2%** prefer through trade union leadership.
- **10.2%** believe the trade union is not doing enough.
- **8.4%** think the trade union does not have a good understanding of workers' problems.
- **3.2%** have other views.

**Figure 15: Method of joining trade unions**

- **41%** joined through friends.
- **36%** joined through trade union leadership.
- **3%** joined through other means.
Trade union is fundamentally a political structure which fights against exploitation. They draw their legitimacy from several hard-won labour rights. There are a number of organizational structures working with workers, but the raison d'être for trade unions is the emancipation of workers from exploitation and representation of workers in the face of unequal power relations. In this regard, the role of the trade unions cannot be substituted by any alternative structure.
4. Conclusion

It is evident that trade unions need to go beyond the workplace in order to change social attitudes relating to trade unions. The rights discourse needs to be embedded into school education and trade unions should be promoted as the most effective structure through which workers’ rights may be secured. To achieve this end, trade unions must engage in a continuous dialogue with advocates of the rights discourse and work closely with civil society organizations which promote the rights discourse in society. Thus, trade unions outreach must be expanded beyond the workplace. They need to develop intersectional working practices and extend solidarity towards other rights defenders beyond the rigid framework of trade unionism.

Workers are reluctant to engage in trade union activism as trade unions are not regarded as powerful enough to protect them in the event of them being mistreated by factory management for engaging in trade union activism. According to the existing law, trade unions must have membership of considerable portion of the workers in a factory to enter into a collective agreement with an employer. Factory managements continuously discourage workers from engaging with trade unions. Further, many factories hire workers from third party agencies supplying manpower (such workers are commonly known as ‘manpower workers’) in parallel to employing their permanent workforce. Trade union membership is not open to the ‘manpower workers’ due to the complicated nature of determining their employer.

With the exclusion of the manpower workers they are unable to secure the required membership of the total workforce that is needed to demand for a collective agreement. In the context of weaker trade unions, the factory management has the power to discourage workers who try to engage with trade unions. If trade unions seek to break this vicious cycle, they must make changes within the trade union structures and find an alternative strategy to work with ‘manpower workers’.

Trade union leadership must reach out more proactively to workers and become more sensitized towards the issues faced by workers. Further, the hierarchical leadership and organizing practices of trade unions need to be addressed. Workers perceive trade union structures as being similar to those of the political parties that are based on hierarchical leadership\(^18\). Trade

\(^18\) Interview dated 30/05/2018
unions will have to rethink their internal structures and adopt mechanisms to advance internal democracy if they are to change the prevailing negative attitudes towards them.

There are no females in leadership positions within the trade union structures and trade unions must capacitate their female members to hold leadership positions. This is vital, especially in work settings where the majority of the workforce is made up of female workers.

In addition, trade unions need to focus on workers’ expectation of trade unions, calling on them to engage in welfare activities. This expectation has two dimensions. First, factory management will not resist trade unions if they restrict themselves to welfare activities. This is a type of a model that they would actually promote (an apolitical structure focusing on workers’ issues). However, the trade union is fundamentally a political structure which fights against exploitation. They draw their legitimacy from several hard-won labour rights. There are a number of organizational structures working with workers, but the raison d’etre for trade unions is the emancipation of workers from exploitation and representation of workers in the face of unequal power relations. In this regard, the role of the trade unions cannot be substituted by any alternative structure.

On the other hand, (the majority of) workers who work in harsh working conditions and who are cut off from various state welfare schemes due to the temporary nature of their residence in the Katunayake area are in dire need of welfare support. It is unlikely that they will place their trust on a structure which neither supports nor meets their needs in their day to day life.

The importance of addressing both the rights and welfare of workers came to the forefront during the Covid 19 pandemic. At this time approximately 20,000 Katunayake EPZ workers faced mass food shortage when they were trapped in their temporary residences in Katunayake during the island wide curfew imposed by the government at short notice, shutting down transportation between districts in the months of February, March and April in 2020. In this instance, various organizations such as Dabidu, Stand Up movement, Shramabimani and Women’s Centre came to their rescue by distributing food and dry rations among the trapped workers as the plight of these workers was off the radar screen of both the government and their employers.

19. 20,000 garment workers trapped in Katunayaka Free Trade Zone!, https://www.lankanewsweb.net/67-general-news/59009-20-000-garment-workers-trapped-in-Katunayaka-Free-Trade-Zone-%2C-text-Around%2020%2C000%20garment%20workers%20who%20were%20unable%20to%20severe%20shortage%20of%20food%20and%20many%20hygiene%20problems.
When the government established a Ministerial tripartite task force to look into the issues of employment, the trade unions were accepted as a party representing the workers (in fact as the sole representatives of the workers). However, the organizations that have been working on the welfare matters of the workers and the trade unions worked closely together to put on the table all the issues faced by the workers. This was a positive move on the part of the trade unions. Initiatives of a similar type were seen when Free Trade Zone Workers’ Union (FTZWU) was established in 1999 as a partnership between the Industrial and Transport General Workers Union (ITGWU) and the Women’s Centre.

Taking into consideration the many challenges faced by the trade unions, these collaborations need to be expanded beyond the scope of the EPZs. In order to address many issues, namely the negative image of trade unions in society and the lack of awareness about their role, trade unions need to become key players by engaging with civil society and becoming active participants framing the rights discourse.


5. WAY FORWARD

Based on the findings of this survey it is suggested for trade unions to engage in an intense dialogue among themselves on the following matters and develop strategies to implement them.

1. Facilitate and support the development of female leaderships within trade unions and address patriarchal barriers within the organizational structures and culture which prevent women from taking leadership.

2. Increase women leadership within trade unions in order to be sensitive to the issues specific to female workers.

3. Adopt a more flexible and responsive structure that is less hierarchical, to enable a new and ‘grounded’ leadership to emerge within trade unions.

4. Go beyond the workplace to invest in a wider awareness creation on workers’ rights and the importance of trade unions.

5. Use broad array of channels to attract new members.

6. Adopt a dual pronged approach to trade unions membership. While focusing more on the workers who are planning for long-term employment in EPZ as the core of the trade union, also adopt innovating strategies to enable the organizing of manpower workers and workers on short term or fixed term contracts.

7. Work in solidarity with other movements and civil society networks and become key actors in the human rights discourse.

8. Become attuned to the day to day problems including the welfare needs of the workers and become effective coordinators between the institutions and organizations supporting workers’ welfare and the workers.