**Unit-1**

**Industrial relation and industrial disputes**

**Topic covered:** Industrial relation: Meaning, Definition, Characteristics, objective, factor affecting IR, different approaches to industrial relations: psychological, sociological, Human relation, Giri , Gandhian , Unitary and Pluralist approach. Industrial disputes: Forms of industrial disputes, causes of industrial disputes, Prevention and settlements of disputes

**Introduction:** Basically, IR sprouts out of employment relation. Hence, it is broader in meaning and wider in scope. IR is dynamic and developing socio-economic process. As such, there are as many as definitions of IR as the authors on the subject. Some important definitions of IR are produced here. This concept evolved in the late 19th century because of the industrial revolutions.

**Meaning:** As the name implies, Industry Relations comprises of two words, **Industry, and Relations**. Where industry covers the production activity in which the group of workmen is engaged in, while the relations show the relationship between the management and the workers within the industry. IR plays a significant role in today’s working scenario where the harmonious relationship between the employers and employees. The Industrial Relations mainly cover the following:

* Regulatory body to resolve industrial disputes.
* Collective Bargaining.
* The role of management, unions and government.
* Labor Legislation
* Worker’s Grievance Redressal system.
* Disciplinary policy and practice.
* Industrial Relations Training.

**Definition**

In the words of **Dale Yoder**, “The term ‘Industrial Relations’ refers to the relationship between management and employees or among employees and their organisations that arise out of employment.

**Industrial relation– 5 Main Characteristics**

**Characteristics of industrial relations include:**

(i) Industrial relations are outcome of employment relationship in an industrial enterprise.

(ii) Industrial relations develop the skills and methods of adjusting to and cooperating with each other.

(iii) Industrial relations system creates complex rules and regulations to maintain harmonious relations.

(iv) The Government involves shaping the industrial relations through laws, rules, agreements, awards etc.

(v) The important factors of industrial relations are- employees and their organisations, employer and their associations and Government.

**Industrial relations History:** Pre Independence Period and Post Independence Period

Healthy industrial relations is the backbone of the organisation. For this, the responsibility of the management is to look after the total well-being of each and every employee because a happy employee is an asset to the organisation. At this stage, it is relevant to put some light on the history of industrial relations in India.

**For better understanding, it can be divided into two parts:**

#### 1. Pre Independence Period:

‘Hired and fired’ philosophy was adopted by employer because the principle of ‘supply and demand of labours’ was governed by industrial relations. In this system there was no scope of appeal against unjust decisions. It may produce temporarily results but in long run converted into violence. Only employers and workmen (Disputes) Act, 1860 was used to settle wage disputes between employers and employees because the conditions of employment and wages were very poor.

After the First World War, the government enacted the Trade Disputes Act, 1929 to enhance the settlement of industrial disputes. But the major drawback of this Act was that it did not provide any standing machinery for the settlement of disputes. In the year, 1936, the Payment of Wages Act, 1936 was enacted by government to stop the exploitation of workers by employers. After the Second World War, our country faced many problems which were created and increased industrial relations in turbulent situation.

**The basic problems were:**

(i) Rise in living cost.

(ii) Scar city of essential commodities.

(iii) Increase in rate of Unemployment and Population.

(iv) Political Interference.

(v) Increase in Inflation rates.

#### 2. Post-Independence Period:

Industrial disputes need to be resolved in the interest of the employees, employers and the economy. Therefore, there is the need of developing healthy industrial relations. Healthy industrial relations would ensure uninterrupted production, promote work ethics and help in promoting healthy social relations in the society.

For prevention and settlement of industrial disputes and thereby improving industrial relations, just after independence a permanent machinery has been developed in the country was Industrial Disputes Act, 1947, which not only provides permanent machinery for the settlement of industrial disputes but also makes the awards so passed by the Courts under the Act, binding and legally-enforceable on the parties.

**Factors Affecting Industrial Relations**

Industrial relations deals with human behaviour and management of personnel in an organizational setup. The various factors that influence the relationship between the administration and the employees in an organization are as follows:



**Individual Behavior**

Every person has a different perception, background, skills, knowledge, experience and achievements which influences an individual’s behaviour. The employees, therefore, behave differently in different situations, thus impacting the work environment in the organization.

**Organizational Structure**

The hierarchical structure creates more formal relationships among the employees belonging to different hierarchical levels in an organization. Also, the delegation and execution of decision-making power by the superior influences the industrial relations between the managers and the employees.

**Psychological Factors**

An employee’s attitude and mentality towards the employer and the given task; and the employer’s psychology towards the workers can be positive or negative, which ultimately impacts the employee-employer relationship.

**Leadership Style**

Every manager possesses certain leadership traits and different style to function even in a formal organization. Through his/her formal or informal ways of generating team spirit and motivating the employees, he/she impacts the organization’s industrial relations.

**Economic and Technical Environment**

To cope up with the changes in the economic conditions or technology, organizations need to restructure the task of the employees including their work duration, conditions and wages; which leads to a difference in their behaviour, attitude, adapting spirit, etc. towards the organization and its people.

**Legal and Political Environment**

The legal framework and political circumstances influence the organization and its industrial relations. It contributes to the framing of rules, rights, authority, powers, roles and responsibilities of all the parties of the organization.

**Parties Involved in Industrial Relations**

To understand the concept of industrial relations, we should know that; who all are responsible for developing cordial relationships in the organization?

The different persons holding distinct positions in the organization and the external or internal associations involved in the process of building strong industrial relations can be bifurcated into the following two categories:



**Primary Parties**

Those persons or associations which are directly associated with or influenced by the functions of industrial relations are as follows:

1. **Employees**

The workers who provide their services to the organization are an essential resource and contributes to generating the desired output.

Following are some of the reasons for which employees find maintaining sound industrial relations to be useful for them:

* Sharing their views, suggestions and ideas with the management to improve the business operations;
* becoming a part of organizational decision-making and ensuring the betterment of the working conditions;
* speaking out their problems and grievances and seeking for the redressal of the same.
1. **Employers**

Employers are responsible for providing a favourable work environment for the employees. They have many rights and powers like laying off inefficient employees, taking strategic decisions such as mergers, acquisition or shutdown of the organization and adapting technological changes in the operations.

Following are the different ways in which managers can benefit from sound industrial relations in the organization:

* Motivating the employees to give their best and gaining their trust and commitment;
* improving the overall efficiency and ensuring effective communication among the employees and the management;
* dealing with problems of trade union along with negotiation of employment terms and conditions with such employee representative.
1. **Government**

Before the 19th century, the government didn’t use to intervene in the conflicts between the employer and the employee. However, later on, there was a change in the attitude of the government bodies, they started regulating the industrial relations through labour courts and tribunals, for the following reasons:

* Safeguarding the interest of both the parties;
* ensuring that both the employer and the employee, abide by the legal terms and conditions.

### Other Parties

#### Employers’ Association

It is an authoritative body, formed to protect the interest of the industrial owners.

#### Trade Unions

### When the workers unite together to form an association and elect a representative among themselves; for the protection of their rights and to raise their demands in front of the management; it is named as a trade union.

#### Courts and Tribunals

The judiciary includes the ‘courts’ to resolve the legitimate conflicts and the ‘judicial review’ to administer the justice of the constitution. These courts and tribunals play an essential role in settlement of industrial disputes

#### International Labor Organization (ILO)

On the international grounds, an association was formed under the name of International Labor Organization in the year 1919 to set up international norms and standards for dealing with industrial disputes and issues of the workers.

Simultaneously, an International Labor Code (ILC) was set up to establish the recommendations and conventions for minimum international labour standards.
The ILC aimed to look into matters like:

* Worker’s compensation, i.e., minimum wages;
* employee’s work duration and number of holidays;
* women employment;
* employee’s safety, security and health in the work environment;
* industrial relations;
* medical facilities and examination along with maternity protection.

**Objectives of Industrial Relations**

Industrial relations hold a high significance in the context of [human resource management](https://theinvestorsbook.com/human-resource-management-hrm.html) about addressing the industrial disputes in an organization.

The various other goals of carrying out such practices are as follows:



* **Handling Grievance**: Industrial relations aim to maintain cordial relationship between the management and the employees by resolving the disputes and setting up a mechanism to address the grievances of both the parties.
* **Mental Revolution**: It emphasizes on transforming the way of thinking of both the management and the workers. The employer must value the worker’s contribution towards the organization, and at the same time, the employees must respect the authority of the management.
* **Employees’ Rights Protection**: Under industrial relations, various acts (like in India National Labor Relations Act) and associations were formed to safeguard the rights and interests of the employees (irrespective of their membership of the labour union).
* **Contract Interpretation**: Industrial relations emphasizes on providing proper training to the supervisors and the managers on the labour law contracts to clarify any misunderstanding.
* **Boosting Morale**: The motivated workforce is the most efficient resource of the organization. Therefore, industrial relations emphasizes on building employee’s confidence and boosting their morale to perform better than before.
* **Collective Bargaining**: The worker’s representative and the management put up their proposals in front of each other and negotiates over the same. This is to reach a mutual decision which is written down in a collective bargaining agreement.
* **Increasing Productivity**: Industrial relations aims at improving the efficiency and productivity of the organization by ensuring employees’ long-term retention and minimizing the rate of their absenteeism

**Approaches towards industrial relation**

The industrial relations can be viewed from the various angles which may range from the economic and social, political to the legal, psychological and managerial.

#### 1. Psychological Approach to Industrial Relations:

According to psychologists, issues of industrial relations have their origin in the differences in the perceptions of management, unions and rank and file workers. The perpetual differences arise due to differences in personalities, attitudes, etc. Similarly, factors like motivation, leadership, group goals versus individual goals etc., are responsible for industrial conflicts.

#### 2. Sociological Approach to Industrial Relations:

The industry is a social world in miniature and the workshop is in reality a community made up of various individuals and groups with differing personalities, educational background, family breeding, emotions, likes and dislikes, and a host of other personal factors, such as attitudes and behaviour. These differences in individual attitudes and behaviour create problems of conflict and competition among the members of an industrial society.

Since ages, the problems of industrial relations have been looked upon as one basically concerned with wages, employment, conditions, and labour welfare. But in fact sociological aspects of the problem are more important than others.

This largely includes various sociological factors like value system, customs, norms, symbols, attitude and perception of both labour and management that affect the industrial relations in varied ways. Though, the workers carry out their jobs in given industrial environment, their work behaviour is largely monitored by afforested social factors.

Further, the social consequences of industrialisation like organisation, social mobility, and migration generate many social evils like family disintegration, stress and strain, delinquency, personal and social disorganisation (leading to growing incidence of gambling, drinking, prostitution, drug abuse, etc.) do influence workers’ efficiency and productivity that in turn influence industrial relations system of an industry.

In fact, as industrialisation gets momentum, a set of new industrial-cum-social patterns emerges and in its wake, new relationships, institutions, behavioural patterns and techniques of handling human resources develop. These influences shape the industrial relations in one or other ways.

**Shortly** Industry is a social world in miniature. Organisations are communities of individuals and groups with differing personalities, educational and family backgrounds, emotions, sentiments etc. These differences in individuals create problems of conflict and competition among the members of industrial society.

#### 3. Human Relations Approach to Industrial Relations:

Among all the areas of management, perhaps one of the most delicate and tricky ones is concerned with human resources management. Their handling is radically different from that of physical, material and financial resources because these are not inanimate or passive, but are composed of pulsating human beings having their own emotions, perception, attitude, personality etc.

These characteristics make them complex individuals and when they interact with others, either individually or in groups, their complexity further multiplies. So when such resources are not properly managed, the problem of industrial relations surfaces which can be only managed by deciphering(analyzing) and managing the dynamics of human behaviour both at the individual and group level.

As the management of people at work is an exclusive prerogative(claim) of Human Resources specialists, the various Human Resources Management policies including those relating to leadership and motivation have profound influence on their work behaviour. Certainly, every style of leadership elicits a peculiar(strange) response from the people.

For instance, a manager, using an autocratic style, designs, a close supervision system and feels that display of authority would drives people to work.

But this style leads to dissatisfaction and hatred among people, whereas, in a democratic style, it is held that a desired organisational behaviour can be cultivated if employees’ needs and wants are properly satisfied. The manager working with such a style positively motivates people. In fact, no style is good or bad is every situation demands a specific leadership behaviour on the part of HR specialist.

**Shortly (iii) Human Relations Approach to Industrial Relations:**

Human resources are made up of living human beings but not machines. They need freedom of speech, of thought, of expression, of movement and of control over their timings. This approach implies that relationship between employee and employer as between two human beings. The term human relations include the relationship during the out of employment situations.

**The Approach of Dr. V. V. Giri to Industrial Relations:**

V. V. Giri has laid stress on *collective bargaining and mutual negotiations* between employers and employees for the settlement of disputes. His emphasis is on “voluntary efforts of the management and the trade unions to wind up their differences through voluntary arbitration rather than through compulsory arbitration.”

He observed, “There should be a bipartite machinery in every industry and every unit of the industry to settle differences from time to time with the active encouragement of government. Outside interference should not encroach upon industrial peace.”

In his opinion, industrial peace is to be secured through the machinery of collective bargaining. Giri declared, “Compulsory adjudication has cut at the very root of the trade union organisation. If workers find that their interests are best promoted only by combining, no greater urge is needed to forge a bond of strength and unity among them. But compulsory arbitration sees to it that such a bond is not forged. It stands there as a policeman looking out for signs of discontent and at the slightest provocation, takes the parties to court for a dose of costly and not wholly satisfactory justice. The moment the back of the policeman is turned, the parties grow red in the face with redoubled determination, and the whole cycle of litigation starts all over again. Let the trade unions become strong and self-reliant and learn to get on without the assistance of the policeman. They will then know how to organise themselves and get what they want through their own strength and resources. That will also be the means of their achieving greater self-respect. It may be that until the parties have learnt the techniques of collective bargaining, there are some unnecessary trials of strength; but whoever has heard of a man learning to swim without having to drink some gulps of water?”

This view served as the basis of what has been known as the “Giri Approach” to the attainment of industrial peace. This approach to labour problems encourages mutual settlement of disputes, collective bargaining and voluntary arbitration and not compulsory adjudication. In other words, it can be said that it puts ethical pressure on the parties for the maintenance of good industrial relations through peaceful settlement of disputes.

#### 5. Gandhian Approach to Industrial Relations:

Gandhiji’s views on industrial relations are based on his fundamental principles of *truth and non-violence, and non-possession or aparigraha.* Out of these principles evolved, the concepts of non-cooperation and trusteeship on which his philosophy of industrial relations rests. This philosophy presumes the peaceful coexistence of capital and labour, which calls for the resolution of conflict by non-violent, non-cooperation (i.e., Satyagraha), which actually amounts to peaceful strikes in ordinary parlance.

Gandhiji has accepted the workers’ right to strike, but remarked that this right is to be exercised in a just cause, and in a peaceful and non-violent manner; and it should be resorted to only after employers fail to respond to their moral appeals. It does not recognise the right to property except to the extent permitted by society for its own welfare; the individual does not have any right to hold or use wealth in disregard of the interests of society; and the character of production is to be determined by social necessity rather than by personal whims or greed.

The capitalist is expected to hold industry in trust for the community; and it is envisaged that, as individual workers in collaboration with employers, they, too, are expected to be co-trustees with the latter.

**Gandhiji advocated that for resolving disputes the following rules to be observed:**

a. The workers should seek redressal of reasonable demands only through collective action;

b. If they have to organise a strike, trade unions should seek by ballot authority from all workers to do so, remain peaceful and use non-violent methods;

c. The workers should avoid strikes as far as possible in industries of essential services;

d. The workers should avoid formation of unions in philanthropic organisations;

e. The strikes should be resorted to only as a last resort after all other legitimate measures have failed; and

f. As far as possible, workers should take recourse to voluntary arbitration where efforts at direct settlement have not succeeded.

India’s industrial relations system has been largely influenced by Gandhian thought. A basic element in this thought is the emphasis on peaceful settlement of industrial disputes. In tune with the Gandhian philosophy, the government expects the parties to resolve their disputes peacefully; it also emphasises the need for mutual negotiations as a means of resolving disputes. Only after exhausting the available means of resolving differences are the parties free to take direct action.

Besides, the provision for the arbitration of disputes in case the parties desire to refer their disputes to arbitration, it is imperative on the part of trade union to serve a 14-day notice of strike on the employer.

**Shortly**  Mahatma Gandhi’s views on industrial relations are based on his fundamental principles of truth, non-violence and non-possession. Under the principle of non-violence and truth, Gandhi meant a peaceful co-existence of capital and labour. Trusteeship implies co-operation between capital and labour.

**Gandhi advocated the following rules to resolve industrial conflicts:**

(a) Workers should seek redressal of reasonable demands through collective action.

(b) Trade unions should decide to go on strike taking ballot authority from all workers and remain peaceful and use non-violent methods.

(c) Workers should avoid strikes to the possible extent.

(d) Strikes should be resorted to only as the last resort.

(e) Workers should avoid formation of unions in philanthropically-oriented organisations.

(f) Workers should take recourse to voluntary arbitration to the possible extent where direct settlement failed.

**Unitary Approach:**The unitary approach is based on the notion that all the members of the organization Viz. Managers, workers, and other staff have a common set of objectives, purposes and interests and, therefore, work in unison towards the accomplishment of shared goals. Here, the conflict is seen as a temporary divergence which is caused due to the poor management or the negligence on the part of the employees to understand and mix with the organizational culture.

The unitary approach is based on the assumption that the overall profitability of the firm could be increased if everyone in the organization has the common interest/purpose and works unanimously towards its completion thereby establishing the harmonious relations. Here the strikes are considered as destructive.

**Pluralistic Approach:**The pluralistic approach is just the opposite of unitary approach which is based on the assumption that an organization is an alliance of powerful and divergent sub-groups (management and trade unions), having different competing interests are mediated by the management. The management and the trade unions (association of workers) are the powerful sub-groups that may not agree with certain terms and conditions prevailing in the organization and to resolve those management tries to mediate the interest of both the groups.

**Another view**

**Dissatisfied Needs Produce Tension and Lead to Conflicts?**

Another important factor that is like a common denominator in all conflicts is the dissatisfied needs of the individual. Hence, for maintaining good human relations in general and industrial relations in particular, the study of human needs is of paramount importance. Broadly speaking, there are four types of basic needs, namely, physiological, safety, social and egoistic needs. The physiological needs are the ones in-born needs that include needs for food, water, clothing, shelter, etc.

These needs are vital for the very preservation of a human being and maintenance of his efficiency at a particular level. The safety and security needs refer to the avoidance of any danger which comes in one’s life including the need of physical security, financial security and job security. The social needs are largely acquired ones and are the result of one’s socialisation. These needs are of companionship belonging, affection. The egoistic needs are higher order needs, and relates to one’s desire for self-esteem and esteem from others.

Generally, it is believed that the needs are interdependent and overlapping. Each higher order need emerges only after the lower level needs are satisfied. But in all the cases, the needs do not necessarily follow a fixed pattern as the human behaviour is multi variant and multidimensional.

So, it is necessary for management to design a suitable motivational strategy to provide environment for their optimum need satisfaction, required for maintaining good human relations in the organisation.

**Employee Perceptions Too Play a Major Role:**

As every organisation has its problem, limitations. Employees also have their own preconceived notions, needs, problems. No specific diagnosis can be made for maintaining good industrial relations in the industry. It has now been increasingly recognised that much can be gained by the manager and the worker if they understand and apply the techniques of human relations to industrial relations.

The workers are likely to achieve greater job satisfaction, develop greater involvement in their work and achieve a measure of identification of their objectives with the objectives of the organisation. The manager, on his part, would develop a greater insight and effectiveness in his work.

It has been rightly said that “the industrial progress of the future will ultimately depend upon how far industry is willing to go in for establishing a community of mutual responsibility between the highest paid executive and the lowest paid production worker. One of the principal objectives of this human relations movement must be this much-needed integration”.

**Short notes of Approaches to Industrial relation- 7 Approaches**

**1. Psychological Approach:**

This approach suggests that the conflicts between labour and management are deeply rooted in the perceptions and attitudes of all the participants. Differences in the perception of the parties are due to their individuality. Conflicts arise when each party negatively perceives the other’s behaviour. Labour and management view and interpret the situations differently and these differences create the problems of industrial relations.

**2. Sociological Approach:**

Industry is a part of society. So, various sociological factors such as value system, norms, customs, traditions and status symbols affect relations among the parties. The social consequences of industrialisation like social mobility and migration generate many social evils like disintegration of family, stress and strain, delinquency, personal and social disorganization (leading to growing incidences of gambling, drinking, prostitution, drug abuse, etc.). These influence workers’ efficiency and productivity which, in turn, impact industrial relations.

**3. Human Relations Approach:**

This approach focuses on human beings as a key factor of production in industry. Unlike other resources such as finance and material, human beings have emotions, sentiments, desires, perceptions, attitudes, personality, etc. For harmonious industrial relations, there is a need for proper integration of individuals’ needs with the organization’s requirements. Management should motivate the employees in order to raise productivity.

**5. V.V. Giri Approach:**

This approach to industrial relations was given by V.V. Giri, the 4th President of India. He emphasized collective bargaining, voluntary arbitration and mutual negotiations between the employers and the employees for settlement of industrial disputes. This approach stresses internal settlement of issues rather than relying on some outside compulsion. Voluntary arbitration is preferred to compulsory arbitration.

**6. Gandhian Approach:**

This approach to industrial relations is based on the fundamental principles of truth, non-violence and non-possession. There is a presumption that capital and labour can co-exist peacefully. Gandhiji emphasizes that if the employers follow the principle of trusteeship then there is no scope for conflict of interest between labour and management.

Gandhiji accepted the workers’ right to strike, but cautioned that they should exercise this right for a just cause and in a peaceful and non-violent manner and this method should be resorted to when all other methods fail to get the employer’s response.

**7. Systems Approach:**

A system is an organized or complex whole, an assemblage or combination of things or parts forming a complex unitary whole. The systems approach tells us that no single element or phenomenon should be dealt with without regard for its interacting consequences with other elements. This suggests that there is always an interaction between the four basic elements, i.e., input, transformation, output and feedback.

In the field of industrial relations, the systems approach to industrial relations was developed by John T. Dunlop. Dunlop described an Industrial Relations System (IRS) as consisting of three actors: workers and their organization, managers and their organization and the governmental agencies concerned with the work community.

These groups interact with a specified environment which includes: technological environment, market or economic constraints and the balance of power in society. An IRS creates an ideology that regulates the relations among the participants. An ideology is a set of ideas and beliefs commonly held by the actors that helps to build or integrate the system together as an entity.

**8. Unitary Approach:**The unitary approach is based on the notion that all the members of the organization Viz. Managers, workers, and other staff have a common set of objectives, purposes and interests and, therefore, work in unison towards the accomplishment of shared goals. Here, the conflict is seen as a temporary divergence which is caused due to the poor management or the negligence on the part of the employees to understand and mix with the organizational culture.

The unitary approach is based on the assumption that the overall profitability of the firm could be increased if everyone in the organization has the common interest/purpose and works unanimously towards its completion thereby establishing the harmonious relations. Here the strikes are considered as destructive.

**9. Pluralistic Approach:**The pluralistic approach is just the opposite of unitary approach which is based on the assumption that an organization is an alliance of powerful and divergent sub-groups (management and trade unions), having different competing interests are mediated by the management. The management and the trade unions (association of workers) are the powerful sub-groups that may not agree with certain terms and conditions prevailing in the organization and to resolve those management tries to mediate the interest of both the groups.

**INDUSTRIAL DISPUTES**

**MEANING:** The conflicts between employer and employee on any industrial manner are known as *induatrial disputes.* In an organization, the parties engage in such disputes can be:

* Employer and employee;
* employee and employee or;
* employer and employer.

The relation between employer and employees are frequently clouded by a sense of exploitation,distrust and discontent. This give rise to industrial disputes and conflicts. It is the most acute problem in the industry as it endangers peace in the industry.

**Forms (outcomes) of Industrial Disputes**

The consequences of an industrial dispute are hazardous to the employer, employees, organization, society and the economy.

However, it is taken as a useful tool by the workers, to raise their voice and put up their demands in front of the management or employers. It empowers the labours and protects their rights of speech in the organization.

Following are some of the essential ways in which the industrial disputes takes shape in the organization and are carried out by the employees as well as the employer sometimes:

#### Strikes

It is a way through which a group of workmen exercise pressure on the management by stopping the work and protesting against the employers to get their demands fulfilled.

Following are the different types of strikes:

**Primary Strikes**: The strikes which are directly projected against the employers are called as primary strikes. Some of the most common primary strikes are as follows.

* **Stay Away Strike**: In a stay-away strike, the workmen organize a protest in the form of demonstrations, marches, rallies, apart from the workplace.
* **Pen Down Strike**: It is also known as the **sit-down strike** or tools down strike. Though the workmen come to the workplace daily and also avails the work facilities, they sit idle and stop working.
* **Lightning Strike**: The lightning strike is that form of strikes where the workmen call off the work immediately without giving any prior information or warning to the management. It is also termed as a catcall strike.
* **Go Slow Strike**: This is another harmful way of protesting against the management where the workmen secretly plan to decrease their work speed so that the production is hampered. However, in front of the management, they pretend to be highly committed towards their job.
* **Hunger Strike**: One of the most common forms of a strike is the hunger strike. The workmen go on fasting for an indefinite period and sit nearby the workplace or the employer’s house to project their demands.

**Secondary Strikes**: The other name for the secondary strike is the sympathy strike. In this, the force is applied against the third person having sound trade relations with the organization to indirectly incur a loss to the employer and the business. The third person does not have any other role to play in such a strike.

* **Sympathetic strike**: when the members of union collectively stop work to support or express their sympathy with the members of their union who are on strike in other undertakings s, it is called sympathetic strike.

**Other Strikes**: There are undoubtedly other forms of strike too, which takes place on a vast level involving and affecting a large number of people. These are as follows:

* **General Strike**: The strikes which are conducted on a mass level, i.e., in the whole country or state or city instead of just a single organization for fulfilment of a demand unanimously like job permanency or an increase in pay, etc.
* **Political Strike**: Any law or act proposed by the government for making changes to the working terms or conditions when unaccepted by the workers is protested through political strike on a massive level.
* **Bandhs**: Bandh is adopted in countries like Nepal and India where a specific community or a political party calls for a general strike across the city or state or country. It is a form of civil disobedience and sometimes become violent, even involving stone attacks or arson attacks at times.

#### Lockouts

This form of an industrial dispute is raised by the employers to impose specific terms and conditions on the workers. It is very different from layoff, retrenchment, termination or prohibition of employees.

In lockouts, the employer temporarily closes down the workplace or stops the work or takes action like suspending the workers to force them to follow the new terms and conditions.

* **Picketing**: Picketing is the process of putting up signboards, play cards and banners by the workmen to display their protest or dispute in front of the public. To involve maximum workers in the strike, some union members are made to stand at the factory gate to influence others too.
* **Boycott**: As the name suggests, boycott refers to interrupting business operations. It requests the other labourers to temporarily pull back their co-operation with the management and contribute to the strike.
* **Gherao**: Gherao refers to physically encircling the managers by the workmen to create a restricted area where no one can move in or out. The targeted managers are humiliated through; abuses also they are restricted move in or out.

#### Types of Industrial Disputes:

The ILO’ has classified the industrial disputes into two main types.

**They are:**

1. Interest Disputes

2. Grievance or Right Disputes.

**1. Interest Disputes:**

These disputes are also called ‘economic disputes’. Such types of disputes arise out of terms and conditions of employment either out of the claims made by the employees or offers given by the employers. Such demands or offers are generally made with a view to arrive at a collective agreement. Examples of interest disputes are lay-offs, claims for wages and bonus, job security, fringe benefits, etc.

**2. Disputes of Right:**

As the name itself suggests, grievance or right disputes arise out of application or interpretation of existing agreements or contracts between the employees and the manage­ment. They relate either to individual worker or a group of workers in the same group.

That’s way in some countries; such disputes are also called ‘individual disputes’. Payment of wages and other fringe benefits,

working time,

over-time,

seniority,

promotion, demotion,

dismissal,

discipline,

transfer, etc.

these are the examples of grievance or right disputes.

If these grievances are not settled as per the procedure laid down for this purpose, these then result in embitterment of the working relationship and a climate for industrial strife and unrest. Such grievances are often settled through laid down standard procedures like the provisions of the collective agreement, employment contract, works rule or law, or customs /usage in this regard. Besides, Labour Courts or Tribunals also adjudicate over grievance or interest disputes.

Causes of Industrial Disputes.

**Economic Causes**

The ultimate aim of the labour is to earn their livings and meet their economic ends. Whereas, for the business, it is generating profits. Therefore, on the non-fulfilment of these needs, industrial disputes can take place between the management and the labour.

It includes

demanding for increasing Wage and allowance due to inflation

increasing the profits,

bonus and allowances,

replacing machinery,

improving working conditions,

duration and other necessary facilities.

**Managerial Causes**

Lack of administrative support and attention towards labour leads to industrial disputes. Following are the various managerial causes of industrial disputes:

* Irregular lay Off and Retrenchment :Retrenchment or layoff of the workers without any reason;
* Defective leadership: The inefficiency of the management to initiate leadership in the organization (Defective recruitment policies: poorly built and dissatisfying recruitment policies and practices;
* Defiance of Agreement and Codes: the employer does not comply with the agreement and codes such as code of discipline and collective bargaining;
* Failure to Recognize the Trade Union: The management does not acknowledge the trade unions as a representative of the union members, i.e., the workmen.

**Political Causes** : Political leaders have used trade union as powerful weapon to build tensions inside a plant/industry with a view to satisfy their own private ends on a number of occasions.

**Other Causes**

The various other causes of industrial disputes are stated below:

* Weak and multiple trade unions result in more conflicts;
* influence of the political party in power, supporting a particular trade union leads to conflicts;
* the adverse effect of the relationship with the central and state governments, unstable political conditions and everyday responsibilities results in industrial disputes;
* in some organizations, collective bargaining is not allowed since the workmen are not even permitted to make trade unions;
* other reasons can be corruption, apparent consumption, role conflicts, etc.

**Government Machinery**

At times, the government lacks a suitable strategy to address industrial disputes. Some of the drawbacks of the government machinery which lead to industrial conflicts are as follows:

* The need for growth and development is not considered seriously;
* difficulties in dealing with industrial culture and climate challenges;
* the employers meagrely apply this settlement machinery;
* there is a low level of trust of the employers and the employees, over the government’s settlement machinery.

**Voluntary Arbitration**

The word arbitration refers to the settlement of any dispute mutually with the help of an arbitrator.

Thus, in voluntary arbitration, there is a third party involved in the settlement process. Its decision can be biased or unacceptable by either of the parties, which can result in further conflicts.

**Wage Boards**

The Indian government has set up wage boards for determining the suitable wages of the workmen or labourers.

When the workmen are dissatisfied with their remuneration, there arises a condition of an industrial dispute.

**Joint Management Councils (JMC)**

The government created Joint Management Councils, which consist of equal representatives of both the parties to deal with the worker’s problems, but the idea failed due to lack of efficiency and progress.

Some of the useful methods used for prevention and settlements of industrial disputes are: 1. Works Committees 2. Conciliation Officers 3. Boards of Conciliation 4. Court Of Enquiry 5. Labour Courts 6. Industrial Tribunals and 7. National Tribunal!

Now a day, industrial relations 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 has 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. Works Committees:

This Committee consists of representatives of workers and employers. Under the Industrial Disputes Act 1947, works 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 employer.

It is the duty of the works 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 recreational activities, promotion of thrift and saving etc.

**Works committees will not deal with the following items**

* 1. Wages 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) Programmes of planning and development

 (vi) Retrenchment and lay-off

(vii) Victimisation for trade union activities

(viii) Provident Fund, gratuity schemes and the retiring benefits

 (ix) Quantum of leave and national and festival holidays

(x) Incentive schemes

(xi) Housing facilities.

#### 2. Conciliation Officers:

Conciliation Officers are appointed by the Government under the Industrial Disputes Act, 1947.

**The duties of Conciliation officer are given below:**

ADVERTISEMENTS:

(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 the 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.

In India, government of Bombay first introduced Conciliation and Labour Officer in 1934 when the Bombay Trade Dispute Conciliation Act was passed.

#### 3. Boards of Conciliation:

The 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:**

(a) 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.

(b) A report has to be sent to the government by the board whether a dispute is settled or not within two months of the date on which the dispute was referred to it.

#### 4. 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.

#### 5. Labour Courts:

**The government has set up 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) Discharge or dismissal of workmen including reinstatement, or grant or, relief to workmen wrongfully dismissed.

(iv) Withdrawal of any customary concession or privilege.

(v) Illegality or otherwise of a strike or lock-out, and

(vi) All matters other than those specified in the Third Schedule.

#### 6. 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) Classifications by grades.

(viii) Rules of discipline.

(ix) Rationalisation.

 (x) Retrenchment of workmen 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.

#### 7. 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 this tribunal.

**The following is the machinery for ~~prevention~~ and settlement of industrial disputes:**

**(i) Works Committees:**

This committee represents of workers and employers. Under the Industrial Disputes Act 1947, works committees exist in industrial establishments in which one hundred or more workmen are employed during the previous year.

It is the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employers and workers. It also deals with certain matters viz. condition of work, amenities, safety and accident prevention, educational and recreational facilities.

**(ii) Conciliation Officers:**

Conciliation Officers are appointed by the government under the Industrial Disputes Act 1947.

**The duties of conciliation officer are given below:**

(i) He has to evolve 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 a dispute is settled in the course of conciliation proceedings along with the charter of the settlement signed by the parties.

(iii) Where no settlement is reached, conciliation officer sends a report to the government indicating the steps taken by him for ascertaining the facts, circumstances relating to dispute and the reasons on account of which settlement within 14 days of the commencement of the conciliation proceedings.

**3.Boards of Conciliation:**

The 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 disputes.

**The duties of the board include:**

(a) To investigate the dispute and all matters affecting the merits and do everything fit for the purpose of inducing the parties to reach a fair and amicable settlement.

(b) A report has to be sent to the government by the board if a dispute has been settled or not within two months of the date on which the dispute was referred to it.

**4 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 and in that case one of the persons will be the chairman. The court shall be required to enquire into the matter and submit its report to the government within a period of six months.

**(i) Labour Courts:**

As per the Second Schedule of the Industrial Dispute Act 1947.

**The Government sets up Labour Courts to deal with matters such as:**

(i) The propriety or legality of an order passed by an employer under the standing orders.

(ii) The application and interpretation of standing orders passed.

(iii) Discharge or dismissal of workmen including reinstatement, grant of relief to workers who are wrongfully dismissed.

(iv) Withdrawal of any customary concession of privilege.

(v) Illegality or otherwise of a strike or lockout, and all other matters not specified in the Third Schedule.

**(ii) Industrial Tribunals:**

A Tribunal is appointed by the government for the adjudication of Industrial Disputes.

**(iii) National Tribunal:**

A National Tribunal is constituted by the Central Government for Industrial Disputes involving questions of national importance.

**(vii) Arbitration:**

The employer and employees may agree to settle the dispute by appointing an independent and impartial person called Arbitrator. Arbitration provides justice at minimum cost.

**Unit-2**

**Trade union**

**Topic covered:** Introduction, meaning definition, role, nature, objective and functions of trade unions, reason of joining trade unions, problems of trade union, Types of trade union, (craft, industrial and general), political affiliations of trade union, recognition of trade union, Rights and privileges of registered union, Recommendation of Second national labor commission on labor.

**Meaning:** Trade unions are organizations formed by workers from related fields that work for the common interest of its members. They help workers in issues like fairness of pay, good working environment, hours of work and benefits.

Or

It is an organized expression of the needs,attitudes and expectations of the workers.

**According to V.V.Giri.**”trade union is a voluntary organisatsion of workers to promote and protect their interest by collective action.”

The Indian trade Unions Act, 1926 in Section 2(b) defines trade union as, “any Combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employer or between workmen and workmen or between employers and employers or for importing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions.”

**The important objectives of a trade union are as follows:**

1. To regulate terms and conditions of employment

2. To improve the working conditions at work place.

3. To raise the living standards of workers.

4. To protect the workers by exploitation of management.

5. To help in maintenance of discipline of organisation/industry

6. To ensure the proper implementation of personnel and welfare policies.

7. To replace managerial dictator ship by worker’s democracy.

8. To establish industrial peace by improving employees and employers relations.

9. To act as a best negotiator machinery.

10. To safeguard the interest of organisation and organisational health.

11. In a broader sense, to protect the interests and welfare of workers.

In nut shell, the trade union serve the aims of both workers and management in the organisation. Why do workers join a trade union?

Objectives of trade union– 2 Primary Objectives that Contribute Success of an Enterprise:

1. Economic Objectives and
2. Non-Economic Objectives

The primary objective of trade unions is to promote and protect the interests of its members. Besides a trade union has also to accomplish certain social responsibilities. It must be remembered that a trade union besides fighting for the rights of workers must also see to it that they are discharging their responsibilities towards assigned work.

**In order to contribute to the success of an enterprise it has to accomplish the following two sets of objectives:**

1. Economic objectives.

2. Non-economic objectives.

#### Objective  ****1. Economic:****

(i) To secure better wages for workers in keeping with the prevailing standard of living and the cost of living in the country.

(ii) To ensure stable employment for workers by fighting against the rationalization plans.

(iii) To secure a part of the increased prosperity by industry for their members in the form of bonus.

(iv) To attain better condition for the workers by procuring shorter working hours, leave with wages, social security benefits and other welfare facilities.

(v) To offer responsive cooperation in improving levels of production and productivity discipline and standards of quality.

(vi) To cooperate in and facilitate technological advance by broadening the understanding of workers on underlying issues.

(vii) To foster a sense of self-respect and dignity among the workers.

(viii) To enlarge opportunities for promotion and training.

Thus it is imperative that unions keep the well-being and progress of the community constantly in their mind even in the midst of their end avers to help the working class.

#### Objective  2. Non-Economic:

Unions have a state in success of the national plans for economic development since these are formulated and implemented as much for maximizing production for distributing the products in an equitable manner. Unions have to adapt themselves to the changing social needs and rise above divisive forces of caste, creed, religion and language and indeed in this regard the role of unions has been creditable.

It is only thus that they can progressively become instrument for constructive purpose. In this context “some of the important social responsibilities of trade unions” appear to be in field of –

(i) Promotion of national integration.

(ii) Influencing the socio-economic policies of the community through active participation in their formulation at various levels.

(iii) Instilling in members a sense of responsibilities towards industry and the community.

It does not however imply that the trade unions in every country are required to perform the above listed objectives the performance of these objectives in feet is influenced by factors such as the level of industrial development in the country, political and social conditions prevailing in the country, etc.

Thus the attainments of a trade union in a developing nation need not be the same as those in industrially advanced nations. As a matter of feet the objectives and functions of trade union are governed by local conditions.

 **Objectives of trade union– 2 Main Categories: The objectives of trade unions may be classified into two main categories:**

(1) Short-term objectives and

(2) Long-term objectives.

#### (1) Short-Term Objectives:

Short-term objectives of trade unions generally relate to the terms and conditions of employment and working conditions at the workplace. Some of specific short-term objectives are as follows – (i) increase in wages and other monetary emoluments; (ii) reduction in and rationalisation of hours of work; (iii) improvement of physical working conditions; (iv) job security; (v) provision of fringe benefits and welfare amenities; (vi) income security in the event of contingencies of life; (vii) fairness in dealing with personnel matters; (viii) arrangements for settlement of disputes and grievances and (ix) useful workers’ participation in management. The priorities with regard to adoption of specific short-term objectives vary widely depending on the requirements of particular unions at particular points of time.

#### (2) Long-Term Objectives:

The long-term objectives of trade unions vary from country to country, depending largely on the extent of unionisation, nature of union leadership, political framework of the country and the extent of influence of social and political ideologies and cultural factors on the working class.

Some more common long-term objectives of trade unions include the following –

* 1. establishment of socialism;
	2. expansion of political power and liaison with pro-labour political parties;
	3. enactment of pro-labour laws;
	4. provision of adequate social security and welfare measures for workers at the instance of the state and
	5. withdrawal of governments’ anti-labour economic and industrial policies and measures.

**Why workers join union??**

**The workers join a trade union because they want:**

(i) To get economic and social security;

(ii) To check the management from taking any action which is irrational, illogical and discriminatory against workers;

(iii) To establish two ways of communication system by which they are able to communicate their view, feeling, ideas and frustrations to the management;

(iv) To get protection against uncontrolled economic hazards such as accidents, illness, disability, death etc.;

(v) To show their solidity against management; and

(vi) To gain respect in the eyes of their colleagues.

#### ****Types:****

There are four main types of trade unions.

**These are:**

**i. Craft unions:**

These represent workers with particular skills e.g. plumbers and weavers. These workers may be employed in a number of industries.

**ii. General unions:**

These unions include workers with a range of skills and from a range of industries.

**iii. Industrial unions:**

These seek to represent all the workers in a particular industry, for instance, those in the rail industry.

**iv. White collar unions:**:

These unions represent particular professions, including pilots and teachers. Unions in a country, often belong to a national union organisation. For example, in India, a number of unions belong to the All India Trade Union Congress (AITUC).

This is the oldest and one of the largest trade union federations in the country. A number of them also belong to international trade union organisations such as the International Confederation of Free Trade Unions, which has more than 230 affiliated organisations in 150 countries.

**Recognised unions have certain rights,**

* the right to raise issues with the management,
* right to collect membership fees within the premises of the organisation,
* ability to demand check-off facility,
* ability to put up a notice board on the premises for union announcements,
* ability to hold discussions with employees at a suitable place within the premises
* right to discuss members’ grievances with employer,
* ability to inspect before hand a place of employment or work of its members, and
* nomination of its representatives on committees formed by the management for industrial relations purposes as well as in statutory bipartite committees.

Multiplicity of trade unions create problems for both the employer and the trade unions. Therefore recognition of a trade union as negotiating agent is a business necessity. Sooner a central legislation is passed and industry and business houses start dealing with recognised unions, better it will be. Such a device is beneficial for both the employer and the trade unions. It provides strength, it provides opportunity for understanding and mutual appreciation and thus, provides opportunity for a matured employer union relationship.

Trade unions perform a number of functions in order to achieve the objectives. These functions can be broadly classified into three categories:
 **1. Militant Functions**

One set of activities performed by trade unions leads to the betterment of the position of their members in relation to their employment. The aim of such activities is to ensure adequate wages, secure better conditions of work and employment, get better treatment from employers, etc. When the unions fail to accomplish these aims by the method of collective bargaining and negotiations, they adopt an approach and put up a fight with the management in the form of go-slow tactics, strike, boycott, gherao, etc. Hence, these functions of the trade unions are known as militant or fighting functions. Thus, the militant functions of trade unions can be summed up as:

* To achieve higher wages and better working conditions
* To raise the status of workers as a part of industry
* To protect labors against victimization and injustice

On **18,July,2012,**India's leading car manufacturer Maruti Suzuki Udyog Ltd in Manesar factory workers in an agitation at factory human resource manager burned to death by workers, made severe damage to companies property and hurt severely several other workers. Thereby MSUL (Maruti Suzuki Udyog Ltd) sacked all of its workers who ever involved in that incident and filed a police complaint against those employees. on 8,November,2012, few workers strike who are dismissed but claims that they were not involved resorted to hunger strike demanding to reinstate them. The labour union of the company "Maruti Udyog Kamgar Union" have lent support to the agitators at Manesar then join them to make representation to the state labour department on this issue.

1.After a meeting of their union, it has been left to individual pilots to tell the management that they will fly from next month only if their dues - five months' performance-linked incentive (PLI) and three months' salary - are paid fully or at least substantially.

While many agitated members wanted some immediate action, the union, Indian Commercial Pilots' Association (ICPA), decided against giving a strike call as such protests have only led to promises from the government in the past, which were never kept.

 **2.fraternalfunctions**

Another set of activities performed by trade unions aims at rendering help to its members in times of need, and improving their efficiency. Trade unions try to foster a spirit of cooperation and promote friendly industrial relations and diffuse education and culture among their members. They take up welfare measures for improving the morale of workers and generate self confidence among them. They also arrange for legal assistance to its members, if necessary. Besides, these, they undertake many welfare measures for their members, e.g., school for the education of children, library, reading-rooms, in-door and out-door games, and other recreational facilities. Some trade unions even undertake publication of some magazine or journal.

These activities, which may be called fraternal functions, depend on the availability of funds, which the unions raise by subscription from members and donations from outsiders, and also on their competent and enlightened leadership. Thus, the fraternal functions of trade unions can be summed up as:

* To take up welfare measures for improving the morale of workers
* To generate self confidence among workers
* To encourage sincerity and discipline among workers
* To provide opportunities for promotion and growth
* To protect women workers against discrimination

**3. Social Functions**

Besides the main economic functions consisting basically of organising unions and improving their terms and conditions of employment to enable workers to meet their physical needs, some unions have now started undertaking and organising welfare activities and also providing variety of services to their members and sometimes to the community of which they are a part, which may be grouped under following heads:

**1) Welfare activities** provided to improve the quality of work life including organisation of mutual fund, cooperative credit societies for providing housing, cooperative stores, cultural programmes, banking and medical facilities and training for women in various crafts to help them to supplement their family income.

**2) Education:** Education of members in all aspects of their working life including improving their civic life, awareness in the environment around them, enhancement of their knowledge particularly in regard to issues that concern them, their statutory and other rights and responsibilities, workers’ participation in management.

**3) Scheme, and procedure for redressing their grievances.** Some central union organisations are also assisting the Government in implementing the Workers’ Education Scheme.

**4) Publication of periodicals,** news letters or magazines for establishing communication with their members, making the latter aware of union policy and stand on certain principal issues and personnel matters concerning members, such as births, deaths, marriages, promotion and achievements.

**5) Research:** Of late, this is gaining importance and is intended mainly to provide updated information to union negotiators at the bargaining table. Such research is to be more practical than academic, concerning problems relating to day-today affairs of the union and its activities and union and management relations. Some of the research activities are : (i) collection and analysis of wage data including fringe benefits, and other benefits and services through surveys of comparative practices, data on working conditions and welfare activities; (ii) preparation of background notes for court cases and also position papers for union officials; (iii) collection and analysis of macro data relating to the economy, industry sectors etc. All the above mentioned activities and services are considered normal activities of unions in the Trade Unions Act which stipulates the objectives on which general funds of the union can be spent.

**4. Political functions:** These functions include affiliating the union with a political party, helping the political party in enrolling members, collecting donations, seeking the help of political parties during the periods of strikes and lockouts.

**SECOND NATIONAL COMMISSION ON LABOUR**

The First National Commission on Labour was constituted on 24.12.1966 which submitted its report in August, 1969 after detailed examination of all aspects of labour problems, both in the organised and unorganised sector.The need for setting up of the Second National Commission on Labour had been felt for the following reasons :-

i) During the period of three decades since setting up of the First National Commission on Labour,there has been an increase in number of labour force etc.because of the pace of industrialisation and urbanisation.

ii) After the implementation of new economic policy in 1991, changes have taken place in the economic environment of the country which have in turn brought about radical changes in the domestic industrial climate and labour market.

iii) Changes have occurred at the work places, changes in the industry and character of employment, changes in hours of work and overall change in the scenario of industrial relations.These changes have resulted in certain uncertainties in the labour market requiring a new look to the labour laws.

2. In the light of the above position, the government has decided on 24.12.1998 to set up the Second National Commission on Labour so that a high powered body could dispassionately look into these aspects and suggest appropriate changes in the labour legislation/labour policy.

3. The National Commission on Labour is a high powered body comprising of a Chairman and 02 full time members.In addition, there are 07 part-time members representing government, industry and workers.The Commission is required to give its final report in 24 months from the date of its constitution. The detailed terms of reference of the Second National Commission on Labour are as follows :-

i) to suggest rationalisation of existing laws relating to labour in the organised sector; and

ii) to suggest an umbrella legislation for ensuring a minimum level of protection to the workers in the unorganised sectors;

In developing the frame work for its recommendations the Commission will take into account the following :-

i) follow up implications of the recommendations made by the Commission set up in May, 1998 for review of various administrative laws governing industry;

ii) the emerging economic environment involving rapid technological changes, requiring response in terms of change in methods, timings and conditions of work in industry, trade and services, globalisation of economy, liberalisation of trade and industry and emphasis on international competitiveness, and the need for bringing the existing laws in tune with the future labour market needs and demands;

iii) the minimum level of labour protection and welfare measures and the basic institutional framework for ensuring the same, in a manner which is conducive to a flexible labour market and adjustments necessary for furthering technological change and economic growth; and

iv) improving the effectiveness of measures relating to social security, occupational health and safety, minimum wages and linkage of wages with productivity and in particular the safeguards and facilities required for women and handicapped persons in employment.

4. The resolution setting up the Commission has been issued on 15.10.1999 after completion of formalities connected with the setting up of the Commission and elections to the 13th Lok Sabha. The Chairman and other members of the Commission are as under:-

**Unit-3**

**Interactions &outcomes in industrial relation**

**Topic covered:** worker participation in management: objectives,needs,types and forms of participation,Level of participation,collective Bargaining:concept, features,objectives, types of Bargaining, Bargaining Process, essential Conditions for effective collective bargaining, hindrances in collective bargaining, Industrial discipline and grievance handing (procedure of grievance handling).

**WPM:**Workers participation in management indicates involvement of workers in managerial decision making process of the organization.

Workers participate in decision making through their group representative. The nature and extent of workers participation in management depends upon the nature of the organization, nature of different problems that requires settlement.

The concept of worker participation was introduced with the interest to bring forward or involve the non-managerial employees in their related issued so that their opposition can be avoided.

**Features ofÂ Workers Participation In Management**

* Participation means mental and emotional involvement rather than mere physical presence.
* Workers participate in management not as individuals but collectively as a group through their representatives.
* Workers’ participation in management may be formal or informal. In both the cases it is a system of communication and consultation whereby employees express their opinions and contribute to managerial decisions.

**Objectives of Workers’ Participation in Management:**

The main objectives of workers’ participation in management include:

* To establish Industrial Democracy.
* To build the most dynamic Human Resources.
* To satisfy the workers’ social and esteem needs.
* To strengthen labour-management co-operation and thus maintain Industrial peace and harmony.
* To promote increased productivity for the advantage of the organization, workers and the society at large.
* Its psychological objective is to secure full recognition of the workers

**Need of Workers’ Participation**

Worker’s participation in management has assumed great importance these days because of the following advantages:

1. **Reduced industrial unrest:** Industrial conflict is a struggle between two organized groups which are motivated by the belief that their respective interests are endangered by the self-interested behavior of the other. Participation cuts at this very root of industrial conflict. It tries to remove or at least minimize the diverse and conflicting interests between the parties, by substituting in their place, cooperation, homogeneity of objects and common interests. Both sides are integrated and decisions arrived at becomes “ours” rather than “theirs”.
2. **Reduced misunderstanding:** Participation helps dispelling employee’s misunderstanding about the outlook of management in industry.
3. **Increased organization balance:** If worker are invited to share in organizational problems, and to work towards common solutions, a greater degree of organizational balance occurs because of decreased misunderstanding of individual and group conflict. Participation leads to increased understanding throughout the organization. People learn that others have problems beside themselves.
4. **Higher productivity:** Increased productivity is possible only when there exists fullest co-operation between labor and management. It has been empirically tested that poor ‘labor management relations’ do not encourage the workers to contribute anything more than the minimum desirable to retain their jobs. Thus, participation of workers in management is essential to increase industrial productivity.
5. **Increased Commitment:** An important prerequisite for forging greater commitment is the individual’s involvement and opportunity to express himself. Participation allows individuals to express themselves at the work place rather than being absorbed into a complex system of rules, procedures and systems. If an individual knows that he can express his opinion and ideas, a personal sense of gratification and involvement takes place within him. This, in turn, fortifies his identification with the organization resulting in greater commitment.
6. **Industrial democracy:** Participation helps to usher in an era of democracy in industry. It is based on the principle of recognition of the human factor. It tends to reduce class conflict between capital and labor. It also serves as a support to political democracy.
7. **Development of Individuals:**Participation enhances individual creativity and response to job challenges. Individuals are given an opportunity to direct their initiative and creativity towards the objectives of the group. This facilitates individual growth.
8. **Less resistance to change:** when changes are arbitrarily introduced from above without explanation, subordinates tend to feel insecure and take counter measures aimed at sabotage of innovations. But when they have participated in the decision making process, they have had an opportunity to be heard. They know what to expect and why. Their resistance to change is reduced

The realization of workers’ need for participation in the management is influenced by the following factors:

1. Technology adoption leading to complexity in production process calls for increased worker cooperation.
2. Employees are no longer treated as subservient but are treated as equals.
3. Growing influence of union prevents exploitation of employees by management.
4. There are regulations and legislations that facilitate increased workers participation in management.
5. Higher levels of productivity and efficiency can only come through motivated and committed employees.

#### Levels of Participation:

Having known the objectives of WPM, the question then is to what extent workers can participate in decision-making process. In other words, it is important to know the extents/levels of co-determination in an organisation.

Viewed from this angle, **V.C. Mhetras (1966) has suggested five levels of participation in decision making** ranging from the minimum to the maximum. Since these levels of workers’ influence the process and quality of decision making in an organisation.

**Therefore it is necessary to understand these levels or degrees**

(i) Information participation: that refers to sharing information in respect of sales programme, balance sheet, production, economic conditions of the firm etc. Here the workers have no right to scrutinize the information provided.

(ii) Consultative participation: that refers to sharing of views on such matters as working conditions, welfare programme, work and safety methods etc. Here, the joint council works as an advisory body. Management may or may not accept suggestions and final decision is taken by the management.

(iii) Associative participation. :In such case, management accepts and implements the unanimous decision of the council.

(iv) Administrative participation.: Here, the degree of sharing authority and responsibility of administrative work is much more than in other cases.

(v) Decisive participation.: Here, decisions are taken jointly on matters relating to production, safety, welfare etc. This is the highest form of participative activities.

In case workers are associated in the decision-making process, it gives them a great psychic satisfaction besides other advantages of WPM. Their ego is satisfied to a great extent, and they feel involved in the affairs of their organisation and start giving their best to the organisation.

Collective bargaining refers to the negotiation process between an employer and a union comprised of workers to create an agreement that will govern the terms and conditions of the workers' employment.

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”.

**Nature of Collective Bargaining**

The ILO Right to Organize and Collective Bargaining Convention (No. 98), 1949 describes collective bargaining as:

"Voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by collective agreements."
Collective bargaining could also be defined as negotiations relating to terms of employment and conditions of work between an employer, a group of employers or an employers' organization on the one hand, and representative workers' organizations on the other, with a view to reaching agreement.

There are several essential features of collective bargaining, all of which cannot be reflected in a single definition or description of the process:

1. It is not equivalent to collective agreements because collective bargaining refers to the process or means, and collective agreements to the possible result, of bargaining. Collective bargaining may not always lead to a collective agreement.
2. It is a method used by trade unions to improve the terms and conditions of employment of their members.
3. It seeks to restore the unequal bargaining position between employer and employee.
4. Where it leads to an agreement, it modifies, rather than replaces, the individual contract of employment, because it does not create the employer-employee relationship.
5. The process is bipartite, but in some developing countries the State plays a role in the form of a conciliator where disagreements occur, or where collective bargaining impinges on government policy.

#### Main Features of Collective Bargaining:

**Some of the salient features of collective bargaining are:**

**1. It is a Group Action:**

Collective bargaining is a group action as opposed to individual action. Both the parties of settlement are represented by their groups. Employer is represented by its delegates and, on the other side; employees are represented by their trade union.

**2. It is a Continuous Process:**

Collective bargaining is a continuous process and does not end with one agreement. It provides a mechanism for continuing and organised relationship between management and trade union. It is a process that goes on for 365 days of the year.

**3. It is a Bipartite Process:**

Collective bargaining is a two party process. Both the parties—employers and employees— collectively take some action. There is no intervention of any third party. It is mutual given-and-take rather than take-it-or-leave-it method of arriving at the settlement of a dispute.

**4. It is a Process:**

Collective bargaining is a process in the sense that it consists of a number of steps. The starting point is the presentation of charter of demands by the workers and the last step is the reaching of an agreement, or a contract which would serve as the basic law governing labour-management relations over a period of time in an enterprise.

**5. It is Flexible and Mobile and not Fixed or Static:**

It has fluidity. There is no hard and fast rule for reaching an agreement. There is ample scope for compromise. A spirit of give-and-take works unless final agreement acceptable to both the parties is reached.

**6. It is Industrial Democracy at Work:**

Collective bargaining is based on the principle of industrial democracy where the labour union represents the workers in negotiations with the employer or employers. Industrial democracy is the government of labour with the consent of the governed—the workers. The principle of arbitrary unilateralism has given way to that of self-government in industry. Actually, collective bargaining is not a mere signing of an agreement granting seniority, vacations and wage increase, by sitting around a table.

**7. It is Dynamic:**

It is relatively a new concept, and is growing, expanding and changing. In the past, it used to be emotional, turbulent and sentimental, but now it is scientific, factual and systematic.

**8. It is a Complementary and not a Competitive Process:**

Collective bargaining is not a competitive process i.e., labour and management do not coopt while negotiating for the same object. It is essentially a complementary process i.e., each party needs something which the other party has, namely, labour can put greater productive effort and management has the capacity to pay for that effort and to organise and guide it for achieving the enterprise’s objectives.

The behavioural scientists have made a good distinction between “distributive bargaining” and “integrative bargaining”. The former is the process of dividing up the cake which represents what has been produced by the joint efforts of management and labour.

In this process, if one party wins something, the other party, to continue the metaphor of the cake, has a relatively smaller size of the cake. So it is a win-lose’ relationship. The integrative bargaining, on the other hand, is the process where both the parties can win—each party contributing something for the benefit of the other party.

**9. It is an Art:**

Collective bargaining is an art, an advanced form of human relations.

**Objectives:**

The basic objective of collective bargaining is to arrive at an agreement between the management and the employees determining mutually beneficial terms and conditions of employment.

**This major objective of collective bargaining can be divided into the following sub-objectives:**

1. To foster and maintain cordial and harmonious relations between the employer/management and the employees.

2. To protect the interests of both the employer and the employees.

3. To keep the outside, i.e., the government interventions at bay.

4. To promote industrial democracy.

**Importance:**

The need for and importance of collective bargaining is felt due to the advantages it offers to an organisation.

**1. Collective bargaining develops better understanding between the employer and the employ­ees:**

It provides a platform to the management and the employees to be at par on negotiation table. As such, while the management gains a better and deep insight into the problems and the aspirations of die employees, on the one hand, die employees do also become better informed about the organisational problems and limitations, on the other. This, in turn, develops better understanding between the two parties.

**2. It promotes industrial democracy:**

Both the employer and the employees who best know their problems, participate in the negotiation process. Such participation breeds the democratic process in the organisation.

**3. It benefits the both-employer and employees:**

The negotiation arrived at is acceptable to both parties—the employer and the employees.

**4. It is adjustable to the changing conditions:**

A dynamic environment leads to changes in employment conditions. This requires changes in organisational processes to match with the changed conditions. Among other alternatives available, collective bargaining is found as a better approach to bring changes more amicably.

**5. It facilitates the speedy implementation of decisions arrived at collective negotiation:**

The direct participation of both parties—the employer and the employees—in collective decision making process provides an in-built mechanism for speedy implementation of decisions arrived at collective bargaining.

#### Essential Pre-Requisites for Collective Bargaining:

**Effective collective bargaining requires the following pre­requisites:**

(i) Existence of a strong representative trade union in the industry that believes in constitutional means for settling the disputes.

(ii) Existence of a fact-finding approach and willingness to use new methods and tools for the solution of industrial problems. The negotiation should be based on facts and figures and both the parties should adopt constructive approach.

(iii) Existence of strong and enlightened management which can integrate the different parties, i.e., employees, owners, consumers and society or Government.

(iv) Agreement on basic objectives of the organisation between the employer and the employees and on mutual rights and liabilities should be there.

(v) In order that collective bargaining functions properly, unfair labour practices must be avoided by both the parties.

(vi) Proper records for the problem should be maintained.

(vii) Collective bargaining should be best conducted at plant level. It means if there are more than one plant of the firm, the local management should be delegated proper authority to negotiate with the local trade union.

(viii) There must be change in the attitude of employers and employees. They should realise that differences can be resolved peacefully on negotiating table without the assistance of third party.

(ix) No party should take rigid attitude. They should enter into negotiation with a view to reaching an agreement.

(x) When agreement is reached after negotiations, it must be in writing incorporating all term of the contract.

#### Main Hindrances for Collective Bargaining:

The main objective of developing collective bargaining technique is to improve the workers-management relations and thus maintain peace in industries. The technique has developed in India only after India got independence and got momentum since then.

The success of collective bargaining lies in the attitude of both management and workers which is actually not consistent with the spirit of collective bargaining in India. There are certain problems which hinder the growth of collective bargaining in India.

**The following factors or activities act as hindrances to effective collective bargaining:**

**(1) Competitive Process:**

Collective bargaining is generally becoming a competitive process, i.e., labour and management compete each other at negotiation table. A situation arises where the attainment of one party’s goal appears to be in conflict with the basic objectives of the other party.

**(2) Not Well-Equipped:**

Both the parties—management and workers—come to the negotiation table without doing their homework. Both the parties start negotiations without being fully equipped with the information, which can easily be collected from company’s records. To start with, there is often a kind of ritual, that of charges and counter charges, generally initiated by the trade union representatives. In the absence of requisite information, nothing concrete is achieved.

**(3) Time to Protest:**

The immediate objective of the workers’ representatives is always some kind of monetary or other gains, accrue when the economy is buoyant and the employer has capacity to pay. But in a period of recession, when demand of the product and the profits are falling, it is very difficult for the employer to meet the demands of the workers, he might even resort to retrenchment or even closure collective bargaining is no answer to such a situation.

**(4) Where Prices are Fixed by the Government:**

In industries, where the prices of products are fixed by the Government, it becomes very difficult for the employer to meet the demands of workers which would inevitably lead to a rise in cost of the products produced. Whereas the supply price to the consumers cannot be increased. It will either reduce the profits of the firm or increase the loss. In other words, it will lead to closure of the works, which again is not in the interest of the workers.

**(5) Outside Leadership:**

Most of the Indian trade unions are led by outsiders who are not the employees of the concerned organisations. Leader’s interests are not necessarily to be identical with that of the workers. Even when his bonafides are beyond doubt, between him and the workers he leads, there cannot be the degree of understanding and communication as would enable him to speak on behalf of the workers with full confidence. Briefly, in the present situation, without strong political backing, a workers’ organisation cannot often bargain successfully with a strong employer.

**(6) Multiplicity of Trade Unions:**

One great weakness of collective bargaining is the multiplicity of trade unions. In a multiple trade union situation, even a well recognised, union with long standing, stable and generally positive relationship with the management, adopts a militant attitude as its deliberate strategy.

In Indian situation, inter-union rivalries are also present. Even if the unions combine, as at times they do for the purpose of bargaining with the employer they make conflicting demands, which actually confuse employer and the employees.

**(7) Appointment of Low-Status Executive:**

One of the weaknesses of collective bargaining in India is that the management deputes a low-status executive for bargaining with the employees. Such executive has no authority to commit anything on behalf of the management. It clearly indicates that the management is not at all serious and the union leaders adopt other ways of settling disputes.

**(8) Statutory Provisions:**

The constraints are also imposed by the regulatory and participative provisions as contained in the Payment of Wages Act, the Minimum Wages Act, and Payment of Bonus Act etc. Such provisions are statutory and are not negotiable.

**(9) Fresh Demands at the Time of Fresh Agreement:**

At the time when the old agreement is near expiry or well before that, workers representatives come up with fresh demands. Such demands are pressed even when the industry is running into loss or even during the period of depression. If management accepts the demand of higher wages and other benefits, it would prefer to close down the works.

**(10) Agreements in Other Industrial Units:**

A prosperous industrial unit in the same region may agree with the trade unions to a substantial increase in wages and other benefits whereas a losing industry cannot do that. There is always pressure on the losing industries to grant wages and benefits similar to those granted in other (relatively prosperous) units in the same region.

**Collective Bargaining Process**

The collective bargaining process involves five core steps:

1. **Preparation** – Choosing a negotiation team and representatives of both the union and employer. Both parties should be skilled in negotiation and labor laws, and both examine available information to determine whether they have a strong standing for negotiation.
2. **Discussion** – Both parties meet to set ground rules for the collective bargaining negotiation process.
3. **Proposal** – Both representatives make opening statements, outlining options and possible solutions to the issue at hand.
4. **Bargaining** – Following proposals, the parties discuss potential compromises, bargaining to create an agreement that is acceptable to both parties. This becomes a “draft” agreement, which is not legally binding, but a stepping stone to coming to a final collective bargaining agreement.
5. **Final Agreement** – Once an agreement is made between the parties, it must be put in writing, signed by the parties, and put into effect.

**Types of bargaining:**

1. **Conjunctive or Distributive Bargaining:** In this form of collective bargaining, both the parties viz. The employee and the employer try to maximize their respective gains. It is based on the principle, “my gain is your loss, and your gain is my loss” i.e. one party wins over the other.

The economic issues such as wages, bonus, other benefits are discussed, where the employee wishes to have an increased wage or bonus for his work done, whereas the employer wishes to increase the workload and reduce the wages.

1. **Co-operative or Integrative Bargaining:**Both the employee and the employer sit together and try to resolve the problems of their common interest and reach to an amicable solution. In the case of economic crisis, such as recession, which is beyond the control of either party, may enter into a mutual agreement with respect to the working terms.

For example, the workers may agree for the low wages or the management may agree to adopt the modernized methods, so as to have an increased production.

1. **Productivity Bargaining:**This type of bargaining is done by the management, where the workers are given the incentives or the bonus for the increased productivity. The workers get encouraged and work very hard to reach beyond the standard level of productivity to gain the additional benefits.

Through this form of collective bargaining, both the employer and the employee enjoy the benefits in the form of increased production and the increased pay respectively.

1. **Composite Bargaining:** In this type of collective bargaining, along with the demand for increased wages the workers also express their concern over the working conditions, recruitment and training policies, environmental issues, mergers and amalgamations with other firms, pricing policies, etc. with the intention to safeguard their interest and protect the dilution of their powers.

Thus, the purpose of the Collective Bargaining is to reach a mutual agreement between the employee and the employer with respect to the employment terms and enjoy a long term relationship with each other.

**Industrial discipline**

Some of the key features of a sound **employee disciplinary system** are:

1. **Knowledge of Rules**

The employee must be informed clearly about what constitutes good behavior and the rewards that may emanate from it. All instructions should be clear and understandable. It is common sense that an employee will obey an instruction more readily if he understands it. The supervisor himself must know all the rules. He cannot effectively communicate with his workers if his own knowledge about rules is half baked. In fact, he needs to know more than the barest minimum that he wants his workers to know. This reserve of knowledge is essential in order to be able to answer several unexpected question from workers. In other works, a supervisor’s span of knowledge and understanding of rules should be greater than that of his workers. If this is not so, the supervisor will lose personal prestige both before his supervisors and subordinates.

1. **Prompt Action**

All violations and misconducts-big and small-should be promptly inquired into. For example, a supervisor is most unwise to wait until lunch break before rebuking a worker for arriving late. Beat the iron when it is hot. This is because when the penalty is imposed immediately following the violation of a rule the person punished tends to identify the punishment with the act he committed. Accordingly, the subordinate attempts to avoid the violation in future. This is called the “law of effect”. The greater the delay the more one forgets and the more one feels that punishment is not deserved.

1. **Fair Action**

Promptness of disciplinary action at the cost of its fairness is not proper. An action in order to be fair must possess the following characteristics:

* + All violations-big and small-should be duly punished. A violation should not be overlooked or condoned merely because it is small otherwise this will give an impression that announced rules are meaningless.
	+ All individuals-big and small-should receive equal punishment for equal indiscipline. If a rule is applied to one individual but not to another, the management is bound to be accused of favoritism.
	+ Discipline should be uniformly enforced at all times. If management soft-pedals on taking a disciplinary action when there is shortage of labor and toughens its policy when labor is plentiful it is acting arbitrarily. Similarly, if the management overlooks a wrong on one occasion and punishes it on another occasion it is acting inconsistently. Inconsistent behavior of management leads to uncertainty in the minds of subordinates. They simply do not know where they stand.
	+ The alleged violation should be fully inquired into. Making a mistake by hastily administering a penalty which on the basis of facts collected later on is found to be uncalled for will mean a permanent destruction of the morale of the punished worker and general loss of face for the supervisor.
	+ The employee should always be given an opportunity to explain his action. The common law principle that an offender is innocent until he is proved guilty beyond doubt should be followed. The burden of proving the violation always lies on the management.
1. **Well Defined Procedure**

The procedure to be followed to reach to a penalty decision should be carefully laid down. It should include the following steps:

* + The supervisor must assure himself that some violation of the rules has taken place.
	+ He should state precisely and objectively the nature of the alleged violation.
	+ He should then proceed to gather full facts about the case and maintain proper records. Facts will have to be gathered concerning the nature of the event, the participants and the surrounding circumstances. Extenuating circumstances such as ill-health, family troubles, etc., should be found out. A critical analysis should be made of the person’s background such as his past service record, length of service, local practice, etc. Fact gathering is often a process of fact-sifting. Opinions should not be mistaken for facts. The methods used for gathering the fact must not smack of spying and statements should not be prejudged.
	+ After all the facts have been gathered, thought should be given to the various types of disciplinary action which can be taken in the case in question. It is advisable to prepare three separate lists of actions. The first list should include all types of disciplinary action to make certain that no possibility is overlooked. The second list should classify penalties according to rank in order to acquaint the executive with those actions which lie within his command and those for which he should refer the case to his superiors. The third list should include only those penalties, which the offense in question specifically calls for.
	+ The appropriateness of a disciplinary action should be decided in terms of its effectiveness in correcting the employee. This is very important because the purpose of a disciplinary action is to mend an employee and not to punish him, to help him and not to harm him.
	+ The accused employee should have the right to appeal to higher authorities.
1. **Constructive Handling of Disciplinary Action**

Disciplinary action should be handled in a constructive manner. It should be carried out by the immediate line supervisor. This employee should be told not only the reasons for the action taken against him but also how he can avoid such penalties in future. Disciplinary action should be taken in private. By exposing an employee to public ridicule the supervisor attacks his dignity and social standing. This may produce an opposite effect on the employee. He may react violently or may become obstinate to preserve his ego.

It is most unwise for a supervisor to take a general disciplinary action against a group of subordinates. Disciplinary action is a matter for the individual. It is the individual who should be held responsible for any wrong. A management which takes disciplinary action against a group is likely to set off a wave of unrest associated with falling morale and even the possibility of wildcat strike.

After the disciplinary action has been taken the supervisor must assume a normal attitude towards the employee. He should revert to his role of a helping hand-as if nothing has happened. This is possible only when the supervisor uses an impersonal approach in administering a penalty. He should not engage in personal ridicule, insult or even criticism. He should avoid getting into an argument. In short, he must play the role of a judge enforcing the law with impartiality.

***Hot-stove Rule***

Discipline should be imposed without generating resentment. Mc Gregor propounded the “red hot stove rule” which says that a sound and effective disciplinary system in an organization should have the following characteristics-

**Immediate:**Just as when you touch a red hot stove, the burn is immediate, similarly the penalty for violation should be immediate/ immediate disciplinary action must be taken for violation of rules.

**Consistent:** Just as a red hot stove burns everyone in same manner; likewise, there should be high consistency in a sound disciplinary system.

**Impersonal:** Just as a person is burned because he touches the red hot stove and not because of any personal feelings, likewise, impersonality should be maintained by refraining from personal or subjective feelings.

**Prior warning and notice:** Just as an individual has a warning when he moves closer to the stove that he would be burned on touching it, likewise, a sound disciplinary system should give advance warning to the employees as to the implications of not conforming to the standards of behavior /code of conduct in an organization.

**Grievance handling procedure**

Grievance Handling Machinery

Grievance is defined as any real or imaginary feeling of dissatisfaction and injustice which an employee has about his employment relationship.

1. “Grievance is any dissatisfaction or feeling of injustice in connection with one’s employment situation that is brought to the attention of management.”\_**Dale S. Beach.**
2. “A grievance is any discontent or dissatisfaction whether expressed or not, whether valid or not, arising out of anything in connection with the company that an employee thinks, believes or even feels, is unfair, unjust or inequitable.”\_**Michael J. Jucious**.

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**Features of Grievances**

1. A grievance refers to any form of discontent or dissatisfaction with any aspect of the organization.
2. The dissatisfaction must arise out of employment and not due to personal or family problems.
3. The discontent can arise out of real or imaginary reasons. When the employee feels that injustice has been done to him, he has a grievance. The reasons for such a feeling may be valid or invalid, legitimate or irrational, justifiable or ridiculous.
4. The discontent may be voiced or unvoiced. But it must find expression in some form. However, discontent per se is not a grievance. Initially, the employee may complain orally or in writing. If this is not looked into promptly, the employee feels a sense of lack of justice. Now the discontent grows and takes the shape of a grievance.
5. Broadly speaking, thus, a grievance is traceable to perceived non-fulfillment of one’s expectations from the organization.

**Forms of Grievances:**

* + **Factual:**A factual grievance arises when legitimate needs of employees remain unfulfilled, e.g., wage hike has been agreed but not implemented citing various reasons.
	+ **Imaginary:**An imaginary grievance arises when an employee’s dissatisfaction is not because of any valid reason but because of a wrong perception, wrong attitude or wrong information he has. Such a situation may create an imaginary grievance. Though management is not at fault in such instances, still it has to clear the ‘fog’ immediately.
	+ **Disguised:**An employee may have dissatisfaction for reasons that are unknown to him. If he/ she is under pressure from family, friends, relatives, neighbors, he/she may reach the work spot with a heavy heart.

The following are the important steps that should be taken in handling grievances.

1. Define, express and describe the nature of grievance at the heart of the employee's complaint as early as possible, so that the wrong complaint may not be handled and the real grievance may not turn up again to plague the management.
2. After locating the real issue, the next step is to gather all relevant facts, about the issue, *i.e.*how and where it took place and the circumstances under which it transpired. Such fact gathering requires interviewing and listening to employees. This will, however, convince the employees that the management was sincere in seeing that justice is done.
3. After getting the real picture of the grievance the management must make a list of alternate solutions. If possible the suitability of this decision may be checked before taking and announcing the final decision.
4. Gather additional information for checking tentative solutions for finding out the best possible one. For this, or the past experience of the executive in similar cases may be helpful. Company's own record of grievances, if maintained can also be helpful in this respect.
5. The decision having finally being reached should then be passed in clear unequivocal terms to the employees concerned. The ultimate decision is the tool of action.
6. Follow up the case so that it is handled satisfactorily and the trouble eliminated. It is essential to see the attitude of the Secondly, he should feel that the employees are fair in presenting their grievances, unless it is proved otherwise. Thirdly, in handling grievances, management should display a sincere interest in the problems of employees and a constructive willingness to be of help. All executives must have confidence in themselves and should be fully aware of their responsibilities and be willing to carry these burdens. Such a positive attitude must be apparent to employees in order to gain their respect and cooperation. The manager should consider the grievance seriously and should not show a casual attitude. Grievances should be handled in terms of their total effects upon the organization and not merely their immediate or individual effects.

**Model Grievance Handling Procedure**

The draft Model Grievance procedure, accepted by the labour conference in 1958, is as follows:

1. An arrived employee shall first present his grievance verbally in person to the officer designated by the management for this purpose. The response shall be given by the officer within 48 hours of the presentation of the complaint. If the worker is not satisfied with the decision of the officer or fails to receive the answer within 48 hours he will, either in person or accompanied by is departmental head, present his grievance to the head of the department.
2. The head of the department shall give his answer within 3 days or if action cannot be taken within this period, the reason for delay should be recorded. If the worker is dissatisfied with the decision of the department all head, he may request that his grievance be forwarded to the Grievance Committee.
3. The Grievance committee shall make its recommendation to the manager within 7 days if the workers request. If decision cannot be given within this period, reason should be recorded. Unanimous decision of the committee shall be implemented by the management. If there is a difference of opinion among the members of the committee, the matter shall be referred to the manager along with the views of the members and the relevant papers for final decision.
4. In either case, the final decision of the manger shall be communicated to the employee within three days from the receipt of the Grievance Committee's recommendations.
5. If the worker is not satisfied even with the final decision of the manager, he may have the right to appeal to the manager for revision. In making this appeal he may take a union official with him to facilitate discussion with the management. The management will communicate the decision within 7 days of workman's revision petition.
6. If worker is still not satisfied, the mater may be referred to voluntary arbitration.
7. Where a workers has taken a grievance for readdress under the grievance procedure the formal conciliation machinery shall not interview till all steps in the procedure have exhausted. A grievance shall be presumed to assume the form of a dispute only when the final decision of top management is turned down by the worker.

The Grievance Committee shall consist of 4 to 6 members.

***SUGGESTION:***

The National Commission on Labour observed that there should be statutory backing for the formulation of an effective grievance procedure which should be simple, flexible and less cumbrous, and more or less on the lines of the pre Grievance Procedure. A grievance procedure, whether formal or informal, statutory or voluntary, has to ensure that it gives a sence of,

1. Satisfaction to the individual worker,
2. Reasonable exercise of authority to the manager, and
3. Participation of unions.

The participation of the unions is necessary, because ultimately the unions will be answerable to members. To make procedure the effective, it is important that it should be simple and have a provision for at least one appeal. Besides, the procedure should be time-bound and have a limited number of steps. Hence, the Commission recommended that a grievance procedure should normally provide for three steps.

1. Approach to the immediate superior;
2. Appeal to the departmental head/manager; and
3. Appeal to the bipartite grievance committee representing management and recognized union.

The constitution of the committee should have a provision that in case a unanimous decision is not possible, the unsettled grievance may be referred to an arbitrator. At earlier stages a worker should be free to be presented by a co-worker and an officer of the union.

**Industrial discipline**

**Types of Discipline in an Organization**

Discipline is classified as either positive or negative. Characteristics are as follows

1. ***Positive discipline***
	1. It implies a sense of duty to observe the rules regulations and is also called self discipline.
	2. It involves creation of a favourable atmosphere in the organization where by employees willingly conform to the established rules and regulations.
	3. Positive discipline can be achieved through rewards and effective leadership.
	4. It is more effective than negative discipline.
	5. Positive discipline promotes cooperation and coordination with a minimum of formal organization and reduces the need for personal supervision required to maintain standards
	6. According to Spiegel, "positive discipline does not replace reason but applies reason to the achievement of a common objective. Positive discipline does not restrict the individual but enables him to have a greater freedom in that he enjoys a greater degree of self-expression in striving to achieve the objective, which he identifies as his own."
2. **Negative discipline**

It is also known as punitive or corrective discipline involves imposition of penalties or punishment to force workers to obey rules and regulations objective is to ensure that employees do not violate the rules and regulations. Negative disciplinary action involves such techniques as fines reprimand, demotion, layoff, transfer etc.

Negative discipline does not eliminate undesirable behaviour, it merely oppresses it. It requires regular monitoring causing wastage of time. Punishment also causes resentment and hostility. While exercising negative discipline, management should proceed in a sequential manner viz. an oral reprimand, a written reprimand ,a warning, temporary suspension and dismissal or discharge.

**Alternatives to Punishment**

Alternatives to punishment in eliminating undesired behaviour include the following:

1. **Extinction:**Find out what reinforces the undesired behaviour. For example, the unruly subordinate may be getting praise and recognition from peers. Then get those peers to co-operate with you by ignoring the unruly behaviour. When such behaviour is not reinforced, it will eventually lose strength and extinguish.

1. **Environment Engineering:**Rearrange the features of the environment so that the Stimulus situation does not evoke the undesired response but some other response. Skinner (1953) tells the story of a manager who had a traffic problem caused by women hurrying down the corridor as soon as the end of the workday was signaled. The manager solved his problem by placing wall mirrors along the corridor. The stimulus situation that had evoked stampeding down the hallway was transformed into one which encouraged a more leisurely and orderly walk-and-stop sequence.

1. **Reward:**Reward either desirable or natural behaviour, which is physically incompatible with the undesired behaviour. If children are rewarded for taking exercise or for performing light outdoor chores before dinner, they are prevented from excessive snacking and television watching.

1. **Adjustment:**Allow adjustment, development, or maturation to take its course. New or inexperienced employees make many mistakes and do many wrong things that they will learn to avoid, given a reasonable period of adjustment: punishment may not hasten this process, and it causes undue anxiety, it can actually retard this process.

Depending on the nature and circumstance(s) of an incident, discipline shall generally be progressive and shall bear a reasonable relationship to the violation.

**Types of Punishment in Organization**

The types of discipline that may occur are as follows in general order of increasing seriousness:

1. **Oral Reprimand:** An oral statement by the supervisor to a subordinate employee, usually pointing out an unsatisfactory element of job performance, and is intended to be corrective or cautionary. An oral reprimand informally defines the area of needed improvement, sets up goals for the achievement of improvement, and informs the employee that failure to improve may result in more serious actions.
	1. The oral reprimand shall, when reasonably possible, be delivered confidentially and not in the presence of other persons. The supervisor will record the date and content of the oral reprimand, but no record shall be placed in the employee’s personnel file.
	2. The employee receiving an oral reprimand shall be given the opportunity, at the time of the reprimand, to voice objections to the reprimand and/or offer evidence in mitigation of the actions leading to the reprimand.
2. **Written Reprimand:** This is the first level of formal discipline. The written reprimand is issued by the supervisor with approval of the department head and copies are sent to the city manager and director. The director’s copy shall be placed in the employee’s personnel file.
3. **Salary Reduction:** A department head may recommend a salary decrease of one or more steps within the limits of the pay range established for a class as a disciplinary measure, for a period of at least one pay period and not more than one year. The city manager’s approval is required. Salary reductions shall be processed in accordance with Sections 3.16.050 and 3.16.060 of this chapter.
4. **Disciplinary Demotion:** A department head may recommend the movement of an employee from one class to a class of work having lower responsibilities, skills, performance requirements and maximum rate of pay. However, no employee shall be demoted to a position for which the minimum qualifications are not possessed. The city manager’s approval is required. Disciplinary demotions shall be processed in accordance with Sections 3.16.050 and 3.16.060 of this chapter.
5. **Suspension:** A department head may suspend an employee without pay at any time for cause up to the equivalent of five consecutive working days or two and one-half work shifts for 24-hour assignments. Suspensions of a longer duration require prior approval by the city manager. Suspensions without pay shall not exceed 30 consecutive working days or 15 shifts.
	1. Short Term. An employee suspended for up to five working days, or up to two and one-half shifts for 24-hour shift employees, shall be notified in writing, by first class mail to the employee’s last known address or in person, at least three business days/shifts prior to the effective date of the action.
	2. Long Term. An employee suspended for six or more working days or three or more 24-hour shifts must be notified in writing at least five business days prior to the action.
	3. Emergency Suspension. Under certain circumstances, it may be necessary to immediately restrict an employee from performing duties at the work site. The circumstances usually involve potential danger to the employee, coworkers, or the public, or the employee’s inability to discharge assigned duties satisfactorily. Because of the need for immediate action, the decision to suspend an employee is typically the responsibility of the supervisor. In these situations, the following procedure shall be followed:
	4. The supervisor taking the action to suspend an employee will immediately notify the department head and, as soon as possible, prepare a written statement of the action taken and the reasons for such action.
	5. The department head shall notify the director of the action, and schedule a conference for the purpose of evaluating and preparing the statement of charges and documenting supporting evidence.
	6. As soon as possible after the initial action, but not later than three business days, the department head shall prepare written notification to the affected employee.
	7. In no event shall the use of paid leave be allowed during a period of suspension without pay. Should a paid holiday occur during a period of suspension without pay, the suspension period shall be extended by the number of holidays occurring during the suspension period.
6. **Leave Reduction:**
	1. A department head may reduce an employee’s vacation, compensatory time and/or holiday time for up to 40 hours, or 60 hours for 24-hour shift personnel, as a method of disciplinary action. Reductions of time in excess of the limits stated above may be imposed with the approval of the employee. Absent employee approval, the department head may choose another form of discipline to supplement the leave reduction.
	2. An employee who has suffered a leave reduction may substitute other forms of accumulated time off to enable him or her to take any previously scheduled time off.
7. **Dismissal:**A department head may recommend the dismissal of a regular employee from city service at any time for cause. The city manager’s approval is required. Dismissal shall be processed

**Disciplinary Procedure in Industrial Relations**

The disciplinary procedure involves the following steps:

1. **Preliminary Investigation:**

First of all, a preliminary inquiry should be held to find out whether a prima facie case of misconduct exists.

1. **Issue of a Charge-sheet:**

Once the prima facie case of misconduct is established, charge sheet is issued to the employee. Charge sheet is merely a notice of the charge and provides the employee an opportunity to explain his conduct. Therefore, charge sheet is generally known as a show cause notice.

In the charge sheet, each charge should be clearly specified. There should be a separate charge for each allegation and charge should not relate to any matter which has already been decided upon. The charges so framed should be communicated to the individual along with the statement of allegations on which the charges are based.

1. **Suspension Pending Enquiry:**

Depending on the gravity of charges, an employee may be suspended along with serving him the charge sheet. The various circumstances which may warrant suspension of an individual are:

* 1. When disciplinary proceeding is pending or contemplated.
	2. When engaged in the activities prejudicial to the interest or security of the state.
	3. Where a case in respect of any criminal offence is under investigation, inquiry or trial.
	4. Where continuance in office will prejudice investigation/ inquiry/trial.
	5. When the presence of the employee in office is likely to affect discipline.
	6. When his continuous presence in office is against the wider public interest.
	7. Where a prima face case has been established as a result of criminal or departmental proceedings leading to the conviction, revival, dismissal, etc.
	8. **In case of the following acts of misconduct:**
		+ Moral Turpitude
		+ Corruption, embezzlement
		+ Serious negligence in duty resulting in loss
		+ Desertion of duty
		+ Refusal or failure to carry out written orders

According to the Industrial Employment (Standing Orders) Act, 1946, the suspended worker is to be paid subsistence allowance equal to one-half of his wages for the first ninety days of suspension and three-fourths of the wages for the remaining period of suspensions, if the delay in the completion of disciplinary proceedings is not due to the worker’s own conduct.

1. **Notice of Enquiry:**

In case the worker admits the charge, in his reply to the charge sheet, without any qualification, the employer can go ahead in awarding punishment without further inquiry. But if the worker does not admit the charge and the charge merits major penalty, the employer must hold an enquiry to investigate into the charges. Proper and sufficient advance notice should be given to the employee indicating the date, time and venue of the enquiry so that the worker may prepare his case.

1. **Conduct of Enquiry:**

The enquiry should be conducted by an impartial and responsible officer. He should proceed in a proper manner and examine witnesses. Fair opportunity should be given to the worker to cross-examine the management witnesses.

1. **Recording the Findings:**

On the conclusion of the enquiry, the enquiry officer must record his findings and the reasons thereof. As far as possible, he should refrain from recommending punishment and leave it to the decision of the appropriate authority.

1. **Awarding Punishment:**

The management should decide the punishment purely on the basis of findings of the enquiry, past record of the worker and gravity of the misconduct.

1. **Communicating Punishment:**

The punishment awarded to the worker should be communicated to him in written and the earliest available opportunity. The letter of communication should contain reference to the charge sheet, the enquiry and the findings. The date from which the punishment is to be effective should also be mentioned.

**Unit-4**

**Industrial health and safety, occupational hazardous and diseases**

**Topic covered:** Industrial Health and Safety : Need for industrial health and safety, Accidents, Occupational hazards and diseases, Tends in Occupational diseases and accidents, Statutory and Non-Statutory safety measures, Administration of industrial safety and health.

industrial safety is important as it safeguards human life, especially in high risk areas such as nuclear, aircraft, chemical, oil and gases, and mining industries, where a fatal mistake can be catastrophic. Industrial Safety reduces risks to people, and processes‎. Process control and safety systems are usually merged. Maintaining a safe and healthy working environment is not only an important human resources issue, it's the law. Whether they're entry-level workers, seasoned veterans, supervisors, or plant managers, the employees need to understand health and safety risks, the steps they need to take to minimize those risks, and common safety standards and compliance procedures. Should we give special care to one of these two areas? Whereto are we heading from this perspective?

**Industrial accidents**

The ever increasing mechanisation, electrification, chemicalisation and sophistication have made industrial jobs more and more complex and intricate. This has led to increased dangers to human life in industries through accidents and injuries. In fact, the same underlines the need for and importance of industrial safety. Let us first understand what industrial accident actually means.

**Industrial Accident:**

An accident (industrial) is a sudden and unexpected occurrence in the industry which interrupts the orderly progress of the work. According to the Factories Act, 1948: “It is an occurrence in an industrial establishment causing bodily injury to a person who makes him unfit to resume his duties in the next 48 hours”.

In other words, accident is an unexpected event in the course of employment which is neither anticipated nor designed to occur. Thus, an accident is an unplanned and uncontrolled event in which an action or reaction of an object, a substance, a person, or a radiation results in personal injury. It is important to note that self-inflicted injuries cannot be regarded as accidents.

An industrial injury is defined as “a personal injury to an employee which has been caused by an accident or an occupational disease and which arises out of or in the course of employment and which could entitle such employee to compensation under Workers’ Compensation Act, 1923”.

### Types of Accidents:

Accidents may be of different types depending upon the severity, durability and degree of the injury. An accident causing death or permanent or prolonged disability to the injured employee is called ‘major accident. A cut that does not render the employee disabled is termed as ‘minor’ acci­dent. When an employee gets injury with external signs of it, it is external injury.

Injury without showing external signs such as a fractured bone is called an internal one. When an injury renders an injured employee disabled for a short period, say, a day or a week, it is a temporary accident. On the contrary, making injured employee disabled for ever is called permanent accident. Disability caused by accident may be partial or total, fatal or non-fatal.

**The various types of accidents are now shown in Figure 20.1.**

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No accident occurs automatically. Instead, certain factors cause accidents. It has been noticed that an accident does not have a single cause but a multiplicity of causes, which are often closely related. The same is discussed subsequently.

### Causes of Accidents:

**The industrial safety experts have classified the various causes of accidents into three broad categories:**

1. Unsafe Conditions

2. Unsafe Acts

3. Other Causes?

These are discussed, in brief.

#### 1. Unsafe Conditions (work-related):

Unsafe working conditions are the biggest cause of acci­dents. These are associated with detective plants, tools, equipment’s, machines, and materials. Such causes are known as ‘technical causes’. They arise when there are improper guarded equipment’s, defective equipment’s, faulty layout and location of plant, inadequate lighting arrangements and ventilation, unsafe storage, inadequate safety devices, etc.

Besides, the psychological reasons such as working over time, monotony, fatigue, tiredness, frustration and anxiety are also some other causes that cause accidents. Safety experts identify that there are some high danger zones in an industry. These are, for example, hand lift trucks, wheel-barrows, gears and pulleys, saws and hand rails, chisels and screw drivers, electric drop lights, etc., where about one-third of industrial accidents occur.

#### 2. Unsafe Acts:

Industrial accidents occur due to certain acts on the part of workers. These acts may be the result of lack of knowledge or skill on the part of the worker, certain bodily defects and wrong attitude.

(a) Operating without authority.

(b) Failure to use safe attire or personal protective equipment’s,

(c) Careless throwing of material at the work place.

(d) Working at unsafe speed, i.e., too fast or too low.

(e) Using unsafe equipment, or using equipment’s unsafely.

(f) Removing safety devices.

(g) Taking unsafe position under suspended loads.

(h) Distracting, teasing, abusing, quarrelling, day-dreaming, horseplay

(i) One’s own accident prone personality and behaviour.

#### 3. Other Causes:

These causes arise out of unsafe situational and climatic conditions and variations. These may include excessive noise, very high temperature, humid conditions, bad working conditions, unhealthy environment, slippery floors, excessive glare, dust and fume, arrogant behaviour of domineering supervisors, etc.

Of late, industrial accidents have become common happening in our country. A brief catalogue of major accidents in the recent past in India is produced here:

**Exhibit 20.1 Major Accidents in the Last Decade:**

Bhopal, December 1984: In world’s worst chemical disaster, a methylisocyanate gas leak from the Union Carbide plant in the city killed over 4000 people. Thousands suffered irreversible health damage.

Delhi, December 1985: An oleum gas leak from the Sriram Foods and Fertilisers Plant in Delhi severely affected workers and those living in the neighbourhood.

#### Safety:

In simple words, safety means freedom from the occurrence or risk of injury or loss. As regards, industrial safety, it means the protection of employees/workers from the danger or risk of industrial accidents. In other words, industrial safety refers to protection against accidents occurring in the industrial establishments.

Some of the steps for preventing industrial accidents are as follows : 1. Proper safety measures 2. Proper selection 3. Safety conscious 4. Enforcement of discipline 5. Incentives 6. Safety committees 7. Proper maintenance of machines, equipment and infrastructural facilities 8. Safety training.

#### 1. Proper safety measures:

The proper safety measures should be adopted to avoid accidents Government also provides guidelines for enacting measures for checking accidents, these should be properly followed.

#### 2. Proper selection:

Any wrong selection of workers will create problems later on. Sometime employees are accident prone, they may not be properly suitable for the particular jobs. So the selection of employees should be on the basis of properly devised tests so that their suitability for jobs is determined.

#### 3. Safety conscious:

The employees should be made conscious of various safety measures to be followed. There should be proper working slogans and advises to the worker for making them conscious.

#### 4. Enforcement of discipline:

Disciplinary action should be taken against those who flout safety measures. There may be negative punishments like warnings, lay off, terminations of workers.

#### 5. Incentives:

Workers should be given various incentives for maintaining safety. There may also be safety contrasts among workers. Those who follow safety instructions properly should be given monetary and non­monetary incentives.

#### 6. Safety committees:

Safety measures are in the interest of both employers. There should be committees consisting of representatives of workers and employees for devising and enforcing safety programmes.

#### 7. Proper maintenance of machines, equipment and infrastructural facilities:

Accidents may occur on account of the fault in machines or equipment. There should be proper maintenance of machines. These should be regularly checked and frequently inspected by engineering

#### 8. Safety training:

The workers should be given training regarding safety measures. They should know the hazards of the machines, the areas of accident proneness and the good working possible precautions in case of some accident.