

Adjudication-

Adjudication means mandatory statement of an industrial dispute by a labour Court or a tribunal. Generally, the government refers a dispute for Adjudication depending on the failure of conciliation proceedings. Disputes are generally referred to adjudication on the recommendation of the conciliation officer who had dealt with earlier. However the government has discretionary power to accept for reject recommendations of the conciliation officer.

Conclusion-

capitalist and mixed economy, industrial disputes are very much common. Industrial disputes are the result of conflicts between employers and workers. While the employers are always trying to resist increase in wages and also try to increase the hours of work but the workers or employees are organising themselves through trade union for raising their wages along with betterment of other conditions of work. Government should also take initiative for it. Employers should make fair procedures to resolve the disputes and attempt to reduce the conflicts which will help to upgrade the business individually and also economy as a whole.



INDUSTRIAL DISPUTES AND RESOLVING DISPUTES

Commerce

Sukhdeep Kaur

ABSTRACT

On account of industrialization, the society today stands divided into two classes- one fully prosperous class and another is neglected and helpless labour class. Capitalist class totally concentrate on profit maximisation and ignore labour class. As a consequence the gap between these two classes goes on widening. It also create dissatisfaction in the workers and management. It directly effect the productivity of organization because worker class feel neglected and exploited. This only give rise to industrial disputes. This research paper contains information regarding effect of industrial disputes and mechanisms to resolve disputes.

KEYWORDS

Industrial disputes-

Industrial disputes mainly refers to disputes between employer and employees, employee and employee, employer and employer but in reality, disputes are understood as the conflict between employer and employees. For the purpose of industrial disputes, it not necessary they the worker must be employed. Under Industrial disputes Act 1947, even discharged employees have the right to put up their disputes. Industrial Disputes have adverse effects on industrial production, efficiency, costs, quality, human satisfaction, discipline, technological and economic progress and finally on the welfare of the society.

Forms of industrial Disputes:-

- **Strike**- It is Stoppage of work when workers leave the place of work or go out of the factory and stop work.
- **Lockout**- An employer shuts down the factory premises till such time as the workers accept this conditions.
- **Gheraos**:- it is a special type of strike. Under it, the workers surround the employers in order to get their demand accepted. Normally, gheraos is for short while.
- **Causes of disputes**
- Avoiding to a survey total number of disputes in India, number of workers involved and number of man – lost days are as under →

Year	No of disputes.	No. Of workers involved.	No. Of man lost days
2005	456	2913601	29,665
2006	460	1809,424	22,174
2007	352	661,841	22,299
2008	88	378,864	1069.12

- Source: indiastat.com

Low wages:

In most industries wages are low. As a result of low wages it becomes very difficult for employees to meet his necessities. Management and union will have a wage agreement generally valid for three year. Each new agreement is preceded by a prolonged battle between management and unions, often resulting in strike and lockouts.

Closely related to wages are bonus, incentives, and other allowance. Of all these, wages have been a major issue of contention that leads to disputes.

Union rivalry:- There may be several unions in a company. If one Union agrees to a wage settlement, another union will oppose it. The consequence is never -ending disputes, as has been happening at the singareni collieries.

Working Condition and Working Hours:

The working conditions in Indian industries are not hygienic. There is not ample provision of water, heating, lighting, safety etc. Working hours are also greater. The demand of palatable working conditions and shorter hours of work are also responsible for labour disputes. Despite legislation to this effect, it is always the intention of the employer to keep the workers engaged for long hours at long hours at

low wages. It is opposed tooth and nail by the workers. Result is industrial dispute.

Political interface:- every where trade unions have been compelled to engage in political action to obtain enough freedom from legal restraint to exercise their main industrial functions. Freedom of association, the right to strike and to picket, the prevention of undue influence in their internal affairs, are familiar objectives which have demanded the use of political methods.

Defective Leadership:

Inefficient leadership is also one of the causes of disputes. Leadership from the management and from the workers is quite incompetent to induce the workers to get them worked. The employers' representatives are not delegated sufficient authority to negotiate with the workers.

They are not in a position to commit anything to workers on behalf of the management. Defective management leadership ignored the labour problems and inefficient labour leadership could not coordinate the efforts of their fellow members, so disputes arise.

Unfair Labour Practices

Majority of disputes are management inspired. The following points 2 justify the assertion:

1. The [management](#) is generally not willing to talk over any disputes with the employees or the representatives, or refer it to 'arbitration' even when trade unions want it so, and this enrages the workers.
2. A management's unwillingness to recognise a particular trade union and the dilatory tactics to which it resorts while verifying the representative character of any trade union have been a source of industrial strife.
3. When, during negotiation for the settlement of a dispute, the representatives of employers unnecessarily and unjustifiably take the side of the management, tensions are created, which often lead to strikes, go-slows or lockouts.
4. The service and benefits offered by management to its employees promote harmonious employers and employees relations. But a large number of managements have not taken any step to provide these benefits and services for their workers.

Multiplicity of Labour Laws

Labour laws in our country, as in several other countries, have been enacted to create conditions for the protection of labour from unfair employment practices and to provide a legal framework within which [Industrial Relations](#) is to be regulated.

Labour legislation is regarded as the most dynamic institution. From a simple restraint on child labour in 1881, labour legislation in our country has become an important agency of the State for the regulation of working and living conditions of workers, as indicated by the rising number and variety of labour acts. This rapid development of labour legislation is an integral part of the modern social organisation.

There are more than 155 Acts, both Central and State, earning our country the dubious distinction of being one of the few highly labour legislated countries in the world. What has been the outcome of all

these? Surely, the result has been endless confusion, industrial strife, loss of production and exploitation of labour by the management and of the management by the labour.

What is strange is that in developed countries of the Western world, labour legislation followed the emergence of industrialisation and in response to a demand for economic and social betterment of the workers. We neither experienced an industrial revolution, in the true sense of the term, leading to the gradual emergence of a welfare state, nor a socialist revolution which binds the public sector with a sense of performance.

Others:-

- Government's inclination to support management.
- Internal conflicts in trade unions.
- Resistance to automation.
- Influence of communist thinking on labourers.
- Effect of non-acceptance of Human relations.
- Industrial sickness resulting in lay-offs, retrenchment and poor conditions inside the plant

CASE-

IN a strike at Marutiudyod, in early 2001, the management managed to get "undertaking of good behaviour" from its employees, the strike was triggered by a demand for hike in incentive payment.

The management offered Rs 30000 but the Union insisted on RS 42000. Management had the last laugh. Not only had the management got undertaking of good behaviour, it terminated the services of 59 employees and also did not pay salary to 3000 striking workers for three months.

The role of judiciary in resolving disputes has been regressive. By giving conflicting statements. (for example, declaring an illegal strike as justified) judiciary has aggravated indiscipline among workers.

Settlement of disputes

The effect of industrial disputes are very harmful to all stakeholders, managers, employees, economy and the society. For management, disputes result in loss of production, revenue, profit and even sickness of the plant.

Industrial establishments are pullers of an economy. The economy get into blast if industries are torn by industrial strife.

Industrial Disputes Act

The Industrial Disputes Act has come into force in the year, 1947. The Act was enacted to make provisions for the prevention and settlement of industrial disputes and for providing certain safeguards to the workers. The act aims to minimise the conflicts between labour and management by ensuring possible economic and social justice. The regulations made under this act applies to the entire constitution of India. In this article, we look at the Industrial Disputes Act in detail.

Objectives of the Industrial Disputes Act The objectives of the Industrial Disputes Act are as follows:

- To support measures for securing and preserving good relations between employers and employees.
- To provide suitable machinery for the equitable and peaceful settlement of industrial disputes.
- To prevent illegal strikes and lockouts.
- To afford relief to workers against layoffs, retrenchment, wrongful dismissal and victimisation.
- To promote collective bargaining.
- To improve the conditions of workers.
- To avoid unfair labour practices.

Dispute settlement mechanism

1. Collective bargaining:-

Industrial disputes between the employee and employer can also be settled by discussion and negotiation between these two parties in order to arrive at a decision. This is also commonly known as collective bargaining as both the parties eventually agree to follow a decision that they arrive at after a lot of negotiation and discussion.

According to Beach, "Collective Bargaining is concerned with the relations between unions reporting employees and employers (or their representatives).

It involves the process of union organization of employees, negotiations administration and interpretation of collective agreements concerning wages, hours of work and other conditions of employees arguing in concerted economic actions dispute settlement procedures".

Approaches to collective bargaining-

- As a process of social change,
- As a peace treaty between the conflicting parties,
- As a system of industrial jurisprudence.

Importance of collective Bargaining-

- To Increase the economic strength of both the parties.
- To Establish uniform conditions of employment to avoid occurrence of industrial disputes.
- To resolve disputes
- To lay down rules and norms for dealing with labour.

2. Code of Discipline-

It defines duties and responsibilities of employers and employees. A code of discipline has been laid down to maintain harmonious relations and promote industrial peace. It applies to both public and private sector enterprises and aims to secure the settlement of disputes and grievances by a mutually agreed procedure.

It specifies various obligations for the management and the workers with the objective of promoting cooperation between their representatives. This code of discipline requiring the employers and workers to settle disputes making use of the existing machinery and abstaining from taking direct action was evolved at the Indian Labour Conference in 1958.

3. Arbitration-

it is system under which any disputed matter can be referred to an impartial person for arbitration. Written consent of the parties to the disputes is essential. Under arbitration equal number of arbitrators care appointed by both the parties to the disputes, or, if they 2so desire, there may be only one arbitrator. The arbitrators enquire into the matter and submit their award to the concerned government, the award is signed by all the arbitrators. Arbitration may be voluntary or involuntary.

Weaknesses of arbitration-

- It is a expensive method.
- Judgement becomes arbitrary in case of wrong arbitrator.
- Too much arbitration is not sign of healthy industrial relations.

5. Conciliation :-

A conciliation officer may appointed particular industry or a particular area. The nature of his job is administrative and not judicial. He is to enquire into the cause of dispute, make an attempt to conciliate between the parties concerned and find a way out to prevent the dispute from aggravating. He is to ensure cordiality in relationship between the two parties and is to pave the way for industrial peace. Once settlement is arrived at, he gets the conciliation papers signed by both parties and submits the same, with his report, to the relevant government. In case of he is unable to get the dispute settled within 14 days, he submits a detailed report to the government, indicating the prevailing circumstances between the concerned parties, the efforts made by him and causes of failure of his attempts.

Conciliation Board:

Conciliation Board is appointed subsequent to the failure of conciliation officer in his attempts and the dispute becoming a complicated matter. Under the circumstances, a conciliation Board is appointed by the relevant government through anotification equal number of representatives of workers and employees are appointed as members on the board. It is headed by a chairman. If any party dispute does not appoint it's representative, within the specified period, then the government is empowered to appoint any person as its representative. The conciliation will enquire into all matters relating to the dispute and make efforts to get both the parties to an amicable settlement. If it succeeds in its efforts, it will get the memorandum of conciliation signed both the parties and submit the same alongwith its report to the relevant government. If no settlement reached, the Board will submit its report within two months to the government giving circumstances and causes accounting for the failure of Board's attempts.