## Useful Words for IR (only ⭐)

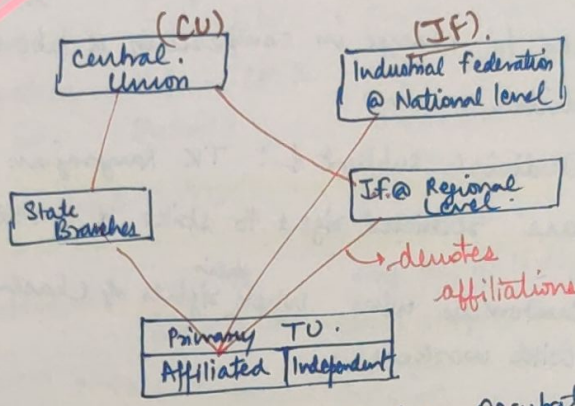
- My Boat to Your Boat Approach.
- ⭐ Industrial democracy. (Article 43A)
- ⭐ Safeguard Interest of workers.
- Climate Change & IR.
- ↓ State intervention (V.V. Giri Approach)
- ⭐ Responsible Unions (Gandhian Approach)
- Grievance Handling Procedure.
- Collective & Accommodative Attitude.
- Industrial Peace & Harmony.
- ⭐ Promoting Social Dialogue
- Cyber Unionism.
- New Role of Trade Unions: → eg: Asian Trade Union College @ Kolkata.
  → ⭐ Organize unorg. workers.
  → ⭐ Engage in Technical & Vocational Education and Training (TVET) of workers.
- 2 Dominant forms of IR are cooperation and conflicts.
- Articles of constitution:
  - 19(1)(c) = TU formation.
  - 43A = DPSP for WPM.
- Govt. Initiatives: SAMADHAN,
- Use ILO points as fodder for answer on nature/imp of IR.
- Framework for Answers & Writing:
  - Think in terms of stakeholders.
  - What will it lead to.
  - Relation with TU, CB, Labour T/o, WPM, Absenteeism.

Madhav Agarwal - https://t.me/madhavagrawalair16

## Role of o/s leadership in TU in India

- 1920: AITUC formed by Lalalajpat Rai & NM Joshi.
- Later NM Joshi also founded AITUF
- Dattopant Thengadi led to Bharatiya Mazdoor Sangha post independence.
- CITU broke off from AITUC after split b/w CPI (Political Party)

## Structure of TU in India & World. (PYQ 1993, 2001)




In UK: TU size ↑ and based on occupation or craft basis. Same in Russia/USA.

Japan: Enterprise as a basis for TU. → Single TU for a enterprise.

In USA: Secondary Strikes are used rather than Primary Union Avoidance v/s Staying Union free. (PYQ 2016).

-ve term: involves repudiation.

+ve term: involves engagement.

"Today Union free"

Strategy:
- Hire Part time & temporary EEs.
- Quality workplace with engaged EEs.
- Being open about philosophy of being union free.

## Women workers Unionism.

- Despite ↑ in workforce, TU participation is low (around 5-20%)
- Except Nursing & Teaching there is weak participation.
- Reasons: Dual burden, occupational segregations of jobs, Taboo, Male dominance in TU
- Examples: Anasuyaben, Ela Bhatt (Coined Shramashakti), Ela Ben, etc.

Read all POINTS. (Read all - 2022)

## Impact of liberalisation on TUM.

(Draw back of the state)

- Service Sector share ↑ : Indv. attitude careere seekers. (IT Sector)
- Share of women workers ↑ : They're unable act as agent of change in TUM
- Modern Mgmt practices incl HRM : led to workers going pro-mgmt.
- ↑ in contractual & temporary labour eroded the trad" EE ER relnship & led to ↓ collectivism
- Reducing factory system due to advent of IT.
- Led to change in composition of labour (wider mixing)
- Judicial support ↓ : TK Rangrajan Case restricted right to strike of govt. EEs.
- Customers wins when their rights of Clash with workers.
- Lesser Involvement in tripartite mech eg: No meeting of Indian Lab Conference (ILC). in 5-6 years.
- Liberalisation has ↑ bargaining power of ER & has weakened considerably for the trade unions.
- Reducing Unionisation :-
- ILO : Global TU density rate halved from ~36% in 1990 to 18% in 2016.
- Some roles of TU have now been taken over by the HR Dept.
- ILO Report suggests unionisation gap b/w young entrants & old/retiring workers is larger than ever.
- At the same time new IR Code has set stage for collective B. via sole nego" Union OR Negotiating council.

## Methods of settling Industrial Disputes

| W/o State intervention | With State intervention |
|---|---|
| • Collective B. (with or w/o conciliation) | • Bipartite Committees |
| • Voluntary arbitration | • Compulsory Investigation |
| | • Compulsory Adjudic" |

Madhav Agarwal - https://t.me/madhavagrawalair16

- **Voluntary Arbitration:**

= Gandhian technique of resolving disputes

VA = by impartial judge who is mutually selected & gives judgement on merits of the case.

VA is recog. by IDA 1947, Code of Discipline (1958). Despite of various efforts it has not made much headway.

- **Bipartite Comm.:**

Eg: IDA '1947 provides for "Works Comm" if estab has 100 or more workers (if so read by govt) → ie why State intervention ✓ Category

also an eg of WPM

- **Compulsory Investigation:**

Sec 6 of IDA '1947, both CG & SG can constitute 'Court of Inquiry' to investigate & report on a matter. COI has power of civil court.

- **Compulsory Adjudication:**

CA = legal requirement that empowers govt. to refer a dispute to an Adjudicating Authority whose decision is generally binding.

**+ves of CA:**

- Element of law & justice
- Leads to growth of Industrial Jurisprudence
- Int of society are considered
- Control work stoppage (due to Sec 22 of IDA 1947) (Pg 80 RC)

**-ves of CA:**

- Authoritarian imposition
- ↓ freedom to resolve in democratic manner
- May lead to arbitary decisions in absence of estab. labour standards
- litigious atmosphere
- Uncertainity over the timely implementation of award

## Machinery for Prevention & Settlement of ID:

### Statutory
- Works Committee
- Adhoc Boards of Conciliation
- Courts of Inquiry
- Adjudicating Authorities. (Labour Court, Tribunals, National Tribunal)

### Non-Statutory
not exactly a part of machinery but aid & influence course of IR in the country.

Eg: Indian Labour Conference (1942, tripartite), Standing Labour Comm (1942, tripartite), Code of Discipline, Wage Boards, Advisory Boards, etc.

1st NC on L: Recommended replacement of adhoc bodies with Industrial Relations Commission @ national & state level. This comm will be indepent of govt. administration.

2nd NC on L: Encouraged active role of labour courts, increased use of arbitration and Lok Adalats.

### Model Grievance Process.
- Adopted @ 16th conference of ILC along with Code of Discipline

Step (A): Form Grievance Machinery: ie Joint committee. Mgmt designates person for stage 1 & 2.

Step (B): Grievance Procedure.

I st stage: Go to officer appointed. Reply in 48 Hrs.

II nd stage: Go to dept head representative 3 days.

III rd stage: Go to Grievance committee 7 days.
- Unanimous decn ✓ → implemented ✓
- ——"—— X → go to CEO.

IV th stage: CEO gives decision & also workers have right to appeal to mgmt later.

V Stage: Go for voluntary arbitration.

Madhav Agarwal https://t.me/madhavagrawalair16

## Unfair Labour Practices (Fifth Sch of IDA, 1947).

By ER: Estab. ER-sponsored trade union, Show partiality, failure to implement awards

By Worker: Wilful damage to prop, Gherao, support illegal strike, Indulge in coercion.

| | Lay off. | Retrenchment: |
|---|---|---|
| Reason | Shortage of RM, Machine breakdown, Economic recession. | Replacement by Machines or closure. (Kinda Business strategy) |
| Nature | Temporary inability | Permanent |
| Operation of Co. | Stops as RM, ✗ Machine ✗ | Continues even after declaration. ✗ as connections are severed. |
| Reappointment | ✓ | |
| Compensation | 50% of Basic + DA | Any pay of 15 days for every completed year of service or part. |

## Deficiencies of IDA '1947:
- Extensive govt Intervention: eg: permission before lay off, retrenchment, closure if workers > 100. (Bad when TU are often affiliated to politics)
- Encouragement to litigation & limited effectiveness of conciliation.
- Unable to check illegal strikes/lockouts
- Opposition to layoff/retren/closure provisions Specially after NEP 1991.
- Exhaustiveness of list of Unfair Lab. Practices under 5th Sch.

## Suggestions:
- Industrial Relations Comm" to handle the role currently played by govt.
- ↑ compensation 45 days from 15 days.
- ↑ workmen from 100 to 1000.
- Promote Culture of Mutual Trust. eg: WPM.

## Concept of Decent Work.

DW focuses on the quality of work rather than its quantity. DW aims at attaining 4 strategic objectives of ILO: (While those from Pg 12)

Productive employment and DW will lead to fair globalization and reduction of poverty; DW Technical Support Team for South Asia is stationed @ New Delhi.

## Future of Work Report 2019. (Centenary Declaration)

**findings:** "Human centred Approach"

- AI, Automation & Robotics will create jobs but those who lose jobs will be least equipped.
- Cleaner Technologies will create newer jobs (upto 24 mn) but will also kill jobs currently backed by carbon & resource intensive industries (upto 6 mn).
- Change in demographics all over the world.

**Recommendation:**

- Guaranteed social protection from birth to old age.
- Universal entitlement to lifelong learning
- Development of Rural Economy.
- People @ centre of eco & social policy.
- International governance system for gig economy and digital labour platform.

## Challenges before ILO:

- Rising Inequalities.
- Global Economic Slowdown.
- Rising protectionism
- Decreasing value of Human Capital.
- ↑ing face of tech. growth.

| CONVENTION | → to Legislation |
|---|---|
| Protection of Wages Conv. | Minimum Wages Act 1948 |
| Minimum Age; Worst form of Child Labour | Child Labour (Prohi. & Reg) Act. |
| Night work Conv & Equal Remun. Conv. (No. 100) | Factories Act, Equal Remun. Act, 1976 |
| Related to Soc. Security | EE State Insurance Act. |

Madhav Agarwal - https://t.me/madhavagrawalair16

## Achievements of ILO:

- Myanmar: Certification for Tour Guides.
- Malawi: SNAP Project to ↓ child labour
- Turkey: Schools near Hazlenut Harvest camp sites.

## Timeline of ILO: (focus on underlined)

Zero year:
- 1919: Founded; Peace x w/o social justice.
- 1944: Philadelphia Charter; 4 Principles ✓
- 1946: Specialized Agency of UN.

50 years:
- 1969: NOBEL Peace Prize ✓ → @ 50 yrs of ILO :)
- 1998: 8 core fundamental rights.
- 2015: SDG. 8.

100 year:
- 2019: Centenary Year.

## Industrial Democracy: (aka WPM)

(concept of WPM has to be discussed)

- VV. Giri highlighted that w/o training (ie premature inclusion) they will either be effectively silenced or prove destructive to management.
- W/o training Indus democracy would be dff the worker, buy the worker and far from worker.

Madhav Agarwal - https://t.me/madhavagrawalair16

- Poor accreditation process- The Quality Council of India (QCI) has often compromised with the quality of accreditation and affiliation process.

Way Forward

- Enhanced Expenditure on Education and Training:
  - Government allocation for school education has declined from 2.81% of the budget in 2013-14 to 2.05% in 2018-19 which is further alarming situation.
- Evaluation of Training Institutes by NSDC regularly
- Skills survey:Surveys can be conducted to find the exact skill requirements from the employers- then design SD courses rather than spending on non emplayable skills
  - Industry- teachers conferences
- Learn from technical and vocational training/education models in China, Germany, Japan.
- According to ISR 2020- Top 5 skills that Employers emphasize on are domain knowledge, adaptability to the environment, learning agility and positive attitude and interpersonal skills.- Focus on that

Need skilling/reskilling/upskilling at intesified scale to achieve 5 trillion dollar economy and reaping DD

**Labour reforms** → Recommendation:- → Std. Comm on Labour (2020): framework for Universal social security
→ ILO – restrict use of FTE / adhoc contract. to ↓ exploitation.

Need (wide thinking of all 4 codes).

- For Industry
  - Labour concurrent list- 44 labour laws under Central Government and more than 100 under State Governments. - confusion, outdated clauses, no EODB
  - Constrained growth of firms: firm sizes have remained small because of high administrative burden of larger firms - ES dwarfism
- For Labour
  - Impacts the collective bargaining rights of workers due to lack of recognition to trade unions.
  - Inadequate coverage: Labour laws only covered the organized sector and the remaining 85% of the total workforce is informal that is left uncovered- migrant labour, gig economy workers, taxi drivers, house helps (COVID)

**Labour codes (for L reforms)**

2nd National Commission of labour had recommended simplification, amalgamation and rationalisation of Central Labour Laws

- Code on Wages, 2019
  - Consolidate wage related laws such as Payment of wages act,Min wage act, equal remuneration act
  - It seeks to regulate wage and bonus payments in all employments where any industry, trade, business.

Madhav Agarwal - https://t.me/madhavagrawalcir16

- Statutary national min wage for diff geo areas- states cant fix below that
- Min wage for diff scheduled jobs of centre list(state decide for their own scheduled jobs)

- Code on Industrial Relations 2020
  - Consolidates Trade Unions Act 1926, Industrial Employment (Standing Orders) Act, 1946 and Industrial Disputes Act, 1947
  - Defines worker- less than 18000 salary
  - Industry with 300 workers- Prior permission of the government for closure, lay-off and retrenchment
  - Tribunals for settlement of industrial disputes
  - Allows Fixed term employement
  - Re-skilling fund: To re skill those workers who are fired from their jobs
  - Issues
    - Fixed tem work: Does not restrict the type of work under it (leading to roles offered for permanent workers being reduced); No upper cap on fixed term
      - 2nd National Commission on Labour (2002) - no worker should be kept as casual or temporary worker for more than two years
    - Prior notice of 14 days is required before a strike or lock-out applicable for all enterprises (rather than only public utility services in prev act)
    - Executive can defer the order of tribunals- negates sep of power

**CODE ON OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS, 2020**

- Key Features:
  - 19 Acts combined such as Factories Act, 1948, the Mines Act, 1952, and the Contract Labour (Regulation and Abolition) Act,1970
  - Threshold for coverage has been defined for various types such as factories, hazardous work eg: Factory is any estab with > 20 workers (if with power) or 40 workers (w/o power)
  - Daily working limit fixed at 8 hours
  - Women will be entitled to be employed in all establishments for all type of work
  - Provisions for inter-state migrants: definition, database, welfare fund
- Issues: Civil Court barred from hearing matters under the Code (workers will have to use writ to approach HC)

**CODE ON SOCIAL SECURITY, 2020**

- Key Features: