

Q No-2. Explain the method of prevention & settlement of industrial dispute Act?

Ans.

Industrial relation are not a bipartite affair between the management and the labour. Government is playing an active role in promoting industrial relations. The concept of industrial relations has therefore, become a tripartite affair among the employees, employers and the government.

Prevention is better than cure. It is possible to settle the industrial disputes if timely steps are taken by the management. Such disputes can be prevented and settled amicably if there is equitable adjustment between the management and the labour. The government taken various steps to see that the industrial disputes are settled peacefully. Firstly, the government has constituted tripartite conferences for various industries. The employers, employees and the government are represented on these conferences. Secondly, statutory provision for the settlement of disputes is provided by the industrial disputes Act 1947.

The following is the machinery for prevention and settlement of industrial disputes provided by the Act: —

(1) Work Committees → This committee consists of representatives of workers and employers. Under the industrial disputes Act 1947, work committees exist in industrial establishments in which one hundred or more workmen are employed during the previous year. It consists of an equal number of representatives of workmen and employers.

It is the duty of work committee to promote measures for securing and preserving amity and good relations between the employer and workmen.

It also deals with certain matters viz., Conditions of work, amenities, safety and accident prevention, educational and promotion or thrift and saving etc. Work committees will not deal with the following items—

- (i) wage and allowance
- (ii) Bonus and profit sharing schemes
- (iii) Rationalisation and matters connected with fixation of workload.
- (iv) matters connected with the fixation of standard labour force
- (v) Retrenchment and lay-off
- (vi) Programmes of planning and development
- (vii) Provident fund, gratuity schemes and retiring benefits
- (viii) Quantum of leave and national and festival holidays
- (ix) Incentive schemes
- (x) Housing facilities
- (xi) victimisation for trade union activities.

(95.) Conciliation officers : — Conciliation officers are appointed by the government under the industrial disputes Act 1947. The Conciliation officers duties are following —

- (i) He has to do everything for bringing a fair and amicable settlement of the dispute. In case of public utility service, he must hold Conciliation proceedings in the prescribed manner.
- (ii) He shall send a report to the government if the dispute is settled in the course of Conciliation proceedings along with the memorandum of the settlement signed by the parties.
- (iii) Where no settlement is reached, Conciliation officer sends a report to the government setting forth the steps taken by him for ascertaining the facts, circumstances relating to dispute and reasons on account of which settlement could not be reached. The report shall be submitted within 14 days of the commencement of the conciliation proceedings. Mumbai is the first Conciliation officer in 1934.

(3.)

(C.) Boards of Conciliations: → The ~~board~~ government can also appoint a board of conciliation for promoting settlement of industrial disputes. The chairman of the board is an independent person and other members (may be two or four) are to be equally represented by the parties to the dispute. The duties of the board include by following: —

- (i) To investigate the dispute and all matters affecting the merits and do all things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement.
- (ii) A report has to be sent to the government by the board whether a dispute is settled or not within two months of date on which the dispute was referred to it.

(D.) Court of Enquiry: — The government may appoint a court of enquiry for enquiring into any industrial dispute. A court may consist of one person or more than one person in that case one of the persons will be the chairman. The court shall enquire into the matter and submit its report to the government within a period of six months.

(E.) Labour Courts: — The government has setup Labour Courts for dealing with the matters specified in the second schedule of the industrial disputes Act 1947. These matters include: —

- (i) The propriety or legality of an order passed by an employer under the standing orders.
- (ii) The application and interpretation of standing orders.
- (iii) Withdrawal of any customary concession or privilege.
- (iv) All matters other than those specified in the third schedule.

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(F)

Industrial tribunals: - A tribunal is appointed by the government for the adjudication of industrial disputes relating to any matter specified in the third schedule. These matters are given below: -

- (i) Wages including the period and mode of payment.
- (ii) Compensatory and other allowances.
- (iii) Hours of work and rest intervals.
- (iv) Leave with wages and holidays.
- (v) Bonus, profit sharing, provident fund and gratuity.
- (vi) Shift working otherwise than in accordance with standing orders
- (vii) Classification by grades, (viii) Rules of discipline
- (ix) Rationalisation, (x) Retrenchment of workmen and ~~and~~ closure of establishment
- (xi) Any other matter that may be prescribed.

The industrial tribunal consists of only one person who is appointed by the government. He should either be a judge of a high court or district judge for a period of not less than three years. It makes an award after hearing the parties to the dispute and the award is binding on them.

(G)

National tribunal: - A national tribunal is constituted

by the central government for the adjudication of industrial disputes involving questions of national importance. A National Tribunal shall consist of one person only to be appointed by the central government. A person who is or has been a judge of high court or who has held the office of the chairman or member of the labour appellate tribunal is eligible for the appointment of tribunal.

Q.No → Explain the causes and measurement of industrial disputes?

Ans.

Industrial disputes refer to the differences between the employers and workers in an industry. These disputes take various forms of protest. From the workers side the forms of protest are strikes, gheraos, demonstration, etc. From the employer's side the forms of protest are retrenchment, dismissal, lockouts etc.

The two most important forms of protest leads to loss in industrial production and decline in the national income. Hence, it is essential to know the nature and magnitude of industrial disputes, factors responsible for their occurrence and measures used to resolve them. There has been a growing trend in terms of workers involved and man days lost in industrial disputes in India.

* Causes of Industrial disputes: — The main causes of industrial disputes are: —

(a) Wages → Low wages of industrial workers constitute a major cause of industrial disputes in the country. Wages have not been rising in proportion to the rise in prices. This has forced the labourers to demand higher wages, consequently leading to disputes.

(b) Bonus: → The demand for bonus or increase in bonus has been the second major cause of industrial disputes. The workers feel that they should have a greater share in the profits of the industrial concern. Non-acceptance of this fact by the employers has been a source of friction among the employers and the workers.

(c) Working Conditions: — The demand for improvement in working conditions such as lesser working hours, security of job, better safety measures in the factory, leave, canteen, gratuity facilities etc. are also responsible for many industrial disputes.

(d) Other causes: - Among other causes that leads to disputes are failure of employers to recognise trade unions, conflict between rival unions for representation, insult to trade union leadership by the employer, introduction of rationalisation in the factory, the fear of retrenchment of workers, sympathetic strikes with fellow employees in other establishments, general discontent and sense of frustration among labourers, political issues etc.

* Measures for industrial disputes: - Some of the measures undertaken by the government for improving industrial relations and for establishing industrial disputes are as follows: -

- (i) Enactment of factories Act, 1948 and other labour law for regulating conditions at work in factories.
- (ii) Introduction of schemes like profit sharing, workers participation in management, subsidised industrial housing etc.
- (iii) Framing of industrial employment Act 1948 for defining conditions of employment and for framing model services rules.
- (iv) Introduction of bonus scheme making it compulsory for all establishment to pay a minimum of 8.33% bonus to all employees under the ^{at} payment Act 1965 Bonus Act.
- (v) Arrangement of settlement of industrial disputes under the industrial disputes Act 1947.
- (vi) Provision of social security benefits for industrial workers under various like the employees provident fund and family pension Act 1952, Employees state insurance Act 1948, payment of gratuity Act 1972 etc.
- (vii) Fixation of minimum wages under the minimum wage Act 1948 and the government's efforts to get fair wages for workers etc.