



India@2047

A Vision for Developed Economy



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Chapter

Industrial Relations Management and its Position in India: An Overview

Dr. R. Rajesh Kanna*, Dr. Moududa Khatun** & Dr. Lokesh Kumar***

Abstract

It is concerned with the relationships between management and workers and the role of regulatory mechanism in resolving any industrial dispute. The relation between workers and management have undergone Himalayan changes in our country there had been a system of king and his subjects, all should work to improve the coffers of the king. Later Zamindaris came and workers were at their mercy – some time bonded also, later with the formation of East India company and British Rule a heart less Hire and fire system was established Industrial workers were no man's child neither the employers nor government cared for them, there were no union also. Gradually enlightened leaders came in like, Gokale, MK Gandhi Roy, Tilak etc. felt the need for workers union. Their relentless efforts forced both governments and the employers to think of workers lot small unions were formed, government enacted rules like Trade union Act 1926. Industrial disputes Act etc. The workers began to realize their status and they were awakened. A sort of up righting workers and reluctant management has started functioning. Soon workers motivated by different Industrial Acts enacted by parliament supporting them, and looking after their health, welfare, safety, social security etc. Got emboldened to raise their voice. At the same time management also has started improving, more and more industries were nationalized, public sector came in to existence at number of places, textile insurance, banks transport etc. With increasing number of public sectors, workers life style changed, assured job arrogated unions, appeasing management, administration with less account ability – workers had their field day. Public sectors

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started doing more of social service than business and profit doling out public exchequer.

Keywords: Industrial disputes Act, health, welfare, safety, and social security, TISCO, Management, Employment or Non-Employment, Financial, F.E.R.A, IT Sector.

1. Introduction

In simple terms Industrial Relations deals with the worker employee relation in any industry Government has attempted to make Industrial Relations more health the by enacting Industrial Disputes Act 1947. To solve the dispute and to reduce the latency of dispute. This in turn improves the relations. Where we want to have better relations. Industry means any systematic activity carried on by cooperation between an employer and his employee whether such workmen are employed by such employer directly or by or through any agency including a contractor for the production supply or distribution of goods or services with an overview to satisfy human want or wishes (not being wants or wishes which are merely spiritual or religious in nature) whether or not (i) any capital has been invested for the purpose of carrying on such activity or (ii) such activity is carried on with a motive to make any gain or profit and includes any activity relating to the promotion of sales or business or both carried on by an establishment but does not include Normal Agriculture operations Hospital, Dispensaries. Educational, Scientific Research Training Institution, Charitable Philanthropic Service, Khadi Village Industries, Domestic Services etc. Job security is diminishing, legislations, are not coming as before because we have to live in a competitive world, of industries where downsizing out sourcing productivity etc. has become the watch word.

1.2 Objectives

1. To find the concept of Industrial Relations and its determinants and discuss the parties for better Industrial Relations.
2. Major causes for industrial unrest and discuss the sequel to unrest and its manifestations.
3. To develop strong, united and more responsible trade unions
4. To strengthen democratic processes and traditions in the trade union movement

It is an activity systematically or habitually undertaken for the production or distribution of goods, or for rendering material service to community at large, or part of such community with the help of employees in an undertaking Such activity generally includes the co-operation of employer and employees. The

object is the satisfaction of material human needs. It must be arranged or organized in a manner in which trade or business is generally arranged or organized. It must not be casual nor must it be for our self not for pleasure. Thus the very industry revolves around good industrial relations. It is seen as a co-operation between employer and employee, it is done with discipline (ii) done in organized manner and not casual and it gives satisfaction of need.

Industrial Dispute: As per section 2 (K) of industrial dispute or difference between employers and employees employers and employees or employees and employees which is connected with the employment or non-employment or the terms of employment or with the condition of labour of any person. There must be a dispute or difference the dispute or difference must be between employers and employees, employee and employees, employers and employees. The dispute must be connected with employment or non-employment or terms of employment or with the conditions of labour of any person. The dispute which has resulted in strained relations is a controversy in which the workman is directly or substantially interested. It must also be a grievance felt by the workman which the employer is in a position to remedy. The existence of a grievance is necessary and it must be communicated to the employer. The term industrial dispute connotes a real and substantial difference having some elements of persistency and continuity, till resolved and likely, if not, adjusted to endanger the industrial peace of the undertaking or the community. When the parties are at variance and the dispute or difference is connected with the employment or non-employment or terms of employment or with the condition of labour. There comes in to existence an industrial dispute.

1.3 Concepts determinates of Industrial Relations

From the words of TISCO management. —The welfare of the laboring classes must be one of the first cares of every employer, Any betterment of their conditions must proceed more from the employers downwards rather than be forced up by demands from below since labour, contented, well housed, well fed and generally well looked after, is not only an asset and advantages to the employer but serves to raise the standard of industry and labour in the country. It is sheer injustice on the part of any management to take advantage of the poor, helpless conditions of workers and exploit them with more work extractions and less insufficient payment. Workers illiteracy and lack and training made them to work in unhealthy conditions for very low compensation. At this Juncture industrial relations need was felt to protect workers' Rights, wages etc. At the same time industrial relations cannot remain producing the rights of one side only in the industry they have to protect the rights of employers also. As such IR has declared through act, what are illegal strikes and various standing orders to protect the dignity of supervisors, managers and of course employers.

1.4 The Main Concept of Industrial Relations are

Preservation and promotion of economic interest of workers along with social interest. Peace and productivity goes hand in hand hence attempt to reduce industrial dispute and promote peace is a necessity. Employer employee relation should be made healthy and growing. Running of the industry, day to day work should be made more democratic with increasing workers participation. Producing products at a very competitive price so that country can promote export and our economy can improve. Bringing mental revolution in management.

1.5 The Determinants of Good Industrial Relation can be Promoted

Measures for securing and preserving unity and better relations between workers and employers. Arrange to probe and settle industrial dispute between employer employee or employer and employer or employee and employee, give proper representation to workers union and industrial federations of employers. Both the ultimate weapons of employers and employee strike and lock out should be prevented at any cost. Proper relief to workers after a 'lock out' or 'lay off' through government agencies. Workers participation at all levels and encourage give and take principle in collective Bargaining. Industrial relation requires a study regarding i) conditions of work (ii) compensation paid for the sweat the worker makes iii) permanency of the job assured continuance of work or otherwise.

1.6 The Parties to Industrial Relations are

Workers and their unions, the intelligence level knowledge of workers, back- ground of worker leaders, real or bogus their linkage with political unions, are to be considered for the effective relations. Nature of employment and employers, whether benevolent, interested in workers or aiming to get as much profit as possible squeezing workers their attitude plays vital role in maintaining better relations. Whether they want to have team, and growth of their team as a whole or just hire and fire system. Position of government, political will whether opportunities favoring employers or interested in workers, are to be seen. Their interest in workers can be seen through their actions in creating Laws for labour welfare and implementing them effectively.

Industrial relations development can be based on a spirit of team development team building workers are to be seen as partners in the industry for national development through industrial development, most of the laws and government's directives wants to enforce workers participation joint councils, collective improvements work etc. In the above method it is Bipartite, partite there is yet another arrangement of tripartite nature; introduction acceptance and bringing up of unions. In the first case the welfare / personal man is the link between employers and employee. In this type of approach the unions are encouraged as a unifying force and to make workers understand the policies – from a different position.

The work becomes easier if unions are working with spirit of development and understanding. In this type of industrial Relation approach unions are having upper hand. Sometimes they make workers as pawn. Only workers interest is put on the front, for getting the status of employers. Pressure tactics are adopted, sometime leading to strike to extract maximum from employer, this attitudes which may push towards terror tactics may not yield desired results. Quite likely entrepreneurs may start shrinking, existence of such industries may be jeopardized. An unwanted situation. Similarly the employers roaming with a 'lock' in his hand also will not contribute for better relations. It is the mutual understanding and appreciation only will give better results.

1.7 Industrial Relations in India

Industrial Relations has undergone a wide change in Indian scenario, during the end of British period in India an awakening in working class was seen. The world wars forced the employers to become friendlier with the workers, to see uninterrupted production is ensured during war time. Out of their self-interest they have to become benevolent, at the same time leaders also came up, Mr. Roy Tilak Mahatma Gandhi and others were instrumental to organize workers union, and also force government to frame labour laws, to improve the lot of workers.

In 1929 Industrial dispute Act was enacted later in 1947 it became industrial dispute, act where in machineries to solve industrial dispute were indicated. The Directive principles of state policy, as enshrined in our constitution stipulate that the state should endeavor to improve the workers conditions, working conditions, and also productivity of industries which will improve wealth of nations. Several acts are enacted by parliament both before and after independence which were focusing on workers interests, welfare health etc. The 'Tric Act' Factory Act., Industrial Dispute Act, Trade union Act gives major direction to achieve the constitutional directives. Besides this, wages Act 1948, Bonus Act 1965, Gratuity Act 1972, Equal remuneration Act 1975, are some of the acts in the above direction. In 1972 National commission on labour, recommended setting up a permanent industrial. Relations commission this was not well received by government. National conference in 1982 made several recommendations. Emphasis on formation of permanent industrial Relations commission Stringent. Action on contravention of a mutually agreed code of conduct. A check off system was prescribed where in by ballot election, how many are real members of a union how many, dual, boughs etc. could come to light. This did not find well with unions but some unions have arranged for deduction of their subscription through employers pay counter to some extent the check of system is working.

Causes of industrial unrest in India can be classified mainly under four heads they are Financial Aspects. Demand for increase of wages, salaries and other perks. Workers demand goes on increasing with the increase in cost of living.

Demand for more perks, and fringe benefits. Issue of bonus also has become a contentious one, even though Bonus Act has come fixing minimum rate payable as 8 1/3% of their total salary in spite of profit or loss incurred by the industry. Incentives festivals allowances, concessions etc. requires a hike every now and then, workers compare these benefits with other industries and demand them without comparing the capacity of the industry where they are working. Non-financial aspects. Working hours, rest hours, traveling hours are source of disputes. If houses are provided some section of workers want to include travel time also as working hours. Introduction of machines, computers modernization, and automation – In effect any act of management which may result in economy in man power is resisted. More facilities like free meals, free group travel are sought every now and then Administrators Causes Non implementation of agreements awards and other local settlements – with full spirit stifling with recognition of labour unions though registered, Attempt to weaken existing trade unions and trying to foist fake unions Un healthy working conditions Lack of skill on the part of leaders supervisors Disproportionate works loads, favoritism Victimization, nepotism attitude of management in recruitment, promotion, transfer etc. Instead of re deployment or skill improvement easier way of retrenchment forced voluntary retirement schemes (C.R.S) are adopted.

1.8 Government and Political Pressures

Industrial unions affiliating with political unions which are in power, resulting in frequent shift of loyalty and resultant unrest. Politician influencing workers group closes examples is the Nalco – taken over by Sterile, the state government supported (propped up) strike at Chhattisgarh state against Nalco, for months together resulting in total stoppage of the industry for some time. Unions, workers strike against mergers, acquisition, taken over, disinvestments policies, of government and private sectors.

Other causes of Strained Relations

Refusal to have workers participation in the running of the industry. Non adherence to laid out 'standing orders' grievances procedures Refusal to have free frank, and transparent collective bargaining. Pathetic strike – a show of readership to workers of neighboring industries, and conducting a token strike when they are in full strike. This may cause internal bitterness.

1.9 Consequences of Strained Industrial Relations

May result in go slow tactics, Strike, lock out etc. Industrial production and productivity may be affected, growth of industries will be stunted May result in recited atmosphere, law and order situation will deteriorate Employer, Management, labour relations will be affected mutual faith and team spirit

will vanish. Absence of mutual co-operation affects, participation forums and Bargaining Platforms. Government also will lose revenue, and may need to spend more to keep law and order around the industry National income, per capital income will go order Will result in loss in earnings of workers with added suffering. The industries also will suffer loss, and it is a loss to common consumers also. The manifestation of industrial strife, disputes come in the form of strike lockout, layoff and retrenchment. To maintain good Industrial Relations we should know that how these weapons in the hands of employers and workers and to diffuse it. Our law makers in India have enacted about these manifestation of disputes. **Strike: Section 2 (q)** Means a cessation of work by a body of persons employed in any industry acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment

The ingredients can be summed up as a cessation of work this abstinence of work must be by a body of persons employed in an industry. The strikers must have been acting in combination. They must be persons working in an industry as per this 1.D Act 1947. There must be concerted refusal or refusal in a common understanding, they must stop work for some demands relating to this employment or its terms, or conditions of labour. The strike may be manifested in different forums like, hunger, sit down, solve down, pend own, lighting etc. Lock out : As per section 2 (1) of 1.D Act It means the temporary closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of person employed by him Temporary closing of employment. The elements of demand for which the industry is locked out must be present. The intention to reopen or take the workers back if they accept the demands, must exist lock out is not closure it is a tactics in bargaining it is intended for the purpose of compelling the employee to accept any terms or conditions affecting employment. It is a weapons in the hands of employers, A lock out declared in consequence of an illegal strike or a strict declared in consequence of an illegal lock out shall not be deemed to be illegal. Lay off: As per section 2 (kkk) of 10 Act means, failure, refusal or inability of an employer on account of shortage of fuel power or raw materials, or the accumulation of stock or the breakdown of machinery to give employment to a workman whose name is on the master rolls of his industrial establishment and who has not been retrenched. It is a short term removal of workers.

The essentials of a layoff are failure refusal in ability of the employers to give work. The employees must be permanent in nature at the time of lay off. The failure to give work should be due to reason beyond his powers like a major break down of machinery Shortage of raw material, power, coal etc. Marketing problem of stocks resulting in accumulation Any other act of god beyond employer's control. The workman must not have been retrenched **Retrenchment** section 2

(o o) of Industrial Dispute Act means termination of the services of a workman by employer for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include, Voluntary retirement of the workmen, or Retirement of the workman or reaching the age of superannuation
 10 Termination (natural) at the end of a contract Termination due to continuous ill health.

Essentials of Retrenchment

Termination of services of a workman not amounting to dismissal. Termination on the ground of surplus labour or staff. Service terminated must be a continuous one perpetual in nature. Termination not to victimize or due to unfair labour practice. The above 4 weapons may create industrial relations strain, cause dispute etc.

1.10 Attempts by Government to Safeguard 1R

The strikes may be declared illegal if adequate notices are not given if given it becomes legal and they may get compensation etc. if any action is taken by employer. During lay off which is beyond the control of employers, workers should be paid 1/2 the wages for sustenance at least up to 45 days. Lockout can be as a consequence to illegal strike. If strike is withdrawn work can resume, of course punitive action can be completed. Retrenchment is an extreme action, but when industry comes back to normal running, the retrenched workers can re-establish their lien, and they will be given preference for absorption. Thus it can be seen every attempt is made by government and various acts to retain relationship between worker and management which only can give industrial peace for progress.

1.11 Calculation and Summary

In this we have seen the concept and determinants of Industrial Relations Position of Industrial Relations in India. The causes of Industrial unrest is discussed along with its consequence. The weapons in the hands of employers and employees are discussed. Industrial Relations when strained boils to strike, unrest and consequential employer's reaction lock out retrenchment etc. This chapter deals with methods to solve the unrest problems. Slowly this trend is changing with the government's reversal policy, decentralization Privatization etc. Compelled by universal need to compete in business, activated by world. Trade organization, global economy etc. government turned towards foreign investments and industrial set ups by foreign investors. Stringency of some of the laws are disappearing monopolies Restrictive Trade Practice, F.E.R.A etc. consequently issues like productivity linking productivity with emoluments are also coming into fore front. With new companies coming in, formation of merry

unions have come to a standstill, no union worth the name is there in I.T sector in near Tradiial Park, Chip's World etc.

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