

INDUSTRIAL DISPUTES



Industrial disputes

- *The conflicts and disputes between employer and employees on any industrial matter are known as industrial disputes.*
- *Relations between employers and employees are frequently clouded by a sense of exploitation, distrust and discontent. They give rise to industrial conflicts or disputes.*
- *Industrial disputes mainly relate to the difference between the workmen and the employers. We shall also mean industrial disputes between the workmen and the workmen, between employers and employers also.*

Definition as per Industrial dispute Act 1947

According to Section 2 (k) of the Industrial Disputes Act, 1947,

"The term 'industrial dispute' means "any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or nonemployment or the terms of employment and conditions of employment of any person".

Principles to judge the nature of dispute

- **Section 2A of the Industrial Disputes Act, 1947**, a workman has a right to raise an industrial dispute with regard to termination, discharge, dismissal, or retrenchment of his or her service, even though no other workman or any trade union of workman or any trade union of workmen raises it or is a party to the dispute.
- It affect the large number of workmen who have **a community of interest and the rights of these workmen must be affected as a class.**
- It must be taken up either by the **industry union** or by a **substantial number of workmen.**
- Grievance turns from individual complaint into a general complaint.
- There must be some nexus between the union and the dispute.

Forms of Industrial Disputes



Strike

According to Patterson, “Strikes constitute militant and organised protest against existing industrial relations. They are symptoms of industrial unrest in the same way that boils are symptoms of disordered system”.

Strike is the most important form of industrial disputes. A strike is a spontaneous and concerted withdrawal of labour from production.



Strike and its types

Primary

These strikes are generally aimed against the employers with whom the dispute exists. They may include the form of a stay-away strike, stay-in, sit-down, pen-down or tools down, go-slow and work-to-rule, token or protest strike, cat-call strike, picketing or boycott.

General and political strikes and bandhs come under the category of other strikes.

Secondary (Sympathy Strikes)

In this form of strike, the pressure is applied not against the employer with whom the workmen have a dispute, but against the third person who has good trade relations with the employer. However, these relations are severed and the employer incurs losses.

This form of strike is popular in the USA but not in India.

Lockouts

Lock-out is the counter-part of strikes. While a 'strike' is an organised or concerted withdrawal of the supply of labour, 'lock-out' is withholding demand for it. Lock-out is the weapon available to the employer to shut-down the place of work till the workers agree to resume work on the conditions laid down by the employer



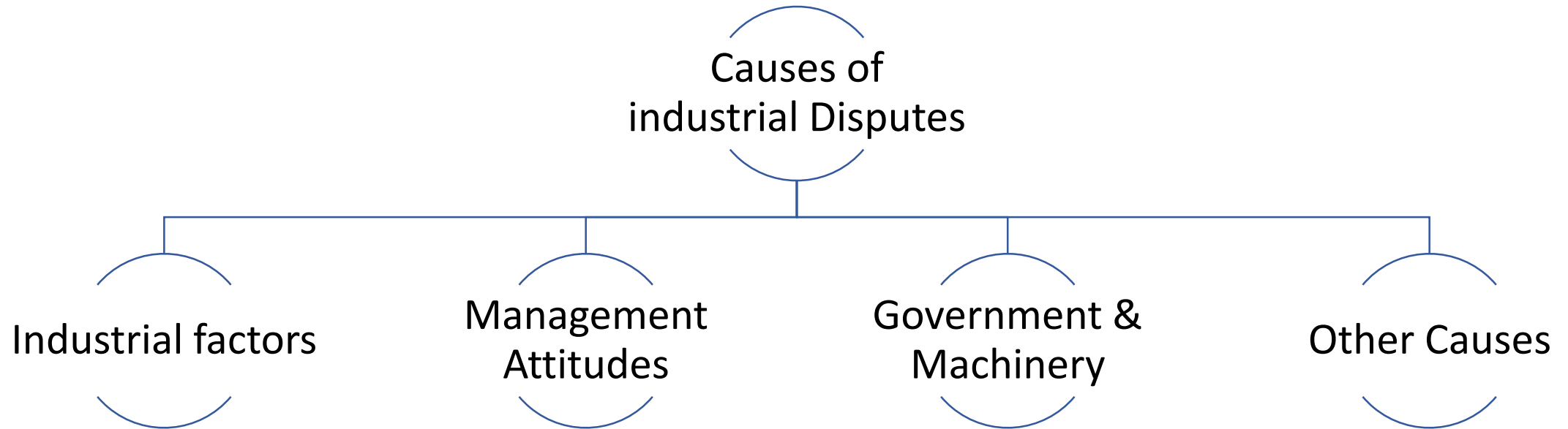
Gherao & Boycott

Gherao means to surround. It is a physical blockade of managers by encirclement aimed at preventing the egress and ingress from and to a particular office or place.

The National Commission on Labour has refused to accept 'gherao' as a form of industrial protest

Boycott aims at disrupting the normal functioning of the organisation. The striking workers appeal to others for voluntary withdrawal of co-operation with the employer. Boycotting classes and examinations are seen in the Universities also

Causes Of Industrial Disputes



Causes

Industrial Causes

- Grievances relating to employment and other factors :

A :Attitude of workers

B : increases demand for DA and other allowances.

C: Violence among the other workers

D : introduction of new tools and machinery

Management's Attitude towards the worker

- Disinterest of the management to discuss with the workers.
- Management's unwillingness to recognize a particular trade union.
- Not involving the workers in decision-making.
- Inadequate communication.

Causes

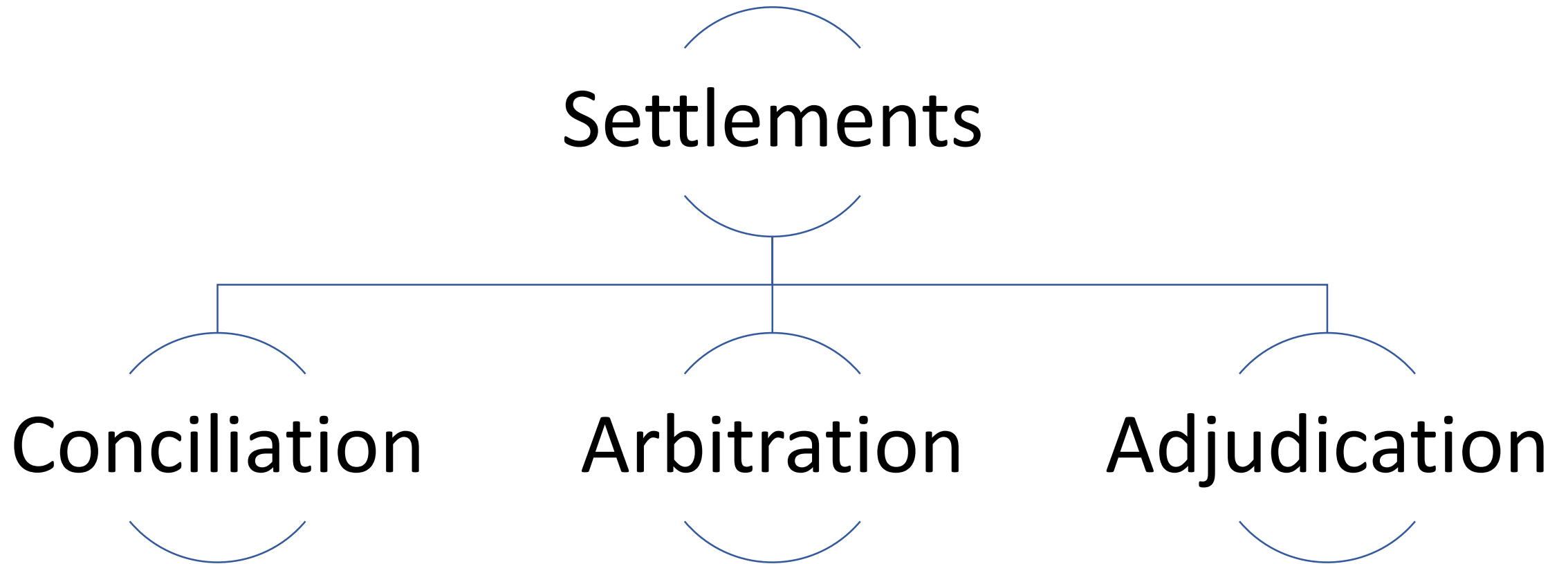
Role of government machinery

- Not successful in implementing labour laws .
- Irrelevance of certain provisions of labour laws in the context of challenges of present industrial climate and imperatives of development due to competitive environment

Other Causes

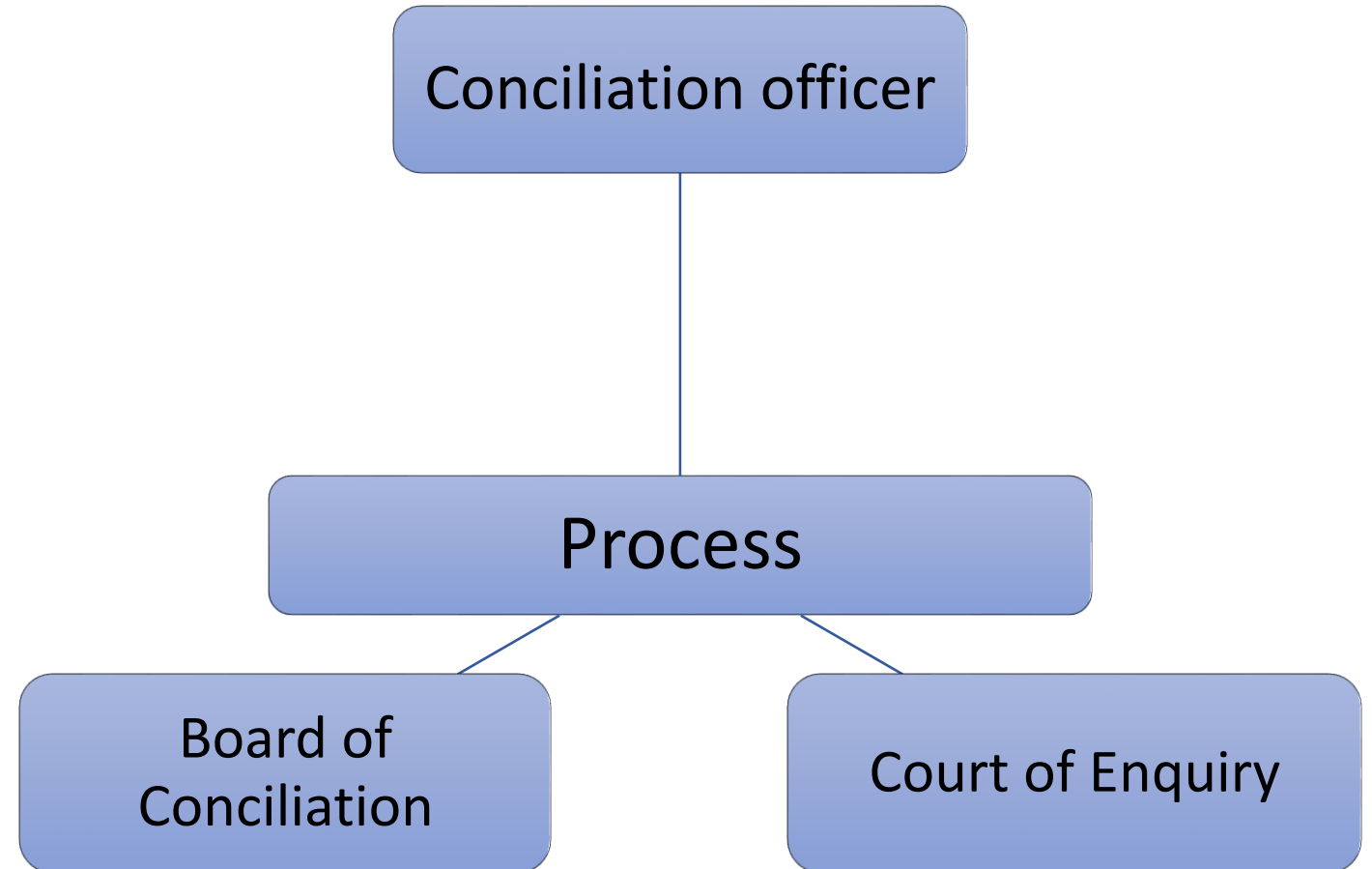
- Political instability and centre-state relations contribute to industrial conflicts
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Settlement Of Industrial Disputes



Conciliation

Conciliation refers to the process by which representatives of workers and employers are brought together before a third party with a view to persuading them to arrive at an agreement by mutual discussion between them. The alternative name which is used for conciliation is mediation. The third party may be one individual or a group of people.

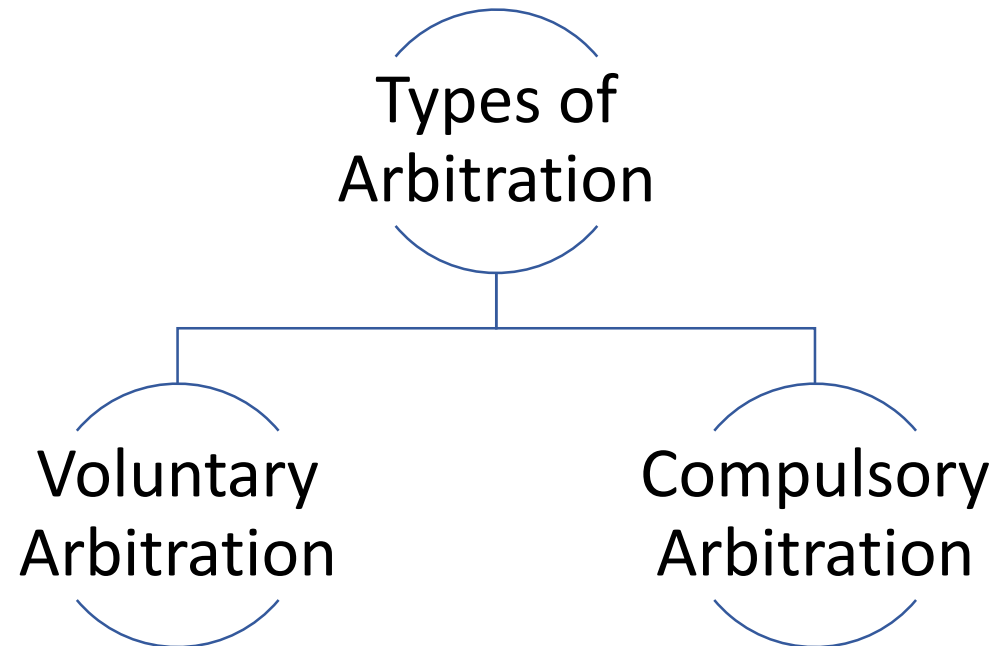


Arbitration

Arbitration is a process in which the conflicting parties agree to refer their dispute to a neutral third party known as 'Arbitrator'.

Arbitration differs from conciliation in the sense that in arbitration, the arbitrator gives his judgement on a dispute while in conciliation, the conciliator only facilitates the disputing parties to reach at a decision.

The arbitrator does not enjoy any judicial powers.



Arbitration Types

Voluntary Arbitration

In voluntary arbitration both the conflicting parties appoint a neutral third party as arbitrator. The arbitrator acts only when the dispute is referred to him/her.

The voluntary arbitration could not be successful because the judgements given by it are not binding on the disputants

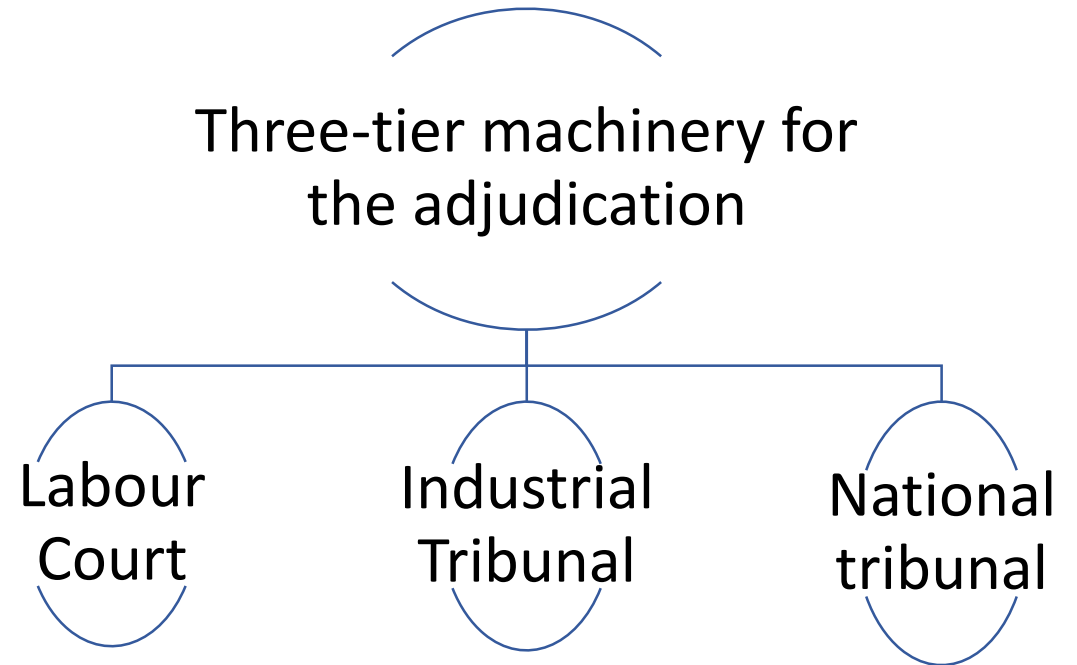
Compulsory Arbitration

The government can force the disputing parties to go for compulsory arbitration. In other form, both the disputing parties can request the government to refer their dispute for arbitration. The judgement given by the arbitrator is binding on the parties of dispute.

Adjudication

The ultimate legal remedy for the settlement of an unresolved dispute is its reference to adjudication by the government

The government can refer the dispute to adjudication with or without the consent of the disputing parties.



THANKYOU

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