

PART-II
INDUSTRIAL RELATIONS

THE

AMERICAN

Chapter Highlights

Industry, Industrial Work, Definition of Industrial Relations, Nature of Industrial Relations, Factors Influencing Industrial Relations, Objectives of Industrial Relations, Approaches to Industrial Relations, Essentials for Sound Industrial Relations, Importance of Industrial Relations, Causes of Poor Industrial Relations, Features of Industrial Relations in Developed Vs. Developing Countries, IR in Bangladesh : An Overview, Challenges of IR : Emerging Trends and Issues, Questions to Answer, Indicate True or False.

1.1 Industry

Industry encompasses a transformation process in which inputs are converted into outputs. Industry may be defined as any activity that creates utility. According to Bangladesh Labour Law, -2006 industry means any business, trade, service, employment or occupation. In a broad sense, industry is characterised by the existence of the following :

Industry encompasses a transformation process in which inputs are converted into outputs.

1. Employer and employee.
2. Works on the basis of wages.
3. Products or services to be produced.
4. Buying and selling of labor power.
5. Creation of utility.

1.2 Industrial Work

Industrial work refers to those activities in which land, labor, capital are used to produce goods or services that are able to create utility to customers. In industrial work, workers sell their labor power which the employers buy against wages. So, any work which is related to produce goods or services, is included within industrial work. Thus manufacturing, farming, teaching, banking all are industrial works.

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□ Features of Industrial Work

- 1. Group work :** The main feature of industrial work is group work. A group of people work together to achieve common goal(s).
- 2. Division of labor :** A whole work is divided into parts and each part is assigned to a worker. It helps the development of specialization and thus the organizational goals can be achieved easily and smoothly.
- 3. Carried on under control :** Control is established by management and it helps achievement of organizational goals as per plan.
- 4. Wage work :** Wages are to be paid as compensation to workers in order to keep industrial work running.

5. Carried on for profit : Industrial work is not philanthropic by nature. The people engaged in business employ their capital, energy, managerial ability etc. with a view to earn profit. The different parts of the work is so co-ordinated that the achievement of this objective becomes easy.

6. Dynamic in nature : Changes in technologies and work methods make industrial work dynamic in nature.

1.3 Definition of Industrial Relations

The term 'industrial relations' usually refers to relationships between labour and capital that grow out of employment.

The term 'industrial relations' usually refers to relationships between labour and capital that grow out of employment. There are two parties in the 'employment' relationship—labour and management. Both parties need to work in a spirit of cooperation, adjustment, and accommodation. In their own mutual interest certain rules for co-existence are framed and adhered to. Over the years state has also come to play two major roles in industrial relations—one, as controller of the relationship between the employers and the workers and the other, as an employer by setting up an extremely large public sector.

Industrial relations has been defined by different authors in different ways. According to V.L. Allen, industrial relations occur within a dynamic conflict situation which is permanent and unalterable so long as the structure of the society remains unaltered. Yoder defined it as "a relationship between management and employees or among employees and their organisations, that characterise and grow out of employment."

According to ILO, "industrial relations deal with either the relationships between the state and the employers and the workers' organisation or the relation between the occupational organisations themselves." ILO uses the expression to denote such matters as "freedom of association" and the "protection of the right to organise", the application of the principles of the right to organise and the right of collective bargaining, collective agreements, concilitation and arbitration and machinery for cooperation between the authorities and the occupational organisations at various levels of the economy.

1.4 Nature of Industrial Relations

Industrial relations occur within a dynamic conflict situation. Its nature and characteristics are :

- a. Existence of a conflicting relationship.
- b. Relationship between the employers and employees.
- c. Buying and selling of labour power is the main issue.
- d. Buyers are few but sellers of labour power are many.
- e. State favours the buyers of labour power.

1.5 Factors Influencing Industrial Relations

Industrial relations are influenced by various factors viz., economic, technological and institutional.

1. Economic factors : These factors include economic organisations, like capitalist, communist, mixed; the structure of labour force, demand for and supply of labour force, etc.

2. Technological factors : These factors include computerization, mechanisation, automation and rationalisation.

3. Institutional factors : These factors include government policy, labour legislation, labour courts, collective agreements, employers' federations, social institutions like community, system of beliefs, attitudes of workers, system of power, status, etc.

1.6 Objectives of Industrial Relations

The fundamental objective of industrial relations is to maintain sound relations between employees and employers. Some other objectives can also be drawn from this basic objective. These are :

- a. To enhance the economic status of the workers ;
- b. To regulate production by minimising industrial conflicts through state control;
- c. To provide an opportunity to the workers to have a say in the management and decision-making;
- d. To socialise industries by making the government as an employer;
- e. To encourage and develop trade unions in order to improve the workers' collective strength;
- f. To improve workers' strength with a view to solve their problems through mutual negotiations and consultation with the management;
- g. To avoid industrial conflict and their consequences; and
- h. To extend and maintain industrial democracy.

1.7 Approaches to Industrial Relations

Industrial relations are concerned with a particular set of phenomena associated with regulating human activity in industrial employment. It is quite possible to specify the boundaries of the set of phenomena. But there are as many definitions of industrial relations as there are writers on the subject. As a result different approaches to study industrial relations have emerged. They are :

1. Unitary approach
2. Pluralistic approach
3. Marxian approach
4. Social action approach
5. System / Dunlop approach
6. HRD approach

Under unitary approach the values, goals, interests, etc. of employers and employees are considered as the same.

1. Unitary approach : The unitary approach is based on the assumptions that the organisation is an integrated group of people with a single authority / loyalty structure and a set of common values, interests and objectives are shared by all members of the organisation. Farnham and Pimlott, who are pioneers of this approach, mentioned that there is no conflict of interests between those supplying capital to the enterprise and those contributing their labour power. The owners of capital and labour are complementary partners to the common aims of production, profits and pay in which every one in the organization has a stake.

This approach has two important implications :

- a. Conflict is perceived as an irrational activity.
- b. Trade unions are regarded as intruders into the organisation from outside competing with management for the loyalty of employees.

The organization is composed of individuals who are divided into a variety of distinct sectional groups, each with its own interests, objectives and leadership.

2. Pluralistic approach : The assumptions of this approach are :

- a. The organization is composed of individuals who are divided into a variety of distinct sectional groups, each with its own interests, objectives and leadership.
- b. The organization is in a permanent state of dynamic tension resulting from the inherent conflict of interests between the various sectional groups that requires to be managed through a variety of roles, institutions and processes.

The implications of this approach are :

- a. Conflict is both rational and inevitable.
- b. The trade unions have positive role to ensure the wellbeing of the workers.

Marxist approach is based on class interests and class conflicts between labour and capital.

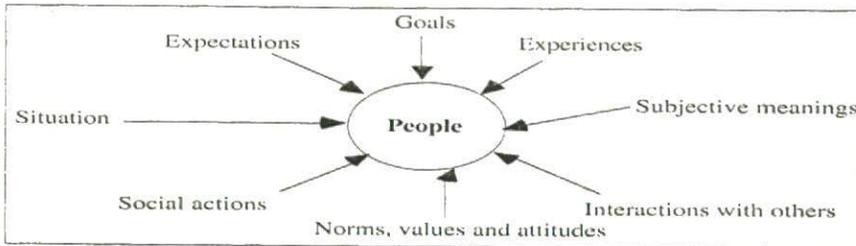
3. Marxist approach : Marxist approach concentrates on the nature of the society surrounding the organisation. In the capitalist society there is always class conflict. This class conflict which arises within the society also affects industrial relations. The employer (the owner of the means of production) always exploits the workers who only sell their labour power. The views of this approach are :

- a. All conflicts stem principally from the division within the society between those who own or manage the means of production and those who have only their labour power to sell. Thus conflict is continuous and unavoidable.
- b. Trade unions not only enhance their collective industrial power by reducing competition among individual employees but also provide a focus for the expression and protection of the interests of the working classes.

4. Social action approach : The pioneers of this approach are C.J. Margerison and Max Weber. This approach emphasizes upon understanding of interpersonal relationship in the work. Social action approach discusses the behavior of individual and group within the organisation. The assumptions of this approach are :

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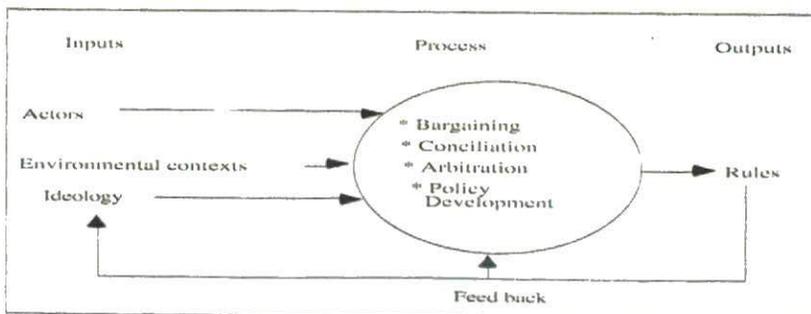
- a. People are human beings.
- b. People are members of informal small groups.
- c. People have own personality level. Individual behavior, desire and social works are affected by some social and psychological factors, shown in the following diagram :



This approach assumes that the existing environmental relations in the work place are affect by industrial behavior of management and workers.

5. System approach : John T. Dunlop is the pioneer of this approach. System approach considers the industrial relations as a system that performs an institutional procedure to make rules to govern behavior of the people at work. Dunlop suggested that industrial relations system is a process created by four interrelated elements comprised of—(a) certain actors, (b) environmental contexts, (c) an ideology which binds the industrial relations system together and (d) a body of rules created to govern the actors at the work place. The simple form of industrial relation system according to Dunlop is :

System approach considers the industrial relations as a system that performs an institutional procedure to make rules to govern behavior of the people at work.



Notes :

- * Actors = Workers, management government.
- * Environmental contexts = The technology, market or budgetary constraints and distribution of power.
- * Ideology = A set of common beliefs which act as an integrating force.

According to this approach, industrial relations system is a composition of actors, environmental context and rules, where ideology gives the bindings to shape the behavior of the actors. Here conflict is the result of interaction among the actors, context and ideology. This conflict is processed through some mechanism to form some rules that will control the future behavior of the actors.

6. HRD Approach : Human Resource Development involves—(i) the greatest involvement of an employee in various aspects of his work, (ii) ways to better adjust the individual to his job and environment and (iii) the greatest concern for enhancing the capabilities of the individual. The HRD approach recognises employees as the greatest assets in an organisation, believes that they can be developed to an unlimited extent with proper incentives, atmosphere and treatment. It is possible to intergrate human needs with organizational requirements. If the manager has a caring, helpful attitude towards employees and creates a healthy work environment, employees are willing to give their best to the organisation. So the employers in their own self interest, must create a motivating climate so that employees commit themselves to assigned tasks wholeheartedly. The underlying assumptions of industrial relations and HRD may best be summarised as under :

The HRD approach recognises employees as the greatest assets in an organisation and believes that they can be developed to an unlimited extent.

Table 1.1 : Basic Assumptions of Industrial Relations and HRD

Industrial Relations		HRD
Decreasing conflict is the focus.	1. Focus	Developing the employees through HRD initiatives—motivating, caring, counselling, coaching, mentoring, helping.
Employee-employer relations are contractual and enveloped by economic factors.	2. Philosophy	Employer-employee relations should be based on trust, understanding and openness.
The emphasis is on extrinsic rewards.	3. Rewards	Intrinsic rewards spur people to superior performance
Pluralist.	4. Nature of Relations	Unitarist
Reactive and puts off the fire as quickly as possible.	5. Orientation	Proactive and collaborative where relations matter most and not rules.
Institutionalised, unhealthy and is at the core of industrial relations, reach temporary truces.	6. Conflict	Conflict could be functional—stimulating and healthy if used properly; manage climate and culture.
Negotiation.	7. Managerial skills	Facilitation.
Division of labour.	8. Job design	Teamwork.

The manager, in the HRD approach performs the role of a developer, counsellor, coach, mentor and problem solver. He trains and educates people, acts as a change agent and provides a conducive, healthy work environment. The traditional approaches of management undergo a radical transformation where the labour-management relations are built around understanding, cooperation and mutual trust.

The manager, in the HRD approach, performs the role of a developer, counsellor, coach, mentor and problem solver.

HRD interventions such as job enrichment and work redesign could be used effectively to make the jobs more interesting to employees. To avoid role conflicts, role analysis could be taken up, followed by a clear-cut elaboration of what the employee is supposed to do. To build cooperation among employees and between labour and management team-building exercises could be undertaken. To tackle trouble shooters, counselling and coaching sessions could be arranged from time to time. Training and feedback sessions would help solve many other industrial relations problems smoothly. To overcome some of the troubling IR issues, managers should focus on aspects like :

HRD interventions such as job enrichment and work redesign could be used effectively to make the jobs more interesting to employees.

- a. Clarify goals.
- b. Empower people at all levels.
- c. Reward performance.
- d. Treat people properly.
- e. Settle issues in an atmosphere of trust and understanding.
- f. Follow two-way communication channels.

1.8 Essentials for Sound Industrial Relations

The establishment of good industrial relations depends on the co-operative and constructive attitude on the part of both management and the union. Such attitude in its turn depends on all the basic policies and procedures laid down in any organisation for the promotion of effective industrial relations. It depends on the ability of the employers and trade unions to deal with their mutual problems freely and independently with responsibility. They should have their faith in collective bargaining rather than in collective action. For better industrial relations it is also necessary that fair labour standards are laid down. There is a feeling of equality with which the management should enter into collective bargaining with the labour and there should be realisation on the part of management to promote workers' welfare.

The establishment of good industrial relations depends on the co-operative and constructive attitude on the part of both management and the union.

It is not easy to promote and maintain sound industrial relations. Certain conditions should exist for the maintenance of harmonious industrial relations. They are :

✓ **1. Proper democratic environment** : It is essential that in order to ensure effective industrial relations in any enterprise, a proper democratic environment in the greater society is essential. In the absence of democratic environment the employers may try to exploit the workers and even the workers may try to adopt unfair means, thereby disturbing industrial harmony.

✓ **2. Efficient management** : Efficient management, capable of performing its duties professionally and thereby satisfying both the parties—the employers and the employees—is indispensable.

✓ **3. Existence of strong, well organised trade unions** : Industrial relations will be sound only when the bargaining power of the workers' unions is equal to that of management. A strong trade union can protect the workers' interests relating to wages, benefits, job security, etc.

✓ **4. Existence of sound and organised employers' unions** : These associations are helpful for the promotion and maintenance of uniform personnel policies among various organisations and to protect the interests of weak employers.

✓ **5. Spirit of collective bargaining** : The relationship between an employee and the employer will be congenial only when the differences between them are settled through mutual negotiation and consultation rather than through the intervention of any third party. Collective bargaining is a process through which employee issues are settled by way of mutual discussions, negotiations, and a give and take approach.

✓ **6. Minimizing industrial dispute** : This can be ensured through the following measures :

a. Establishing machinery for prevention and settlement of industrial disputes. This includes activities of legislative and non-legislative measures. Preventive measures include activities of works committees, welfare officers, and joint management councils. Settlement methods include negotiation, conciliation and adjudication.

b. Measures to be taken for settling industrial disputes wherever necessary.

c. Provision for bipartite and tripartite committees in order to implement personnel policies, code of conduct, code of discipline, etc.

d. Provision for various committees to implement and evaluate the collective bargaining agreements, court orders and judgements, etc.

1.9 Importance of Industrial Relations

Proper industrial relations imply harmonious and peaceful relations between labour and management. In such a situation both labour and management realise their mutual obligations toward each other and resort to actions that promote harmony and understanding. Following benefits accrue from such a productive relationship.

Proper industrial relations imply harmonious and peaceful relations between labour and management.

1. Establishing a sound industrial environment : Unilateral actions disappear; both parties consult each other before initiating any action; they primarily focus on goals that are realisable without overstepping their territories. This leads to peaceful co-existence.

2. Ensuring industrial democracy : The process of joint consultation paves the way for industrial democracy. This motivates workers to give their best to the organisation and share the fruits of progress with management.

3. Bringing social peace : It helps minimizing corruption, injustice and militancy within industries and thereby the dream for social peace becomes a reality.

4. Improving productivity : Cordial relations between labour and management ensures uninterrupted production and single-minded pursuit of pre-determined goals. It becomes easy to realize even difficult targets in such an atmosphere.

5. Benefits to workers : Cordial labour-management relations ensure higher productivity. The company would be in a position to offer fair economic and non-economic incentives to its employees. This, in turn, would spur people to realize targets and get ahead productively. It becomes easy for management to initiate needed changes quickly, in line with market demands and improve the lot of workers continuously. Sound industrial relations enable a company to take full advantage of technological advancements and pass on some of these benefits to workers as well.

6. Helps industrial development : Industrial development can be augmented through maintaining good industrial relations since the production operations will go unhindered.

7. Improves quality and reduces prices of products : High morale and motivation of workers help improve quality of products on one hand and reducing prices on the other.

1.10 Causes of Poor Industrial Relations

Industrial relations suffer because of the following reasons :

a. Tendency to exploit workers by the employers : Employers try to exploit workers by paying them less than what they deserve.

b. Inefficient management : Inefficiency of management causes dissatisfaction among employers and employees within industries.

c. Uncompromising attitude of management towards the grievances of workers : Stiff attitude towards workers' grievances tends to create dissatisfaction among them, thereby worsening industrial relations.

d. Absence of responsible trade unionism : Irresponsible trade union leaders cause strained industrial relations.

e. Authoritarian attitude of supervisors towards workers : If the supervisor fails to show democratic attitude towards workers, it may cause conflicting relationship within industries.

f. Absence of welfare activities and incentive measures : Absence of such measures tend to create dissatisfaction among workers.

g. Unfavourable political and economic environment : Such environment plays havoc in industrial relations.

h. Inter-union rivalry : Multiplicity of trade unions causes rivalry and disputes within industries.

i. Disregard towards labour laws : Violations of labour laws cause severe problems in industrial relations.

j. Excessive work load and improper work environment : Excessive work load creates discontent and improper work environment demotivates workers.

1.11 Features of Industrial Relations in Developed Vs. Developing Countries

For making a fruitful comparison in the characteristics of industrial relations in between the developed and developing countries, we need to make a systematic analysis. Here we have identified a few points as yardsticks for facilitating the comparison. For easy understanding a few practical examples have also been added considering Bangladesh as one of the developing countries.

1. Exploitation of workers : In the developed countries exploitation of workers is not very common but in the under-developed countries like Bangladesh such exploitation is distinct and very high.

2. Democracy within the society : In developed countries democracy is quite stable in nature. Government intervention in trade union activities is almost non-existent. But in a developing country like Bangladesh democratic environment is almost absent. For example, the frequent changes in government and emergence of military rule under General Zia and General H.M. Ershad hampered the democratic environment for trade unionism in Bangladesh to a great extent.

3. Educational qualification of workers : Workers of developed countries are educated in most of the cases and the reverse situation prevails in developing countries.

4. Dual subordination : Workers of developing countries work in more than one job at a time for their financial existence and thus they have to go through dual subordination and such a situation creates a lot of pressure on them. But this condition is rare in developed countries.

5. Family size : Family size of the workers of developing countries is usually large and such a condition is a barrier to their economic development. But in developed countries the workers enjoy the privilege of small family size.

6. Level of employment : Developed countries maintain satisfactory level of employment in their industrial sector. Their unemployment rate is negligible. But in a developing country like Bangladesh the level of employment is very poor. In our country the supply of labor is always much higher than that of the demand for labor. As a result the labor cost is much cheaper compared to that of developed countries. Out of the total civilian labor force of about 70 million about 2 million are unemployed in our country.

7. Class-consciousness of industrial workers : In developed countries workers are very much conscious about their class interests. Most of them are the members of different professional bodies. Due to their class-consciousness they are very much organized. In Bangladesh the workers are not at all class conscious. Due to very poor literacy rate workers of our country are completely in the dark about their rights and obligations. The labor force participation rate in trade unionism is also very low, i.e. is only 12%.

8. Productivity and profitability : In developed countries, the worker's productivity level is very high and as a result they can contribute towards higher profitability. In Bangladesh due to improper physical fitness and lack of sufficient skill, the workers' productivity is very low and as a result they contribute towards the lower productivity and profitability of organizations they work in.

9. Wage level : In developed countries, the wage level of the industrial workers is quite satisfactory and as such their standard of living is also good. In Bangladesh, till to date the government could not ensure satisfactory minimum wage level for the workers.

10. Strength of trade unions : In developed countries trade unions are strong enough to protect the interests of their members. In developing countries the trade unions are weak. In Bangladesh, multiplicity of unions is one of the greatest weaknesses of labor politics. As a result of such weakness, trade unions in our country are facing a number of problems like increasing political influence, inter and intra-union rivalries, unhealthy competition in CBA election, employers' tendency to avoid CBA process, etc.

Most of the time the trade union leaders in our country act as agents of employers and the government.

11. Opportunism among trade union leaders : In developed countries, there is a low sign of opportunism among the trade union leaders and as such they are well organized in various activities. But in the developing countries like Bangladesh, the opportunistic nature of the trade union leadership has been responsible for poor labor movements. Most of the time the trade union leaders in our country act as agents of employers and the government.

12. Industrial commitment : In developed countries like USA, UK, Germany and Japan, the level of industrial commitment from the side of both employers and workers is very high. But in developing countries like Pakistan and Bangladesh, both the workers and the employers lack proper industrial commitment.

13. State intervention : State intervention in industrial relations and trade unionism is almost non-existent in developed societies. But such intervention in developing societies creates unhealthy situation in industrial relations in general and trade unionism in particular.

14. Level of industrialization : In developed countries, the level of industrialization is always encouraging towards the growth of industrial relations as well as workers' organizations. But in case of developing countries, the level of industrialization is comparatively poor, thereby making the workers and their organizations weaker.

1.12 IR in Bangladesh : An Overview

Democracy in the larger society is a prime and essential condition for the development of industrial relations. In Bangladesh, the extent of democracy is very poor. It is surprising to note that after independence, the frequent changes in government and emergence of military rule during 1975-79 and 1982-1990 hampered the democratic environment for industrial relations in general and trade unionism in particular.

In Bangladesh, the extent of democracy is very poor.

Since independence every Government has been found to participate in the trade union activities directly through the formation of labour front. Due to government interventions, the industrial peace and productivity were affected a number of times. For example Awami League government maintained close contact with the workers through "Jatiya Sramik League (JSL)", the BNP government did so through "Bangladesh Jatiyatabadi Sramik Dal (BJSD)", Ershad government did the same through "Jatiya Sramik Party (JSP)"

Due to government interventions, the industrial peace and productivity were affected a number of times.

The level of industrilization in Bangladesh is very poor. The level of employment is very poor too. Here the supply of labour is always much higher than that of the demand for labour. So the labour cost is low. Out of a total civilian labour force of 70 million about 2 millions are unemployed.

The level of industrilization in Bangladesh is very poor.

Here the industrial workers are not at all class conscious. Due to very poor literacy level, workers of our country are completely in the dark about their rights and obligations. The labour force participation rate in trade unionism is only 12%.

Here the industrial workers are not at all class conscious.

Due to improper physical fitness and lack of sufficient skill the productivity of our workers is very low. As a result, they cannot contribute towards the higher level of profitability to the employers, thereby causing their level of wages to remain low.

Till now the Government of Bangladesh could not ensure a satisfactory level of minimum wage for the workers.

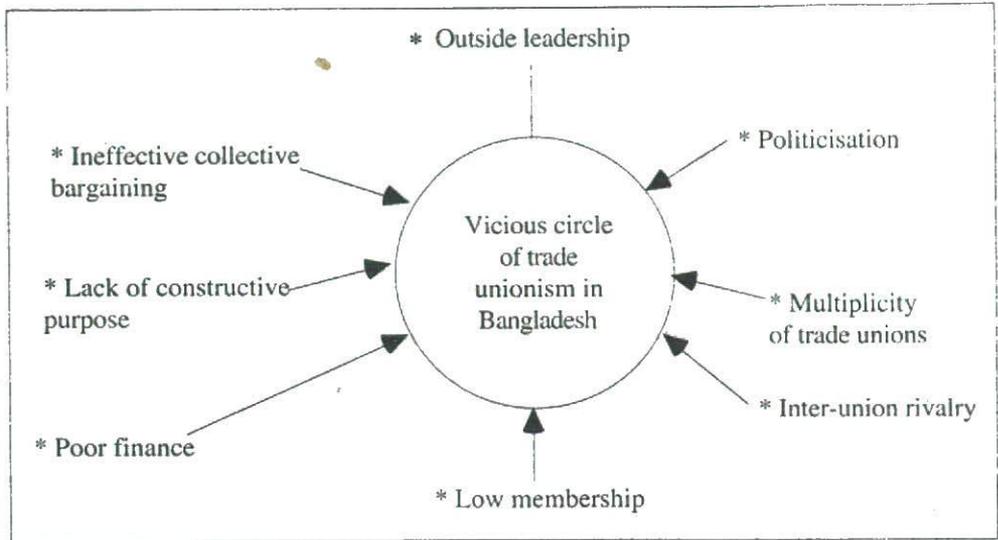
Multiplicity of trade unions is one of the great weaknesses of labour politics in our country. As a result of weak strength, trade unions in our country are facing a number of problems like increasing political influence, inter and intra-union rivalries, unhealthy competition in CBA election, employers, tendency to avoid CBA process, etc.

Multiplicity of trade unions is one of the great weaknesses of labour politics in our country.

The opportunistic nature of trade union leadership has been responsible for poor labour movements. Most of the time, the trade union leaders acted as agents of employers and of the political governments.

Another major hindrance to good industrial relations is the politicization of labor unions by outside political leaders. This leads to multiple unions on the one hand and inter-union rivalry on the other. Inter-union rivalry depresses both a union's membership and its finance. The final result is that a union finds itself unable to carry out constructive activities or to play an effective role in collective bargaining. Its status is reduced to a mere strike-committee. The circular relationship among all these factors is depicted in the figure below :

One major hindrance to good industrial relations is the politicization of labor unions by outside political leaders.



Too much complicated system of payment of wages and fringe benefits also cause poor industrial relations. Wage differentials between occupations also create a feeling of inequity and destroy good industrial relations.

1.13 Challenges of IR : Emerging Trends and Issues

The move towards market orientation (liberalization) in Bangladesh has been reflected in deregulatory policies by government, including the reduction of tariff barriers, facilitating the flows of capital and investment, and privatization of state owned enterprises. Liberalization has been forced by globalization (involving greater integration in world markets; and increased international economic interdependence). Both phenomena have been facilitated by the significant growth in world trade and foreign direct investment in recent years, and by information technology which has facilitated rapid financial transactions and changes in production and service locations around the world. Increasing international economic interdependence has disturbed traditional IR arrangements in several broadways.

1. Globalization : It necessitates economic integration and consequent removal of other restrictions (factors) from the business environment. As there is no preparation to meet the challenges of globalization, the parties (employees, management and state) involved in the industry behave differently in the new circumstances. Concerted efforts from the parties involved in industry are vital to reap benefits from globalization.

Increasing international economic interdependence has disturbed traditional IR arrangements in several broadways.

2. Import liberalization : It may cause destruction of export-oriented industries and increase in unemployment. Small industries will not flourish and industrialization would be a far-fetched dream to implement. FDI (foreign direct investment) will be discouraged and industrial base will not be strong enough to sustain the economic growth of the country. All the parties will suffer from uncertainty.

3. Privatization : It will benefit management. But the employees have to be skilled and efficient enough to survive in the employment war. It will ensure better utilization of limited resources to bring out the best possible services and goods from the industry.

4. Information technology : It is a must to make the industries updated enough to produce highly sophisticated and frequently changing customer friendly goods within the shortest production cycle. Without it industries cannot compete in the market and exist for a long time to employ the workers. Industrialization can be possible only through resorting to information technology. It will help to sustain economic growth. Frequent changes in information technology compels employees to change their level of skill but it is difficult for the employees of an organization in developing countries to upgrade their efficiency keeping pace with change of technology.

5. Downsizing : Due to increased competition, some firms have become smarter and others have been compelled to downsize their business. Consequently, the downsized organizations may suffer from labor unrest and it may hamper their productivity and industrial commitment.

6. Reengineering : It is an inevitable phenomenon of globalization to maintain cost-effectiveness of a firm. Consequently reengineering becomes inevitable. This will increase unemployment of unskilled labor, though it may make the firm (management) profitable and also the state gainer.

7. Workforce diversity : In this time of global competition, employees must have multidimensional skill so that they can meet the various needs of the firm at the time of need. In general, employees in our country are not educated and skilled enough, let alone having various skills for performing different jobs within the required time. To face the challenges in the current business environment, it is necessary to shape the work team taking members from various disciplines/ backgrounds. Managing this diversified team will require high managerial efficiency, which is very much absent in the context of Bangladesh.

8. Service and productivity movement : It is a new trend in the developed world and it is becoming a global standard in the developing countries as well. In Bangladesh, it will throw a challenge simultaneously to the state for nurturing industrialization and to the management for ensuring quality goods and services at a cheap rate.

9. Total Quality Movement (TQM) : The current market is a consumer market and the producers are bound to maintain quality of their goods and services as per the expectation of consumers. As most of the people of our country are not conscious consumers of the end products, this sort of realization is still not clear in the horizon of the average people in Bangladesh. But as a result of globalization, we have to produce goods of international standard and for this reason ISO 9000 series is a yardstick for ensuring quality. To keep pace with the ever-changing quality standard, all the employees and the logistic facilities need to be upgraded. But the employees are not skilled and educated enough to be aware of the quality standard and to sustain the pressure created from the emerged situation.

10. Free flow of manpower : That the employees from different parts of the world will move to their preferred place to utilize their skill and earn their just dues is inevitable in this age of global competition. It creates multicultural work team in an enterprise which is difficult to manage.

11. Managerial obsolescence : To face the challenges of ever changing world of equal standard, managers must make themselves equipped with the required managerial skills for running their firms in a cost-effective way (as per the demand of the time). Consequently, due to reduction in productivity and profitability, an organization fails to fulfill the demands of the employees and pacify their interest.

12. Economic condition and social pressure : The employees in the developing countries suffer from economic condition if they lose their job failing to improve their efficiency and productivity. And the state and the management will have to undergo social pressure either to raise the wage of the employees or to remove unemployment from the society.

13. Adoption of international rules and regulations : It will definitely cause problem for the management in different countries to run their firm as per global rules and regulations since the socio-economic conditions and infrastructure facilities vary from country to country.

QUESTIONS TO ANSWER

- 1.a What is industry?
 - b. Discuss the features of industrial work.
 2. Define industrial relations. Discuss the factors that influence industrial relations.
 3. Elaborate the nature and objectives of industrial relations.
 4. (a) What is meant by HRD approach to industrial relations?
(b) Discuss the essentials for sound industrial relations.
 5. Discuss the importance of industrial relations in the context of our industrial development.
 6. What are the causes of poor industrial relations? Discuss the form of industrial disputes.
 7. What are the unfair labor practices by management and also by union? Discuss the methods of building union-management co-operation.
 - 8.a What are the factors that influence industrial relations.
b. Discuss in short the approaches to industrial relations.
 9. Do you think there is any difference between the features of developed and developing countries in relation to industrial relations?—Elaborate.
- Indicate True or False.**
- a. Industrial relations occur in a static situation.
 - b. Economic interests of employers and employees are always mutually accommodative.
 - c. HRD approach to industrial relations emphasises upon team work.
 - d. Industrial democracy is aided by sound industrial relations.
 - e. Automation is one of the economic factors influencing industrial relations.
 - f. Well organised trade unions hamper industrial relations.
 - g. Industrial democracy acts against the development of industrial relations.
 - h. Industrial relations put a negative impact upon prices of products.
 - i. Industrial work is not carried on for profit.
 - j. Industrial work is static in nature.

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Comparative Industrial Relations**Chapter Highlights**

Introduction, Industrial Relations in **Japan**, Trade Union, CBA and Industrial Dispute in Japan, Recommendations for Industrial Issues in Japan, Factors Influencing Industrial Relations of Japan, Japan's Industrial Relations Policy and Practices Prior to 1990s, Recent Changes in Industrial Relations of Japan; Industrial Relations in **Germany**, Features of IR in Germany, Challenges of IR in Germany, Collective Bargaining in Germany, Criticism of Collective Bargaining, Arguments in Favour of Collective Bargaining, Reforming Unions and Employers' Federations, Actors and System of German Industrial Relations, Co-determination or Collective Bargaining in Germany, Works Councils: Rights and Subjects, Trade Union in Germany, Recent Developments, Workers' Participation; The Industrial Relations System of the **United States of America** (USA), Features of Industrial Relations in the USA, The Fair Labor Standards Act and Collective Bargaining, Workers not covered by the FLSA, State Laws Affecting Working Hours, Recent Trends in Working Time, Unions, Public Policy Groups and Grassroot Organizations, Reforms at the State Level; Industrial Relations in the United Kingdom (UK), The Role of Law and the State of the United Kingdom, Features of Industrial Relations of the United Kingdom, Climate of Employment Relations in the **United Kingdom**, Unions and Employment Growth in the United Kingdom, The Ruin of Collective Industrial Relations in the United Kingdom; Industrial Relations in **Australia**, Industrial Relations Management Theories in Australia, Practices of Industrial Relations Management Theories in Australia; Industrial Relations in **China**, China's Industrial Relations Strategy and Practices Prior to 1980s, Recent Changes in China's Industrial Relations, Lessons for Bangladesh. Questions to Answer, Indicate True or False.

2.1 Introduction

Comparative industrial relations may be defined as identifying and interpreting similarities and differences among the actors of industrial relations and their interactions in various countries.

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In the modern world state's role in industrial relations is inevitable. In most cases such role takes the form of interferences in various degrees. State is entrusted with the responsibility to safeguard the interests of the people of the society and also to maintain a balance of relationship between the employers and the employees. The state may also act as employer both in the manufacturing and service sectors.

The industrial relations systems of Japan, USA, UK, China, Germany and Australia are discussed in this chapter :

Industrial Relations in Japan

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The central features of the Japanese industrial relations system include workplace focused enterprise unions, lifetime employment systems, broad based training, and seniority based wages. Another outcome of the Japanese IR system, when examined in conjunction with related Japanese institutions such as the Keiretsu system and the system of production organization (subcontracting and quality-focused, team-based work) is the simultaneous achievement of stability in labor market terms and considerable functional flexibility in workplace level industrial relations through the development of internal labor markets.

The Japanese follow permanent employment system, consensus decision making and patriotic leadership. The Japanese respect the senior and the senior behaves, just like a guardian not like a boss. Management treats all as team members whether executives or workers. They emphasize on continuous customer focus improvement in quality and total involvement.

2.2 Trade Union, CBA, and Industrial Dispute in Japan

* There is a rule to have minimum one or maximum two trade unions in one enterprise of Japan as required by the workers.

* The trade union activities are free from party politics.

* CBA office remains closed during office hours. There is suggestion box system to collect the criticisms of the workers. After the office hours the CBA authority opens the box in presence of all the members.

* Industrial dispute is a rare case. But it is settled quickly as much as possible if there is any.

* Government doesn't interfere in industrial dispute. But for neutralization, government may interfere.

* The working class is very much hard working because of their patriotism.

2.3 Recommendations for Industrial Issues in Japan

The following recommendations have been advocated by the Graduate School of Business Administration of Kobe University Rokko Kobe in Japan :

* Promotion of education in Information Technology (IT).

* Recurrent education for knowledge workers.

* Utilization of labor-management consultation for sharing information.

* Labor mobility without employment

* Legal protection of intellectual property.

2.4 Factors Influencing Industrial Relations of Japan

* Economic Factors

These factors include economic organizations, like capitalist, communist, mixed; the structure of labor force, demand and supply of labor force, etc. In Japan, capitalistic economic organizations are greatly affecting the industrial relations of Japan. Their structure of labor force is designed to make the workforce more effective and efficient in their working floor and this structure depends on demand and the supply of labor force.

* Technological Factors

These factors include computerization, mechanization, automation, and rationalization. They affect the industrial relations of Japan.

* Institutional Factors

These factors include government policy, labor legislation, labor courts, collective agreements employers' federations; social institutions like community, system of beliefs and attitudes of workers, system of power, status, etc. Japan has friendly government policy, collective agreements and strong labor legislation. Social institutions like community, system of beliefs, attitudes of workers, system of power, status, etc. are positively influencing the industrial relations in Japan.

2.5 Japan's Industrial Relations Policy and Practices Prior to 1990s

There is disagreement on the date of institutionalization of the Japanese industrial relations system. Taira (1970) suggests that the lifetime employment practice developed in the late 1800s in the silk industry where employers, forced to compete for scarce labor, instituted lifetime employment to create stable employment conditions. The key practices were encouraged by the government, which institutionalized several of them during the inter-war period in its Factories Act of 1938. Enterprise unionism emerged post war based on the structure of the firms (the large employers who accounted for a significant share of employment). Jacoby (1993) and Gordon (1985) also suggest that precursors to the current system could be seen in the company unions of the 1920s, with institutionalization occurring during the interwar period.

Cusumano (1985) argues that it was the early labor-management crises in the post-war period, coupled with the revolution in production management that account for the creation of the more advanced aspects of the internal labor market in Japanese industry. Okayama (1986) also credits the industrial strife of the 1950s as the most important variable in the development of the Japanese Industrial Relations system. a view also held by Kenney and Florida (1994) and Takahashi (1997) who argues, "The main stimulus (for lifetime employment) was the experience of largescale conflict between labor and capital in the early postwar years, partly in response to many workers being made redundant as the war industries shut down. Employers sought a way to end or reduce this conflict, not a social or political norm impervious to pressures of economic change."

There were several changes in the Japanese system over the 1970s and 1980s. Notably, there was erosion in the seniority based wage concept, as wages began to be tied increasingly to skills acquisition and productivity, while employers had started the practice of mid career hires in white collar and technical occupations. The practice of "Shukko"—transferring employees to other parts of the Keiretsu during downturns—had gained in prominence over the last two decades.

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2.6 Recent Changes in Industrial Relations of Japan

In the 1990s, there has been acceleration in the change already underway, as well as changes in other practices that constitute the core of the Japanese (IR) system. This has been due in large part to the effect of the recession of the 1990s, as Berggeren argues, which has been the deepest one since the 2nd World war. Thus, in the 1990s, there has been a significant questioning of the lifetime employment concept, with severe declines in job security on an unprecedented scale, changes in hiring practices from schools and universities, a dramatic increase in outsourcing strategies, the introduction of limited term employment contracts for some occupations, increased wage flexibility, and some degree of union restructuring, along with evidence of breaking up of some Keiretsus. By themselves, any one of these changes might suggest a gradual adaptation to new economic circumstances, but all of these happenings together in the 1990s suggest the critical importance of the 1990s recession in forcing employers to question the existing practices and act to change them.

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These changes came as a movement towards transformation of the industrial relations system given that the evidence suggests changes in most aspects of employment relations in Japan, such as job security, hiring, corporate governance, wages and wage flexibility and the role of seniority, as well as union structure, and would seemingly consist of a significant eroding of the "three pillars" and a move towards a more individual based system such as in the United States (Brown, Nakata, Reich, and Ulman, 1997). There is also some evidence that the Keiretsu system is breaking down after the crisis, possibly as a result of firms' capital requirements, and thus one major source of the "stickiness" seems to be weakening.

Industrial Relations in Germany

2.7 Features of IR in Germany

The German industrial relations system is characterized by the following features :

a. For the majority of employees, collective bargaining takes place in autonomous negotiations between industrial unions and employers' federation on the level of an industry or on a branch level. Such negotiations produce collective bargaining agreements which are applicable for all companies in the region which are affiliated to the employers' federation and where workers are affiliated to the respective union.

b. At firms with more than four workers, works councils at the plant level form an important part of a system of co-determination.

c. In large companies with more than 500 employees a second and additional form of co-determination comes into play: the representation of workers' representatives at the supervisory board.

d. Unions and employers' federations play an important role in the design and revision of labor laws and in labor jurisdiction.

e. More recently the government has started high-level talks with trade unions and employers' federations under the umbrella of an "Alliance for Jobs and Qualification" in order to reestablish a basis of trust and consensus for creating job opportunities and for reducing structural unemployment.

2.8 Challenges of IR in Germany

The German industrial relations system has been called "social partnership model" because of the cooperative style and the strong consensus orientation. Because of the economic success of Germany in the post-war period there has been considerable interest in the benefits and costs of the German industrial relations approach. With the low growth of the German economy and high unemployment rates in the eighties and nineties, there have been intense debates in the last years about the pros and cons of the German industrial relations system and the need for reforms. Proponents and opponents of the system both agree that the system faces serious challenges because of :

a. Globalization : Globalization brings tremendous pressure to adjust national and local conditions to internationally agreed-upon standards and procedures. Competitive pressure has increased dramatically.

b. European integration : The integration process in Europe with its mechanisms to harmonize institutional arrangements and establish a large internal market without borders works in the same direction. The cross border investments of German companies in other European countries have increased dramatically, while collective bargaining is still confined in most cases to the national level.

c. Structural change : There has been a continuing structural change towards more employment in the information technology-sector and the service industries, with more jobs in smaller companies, with a larger percentage of start-ups, with a higher rate of organizational change and the "informalization" of employment conditions.

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Comparative Industrial Relations

d. Organizational flexibility : There has been an increasing need for higher flexibility in the corporate sectors' response to changes in the business environment, which has substantial implications for the practice of industrial relations.

e. Reunification of Germany : The reunification process presented German actors in industrial relations with numerous challenges: Developing institutional bodies, introducing established mechanisms into a new arena and finding appropriate solutions in a highly complex political and economic environment. Especially for the trade unions it had meant high financial inputs to build up organizational structures without corresponding income because of declining membership mainly due to growing unemployment.

f. Changing values : There has been a profound transformation of values, preferences, attitudes and perspectives in recent years. There is a strong tendency in society, especially among the young generation towards an individualization of lifestyles. This brings about a growing distrust towards "mass organizations" like political parties, churches or trade unions. And unions do have difficulties to organize white collar workers and workers with high skill levels. Unions face problems with an increasing number of people who do not have continuous employment, who have so-called "patchwork careers".

2.9 Collective Bargaining in Germany

For the majority of employees in German companies, collective bargaining takes place between **trade unions**, which are organized on an industrial or sectoral level, and **employers' federations** which are organized in a similar manner. If an industry is characterized by widely differing economic and social conditions, collective bargaining takes place not on the industry level but rather based on a subgroup of the respective industry (for example: in the case of the metal industry, the metal workers' union and the metal employers' federation build subgroup for "steel", "metal and electric", "small scale enterprises" etc). Agreements negotiated between the employers' federations and the union would apply then to enterprises belonging to these sub-groupings, which to some extent are equivalent to branches. The autonomy of employers' federations and trade unions in the conclusion of collective agreements is constitutionally guaranteed, and especially excludes the state from intervening in the bargaining process.

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Agreements negotiated by the regional association of employers and trade unions are applicable for regions or areas: Such agreements are called "Flachentarifyertrag" or "association collective agreement" (in the case of the metal sector, Germany is separated into such areas). While this system allows for different agreements and working conditions in the different areas / regions, the agreements are virtually the same, with the only exception being East Germany. In the construction industry and the public sector, collective bargaining is conducted not at the regional but at the national level.

In practice, agreements apply not only to those workers belonging to the union but to non-union members as well.

Collective agreements include wage and salary agreements, general agreements and skeleton agreements. The agreements are applicable to all companies of the respective industry or branch in the respective region affiliated to the employers' federation and where workers are represented by the respective trade union which signed the collective bargaining agreement. In practice, agreements apply not only to those workers belonging to the union but to non-union members as well. Currently there are more than 30,000 collective agreements in place, every year more than 9,000 collective agreements are negotiated. There are basically two alternatives to the regionally applicable wage agreements or "association collective agreement (Flachentarifvertrag)" signed between the employers' federation and the industrial union: Company-based agreements and individual employment contracts.

2.9a Criticism of Collective Bargaining

Critics mainly from the business sector and academia argue that the system has produced excessively high wages which exceeded productivity growth

Critics mainly from the business sector and academia argue that the system has produced excessively high wages which exceeded productivity growth and did not take into account the need for wage restraint which would have been necessary to reduce unemployment. They argue that many collective bargaining agreements do not allow for flexible response to fast market developments. They complain that unions have managed to push through an egalitarian wage system which is considered to be counterproductive. From their perspective, especially the rise in the minimum remuneration in combination with social security benefits implies little incentives for unemployed to look for work, a consequence which unions supposedly did not take into account when devising their strategies.

Employers argue that strike laws and the increased ability to stop production as a consequence of concepts like just-in-time production enable unions to force employers into unreasonable agreements. Werner Stumpfe, the former President of the German Metal Producers Federation, complains that since 1990 no collective agreement has been concluded in the metal industry on the basis of peaceful negotiations. He thus asks for a "... new partnership in collective bargaining." It is argued further that the regionally applicable collective bargaining agreements do not take sufficient account of intra and interregional differences and differences between profitable and weak firms, between booming and ailing regions etc. Critics further argue that the German collective bargaining system gives undue power to unions which represent not more than one-third of the work force, which have faced for many years a declining organization rate, and which have only insufficiently responded to structural changes.

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2.9b Arguments in Favour of Collective Bargaining

Trade unions generally argue that the system of collective bargaining has produced a highly qualified and highly motivated work force. While nominal wages are high, they are seen as moderate considering the high and continuously growing labor productivity. Advocates emphasize that the association collective bargaining agreement with applicability for regions and industries or branches moves competition away from wages and increases the focus of companies on developing new products and production technologies and hence increased research and development efforts. Indirectly the agreements have therefore a beneficial effect on the competitiveness of enterprises and the business sector in general. It is further argued that the system has a very positive effect on the relationship between workers and employers at the plant level because of keeping complex wage bargaining at the regional level and thereby allowing for peaceful relations at the firm level.

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Trade unionists insist that German unions have always prudently used the instrument of strikes as a "means of last resort" and that they observe a balance of power between unions and employers. With reference to an international comparison of strikes, working days and output lost it is indicated that other more confrontational systems bring much higher costs. The German system provides for "industrial peace." The same can be said for countries like Austria and Netherlands, both characterized by corporatist and consensus-oriented systems.

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2.10 Reforming Unions and Employers' Federations

Unions in Germany recognize the need for restructuring.

Greater individuality and diversity of interests on the side of members is well recognized by unions.

There have been a number of mergers of industrial unions in the recent past,

Industrial unions increasingly see the importance of works councils as partners for their own work. Works councils are necessary for filling out the new space for decentralized decision making.

An occasional conflict of interests between unions and works councils cannot be denied.

There is agreement as well that the two key institutions which build the basis of the system, the industrial unions and the employers' federations, are under pressure to modernize their organizations. Unions in Germany recognize the need for restructuring. Greater individuality and diversity of interests on the side of members is well recognized by unions, and they try to manage the necessary change in the organizational culture and structure of trade unions.

There have been a number of mergers of industrial unions in the recent past, the number of industrial unions already declined considerably to eleven as of May 2000, and a large restructuring through merging five service-oriented unions of the private and public sector into one large union is on the drawing board, known as the VER.DI project. If successful it will result in an enhanced representation in the regions and districts where the increased flexibility requires unions' increased input. Unions expect increased power for collective bargaining.

Unions pursue new concepts to raise their attractiveness to young workers where the organizational rate is just 12% as compared to around 30% on an average. New strategies to organize white-collar-workers have been adopted. Concepts to bring workers in small companies into the fold of unions have been designed. Unions have adopted new strategies to communicate with members using modern forms of communication. Unions are aware that strength is directly related to the membership and do know that stopping the declining trend in membership is of utmost importance for their own future and the future of the system of industrial relations. Collective agreements, for instance, in the "New Economy" will be very different from the traditional patterns. Industrial unions increasingly see the importance of works councils as partners for their own work. Works councils are necessary for filling out the new space for decentralized decision making. And they know that works councils become more important for their own campaign to recruit new members.

On the other hand, an occasional conflict of interests between unions and works councils cannot be denied. While collective bargaining by unions mainly aims at improving income and working conditions of union members, works councils often are forced to consider the security of jobs in their company as a priority objective, and thus tend to compromise on other issues.

Employers' federations are equally involved in the process of modernization. However, the strategic orientation is, unlike on the union side, unclear. Some employers work towards strengthening the federations and their capacity to act as a counterpart to industrial unions. They mainly focus on the above mentioned increased flexibility of the "association collective agreement" to preserve the system. Other representatives of employers' federations are occasionally asking companies to leave the organization because they consider the collective bargaining agreement as too tight for some of the members. In other cases federation representatives called for the disregard of the agreements while formally remaining a member. This disrespect for legally binding agreements would have been unthinkable just a few years ago.

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Some employers' federations have introduced new organizational forms which allow the membership in the federation without necessarily being bound to accept the collective bargaining agreement negotiated between the federation and the industrial union. The number of employers organized under the roof of employers' federations has decreased, and in East Germany the organization rate is very low. This trend is of concern for all those who favor the modernization of the system of collective bargaining. Unions have repeatedly articulated their interest in having strong counterparts; they cannot have any interest in a process of disintegration of employers' federations.

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2.11 Actors and System of German Industrial Relations

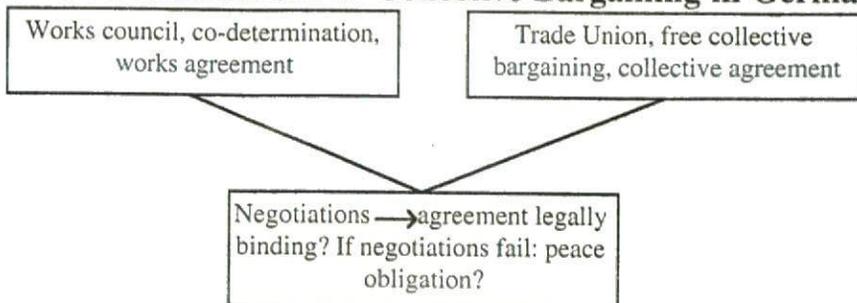
* The union density is about 25% with around 8 million workers unionized.

* The major trade union confederation is the DGB which has 6 affiliated unions (6.6 millions members).

* The largest unions are Ver.di (public and private sector workers), IG Metall (Metalworkers Union), and IG BCE (chemical industry focussed)

* Sharp division between East and West Germany and big corporations and SME

2.12 Co-Determination or Collective Bargaining in Germany



There are two distinct levels of co-determination. These are :

- * At floor level on the works council.
- * At enterprise level on the supervisory board of companies.

2.13 Works councils : Rights and Subjects

* As soon as a company has five or more employees, the employees have the right to form a works council.

* The works council must be informed about personnel planning (hiring and firing), technical and organizational changes. In these areas, the works council also has consultation rights.

* In some cases the works council even has the right to object to certain actions (e.g., personnel disputes)

* The main fields of responsibility are work time (length, time of day, breaks, vacation etc.), and work environment.

2.14 Trade Union in Germany

* Collective bargaining is still a monopoly of the unions in Germany.

* Only unions do have the right for industrial action.

* Almost every employee benefits from collective bargaining agreements regardless of union affiliation.

* Usually a union representative is a member of the supervisory board of the enterprise.

2.15 Recent Developments

* Development of industrial action because of restructuring being allowed (Federal Labour Court 2007)

* Opting out increases - Companies are leaving Employers' Associations to escape collective agreements and undermine collective agreements.

* Concession bargaining grows.

2.16 Workers' Participation

* Works councils at factory, national and European level, have boosted considerably the workers' participation in Germany and the European Union.

* Workers' participation guarantees access to crucial information for the collective bargaining process as well as the possibility for company focussed negotiations and actions.

* Works councils do have almost no access to small companies with less than ten employees. The reform of Works Constitution Act couldn't improve this situation.

The Industrial Relations System of the United States of America (USA)
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2.17 Features of Industrial Relations in the USA

* In the USA, there are only two federations of trade unions. They are American Federation of Labor (AFL) and Congress of International Organizations (CIO).

* Industrial dispute such as pen down strike, token strike, etc. occurred rarely.

* Industrial Tribunal Court and Summary Court both are involved to trade-off.

* Eight conventions of International Labor Standards (ILS) are followed by the American trade unions.

* There has been no state intervention. But state works to neutralize the process of industrial dispute settlement.

* Working class is very much responsible and satisfied in their jobs.

* Unions strictly follow the American Labor Code (ALC).

* There is favorable political stability in the USA.

2.18 The Fair Labor Standards Act and Collective Bargaining

Working time in the United States is shaped mainly by federal legislation, primarily the Fair Labor Standards Act (FLSA) of 1938, as well as collective bargaining. The FLSA established 40 hours as a normal working week for nonsupervisory employees, and made time-and-a-half the standard hourly rate of pay for those hours worked over the 40-hour standard.

The FLSA, however, does not mandate any paid holidays or paid sick days. These benefits remain "matters of agreement between an employer and an employee (or the employee's representative)." However, the influence of collective bargaining on working hours has declined steadily over the last several decades, which has clearly affected the capacity of workers to shape agreements with employers on paid holidays and sick days. Therefore, the weakening of collective bargaining and the lack of any legal entitlement to paid holidays and sick days are two important features of the work time environment in the U.S. Today only 12% of workers are covered by collective agreements and just 7% in the private sector. In 1983, about 1 in 5 workers in the United States was a member of a union. By 2006, only 1 in 8 workers was a union member. In 1983, about 1 in 6 private-sector workers was in a union. In 2006 the share had fallen to about 1 in 14.

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It is worth noting, however, that unions in the U.S. have not made the reduction of working hours a priority. This is particularly true of the last 25 years when unions have generally been preoccupied with defending what they have won at the bargaining table, but it was also true during the early postwar period when unions were in an altogether stronger bargaining position. There is still a "union differential" in the sense that union members generally get more paid sick days and vacations than nonunion employees, but this differential is perhaps not as evident regarding the actual numbers of hours worked. Still, according to the BLS's National Compensation Survey, 60% of union members had short-term disability insurance through their employers in 2006, as compared to only 35% of nonunion workers - meaning that union members are more likely to be compensated while unable to work through illness or injury, or on family leave following the birth or adoption of a child.

2.19 Workers not covered by the FLSA

For FLSA covered workers, however, the standard working week is 40 hours. Overtime pay is mandatory at time-and-a-half in excess of 40 hours.

Another important feature of the working time environment is the limited reach of the FLSA. Roughly 27% of U.S. workers fall outside the FLSA which means that, for a large group of workers, working time is effectively unregulated. For FLSA covered workers, however, the standard working week is 40 hours. Overtime pay is mandatory at time-and-a-half in excess of 40 hours. Non FLSA-covered workers are defined in Section 13(a) (1) of the FLSA, and include employees employed as bona fide executive, administrative, professional and outside sales employees, certain computer employees, contractors, vendors, and external consultants. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. The number of workers covered by "white-collar exemptions" has increased significantly in recent years. A GAO study in 1998 disclosed that somewhere between 19 and 26 million workers were already overtime exempt and more recent studies show that this number is inching upward. Workers outside the FLSA also tend to work longer hours. The GAO study revealed that more than 44 percent of these exempt employees worked over 40 hours per week.

2.20 State Laws Affecting Working Hours

Certain state overtime laws provide more protective coverage than the FLSA, most notably California's. Under the California Labor Code, an "employee" is "[any] person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay, whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation, and whether the service is rendered on a commission, concessionaire, or other basis." In California, overtime is due after 8 hours per day or 40 hours per week unless an alternative workweek of no more than 4 days of 10 hours was established prior to 7/1/99.

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A number of states have recently passed laws to mandate sick pay for workers, and they are indicative of growing pressure on government to address the "care crisis" in the U.S.

2.21 Recent Trends in Working Time

In contrast to most of the EU15 and Japan where working hours are trending downwards, the number of hours worked in the U.S. has remained fairly constant (at times even risen slightly) during the last decade or two. In the 1970s, European and U.S. workers worked roughly the same amount of hours per year, but since then the U.S. has been on a different track in terms of both weekly and annualized hours of work. The situation is summed up by Altonji and Oldham: In each decade of the 1960s, 1970s, and 1980s, vacation time mandated by law in European countries rose by an average of one additional week per decade, while in the U.S. and the United Kingdom vacation time continued to be determined solely on the basis of employer policy or private labor union agreements.

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This divergent trend in vacation legislation is mirrored in the trends of the amount of vacation taken in Europe and the U.S. Throughout the postwar years, vacation time in Europe grew, while growth in vacation time taken by Americans slowed after the 1970s. This is reflected in the fact that Organization for Economic Cooperation and Development (OECD) estimates of annual hours for the U.S. actually shows a slight growth between 1979 and the late 1990s. According to the OECD, the average annual hours for U.S. workers was 1,804 in 2005, considerably higher than the EU15 average.

In U.S.A. the average weekly hours for all workers is 33.8, down slightly from 10 years ago when it was 34.5 hours.

In the manufacturing, mining and construction sectors - where full time male workers predominate-the average weekly hours hovered between 39 and 45 hours.

U.S. business is making record profits on the backs of overworked and stressed out employees.

Paid sick leave is rare for low paid workers in particular.

The FLSA sets the normal working week at 40 hours, but survey data from 1999 indicate that 86% of full time employees covered by a collective agreement and working in medium and large establishments work 40 hours per week or more. The average weekly hours for all workers is 33.8, down slightly from 10 years ago when it was 34.5 hours. (BLS, September 2007) Yearly and weekly working hours - women and men as mentioned above, the average weekly hours for all workers is 33.8, down slightly from 10 years ago when it was 34.5 hours. (BLS, September 2007). The average weekly hours in the private sector stood at 33.9 in December 2006 down from 34.6 ten years earlier.

In the manufacturing, mining and construction sectors - where full time male workers predominate-the average weekly hours hovered between 39 and 45 hours, whereas in retail the average was 30.4 hours, in business and financial services roughly 35 hours, and in education and health a little over 32 hours per week, and in leisure and hospitality a little under 26 hours per week. In the U.S., men work an average of 40.4 hours per week, while women worked 34.2 hours on as average.

2.22 Unions, Public Policy Groups and Grassroot Organizations

For unions and various organizations that advocate for working families, U.S. business is making record profits on the backs of overworked and stressed out employees who are all too often unable to miss work through illness, in many instances have little or no vacation, and are increasingly required to work hours that are simply not conducive to healthy family life or child rearing.

Flexible work schedules exist, both formal and individually negotiated, but they mainly benefit higher-income white collar professionals. Paid sick leave is rare for low paid workers in particular, and too many workers must risk dismissal or a serious loss of income if they take time off to take care of children, relatives, or their own health.

Unions are playing an active role in changing this situation. Understanding that what can not presently be won at the bargaining table might be won in the political arena, unions have been quite engaged in reform efforts, particularly at the state level. In this effort, unions have committed resources and helped provide a broader reach to a network of nonprofit advocacy groups across the country.

2.23 Reforms at the State Level

Some of the impetus for the reform proposals before Congress around paid sick and family leave has been generated at the State level (which is also true of legislation to raise the minimum wage). Only one state—California—offered paid family leave, which was introduced in July 2004. Nearly all non-governmental employees in California (those who are covered by the current State Disability Insurance (SDI) plan or a substitute voluntary plan) are eligible to receive up to six weeks of Family Temporary Disability Insurance (FTDI) benefits over a 12-month period. FTDI benefits are funded through an increase in SDI contributions and serve as a wage replacement to cover periods where a worker is unable to work because of a need to care for an ill child, spouse, parent or domestic partner, or for the birth, adoption or foster care placement of a child. Employees are immediately eligible for the program upon hire and can begin to receive benefits following a seven-day waiting period.

Only one state—California—offered paid family leave, which was introduced in July 2004.

Other states have introduced some lesser reforms. In 2005 Maine passed a law requiring employers with at least 25 employees to allow workers with paid sick days to care for a sick family member—in other words, the worker need not be sick himself/ herself but can use her or his paid sick days to take care of a family member. Five more states have mandatory temporary disability insurance programs to cover income losses from short illnesses. And in November 2006, San Francisco voters approved the first mandated paid sick days in the United States. In March 2007, Washington State passed a family leave insurance program guaranteeing up to five weeks of partially paid leave to new parents—thus following the lead of California—and growing number of states are considering paid leave initiatives and several are likely to be introduced in the next year or two. The fate of federal initiatives, however, will rest in large part on the outcome of the initiatives to be taken by the Obama Government.

California and five more states have mandatory temporary disability insurance programs to cover income losses from short illnesses.

Industrial Relation's in the United Kingdom (UK)

2.24 The Role of Law and the State of the United Kingdom

Industrial relations in the U.K. are based on the principle of free collective bargaining between workers or their representatives and employers. The role of the state in industrial relations is primarily one of facilitating the relationship between trade unions and employers by providing the legislative framework within which trade unions and the machinery to assist the parties in dispute settlement can operate smoothly.

Industrial relations in the U.K. are based on the principle of free collective bargaining.

2.25 Features of Industrial Relations of the United Kingdom

The main features of Industrial Relations of the United Kingdom are :

- * There are two forms of trade unions, one is the *Basic Trade Union* and the other is *Industrial Trade Union*.
- * Types of employees are :
 - i. **Blue color** : It refers to those employees who are directly involved with the production department of a factory.
 - ii. **White color** : It refers to those employees who are not directly engaged with production but are related to management of the organization.
- * There is the existence of the craft union. In the craft union, each one is an specialist and skilled in his / her own working arena.
- * There are nine (9) National Federations working in the United Kingdom.
- * The National Federations act as the apex organizations of the Trade Union Structure.
- * There is no political affiliation of the Trade Unions and government does not interfere in the Trade Union activities even in the process of settlement of any industrial dispute.
- * The Trade Unions are working for increasing the productivity and for creating healthy working environment and better work place.

2.26 Climate of Employment Relations in the United Kingdom

In a research report on employment relations in the U.K. it has been stated that respondents are not only informants; they are also actors within the workplace, relating to events and practices of which they are a part. Given the 'contested' nature of IR reliance on a single role-holder, such as workplace HR managers, may lead to a partial or biased picture of the nature of Industrial Relations in the workplace. With multiple respondents often asked similar or identical questions about their perceptions of IR, Workplace Industrial Relations Survey (WIRS) has been able to establish the degree of 'dissonance' between respondents within the same workplace and has helped to explain reasons for the differences. This is nowhere more apparent than in the case of perceptions of the climate of employment relations in the workplace.

Workplace Industrial Relations Survey (WIRS) made a number of contributions to discussions about industrial conflict in Britain.

First, it gave a more accurate picture of the incidence of industrial action than other sources. Just as the Warwick Workplace Survey had identified strikes of short duration and those in smaller workplaces were under-recorded so Workplace Industrial Relations Survey (WIRS) provided information on the incidence of industrial action short of a strike where official statistics were either absent or patchy. Furthermore, as Industrial Relations scholars might have anticipated, Daniel and Millward found managers and worker representatives in Workplace Industrial Relations Survey (WIRS) disagreed about the occurrence of industrial action, a finding replicated in subsequent surveys.

Second, it supplemented information on the incidence of strike action with other information about conflict at work such as claims to industrial tribunals and perceptions of the 'climate' of IR at the workplace.

Management perceptions of 'climate' indicate an improvement in IR since 1990 but, perhaps surprisingly, relations remain poorer than they were in the early 1980s (Table). The table also shows that, whereas managerial perceptions of climate were poorer in union workplaces than in non-union workplaces in 1980-1990, the gap had disappeared by 1998.

In addition to the single-item climate indicator available in Workplace Industrial Relations Survey (WIRS) since the outset, Workplace Industrial Relations Survey (WIRS) includes items such as sanctions against employees (formal written warnings, suspensions of employees, deductions from pay, internal transfers for disciplinary reasons), and days lost through sickness and absence.

Table : Managerial Perceptions of the Industrial Relations Climate Among Workplaces with 25+ employees, 1980 - 2004

	1980	1984	1990	1998	2004
Panel A : Whole Economy					
Very Good	49	38	32	39	39
Good	49	57	61	51	53
Panel B : Unionized Workplace					
Very Good	45	34	28	40	37
Good	53	62	63	50	55
Panel C : Non-Unionized Workplace					
Very Good	56	48	37	39	41
Good	41	48	59	52	53

Note : The categories 'neither good nor poor', and 'very poor' account for the remainder

Different respondents express different opinions about IR in the same workplace.

Data for worker representatives matched to that of managers showed that the representatives had a poorer perception of the industrial relations climate than their managerial counterparts.

Third, workplace Industrial Relations Survey (WIRS) showed that different actors had very different perceptions of the climate of IR at the workplace. Data for worker representatives matched to that of managers showed that the representatives had a poorer perception of the industrial relations climate than their managerial counterparts. This finding has been replicated over the course of Workplace Industrial Relations Survey (WIRS). The advent of linked employer-employee data in 1998 meant that analysts were able to assess managers' perceptions of IR climate alongside those of employees in the same workplace. Comparisons revealed that managers tended to view climate more positively than their employees in the population with 25 employees or more and the population with 10 or more employees. Similar findings have been reported for 2004.

Fourth, workplace Industrial Relations Survey (WIRS) permitted analysts to investigate workplace-level correlates of IR climate and industrial conflict. Blanchflower and Cubbin's (1986) paper using WIRS was the first to use micro data to assess propensities for various types of industrial action. Their coverage of the non-manufacturing sector was also novel. Their findings from multivariate analyses broadly confirmed results from the cross-tabular analyses undertaken by Daniel and Millward. Using WERS98 Knight and Latreille looked at the correlates of individual conflict as measured by workplace variability in disciplinary action, dismissals and tribunal applications. They showed that both workplace and workforce characteristics explained much of the variance. Analyses of WERS98 and WERS04 have also shown that correlates of positive perceptions of climate differed markedly across managerial respondents and employees within the same workplace. (Workplace Industrial Relations in Britain, 1980-2004; David G. Blanchflower Bruce V. Rauner)

2.27 Unions and Employment Growth in the United Kingdom

The effects of unions on workplace-level employment in Britain illustrate two things. *First*, although changes in workplace employment have featured in the Workplace Industrial Relations Survey (WIRS) sourcebooks reported a 'preponderance of establishments with declining employment numbers' over the recession period (1980-84) - the analyses of this issue have largely occurred in academic papers. The impact of current recession (of 2009-10) is yet to be assessed.

Second, it illustrates the way in which WIRS can help us understand IR not simply through the 'mapping' of the terrain but by trying to understand the relationship between key variables in the data.

The Workplace Industrial Relations Survey (WIRS) literature on unions' employment effects has focused on changes in workplace employment levels. Early studies used retrospective data from managers on employment levels in earlier years to estimate union effects on employment change. More recent studies have begun to use the Workplace Industrial Relations Survey (WIRS) panel data, thus obtaining more accurate information. (Workplace Industrial Relations in Britain, 1980-2004; David G. Blanchflower Bruce V. Rauner)

2.28 The Ruin of Collective Industrial Relations in the United Kingdom

Reflecting on changes in industrial relations traced with the first four Workplace Industrial Relations Survey (WIRS) (1980, 1984, 1990 and 1998) Millward et al. (2000: 234) proclaimed the end of collective industrial relations in Britain: "The Conservative government that came to power in 1979 confronted a system of collective employment relations that was dominant, though not universal. That system of collective relations, based on the shared values of the legitimacy of representation by independent trade unions and of joint regulation, crumbled in the intervening eighteen years to such an extent that it no longer represents a dominant model."

They maintained that this change was so profound that it 'can reasonably be regarded as a transformation. Union membership and density had peaked in 1979. Comparisons of Workplace Industrial Relations Survey (WIRS) 80 with earlier Industrial Relations surveys had indicated a 'growth in the formality of workplace industrial relations' as advocated by the Donovan Commission. Despite Thatcher's first term in office, Workplace Industrial Relations Survey (WIRS) measures of collective Industrial Relations were fairly stable between 1980 and 1984 with workplace union recognition actually rising in the economy as a whole.

IR analysts and commentators became so used to union decline in the 1980s and 1990s that they had come to expect it. This decline took two forms: a reduction in the incidence of unionization in the workplace population and, where it continued to exist, a diminution in its reach and strength. From the mid-1980s there was a precipitous decline in union recognition, the closed shop, and workplace multiunionism. The decline in union recognition continued into the 1990s, albeit at a slower rate, but this decline has ceased since 1998, at least among the traditional population of workplaces with 25 or more employees (Table). The decline in a couple of percentage points is not statistically significant. This may reflect the importance of the political and policy climate under New Labor. There is also a surprise in the following Table, namely the rise in union recognition rates in the shrinking private manufacturing sector.

These has been a severe decline in the trend of collective industrial relation in the U.K. since the 1980s.

From the mid-1980s there was a precipitous decline in union recognition, the closed shop, and workplace multiunionism. The decline in union recognition continued into the 1990s.

**Table : Percentage of Workplaces with 25 + Employees
Recognizing Unions, 1980 - 2004**

	1980	1984	1990	1998	2004
Manufacturing	65	56	44	28	37
Private Services	41	44	36	23	20
Public Sectors	94	99	87	87	88
All	64	66	53	42	39

Sources : Millward et. al., 2000; Willman and Bryson (2006) based on WIRS. Note that 1998 figures based on new weights explaining difference in 1998 private manufacturing figure compared with Millward et al. 2000.

This slow down in the rate of decline in collective IR, confirmed in other research pointing to an increase in the rate of new union recognitions, is also apparent in the slower rate at which collective bargaining coverage has fallen since 1998, but again there are large sectoral differences with the rate of decline greatest in private manufacturing. One could nevertheless argue that, by the turn of the century, the strongest forms of unionization - especially the closed shop - had all but disappeared in Britain, at least in the private sector. One-in-five private manufacturing workplaces with 25 or more employees recognizing unions for bargaining scored a maximum of three points on Millward et al.'s (2000: 179-183) index of union strength by 1998, as did one-in-seven private service workplace recognizing unions. The closed shop had effectively been outlawed in Britain by 1990 so it was not surprising to see that it had virtually disappeared by 1998 (Millward et al., 2000: 147). Only 3 percent of workplaces with 5 or more employees had 100 percent union membership in WERSS04. Among workplaces with union members who recognized unions and had 25 or more employees, the percentage with 100 percent union membership fell from 19 percent in 1984 to 13 percent in 1990 to 4 percent in 1998. By 2004 the figure stood at 6 percent.

By the turn of the century, the strongest form of unionization - especially the closed shop - had all but disappeared in Britain, at least in the private sector.

Industrial Relations In Australia

2.29 Industrial Relations Mangement Theories in Australia

Theory in industrial relations is that it focuses on the structure, policies and operations of the organisation for those who are involved in determination of work relationship. The management theory of Unitary Approach assumes that both the worker and the employer share the same common objective. There is no conflict of interest between the owner and the labour. This means that they act as a common part of a single team (Deery & Plowman, 1991). They (the worker and the employer) are joint partners to the common aims of production, profits and pay, which will be shared between all the stock-holders as team members. Fox (1966) wrote :

Theory in industrial relations is that it focuses on the structure, policies and operations of the organisation for those who are involved in determination of work relationship.

"... Each accepts his place and his function gladly, following the leadership of the one so appointed. There are no oppositionary groups or factions and therefore, no rival leaders within the team. Nor are there any outsider in it; the team stands alone, its members giving allegiance to their own leaders but to no others."

In this approach three broad schools of thought can be found. One of those is Frederick Taylor's Scientific Management Theory-where he proposed that management should study the work that had to be performed in order to ascertain 'scientifically' one best way of doing each work. Another approach is related to human relations that emphasises to treat the employees or the workers as human-beings and the manager should honour their feelings. During 1920s and 1930s Elton Mayo, an Australian researcher, conducted a research on it. In mid 1950s a new theory named Neo-human relations, took place in the field of industrial relations in Australia. But all these approaches were the subject of criticism in the contemporary world.

During 1950s and 1960s a new theory on industrial relations management was developed with indivisibility of conflict with unitary concept of industrial relations. This is the Pluralist Approach. This approach explains that within an organisation there are many groups with divergent interests, objectives and aspirations. Therefore, there is no single interest group or elite which is able to become dominant because of the countervailing power of other interest groups. Connolly (1969) says : "Pluralism ...Each "group" has some voice in shaping socially binding decisions; each constrains and is constrained through the process of mutual group adjustments ; and all major groups share a broad system of beliefs and values..."

So, when unitary approach admitted only one source of power—this approach emphasises on different interest groups, sources of loyalty and attachment. But this approach also has its criticism in Australia and around the world because of its assumption of inevitability of conflicts and emphasis on the promotion of rational, efficient and effective conflict management (Deery & Plowman, 1991).

In the theory of Strategic Choice-Kochan, Katz, and MCKersie (1988) took broader view. Here they explain their thinkings as, "industrial relations practices and outcomes were shaped by the interaction of environmental forces along with the strategic choices and values of the employers, the employees, the trade unions and the government." The authors claim that : "... industrial relations researcher can no longer isolate the workplace and strategic levels into separate fields of inquiry any more than practitioners or policy makers who can segregate them into independent domains."

This theory was not without its criticism. Hilderbrand (1988) claims that here the authors overstate the importance of managerial strategies in affecting the character of industrial relations. But in spite of its criticism and the obvious need for Australian research to clarify issues relating to the improvement of managerial values—the concept of strategic choice is mostly relevant to the study of industrial relations in Australia. These three approaches are very well known in the day-to-day industrial relations practices in Australia. But other than these approaches—Marxist approach, the Labour Process, Divergence & Accommodation Model, the System Model of managing industrial relations are also known in Australia (Deery & Plowman 1991).

2.30 Practices of Industrial Relations Management Theories in Australia

The trade unions were rapidly covering skilled workers after 1850s. In the nineteenth century the employers' organisations were there.

Development of industrial relations in Australia has a history. The development practices and patterns of labour relations sometime affect the economy and also the labour market. In Australia the later half of the nineteenth century economic growth was strong and provided opportunities for increasing wages for the workers—it was economically favourable but there was recessions. The trade unions were rapidly covering skilled workers after 1850s. In the nineteenth century the employers' organisations were there. But their job was limited to protect trade and control prices only. Here both the employer and the trade unions tried to impose unilateral control of wage and employment conditions.

Union would often present claims beyond standard rates of pay and these would be accepted or modified by the employer without any negotiation.

Union would often present claims beyond standard rates of pay and these would be accepted or modified by the employer without any negotiation. During this time in Australia there was limited and weak development of collective bargaining by a variety of attempts at unilateral regulation (Gardner & Palmer, 1992). Here the state also intervened in labour relations with introducing acts like Master and Servant Acts, Indentured Immigrants Acts and so on providing the employers with extensive controls over the worker discipline, mobility and wages (Quinlar, 1986).

After a long discussion in 1927 Australian Congress of Trade Union (ACTU) was formed to coordinate national union action.

The second part of labour relations practices in Australia is marked by the development of arbitral model. Federal and state arbitration system encouraged confederation in unions and employers, union organisation proceeded to expand rapidly and employer associations took active part on industrial focus. But support for arbitration was not universal among the unions or the employers group. There were internal dissension over attitude to arbitration, action and union co-operation. After a long discussion in 1927 Australian Congress of Trade Union (ACTU) was formed to coordinate national union action. But then also labour relations were unstable and strikes were often lengthy. The key feature of these period was-increasing interdependence of the union and the arbitral tribunals, centralised minimum standards and principles governing wages and employment conditions etc. (Gardner & Palmer, 1992).

The war years and the following two decades were the time for industrial and enterprise development. At that time employer association's policy of trade union, trends in wages and policy changed dramatically. The ability of the trade union and the employers to take coordinated national policy decision and action increased during this period. In the 1980s the predominant pattern of industrial relations changed at the national level. Arbitration remained central and key instrument of implementation of national industrial relations policy. Other changes like decline in the union membership and low level of industrial conflicts occurred in the eighties. But in the nineties the reform of the accord came increasingly to focus on change at the workplaces. During 1975 to 1990s Australian industrial relations can be explained by greater intergration of the union and the government policy and government social economic policy.

At present most of the industrial workplaces in Australia have multiple unions. For example, 80 percent of the workplaces have employees in two or more unions, more than one third of workplaces have more than six unions-some upto twenty unions. Lee has provided evidence of the importance of informal workplace bargaining. From her survey in Coal industry of Australia, she found that bonus payment is wholly negotiated by employee representatives and management (Deery and Plowman, 1991).

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Industrial Relations in China

2.31 China's Industrial Relations Strategy and Practice Prior to 1980s

China's industrial relations system must be understood in terms of its economic and political organizations. Although the All-China Federation of Trade Unions was set up as early as in 1925, its incorporation into the Chinese Communist Party (O'Leary, 1994) defined the labor movement's role within a state-dominated, import substitution industrialization policy in a centrally planned closed economy. The trade union constitution's preamble states the role of the union rather clearly: "The Trade Unions of China are the mass organizations of the working class led by the party and are the transmission belts between the party and the masses".

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The main characteristics of the system included state ownership of industrial enterprises, the implicit guarantee of employment for workers, centralized wage setting and HR policy determination.

Therefore, although the unions played a variety of economic and political roles, the role of transmission belt (communication between the party and workers) was the most central. The transmission belt ostensibly contributed to the development of the state's industrial, employment, and welfare goals. The main characteristics of the system included state ownership of industrial enterprises, the implicit guarantee of employment for workers, an administrated allocation of labor irrespective of the price mechanism, centralized state planning of production and distribution, centralized wage setting and HR policy determination, a rigid labor market with little inter-enterprise or inter-regional mobility, and the absence of price-or efficiency-driven controls over industry. Although the emphasis varied over time, the broad industrial policy followed was a mixture of heavy industrialization in the core sectors of the economy, coupled with both import substitution industries and small scale industrialization to promote economic growth in the rural sector.

The administrative bureaucracy at central and regional levels governed industry, while the party and the trade unions developed parallel bureaucracies.

The administrative bureaucracy at central and regional levels governed industry, while the party and the trade unions developed parallel bureaucracies. In industrial relations terms, however, the workplace (specifically, the work unit) was most important. The term "iron rice bowl" is used to describe this inclusive IR system. Note also the often heard quotation that the Chinese industrial enterprise was not organized to make profits, but to fulfill the economic and social policy of the state.

The Chinese trade union focused on day-to-day shop floor problems, but walked a fine line between its responsibilities of educating the workers, ensuring the success of the enterprise, and ensuring that the management of the enterprise did not exploit workers.

Within this system, industrial relations consisted of dualistic structure of codetermination. Warner (1987) provides an analysis of IR in the Chinese factory. The Chinese trade union focused on day-to-day shop floor problems, but walked a fine line between its responsibilities of educating the workers, ensuring the success of the enterprise, and ensuring that the management of the enterprise did not exploit workers. They dealt with matters such as grievances and decisions regarding social activities. Workers congresses met about four times a year and had responsibility for strategic issues, such as the scrutiny of plans and budgets, decisions on enterprise funds for welfare activities, changes in organization structure and payment systems, and election of the enterprise director and other key management personnel.

The combination of administrative labor allocation and the iron rice bowl produced a rigid and inflexible system within the enterprise, and outside as well. The absence of numerical flexibility was further reinforced by the absence of labor mobility given the household registration system. This has been cited as the "greatest institutional barrier to free labor mobility". Thus, the objectives of industrial relations policy was in some sense to support the economic and social structure that communism built. Note, however, that there were numerous differences under different regimes and across different industries in how workers' congresses and trade unions operated. For instance, trade unions' rights and roles were banned during the Cultural Revolution, and there was some degree of loosening in industrial relations as Deng sought to give enterprises greater control over their management after 1978.

2.32 Recent Changes in Chian's Industrial Relations

The Chinese industrial relations system has been in considerable ferment since the opening up of the Chinese economy during post-1978, and in particular post-1983. There is a lot of research on the change in economic development strategy, and we will not revisit that research here. But the change in economic policy brought about a greater decentralization in the SOE's (State Owned Enterprises), which were allowed to manage themselves more independently, and an increase in the number of FIE's (Foreign Investment Enterprises), foreign-owned joint venture firms in export and special economic zones all over the country. Decentralization in the state sector implied changes in industrial relations and human resource practices, with new practices that are increasingly focused on getting a higher degree of numerical and functional flexibility.

In terms of industrial relations legislation, the government's focus in the foreign investment sector is to keep basic labor protection and welfare laws as similar as possible to the state-owned sector. Thus, in joint venture firms there are detailed rules regarding industrial relations and human resource practices. There is a ceiling regarding wage payment, and in effect a legislated system regarding employee benefits that parallels the state-provided benefits. Every enterprise must have a union, which can attend the board meetings of the companies, and which get a company supported office, 2 percent of the wage bill, and the salaries of union reps. paid by the company. The purposes of unions here are the same, to ensure the success of the enterprise, while there is also a strong emphasis on ensuring that workers do not get exploited and that their basic rights are protected.

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However, workplace Industrial Relations and Human Resource practices in the FIE sector show considerable variety, often affected by country of origin.

However, workplace Industrial Relations and Human Resource practices in the FIE sector show considerable variety, often affected by country of origin. Thus, Western multinationals have a very different reputation as employers than Korean and Taiwanese companies. Variation is facilitated by weak and haphazard enforcement of labor legislation. Wage setting is determined by the enterprise. On an average, in 1995 wages in the FIE sector were about 1.45 times the wages in the state-owned sector. Other employment practices are completely within the discretion of the employer, subject to the basic standards legislation. Despite the ACFTU directive to organize every workplace, only 36 percent of workplace have been organized so far, with the labor movement showing little ability, or interest, in speeding up the organization rate, and as several observers have noted, have little resources with which to do so. Most importantly, there is little evidence of guaranteed lifetime employment in this sector, beyond the possibility of renewal of short term contracts. Employment contracts are short term, highly specific, impose restrictions on their employees, can be unilaterally changed by the employer, and in several cases, no contracts are signed at all.

Decentralization of decision making down to the enterprise level has not been matched by adequate autonomy for unions or the right to strike.

The labor movement in China has been slow to adapt to these changes. On the one hand, the numerical flexibility enhancing strategies followed by state owned enterprises have hindered union membership. In addition, decentralization of decision making down to the enterprise level has not been matched by adequate autonomy for unions or the right to strike. On the other hand, although there is state support for the extension of collective bargaining, the ACFTU has been very slow to organize as we have already seen. The labor movement has limited funds, limited organizers, and tends to view new organization as a bureaucratic exercise. In the FIE sector many labor regulations are not enforced given that provincial governments believe that enforcing such laws may drive off foreign investment. Thus, the power of the labor movement has been weakened by the changes.

There is a clear transition from centralized IR and a highly welfarist (iron rice bowl) and rigid system to a more profit-driven, flexibility-oriented IR and HR system.

The net effect of the changes in economic policy and the changes in labor law have been an increase in the diversity of industrial relations and human resource practices in China, diversity within state enterprises and between state enterprises and FIE's. In effect, there is a clear transition from centralized IR and a highly welfarist (iron rice bowl) and rigid system to a more profit-driven, flexibility-oriented IR and HR system. There is tremendous variation in IR reform and differential progress across industries and sectors, but the trend is fairly clear: the focus is on increased numerical, functional, and wage flexibility.

Lessons for Bangladesh

The environment for industrial relations in Bangladesh is not conducive to the development of industrial sector which ultimately leads to the slow growth of economic development in the country. Hence, in order to get the best possible results in the field of industrialization vis-a-vis industrial relations, the policy makers of our country may gain

knowledge from a closer look of the different aspects of industrial relations of Japan, Australia, Germany, USA, U.K and China. The main lessons for Bangladesh may be summarized as follows :

- i) The level of organizational commitment among the workers and employees should be increased;
- ii) Improving social and working relations within plants particularly by involving employees / workers more in decision making and developing the leadership skills of managers;
- iii) Pay and allowances of the workers / employees is wholly negotiated by enterprise-based bargaining between the worker / employee representatives and the management.
- iv) Flexibility and adaptability have become key managerial objectives which help the manager to improve their skill, work design and to take efficient decisions;
- v) Organizational policies and strategies should be formulated and also implement through general consensus between the workers/ employees and the employers;
- vi) Human resources should be treated as organization's assets rather than a money making machine;
- vii) Management of conflict and employee grievances should be handled effectively which ultimately would lead to innovation and productivity improvement of a concerned organization;
- viii) During selection and promotion of candidates (employees) a human resource manager should follow a standard method and all candidates can get equal treatment without bias, and
- ix) The activities of industrial relations in Bangladesh should be free from the influence of party politics.

QUESTIONS TO ANSWER

1. (a) What is understood by comparative industrial relations?
(b) Describe your idea about trade union, CBA and industrial dispute in Japan.
 2. (a) Describe the factors influencing the industrial relations in Japan.
(b) Discuss about Japan's IR policy and practices prior to 1990s?
 3. Highlight the recent changes in IR of Japan.
 4. Elaborate the features and challenges of IR in Germany.
 5. Discuss your idea about collective bargaining in Germany along with its criticism.
 6. Elaborate the actors and system of German industrial relations.
 7. Discuss the features of IR in U.S.A and U.K.
 8. Discuss the climate of employment relations in the U.K.
 9. Describe you idea about IR management theories in Australia.
 10. (a) Elaborate the IR strategy and practices in China prior to 1980s?
(b) Critically discuss the recent changes in China's Industrial Relations.
- Indicate True or False.**
- a. Works Councils.
 - b. Worker's participation.
 - c. FLSA
 - d. Working hours in U.S.A.
 - e. The ruin of collective industrial relations in U.K.
 - f. Unions and employment growth in U.K.

Chapter Highlights

Introduction, Nature of Trade Unions in Bangladesh, Objectives of Trade Union, Trade Union Structure in Bangladesh, Registration of Trade Union, Advantages of Trade Union, Disadvantages of Trade Union, Trade Union Leadership, Trade Union Movement in Bangladesh, Questions to Answer. Indicate True or False.

3.1 Introduction

Generally trade union is an organization of workers.

Generally trade union is an organization of workers. It is formed with a view to improve the condition of workers in the organization and in society and also for collective bargaining with management. A trade union bridges the relationship between workers and workers and also between workers and employers.

According to *Edwin B. Flippo*, "Trade union is an organization of workers formed to promote, protect, and improve through collective action, the social, economic and political interests of its members."

Industrial Relations Ordinance, 1969 defines trade union as : Any combination of workmen or employers formed primarily for the purpose of regulating the relation between workmen and employers or between workmen and workmen or between employers and employers or for imposing restrictive conditions on the conduct of any trade or business and includes a federation of two or more trade unions.

3.2 Nature of Trade Unions in Bangladesh

As has already been said, trade union is an organization of workers. The objectives of trade unions all over the globe are the same. But the nature of trade union varies from country to country because the philosophy, mentality, political situation, ideology of trade union leaders and workers etc. vary widely. In that sense, the nature of trade unions of Bangladesh is also unique with the following features :

1. Trade unions are subdivided into different parts. Their internal collision forbids them to unite and be stronger.
2. The trade unions of Bangladesh are highly politicised. They are subordinated to different political parties.
3. Trade unions in Bangladesh are structurally very weak.

4. Trade unions take part in different job related movements as well as political movements not related to their jobs.
5. The leaders of trade unions are very much concerned about their own selfish interests rather than the interests of their followers.
6. Our trade unions are financially and structurally very weak to face the united strength of their employers.
7. The leaders of trade unions are autocratic in their behavior. Hardly they want to listen to the genuine grievances of workers.
8. There is a dearth of knowledgeable union leaders. Lack of proper knowledge about labour laws makes the leaders ineffective to safeguard the interests of workers vis-a-vis employers.
9. The general workers have little faith in the integrity of trade union leaders.

3.3 Objectives of Trade Unions

The fundamental objective of trade unions is the deliberate regulation of the conditions of employment in such a way as to protect the interests of workers. The detailed objectives are :

1. To ensure standard wage rate for workers.
2. To help determine proper working conditions like working hours, leave, social security, etc. for members.
3. To ensure job security of the workers.
4. To protect the interests of the workers vis-a-vis the interests of the society.
5. To reduce conflicts between workers and management of the organization.
6. To ensure participation of workers in the profit of the organization.
7. To develop job status of the workers.
8. To increase self-confidence and class consciousness of the workers so that they can work with dignity and avoid being exploited.
9. To bargain with management through CBA for different issues involving workers' interests.
10. To ensure participation of workers in decision making with management in the organization.
11. To remove the financial incapability of the workers and to protect them from autocratic mentality of management.

3.4 Trade Union Structure in Bangladesh

The trade union structure of Bangladesh is composed of the following three components :

1. Basic unions
2. Industrial federations
3. National federations

Each of these components are discussed below. The structure is shown in fig : 3.1.

1. Basic Unions :

In the structure of trade unions, basic unions are at the grass root level. They are directly related to the general workers. The leaders of such trade unions are elected by the direct vote of the workers. There are more than four thousand registered basic trade unions in Bangladesh. Basic trade unions are of different types. These are discussed below :

a. General trade union : The members of this type of unions are not required to be specialized workers. Any worker or employee of the respective enterprise, regardless of the job, can be a member of this type of trade union.

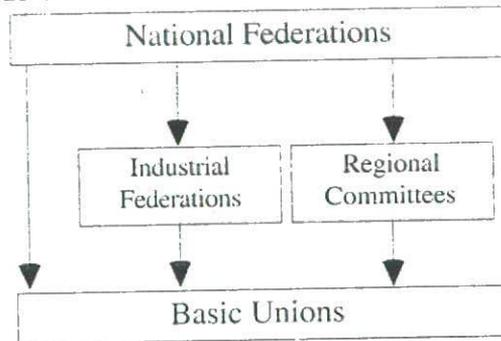


Fig : 3.1 The Trade Union Structure.

b. Industrial union : This kind of trade union is formed by the workers of an enterprise belonging to a particular industry like jute industry, footwear industry, garment industry, etc.

c. Craft union : This kind of union is formed by the skilled workers of different jobs of different industries. Each member is skilled in one profession.

d. Blue collar union : Blue color union is formed with those workers who are directly related to production. This type of union keeps a decisive role in labor movement.

e. White collar union : This sort of union is formed with the employees / staffs of an enterprise who are not directly related to production.

In the structure of trade unions, basic unions are at the grass root level.

f. Mixed union : This kind of union is formed with blue collar and white collar employees together. That means, the members of such unions are both production workers and office employees of the same organization. The total number of members of such union is usually very big.

g. CBA union : Such unions are bargaining agents of workers. They are elected by workers for a definite period. They come to power to bargain with management for different job related issues of the workers.

2. Industrial Federations :

Industrial federations are formed with the affiliation of different basic unions belonging to a particular industry. In Bangladesh, garments workers' federation, sugar mills workers' federation etc. are the examples of industrial federation. At present in Bangladesh there are more than 90 registered industrial federations. Industrial federations help solve job related issues of the workers through discussion with the management. Moreover, this kind of federation determines the different action plans, and policies of its affiliated unions so that they can organize workers effectively. This kind of federations of unions can be members of different national and international federations.

Industrial federations are formed with the affiliation of different basic unions belonging to a particular industry.

3. National Federations :

This type of federations stand in the apex position of the trade union structure. National federations act as coordinators and controllers of affiliated basic unions and industrial federations. Workers interests would be better served if there is only one national federation at the national level. In Bangladesh, however, there are 23 registered national federations. Basic unions and industrial federations can join any of the national federations according to their choice or they can even form new national federations if they so desire. At present many national federations are united under one banner, called SKOP (Sramik Karmachari Oikko Porishad). But many federations have political affiliations for which the labour movement cannot reach the desired goal.

National federations act as coordinators and controllers of affiliated basic unions and industrial federations.

3.5 Registration of Trade Union

For getting legal status, registration of trade union is a must. In order to be a CBA union registration is mandatory. For registration, however, the law prescribes a procedure to be followed. The steps of the procedure under the Industrial Relations Act are as under :

Step 1 : Application for registration : Any trade union may, under the signature of its president and the secretary, apply for registration of a trade union to the Registrar of Trade Unions.

Step 2 : Requirements for application : Every application for registration of a trade union shall be accompanied by a statement showing:

- i. The name of the trade union and the address of its head office.
- ii. Date of formation of the union.
- iii. The titles, names, ages, addresses and occupations of the office bearers of the trade union.
- iv. Statement of total paid membership.
- v. In case of a federation of trade unions- the names, addresses and registration number of member unions.
- vi. In case of a trade union of transport vehicle workmen, total number of transport vehicles, the name and addresses of their owners, the route permit number of the vehicles and the number of workers in such vehicles.
- vii. Three copies of the constitution of the trade union together with a copy of the resolution by the members of the trade union adopting such constitution bearing the signature of the chairman of the meeting.
- viii. A copy of the resolution by the members of the trade union authorizing its president and the secretary to apply for its registration; and
- ix. In case of a federation of trade unions, a copy of the resolution from each of the constituent unions agreeing to become a member of the federation.

Step 3 : Requirements for registration :

A trade union shall not be entitled to registration unless the constitution thereof provides for the following matters, namely :

- a. The name and address of the trade union.
- b. The objectives for which the trade union has been formed.
- c. The manner in which a worker may become a member of the trade union specifying therein that no worker shall be enrolled as its member unless he applies in the form set out in the constitution declaring that he is not a member of any other trade union.
- d. The sources of fund of the trade union and the purpose for which such fund shall be applicable.

e. The conditions under which a member shall be entitled to any benefit assured by the constitution of the trade union and under which any fine or forfeiture may be imposed on him.

f. The maintenance of a list of the members of the trade union and of adequate facilities for the inspection thereof by the officers and members of the trade union.

g. The manner in which the constitution shall be amended, varied or rescinded.

h. The safe custody of the funds of trade union, its annual audit, the manner of audit and adequate facilities for inspection of the account books by the officers and members of trade union.

i. The manner in which the trade union may be dissolved.

j. The manner of election of officers by the general body of the trade union and the term, not exceeding two years, for which an officer may hold office upon her / his election or re-election.

k. The procedures of expressing want of confidence in any officer of the trade union.

l. The meeting of the executives and of the general body of the trade union, so that the executives shall meet at least once in every three months and the general body at least once every year.

m. A trade union of workers shall not be entitled to registration unless it has a minimum membership of thirty percent of the total number of workers employed in the establishment or group of establishments in which it is formed.

Provided that if more than one establishments are under the same employer, which are entitled to and connected with one another for the purpose of carrying on the same business irrespective of their place of situation, shall be deemed to be one establishment.

Provided further that where any doubt or dispute arises as to whether any two or more establishments are under the same employer or whether they are allied to or connected with one another for the purpose of carrying on the same business the decision of the Registrar shall be final.

□ Disqualification for being an officer or a member of a trade union :

1. Notwithstanding anything contained in the constitution or the rules of a trade union, a person shall not be entitled-

Trade Union

a. to be, or to be elected as, an officer of a trade union if he has been convicted of an offence involving moral turpitude or an offence under law and

b. to be a member or officer of a trade union formed in any establishment or group of establishments if he is not, or was never, employed or engaged in that establishment or group of establishments or if he was dismissed from any such establishment.

Registered trade union to maintain register, etc.

Every registered union shall maintain in such form as may be prescribed by law :

a. a register of members showing particulars of subscriptions paid by each member,

b. an account book showing receipts and expenditure and

c. a minute book for recording the proceedings of meetings.

Step 4 : Registration

1. The Registrar, on being satisfied that the trade union has complied with all the requirements of law, shall register the trade union in a prescribed register and issue a registration certificate in the prescribed form within a period of 60 days from the date of receipt of the application. In case the application is found by the Registrar to be deficient in material respect or respects he shall communicate in writing his objection to the trade union within a period of 15 days from the receipt of the application and the trade union shall reply thereto within a period of 15 days from the receipt of the objections.

2. When the objections raised by the Registrar have been satisfactorily met, the Registrar shall register the trade union. In case the objections are not satisfactorily met, the Registrar may reject the application.

3. In case the application has been rejected or the Registrar has after settlement of the objections, delayed disposal of the application beyond the period of 60 days, the trade union may appeal to the labor court who, for reasons to be stated in their judgment, may pass an order directing the Registrar to register the trade union and to issue a certificate of registration or may dismiss the appeal.

Step 5 : Certificate of registration

The Registrar, on registering a trade union shall issue a certificate of registration in the prescribed form and that shall provide a conclusive evidence that the trade union has been duly registered.

3.6 Advantages of Trade Unions

Generally it can be said that a trade union is formed basically for the welfare of the workers so that they can be united and get the power to bargain with the management to preserve and protect their interest regarding job. It is easy for the workers to dictate the terms and conditions of their job to management, when they are united rather than being isolated. So the main advantages of trade unions go to the workers themselves. The several advantages that have been sought from trade unions are discussed below :

It is easy for the workers to dictate the terms and conditions of their job to management, when they are united rather than being isolated.

1. Increase in bargaining power : Trade union is a legal organization of the workers. Through this organization they can present their demands to the management, determine their terms and conditions of employment etc. which are not possible by a single worker. Trade union gives them strength to bargain with employers.

2. Ensuring job security : Trade unions help to secure the job of the workers. The employer can not sack a worker illegally from his job if he is a member of a registered trade union. So it helps the workers to secure their job.

3. Enhancement of wages : United strength of workers through trade unions helps them enhance wages and also bonus, gratuity, overtime allowance, etc.

4. Implementation of labour laws properly : The employers try to avoid labor laws so that they can be financially gainer, but it naturally goes against the workers. Trade unions help the workers to implement these laws properly so that the workers can maintain and improve their position, at least financially.

5. Opportunity to raise voice to employers : The industrial workers can place their grievances to management through their trade unions.

6. Recognition of workers' participation : Workers can participate in the policy formulation of the organization through their unions.

7. Ensuring industrial peace : One important objective of trade union is to create healthy relationship between workers and management and thereby bringing industrial peace.

8. Protection against exploitation : Workers are always neglected, deprived of their rights through exploitation by the owners. Trade union is a weapon of workers to check this exploitation and to protect their rights.

9. Creating harmonious relationship between employers and workers : One important purpose of trade unions is to create harmonious relationship between the workers and employers. This will help to increase friendly relations between the two parties.

3.7 Disadvantages of Trade Unions

Although trade unions are indispensable in industries, they render some disservices also.

1. Corruption of trade union leaders : The trade unions are very much criticized for their involvement in corruption. Many trade union leaders are used to unethical activities, thereby causing great harm to society.

2. Affiliation with party politics : Trade unions are more or less affiliated with party politics and that leads to political divisions among workers.

3. Decrease in productivity : By using trade union the workers frequently involve in different types of movements like strike, go slow, gherao etc. Though these are legal rights they tend to reduce productivity of the organization.

4. Misuse of rights : Trade unions may use their legal rights of strikes, movements etc. illogically and create disturbances in industrial area. Trade unions enjoy the power to bargain with the owners. So, it reduces the control of the owners on their enterprises. Even sometimes, the management is constraint to take any decision without concern of the trade union leaders

5. Increase in managerial complexity : Though trade union is helpful for the workers, the employers do not accept them as essential partners in the industrial process to achieve goals. This tend to increase managerial complexity and inefficiency in operations.

3.8 Trade Union Leadership

The basic functions of trade union leaders are to protect workers' interests and to maintain harmonious relation among workers and also between workers and employers. Leadership is the crucial factor in the trade union organization and movement. In a trade union there can be leaders from the workers, working in the organization to which the trade union belongs. They are called insiders. Again there can be leaders from outside the organization, who are called outsiders.

The basic functions of trade union leaders are to protect workers' interests and to maintain harmonious relation among workers and also between workers and employers.

❑ Trade Union Leadership By Outsiders :

Leaders, not from among the workers of the respective organization are called outsider leaders. Though they are not members of the organization, they play a crucial role for protecting the rights of both workers and employers. Advantages and disadvantages that emerge from their leadership are detailed below.

Leaders, not from among the workers of the respective organization, are called outsider leaders.

Advantages

Outsider leadership occurs for several reasons. **First**, most of the workers are illiterate and unorganized and thus the necessity of leadership from outsiders in trade unions can not be underestimated. **Second**, management is more powerful than workers in all perspectives. So, unions often search for persons who can lead and guide them. **Third**, the outside leaders are experienced, skilled and educated. **Fourth**, the outside leaders are not afraid of losing their job and thus they can play an effective role in trade union movement. **Fifth**, the outsiders can not only help the unions to fight for their causes but can also safeguard the workers from tyrannies of management.

Disadvantages

In many cases, trade union leadership by outsiders suffers from certain drawbacks. **First**, it leads to political unionism, which, in turn, leads to the multiplicity of unions and to intra-union rivalry. **Second**, leaders from outside are more concerned with maximizing their self or political interest rather than maximizing welfare and well-being of workers. **Third**, they may also create vested interests in the internal affairs of trade unions. **Fourth**, the outsiders are not from among the workers and so they are not directly committed to workers. **Fifth**, opportunistic leaders can sometimes appear in leadership from outside and thus the workers may not have trust over the leaders who are outsiders. Sometimes the workers assume them as agents of owners or of Govt.

❑ Trade Union Leadership By Insiders :

Insider leadership i.e. leadership by existing fellow workers in trade unionism is desirable for a healthy growth of trade union movement. Insiders can effectively meet the needs and expectations of rank-and-file members. But in some cases workers are not happy with their worker-leaders because, in most cases, they betray the causes of their fellow workers in order to achieve their own selfish interests.

Insider leadership is leadership by existing fellow workers in trade unionism.

Advantages

Insider leadership comes from among workers themselves and it enjoys some advantages. **First**, it is related to the needs and aspirations of trade union members. **Second**, such leadership can realize the problems and needs of the workers and take necessary steps easily. **Third**, insiders being workers themselves are sometimes more experienced in trade union affairs than the outsiders. **Fourth**, they are elected by direct poll of workers and are dedicated to trade union members.

Disadvantages

Insider leadership suffers from certain drawbacks. **First**, a leader should have adequate knowledge and experience but sometimes insiders are not so much experienced, skilled and educated. **Second**, insiders are overwhelmed by nepotism and regionalism and they act to satisfy their personal interests. This creates dissatisfaction among workers. **Third**, the leaders of this category are often not experienced and educated and as a result they fail in collective bargaining with owners. **Fourth**, such leaders, being influenced by political parties, often act for the sake of the political parties rather than pursuing the interests of general workers.

□ Pre-Conditions for Success of Insider Leadership

1. Workers should have sufficient knowledge about their rights and claims : Workers should have adequate knowledge about the existing labor laws. They should have awareness about their rights and claims regarding payment of wages, compensation, working hours etc. They also should know about the terms and conditions of trade union and trade union leadership. The workers should be organized and united. Then the insider leadership is supposed to be effective.

2. Leaders must be trained-up : Leaders should be given need-based training on matters related to their leadership. They are to be well-versed in relevant laws and policies and are to be competent in dealing with management.

3. Existence of team-spirit within unions : Trade union leaders and workers should work as a team for the establishment of their rights. When working as a team, intimate relationship grows between leaders and workers and leaders become more concerned about the welfare of workers.

4. Trade unions should be free from party politics : Trade union leaders should not be leaders or active members of political parties. Trade unions and trade union leadership must be free from political interferences.

5. Workers and leaders of trade unions should have commitment to organization and to the country : Both the workers and trade union leaders should be concerned for the sake of the industry and also of the country. They should be responsible and honest regarding their duties and responsibilities.

6. Development of democratic values and tolerance : There should be fair practices of democracy among workers and leaders. They should have open-mindedness and patience.

7. Governmental support : Government should act as a facilitator regarding trade unions and trade union leadership. It should provide necessary help and support so that trade unions can grow as true representatives of workers and can help management to enforce discipline and improve efficiency.

3.9 Trade Union Movement in Bangladesh

Though the number of industrial workers and also trade unions in Bangladesh have increased over the years, effective labour movement could not develop because of several weaknesses.

Labor movement in Bangladesh is very undernourished and unorganized. Development of trade union depends on industrial development. The history of industrialization in Bangladesh is not encouraging at all. Prior to 1947 there was no industrial base worth mentioning. After 1947 industrialization began very slowly and it was not until 1960s that some industries developed rapidly. But the country's trade union movement could not develop at the required speed. As a result a difference grew between the two and various social, political and economic problems emerged.

Labor movement in Bangladesh is very undernourished and unorganized.

Weak and imbalanced collective bargaining situation has led to a unhappy state of industrial relations in the country. The trade union movement in Bangladesh is dominated by leaders having political interests. Backed by owners and management they have captured the leading positions of most of the unions. Such leaders are neither committed to works nor to the enterprises they serve.

The trade union movement in Bangladesh is dominated by leaders having political interests.

Distrust of general workers about trade union leaders has created a depressing situation. Sometimes basic unions and federations started trade union movement with the support of workers but at the end they compromised with management and employers. Trade union movements are influenced by govt. and political parties. Bribing trade union leaders and union hijacking are also common.

Distrust of general workers about trade union leaders has created a depressing situation.

□ Weaknesses of Trade Union Movement in Bangladesh

The major weaknesses of trade union movements are discussed below:

1. Trade unions are unable to enforce their rights due to absence of appropriate democratic environment. Moreover, powerful trade unions are controlled and utilized by almost every govt. in several ways.

2. The uncompromising attitude of employers and the absence of a large working class are considered as big problems of our trade union movement.

3. Due to political division among workers the employers are getting the opportunity to exploit them and avoid paying any attention to their demands.

4. Socio-economic weaknesses and illiteracy of workers are also great barriers for commencing effective trade union movement.

5. The organizational structure of trade unions is weak and for that it is difficult for them to realize the rights and claims of members.

6. The working class of Bangladesh is snowed under nepotism, regionalism and absenteeism which hamper the development of trade union movement.

7. The attitude of our managers is autocratic and bureaucratic and they act for the interests of the owners. As a result the real trade union leaders are facing antagonism. This is hindering the trade union movement and also healthy industrial relation in Bangladesh.

8. Most of the trade unions are affiliated with political parties. As a result they give more preference to the interests of the political parties than the interests of the workers.

9. The union leaders must possess adequate knowledge of existing labour laws for proper maintenance of trade union movement. But in practice most of our trade union leaders do not have enough knowledge of labour laws.

As a result of the above mentioned weaknesses of the country's trade union movement, it can neither serve the best interests, either of the workers or of the country. The concerned authorities should give due attention to improve the situation as early as possible.

QUESTIONS TO ANSWER

1. Define trade union. Discuss its nature.
 2. Trade unions are formed to achieve certain objectives. What are they?
 3. Discuss in short the components of the trade union structure in Bangladesh.
 4. Discuss the advantages and disadvantages of trade unions.
 5. What is trade union leadership. Discuss the advantages and disadvantages of trade union leadership by outsiders.
 6. Discuss the pre-conditions for success of insider leadership of trade union.
- Indicate True or False.**
1. Trade union is basically an organization of employers.
 2. In our country trade unions are free from politics.
 3. Trade union leaders in Bangladesh are selfless.
 4. National federations are the lowest level organizations of trade union structure.
 5. A non-registered union can be a CBA union.
 6. Outsider trade union leaders are workers of the concerned enterprise.
 7. Insider leaders are usually highly educated.

State and Industrial Relations

Chapter Highlights

Nature of State, Organs of State, The Functions /Responsibilities of State in Industrial Relations, Role of State in Industrial Relations, Questions to Answer, Indicate True or False.

4.1 Nature of State

In simple language state indicates a certain territory which enjoys sovereignty and is administered under law. Different scholars have defined it in different ways. According to W. Wilson, "State is a people organised for law within a definite territory." In the words of Ralph Miliband, "State includes the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies." Someone also views state as a neutral machine in between the workers and employers.

"State is a people organised for law within a definite territory."

Generally, there are three approaches to the study of state :

1. Pluralist Approach
2. Marxist Approach
3. New-Marxist Approach

According to **pluralists** the state has to act in such a way that different parties related to industrial relations maintain a harmonious relationship in order to keep the wheels of production running. State in fact, acts as arbitrator in the complex and conflicting relationship among several related parties. **Marxists** believe and preach that the state is a capitalist machine that always takes side with the employers in the name of protection of capital. Marxists believe in class struggle and sympathise with the working class. They are of the conviction that the capitalists survive and flourish as a result of exploitation of labour with support from the state. **Neo-Marxists** are of the opinion that the state provides a structure to protect the long cherished selfish desire of the powerful sections of the society.

Capitalist state is supposed to serve the selfish interests of capitalists. The state that tries to remain neutral in between the interests of the employers and the employed is also observed, more often than not, to take

In a sense the capitalist state is the promoter and protector of capital.

The capitalist state may turn to be comprador by nature and serve the interests of international capital

The police, the military, the civil service all help to serve the interests of capital.

The legislature formulates laws and basic policies of the state to which the people living within are subservient.

side with the former in complex situations. In a sense the capitalist state is the promoter and protector of capital. On the other hand the socialist state, as a result of the absence of any scope of exploitation of one party by the other, there is no possibility of conflict of economic interests within industries. The state tries to serve the interests of all the parties involved in industries.

The capitalist state may turn to be comprador by nature and serve the interests of international capital at the expense of the people at large within the country. In such a case the state acts as commission agents of foreign capital by allowing resources of the state to be plundered away. The organs of the state formulate and also enforce laws and policies to enslave the interests of the people in order to serve the interests of overseas masters.

According to Marx and Engles, the capitalist state formulate laws that can help perpetuate the process of exploitation and thereby enhance their selfish ends at the expense of the toiling masses. Thus according to them, the economic structure creates the formation of a capitalist state. The social, political and other structures are subservient to it. The police, the military, the civil service all help to serve the interests of capital.

4.2 Organs of State

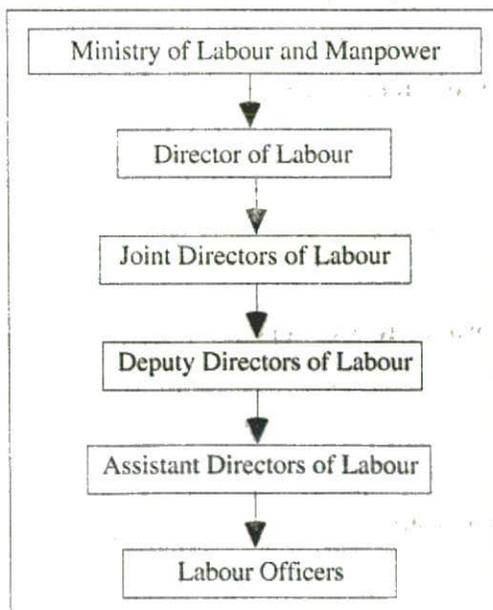
There are three organs of a state, each performing functions clearly defined for the purpose of maintaining autonomy and discipline within a particular territory. The organs are :

1. The Legislature
2. The Executive
3. The Judiciary

1. **The Legislature :** The legislature formulates laws and basic policies of the state to which the people living within are subservient. The members of the legislature / parliament are elected by direct votes of the adult citizens of the country. Laws and policies regarding industrial relations are also formulated and passed by the parliament. Amendments required, from time to time, are also done by it through a democratic process.

2. The Executive : Different divisions / departments of the government comprise the executive organ of the state. The primary responsibility of this organ is to implement the laws and policies passed by the legislative organ (i. e parliament) in order to ensure protection of the rights of people and also to bring to book the wrong doers for the sake of ensuring peace within the state. Under the parliamentary system, the Prime Minister is the head of this organ. On the other hand, under the Presidential system the President is the head of the executive organ. Different ministries work under the head of the government (chief executive) and take care of the respective administrative divisions / departments so that they work efficiently and effectively for public welfare. In our country, we are now under the parliamentary system and the Prime Minister acts as the chief executive. There is a ministry for labour and manpower which takes care of matters related to industrial relations and trade unions within the country. The structure of administration that is followed down to the grass root level is as under :

Different divisions / departments of the government comprise the executive organ of the state. ...



The judiciary is entrusted with the responsibility to ensure justice in accordance with the rules framed by the parliament

3. **The Judiciary :** The judiciary is entrusted with the responsibility to ensure justice in accordance with the rules framed by the parliament i.e. the legislative organ. This organ can act freely if it is kept, in practice, free from the interference of the executive organ. In Bangladesh this organ is composed of the Supreme Court, the High Court, District Judge Courts, Additional District Judge Courts, etc. For the adjudication of labour law cases there are also Labour Courts and Labour Appellate Tribunal (LAT). The parties to industrial relations, especially the workers may expect to get justice against any oppression, if the judiciary is allowed to act freely.

4.3 The Functions /Responsibilities of State in IR

The state, through its organs as stated above is entrusted with the responsibilities to perform the following functions in order to ensure proper industrial relations within the country.

1. **Enacting proper labour laws, policies etc :** Labour laws and policies are enacted by the legislative organ of the state. In the absence of proper laws and policies related to labour, industrial relations can not be ensured to be led in the desired direction.
2. **Establishment of democratic rights of workers :** Workers are individually very weak vis-a-vis employers. If they are allowed to exercise their rights to organize in trade unions and bargain collectively with employers, they become competent to establish their rights effectively.
3. **Ensuring fair wages to workers :** Workers are to be paid their due share in the industrial process. They have to be compensated for the labour given by them for the employers. The state can enact laws to ensure payment of a minimum wage to labour.
4. **Providing social security :** It is an usual feature of western societies to provide social security to their citizen. Whenever a worker is out of job s/he would be provided with social security, thereby protecting her / him from utter helplessness.

5. **Maintaining a balance of power between the employees and the employers :** The state acts as an umpire in most cases in between the employer and the employed. It also allows the parties to meet together on equal footing to solve disputes through bi-partite negotiations.
6. **Adjudicating industrial conflicts :** In case a conflict can not be solved through bi-partite negotiation and conciliation, it may be referred for adjudication to Labour Court. If necessary, from Labour Court to Labour Appellate Tribunal and even to High Court.
7. **Ensuring industrial growth :** The state can ensure industrial growth through the provision of various incentive measures like tax holiday, exemption from import and export duties, provision of loan, etc.
8. **Solving unemployment problem :** The state has a sacred duty to solve unemployment problem by creating employment opportunities through industrialization. This will help create a sizable working class.
9. **Maintaining law and order situation within and outside industries :** Law and order situation has to be maintained by the state. All the organs of the state have their respective parts to play for maintaining law and order both within and outside industries. This will help develop industrial peace.

4.4 Role of State in Industrial Relations

In the modern world state's role in industrial relations is inevitable. In most cases such role takes the form of interferences in various degrees. The nature of the state helps determine the extent and direction of such interferences.

State is entrusted with the responsibility to safeguard the interests of the people of the society and also to maintain a balance of relationship between the employers and the employed. It has to minimise the areas of conflict between those who buy labour power and those who sell it. The process of industrialization, development of working force, trade unionism—all depend upon the role played by the state. The state may also act as employer both in the manufacturing and service sectors. Such state ownership is desirable on the ground that it can ensure elimination of exploitation of labour by a class of people known as capitalists.

The process of industrialization, development of working force, trade unionism—all depend upon the role played by the state.

The economic power remains under the control of the state, which in turn can ensure social justice within the society in general and industry in particular.

The state provides legal framework to regulate the activities of the two antagonistic parties to industrial relations

Under the capitalist system of production the employers and employees do have reasons to consider each other as opponents since the economic interests between the two parties are antagonistic by nature. The state has to take measures so that this antagonism is kept at the minimum by making each party to feel about the other as partners in a joint endeavour to increase the economic strength of the industry concerned. The state provides legal framework to regulate the activities of the two antagonistic parties to industrial relations by first requiring them to solve disputes if there is any, through bi-partite negotiation i.e. collective bargaining and settlement and then to compel them, if necessary, to go for tri-partite settlements through conciliation and ultimately through adjudication.

A dynamic conflict situation is usual in industrial relations.

It is the usual feeling about the state in capitalist society that it can not eliminate the existence of conflict, rather it can try to reduce the possibility of its recurrence. The owners of capital do have natural relationship with those who run the state. They belong to the same class having same economic interests. They can hardly be expected to allow the working class to have equal stake in industries. Thus, in the words of V.L. Allen, a dynamic conflict situation is usual in industrial relations.

States in developed societies are well managed and are democratic by nature.

Differences are, however, marked between the character of states in developed and underdeveloped societies. States in developed societies are well managed and are democratic by nature. The organs of the state are represented by people who have developed themselves through generations as more tolerant and neutral in between the interests of the employers and the employed compared to their counterparts in underdeveloped societies. As a result, industrial conflicts remain at a low level under them as in Germany, Japan, Canada and such other countries. Research studies indicate that in some of those states there have been no incidence of strike or lockout during the last two decades. Efficient management ensures high productivity to employers and high wages for labour. Both the parties within the industry remain happy and maintain a good working relationship. This is a pre-condition for industrialization in general and industrial relations in particular. The state under such a condition may act as an effective umpire in between the interests of capital and labour.

The reverse condition pertains to states in underdeveloped societies where the organs of the state are occupied by people who are neither tolerant nor neutral in their behavior towards the interests of the working class. Management is hardly capable of showing the required efficiency to ensure high productivity to employers and fair wages to labour. A conflicting situation becomes a regular feature and the state happens to take side with employers in the name of protection of capital. There are numerous examples in which workers' popular and rightful demands have been suppressed by employers with the help of state apparatus, specially the police and the military. The state is hardly found to ensure neutrality and perform the role of umpire in industrial conflicts. Thus the occurrences of strikes, lockouts, gheros etc. become regular features under such states.

Management in underdeveloped societies are inefficient and intolerant towards the working class.

However, irrespective of the nature of the state and also of the society, it is expected that the government, the judiciary and also the legislature should play their roles in such a way that the industries and industrial relations grow unhindered. Although the elimination of industrial disputes / discontents is out of the questions, the possibility of reducing their incidence should be the prime role of state by enacting proper labour laws, policies etc. and enforcing them in such a way that the avenues of healthy industrial relations are strengthened and the means of dispute settlement, through negotiations (both bi-partite and tri-partite) and adjudication function properly and effectively.

QUESTIONS TO ANSWER

1. (a) What do you understand by state?
(b) Discuss the nature of state and describe its organs.
2. State plays an important role in industrial relations—Elaborate.
3. Describe the functions of state in industrial relations.

Chapter 5 Industrial Dispute

Chapter Highlights

Introduction, Forms of Industrial Disputes, Strikes, Lock-outs, Gheraos, Causes of Industrial Disputes, Unfair Labor Practices by Management, Unfair Labor Practices by Unions, Methods of Building Union-Management Co-operation, Procedure of Settlement of Industrial Disputes in Bangladesh, The Challenges to Management, Questions to Answer, Indicate True or False.

5.1 Introduction

Divergent views, contrasting demands, opposite stands characterise labour-management relations.

Industrial relations do not proceed along proper lines for a variety of reasons. Divergent views, contrasting demands, opposite stands characterise labour-management relations. Employees want more jobs, management wants to reduce staff, raise productivity and save on all fronts. Management wants to computerise and introduce latest technology gradually in order to reduce the dependence on manual force. Labour and unions cannot afford to let this happen by keeping silence. Labour wants a fair share of productivity gains. Management wants to demonstrate those gains as fruits of risky investments.

Industrial conflicts constitute militant and organised protests against existing industrial conditions.

Industrial disputes may turn into industrial conflicts which constitute militant and organised protests against existing industrial conditions. They are symptoms of industrial unrest. The Industrial Disputes Act defines an industrial dispute as, "any dispute or difference between employees and employees, or between employees and employers, or between employers and employers, which is connected with the employment, or non-employment, or the terms of employment or with the conditions of work of any person". Thus, the term is characterised by the following factors :

- a. There should be a difference or dispute. For example, labour demands something, management does not grant the same.
- b. The dispute could be between employer-employer, employee-employee or employer-employee.
- c. The dispute must pertain to some work-related issues.
- d. Dispute between one or two workmen and their employers is not an industrial dispute; instead, it must be raised by a group or class of workmen.

5.2 Forms of Industrial Disputes

The various forms of industrial disputes may be stated as under :

5.2a Strikes

A strike is a spontaneous and concerted withdrawal of labour from production process temporarily. It is a collective stoppage of work by a group of workers for pressuring their employers to accept certain demands. It may be defined as "an withdrawal of work by a body of persons employed in an 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." Strikes are of several types.

A strike is a spontaneous and concerted withdrawal of labour from production process temporarily.

i. General strike : It is a strike by all or most of the unions in an industry or a region.

ii. Sympathy strike : When a strike is undertaken to show sympathy with workers in other industries, it is called a sympathy strike.

iii. Sectional strike : It is the refusal by a section of a given class of workers to perform their normal duties.

iv. Unofficial strike : It is a strike undertaken without proper notice and the consent of the CBA union.

v. Sit down strike (also called stay-in, tool down, pen down strike) : It is a strike in which workers cease to perform their duties but do not leave the place of work.

vi. Bumper strike : It is a strike when the unions plan to paralyse the industry, firm by firm, the order being chosen by the union. Such strikes are supported by the contributions of those who are still in work.

vii. Slow-down strike : Known as a 'go-slow' tactic, the workers do not stop working but put breaks to the normal way of doing things.

viii. Hunger strike : To again sympathy from the public and get noticed by the employer, workers may decide to forego food for a specified period. Small batches of workers may also go on a relay hunger strike in a sequential order. Such non-violent protests generally bring moral pressure on employers to iron out the differences with labour quickly.

ix. Lightning strike : Out of provocation, workers may go on strike without notice or at very short notice. There is an element of surprise in such cat-call strikes.

5.2b Lock-outs

Lockout is the weapon available to the employer to close down the factory until the workers agree to resume work.

Lock-out is the counterpart of strike. It is the weapon available to the employer to close down the factory until the workers agree to resume work on the conditions laid down by the employer. It may be defined as "the closing of a place of an employment, or the suspension of work or the refusal of an employer to continue to employ any number of persons employed by him". If it is impossible to meet the demands of the workers, employers may decide to go for lock-out. He may also draw the shutters down so as to bring psychological pressure on the workers to agree to his conditions or face closure of the unit.

5.2c Gheraos

In gherao a group of workers initiate collective action aimed at preventing members of the management from leaving the office.

Gherao means to surround. In this method a group of workers initiate collective action aimed at preventing members of the management from leaving the office. This can happen outside the factory premises too! The persons who are 'gheraoed' are not allowed to move for a long time, sometimes even without food or water.

5.3 Causes of Industrial Disputes

Some of the prominent causes of industrial disputes may be listed as under :

a. Institutional causes : Disputes arising on account of institutional factors such as : recognition of unions, membership of unions, scope of collective bargaining, unfair practices.

b. Employment related causes : The list of causes here includes disputes over wages, bonus, allowances, benefits, working conditions, unjust dismissal, retrenchment of workers, methods of job evaluation, changes in methods of production, etc.

c. Non-recognition of union : Disputes that arise when employers fail to recognise a union as a bargaining agent.

d. Sympathy strikes : Workers striking in one plant/industry when they want to exhibit their solidarity with striking workers from another plant or industry.

e. Administration-related causes : These pertain to ill-treatment, undeserved punishment, verbal abuse, physical assaults, etc.

f. Psychological/ social causes : On many occasions, family, friends, community, environmental pressures and concerns also instigate the workers to take matters to the street.

g. Political causes : Political leaders have used unions as powerful weapons to build tensions inside a plant / industry with a view to satisfying their own private ends on a number of occasions, especially in unionised places like Narayanganj, Tongi, Tejgaon, etc.

5.4 Unfair Labor Practices by Management

Unfair labor practices on the part of members of management arise when they :

1. **Interfere**, restrain, or coerce employees who desire to act collectively or refrain from such activities.
2. **Dominate** or interfere with the formation or administration of any labor organization by contributing money or other support to it.
3. **Discriminate** against anyone in hiring, stability of employment, or any other condition of employment because of union activity or lack of involvement.
4. **Discharge, discipline, or otherwise discriminate** against employees who have exercised their rights under law.
5. **Refuse** to bargain in good faith with employee representatives.

5.5 Unfair Labor Practices by Unions

Unfair practice for unions arise if they :

1. **Restrain** or coerce employees or employers in the exercise of their legal rights.
2. **Force** an employer to discriminate against an employee because of that employee's membership or nonmembership in the union.
3. **Refuse** to bargain with an employer in good faith.
4. **Engage** in strikes or threats to force members of management to join a union (usually to collect large initiation fees) or to force an employer to cease doing business with another employer.
5. **Require** an employer to bargain with a union other than the one employees have selected.
6. **Demand** excessive or discriminatory initiation fees.
7. **Picket** an employer to force him /her to recognize the union as the employees' representative without requesting a government election within a reasonable time period.

5.6 Methods of Building Union-Management Co-operation

Managers and personnel specialists can build cooperation between the employer and the union through :

- 1. Prior consultaion** with union leaders to defuse problems before they become formal grievances.
- 2. Sincere concern** for employee problems and walfare even when management is not obligated to do so by the labor agreement.
- 3. Training programs** that objectively communicate the intent of union and management bargainers and reduce biases and misunderstandings.
- 4. Joint study committees** that allow management and union officials to find solutions to common problems.
- 5. Third parties** who can provide guidance and programs that bring union leaders and managers closer together to pursue common objectives.

5.7 Procedure of Settlement of Industrial Disputes in Bangladesh

The following procedure is observed in the settlement of industrial disputes in Bangladesh.

Whenever any dispute arises in a firm, a charter of demand is raised in written form to the managerial authority of the firm. Then management representatives and representatives of the Collective Bargaining Agent (CBA) sit together in a bipartite negotiation to solve the problem [Sec. 210 (2) Bangladesh Labour Law, 2006]

If a solution is found out at this stage, then the dispute is dropped after signing a Memorandum of Agreement (MOA) and sending a copy there of each to the secretary, Ministry of Labor and Manpower and the conciliator [Sec. 210 (3) Bangladesh Labour Law, 2006]

However, if no solution is found out, any of the aggrieved parties may go to a third party called Conciliator for Tripartite Negotiations. The government of the country, for the respective area, appoints a Conciliator. This process is called conciliation. [Sec. 210 (4) Bangladesh Labour Law, 2006]

On being approached by any of the parties in dispute, the conciliator will start the conciliation process within 10 days of approach and arrange a meeting with the concerned parties. [Sec. 210 (6) Bangladesh Labour Law, 2006]

If they find a solution, the concerned parties will sign a Memorandum of settlement (MOS). The conciliator will send a copy of the MOS to the secretary, Ministry of Labor and Manpower informing how the dispute is being settled. [Sec. 210 (8) Bangladesh Labour Law, 2006]

On the other hand, if the conciliator fails to settle the dispute within 30 days, the conciliation will be considered as being failed. However, if both the parties agree in writing, the process may be continued further. [Sec. 210 (9) Bangladesh Labour Law, 2006]

However, if neither of the parties have the desire to continue with the conciliation proceedings, The conciliator will issue a certificate indicating that conciliation has failed. [Sec. 210 (11) Bangladesh Labour Law, 2006]

The dispute may also be referred to an Arbitrator on the suggestion of the conciliator. But if the disputant parties agree the case may be referred to the concerned labor court for adjudication. [Sec. 210 (12) Bangladesh Labour Law, 2006]

The Arbitrator has to give his decision within 30 days. He will give notice to the concerned parties and send a copy to government. His decision will be final and no appeal can be filed against it. This decision will be valid for not less than 2 years. [Sec, 210 (14-17) Bangladesh Labour Law, 2006]

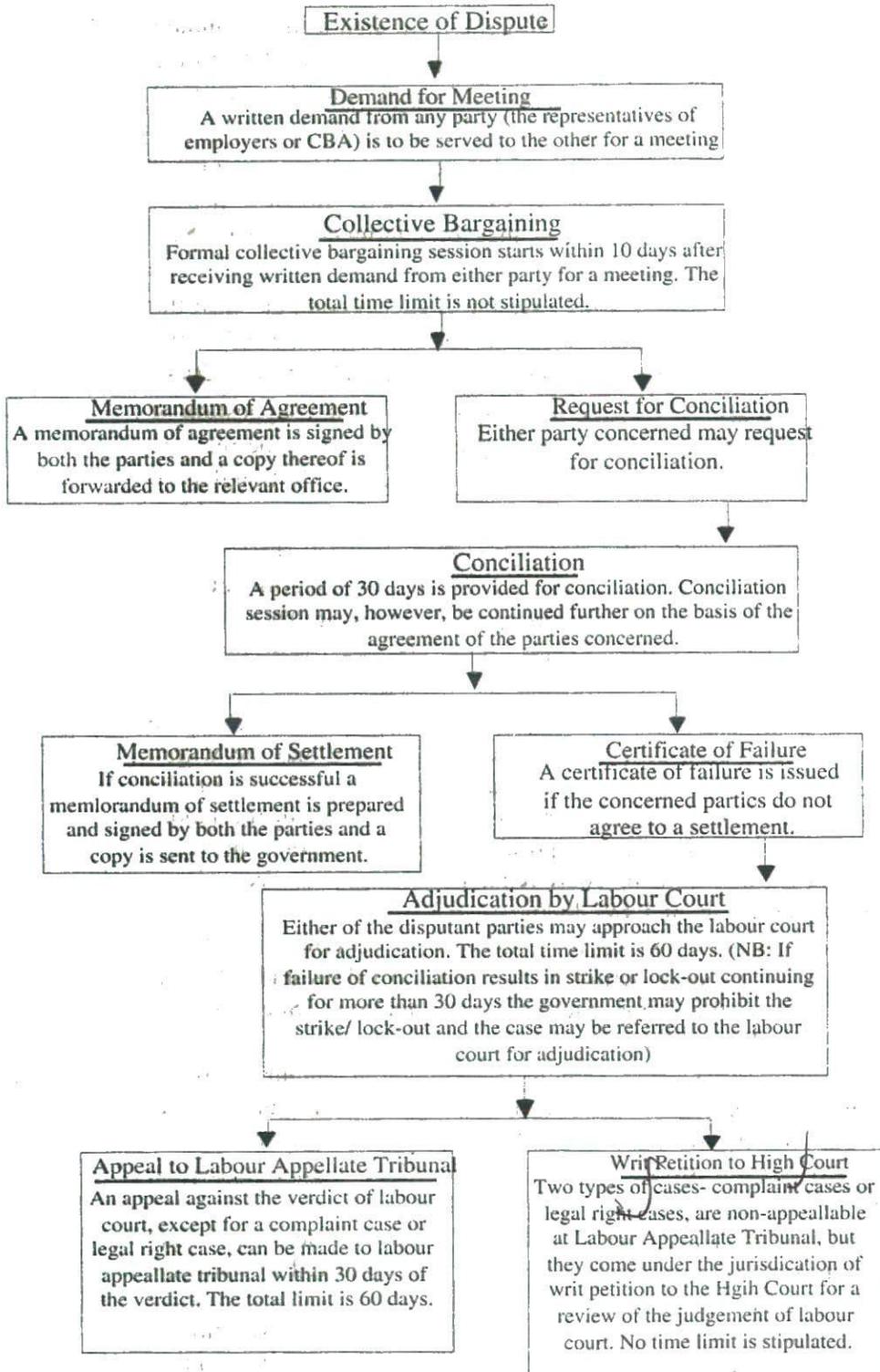
If the party who raised the dispute does not agree to refer the case to the labour court, may call strike or lockout as the case may be within minimum seven days or maximum 14 days after the issuance of the failure certificate by the conciliator or also may file a suit in the labour court. The total time limit for the disposal of a case in labor court is 60 days and an award of the labor court remains valid upto 2 years. [Sec. 211 (11) Bangladesh Labour Law, 2006]

The government also enjoys the authority to prohibit a strike or lockout if it continues for a period of more than 30 days and refer the dispute forthwith to the labor court for adjudication. [Sec. 211 (3) Bangladesh Labour Law, 2006]

If either party is not satisfied with the verdict of labour court the aggrieved party can prefer an appeal to Labor Appellate Tribunal (LAT) within 60 days of the delivery of such verdict and in such case the decision which is made by LAT is final. [Sec. 217 Bangladesh Labour Law, 2006]

The verdict of the labor court, under complaint case and legal right case is final. In such a case, however, writ petition is allowed to challenge the legality of the labor court judgment (verdict) to the Supreme Court of Bangladesh (High Court Division) as per article 102 of the constitution of the People's Republic of Bangladesh. The procedure of settlement of industrial disputes may be shown in a diagram, as under :

Industrial Dispute



5.1 : Diagram showing the process of dispute settlement.

5.8 The Challenges to Management

Unions are at a crossroads. During recent years they have experienced a steady decline in membership, political power and prestige. Nevertheless, unions represent a significant challenge to management and operating managers. Democratic rights of workers and of trade unions, dynamism in environment, compliance with labor laws, and past practices limit managers' flexibility. Even when a union is not present, proactive employee relations are needed to assure a productive workforce. And if a company wants to remain nonunion, additional pressures fall on employee relations specialists and operating managers, especially supervisors.

Whether unions will rebound and reclaim their role as a powerful actor in the economic and political systems of developed nations is uncertain. It does seem certain, however, that unions will seek innovative approaches to reverse these trends. Some examples include efforts to organize nontraditional groups such as white-collar, service, government and professional workers. Other examples include offering new services—from charge cards to health-care advice—to supplement more traditional collective bargaining efforts and fringe benefits.

At the same time, many managers and union leaders perceive government intervention as a potential threat to the traditional freedoms they have enjoyed. Their common concern arises out of the fear that more government laws will control their affairs. And since current laws are enforced by agencies with the power to "make laws" by interpreting existing ones, regulations are bound to grow.

To meet these challenges from increased union innovation and government intrusion into the workplace, management professionals need to be proactive. Organizationally, when unions are present, the HR department is expanded by the addition of a labor relations section. This section allows labor specialists to deal with critical areas such as negotiations and contract administration, while HR professionals attend to their more traditional roles. In fact, HR and labor relations may form two equal divisions within a broader department that typically is called industrial relations.

Operationally the HR section seeks sound employee relations through effective practices. The labor relations section has a complementary role. It wants to minimize restrictions on management through diligent negotiation and fair administration of the union contract. The ultimate aim is to reduce the possibility of industrial disputes and to ensure higher productivity through industrial harmony and peace.

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Whether unions will rebound and reclaim their role as a powerful actor in the economic and political systems of developed nations is uncertain.

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HR and labor relations may form two equal divisions within a broader department that typically is called industrial relations.

QUESTIONS TO ANSWER

1. (a) What is industrial dispute?
(b) Discuss the forms of industrial disputes.
 2. There are several causes of industrial disputes—Elaborate them in brief.
 3. Discuss the procedure of settlement of industrial dispute.
 4. What are the methods of building union-management co-operation? Discuss them in brief.
- **Write Short Notes :**
- a. Sympathy Strike.
 - b. Bumper Strike.
 - c. Lightning Strike.
 - d. Glerass.
 - e. Unfair labour practices by management.
 - f. Conciliation.
 - g. Arbitration.
 - h. Collective bargaining.
-

Employee Grievances

Chapter Highlights

Introduction, Nature of Grievances, Approaches of Grievances, Causes of Grievances, Effects of Grievances, Discovery of Grievances, Processing of Grievances, Levels of Handling Grievances, Steps in Grievance Handling, Do's and Don'ts of Grievance Handling, Conclusion, Question to Answers.

6.1 Introduction

In today's environment, it is widely accepted that the employees should be allowed to express their dissatisfaction, whether it be a minor irritation or a serious problem. The grievance procedure is one of the means available to them for expressing their dissatisfaction. It is of course important to make a distinction between individual grievance and group grievance because the machinery available for them is different.

In the world of work a grievance is a formal statement of complaint, generally against an authority figure. Procedures for grievance are common in unionized organizations. In many countries labor unions typically include a committee known as the Grievance Committee which deals with complaints of members against management. In a unionized organization, a grievance is a formal complaint against the employer, in written format, usually filed by a union steward on behalf of member of the local union. It is typically understood as any difference arising out of the interpretation, application, administration or alleged violation of the collective bargaining agreement that is in effect at the place of employment but it can also concern violations of common law, such as workplace safety regulations or a human rights code.

Ordinarily, unionized workers must ask their operations managers for time during work hours to meet with a shop steward in order to discuss the problem, which may or may not result in a grievance. If the grievance cannot be resolved through negotiation between labor and management; mediation, arbitration or legal remedies may be employed. Typically, everyone involved with a grievance has strict time lines which must be met in the processing of this formal complaint, until it is resolved. Employers cannot legally treat an employee any differently whether he or she has filed a grievance or not. The difference between a grievance and a complaint, in the unionized workplace, is whether the subject matter relates to the collective bargaining agreement.

A grievance is a formal statement of complaint, generally against an authority figure.

If the grievance cannot be resolved through negotiation between labor and management mediation, arbitration or legal remedies may be employed.

In their working lives, employees occasionally have reasons to be uncomfortable, disappointed or aggrieved.

In their working lives, employees occasionally have reasons to be uncomfortable, disappointed or aggrieved either about certain managerial decisions and practices or service conditions. The questions then are whether this particular symptom or feeling is given any attention or is ignored altogether. What are the pros and cons of each of the approaches? To a large extent, the approach will be governed by several variables such as the style of management, size of the enterprise, level of education of the workforce, technology of the plant and the extent of unionisation of the workforce.

In the present day social context, especially in democratic system, it is accepted that employees should be able to express their dissatisfaction whether it be a minor irritation, a serious problem or a difference of opinion with the supervisor over terms and conditions of employment. In respect of the latter, it could stem either from the interpretation of the contract or in the absence of it, a negotiated collective contract between management and union.

The grievance procedure is one of the most important means available for employees to express their dissatisfaction.

The grievance procedure is one of the most important means available for employees to express their dissatisfaction. It is also a means available to management to keep a check on relevant diagnostic data on the state of the organization's health. There are other means also for this such as decline in production or output, change in an individual's work habits and approach to the job itself. Statistical indices taken together and analyzed to determine a pattern could also be revealing—indices such as absenteeism rates, accident data, requests for transfer, number of disciplinary cases and separation or quits. Besides, there are some employees who by nature are not forthcoming and hence, may not like to avail of the grievance machinery. In such cases these indices have an added justification. Nevertheless, rather than only wait for the grievance mechanism to indicate the state of the organization's health, the management could use the above indices in conjunction with the grievance procedure to anticipate problem areas and take corrective action, or introduce new policies, as the situation may demand.

When an employee's expectations are not fulfilled, s/he will have a grudge against the employer because of the disagreement or dissatisfaction it causes.

Whether this channel of upward communication will in the first instance be implemented will depend on the management's approach, the extent of unionization and the union's strength in each particular plant. In employment relationships both employers and employees have mutual expectations. When an employee's expectations are not fulfilled, he will have a grudge against the employer because of the disagreement or dissatisfaction it causes. Similarly, when employer's expectations about an employee are not fulfilled the employer will have a grudge against such and employee.

6.2 Nature of Grievances

A grievance may be understood as disagreement between an employee and supervisor on the terms and conditions of employment. The causes for a grievance may include, but are not limited to, complaints concerning wages, hours of work, working conditions, performance evaluations, job assignments, or the interpretation or application of a rule, regulation or policy.

Broadly, a grievance can be defined as any discontent or dissatisfaction, with any aspect of the organization. It can be real or imaginary, legitimate or ridiculous, written or oral. It must, however, find expression in some form or the other. Discontent or dissatisfaction initially finds expression in the form of a complaint. When a complaint remains unattended and the employee concerned feels a sense of lack of justice and fairplay, the dissatisfaction grows and assumes the status of grievance. Usually grievances relate to problems of interpretation or perceived non-fulfillment of one's expectation from the organization. Aggrieved employees usually manifest deviant behavior.

The ILO defines a grievance as a complaint of one or more workers with respect to wages and allowances, conditions of work and interpretation of service conditions covering such areas as overtime, leave, transfer, promotion, seniority, job assignment and termination of service.

It is important to make a distinction between individual grievances and group grievances. If the issue involved is related to one or a few individual employees, it needs to be handled through a grievance procedure, but when general issues with policy implications and wider interests are involved they become the subject matter for collective bargaining. Ideally, in individual grievance redressal, trade unions should have less or no role while in grievances of a collective nature and wider ramifications, trade unions need to be involved. For our purpose, in this unit grievance has a narrow perspective. It is concerned with the interpretation of a contract or award as applied to an individual or a few employees.

6.3 Approaches of Grievances

Various approaches have been documented reflecting the attitude of management and employees to the grievance machinery. Management could take a legalistic view and follow the negotiated contract or it could avoid a contract but have a grievance machinery oriented towards a human relations approach to its workers. Or alternatively, a management could, with or without a contract, have an open door policy.

Broadly, a grievance can be defined as any discontent or dissatisfaction, with any aspect of the organization.

If the issue involved is related to one or a few individual employees, it needs to be handled through a grievance procedure,

Various approaches have been documented reflecting the attitude of management and employees to the grievance machinery.

The concern is for understanding and doing something to help to overcome the individual's problem. The fundamental assumption is that individuals are the ends rather than the means to the ends.

When human beings work together there is a likelihood of friction and misunderstanding. Some of these areas of friction could lead to unhappiness or dissatisfaction among workers.

It is essential for the management to allow individual employees to express dissatisfaction concerning their jobs or working conditions to an immediate superior.

The labour contract approach is a legalistic approach. The management and the worker concerned follow the provisions contained therein. Grievances are defined by the contract and the process for dealing with the grievances is specified with the time span for each stage. On the other hand, the human relations school emphasises upon the employee and his specific problem. The concern is for understanding and doing something to help to overcome the individual's problem. The fundamental assumption is that individuals are the ends rather than the means to the ends. Obviously, these are two extreme situations; many organizations have practices somewhere in between. It is possible to envisage a contract with a human relations approach. In fact in the final analysis it amounts to the "spirit" in which the grievance procedure is implemented in an organization involving both managerial and worker attitudes. It is possible also to have a formal grievance procedure and yet show no enthusiasm or concern, merely treating grievances mechanically. Much depends on the state of mind of the individual, his anxieties, fears and tensions and unless these are given due attention they will affect the particular task assigned to the individual. Moreover, enthusiasm and involvement with the job and the firm will be lacking.

In an organization where human relationships are involved there are likely to be instances when employees feel that they are not treated properly, that conditions of employment are not those stated or promised; that the work environment is not conducive, that promotion policy is unfair and so on. When human beings work together there is a likelihood of friction and misunderstanding. Some of these areas of friction could lead to unhappiness or dissatisfaction among workers. This dissatisfaction is very often manifested in such behavior as worry, lack of cooperation, insubordination, decrease in output, deterioration in quality of work and absenteeism.

If the dissatisfaction of the employees goes unattended or the conditions causing it are not corrected, the irritation is likely to increase and lead to unfavorable attitudes towards the management and unhealthy relations in the organization. It is, therefore, essential for the management to allow individual employees to express dissatisfaction concerning their jobs or working conditions to an immediate superior. These manifestations of workers' dissensions against working conditions, terms of service leave and holidays and management decisions are commonly referred to as grievances. The formal mechanism of dealing with such workers' dissatisfaction is called the grievance procedure. It is generally a formal system of several steps through which an affected employee can take his grievance to successively higher levels of management for redressal.

6.4 Causes of Grievances

Grievances may occur for various categories of reasons as under :

1. **Economic:** Wage fixation, wage computation, over time, bonus, etc. Employees feel they are getting less than what they ought to get.
2. **Work Environment:** Poor working conditions, defective equipment and machinery, tools, materials, etc.
3. **Supervision :** Attitude of the boss towards the employees, perceived notion of favoritism etc.
4. **Work Group :** Standard relations or incompatibility with peers, feeling of neglect, victimization etc.
5. **Work Organization :** Rigid and unfair rules, too much or too less work responsibility, lack of recognition, etc.

The apparent causes or sources of grievances may not always be the real ones. There is need for deeper analysis of the policies, procedures, practices, structures and personality dynamics in the organization, to arrive at the real causes of grievances. Grievances stem from management policies and practices, particularly when they lack consistency, uniformity, fair play and the desired level of flexibility. Grievances also may arise because of inter-personal problems of individual employees and union practices aimed at reinforcing and consolidating their bargaining strength. The absence of a proper two-way flow of communication can indeed be a fertile ground for breeding grievances.

Grievances stem from management policies and practices, particularly when they lack consistency, uniformity, fair play and the desired level of flexibility.

6.5 Effects of Grievances

Grievances can have several effects, which are essentially adverse and counterproductive to organizational purposes. The adverse effects include :

1. Loss of interest in work and consequent lack of morale and commitment.
2. Poor quality of production.
3. Low productivity.
4. Increase in wastage and costs.
5. Increase in employer turnover.
6. Increase in absenteeism.
7. Increase in the incidence of accidents.
8. Indiscipline
9. Unrest, etc.

Sensitivity and sympathy are required in handling grievances effectively.

Employee grievances are essentially human problems, real or imaginary. Whatever be the cause, the approach should be humane. Sensitivity and sympathy are required in handling grievances effectively. So they need to be handled with care, the way you handle glass. Employee grievances have to be handled promptly. To recall the adage, "Justice delayed is justice denied". The need to handle grievances promptly cannot be over emphasized. In a good many cases, trivial issues concerning one or a few small issues result into loss and bitterness, because they were not dealt with properly and promptly.

It is important to have the grievances settled preferably at the level at which they occur.

Employee grievances will have to be settled at the level at which they occur in order to avoid the feeling of injustice at the interacting group level. If a worker has a grievance with or about a supervisor and it is redressed not at the concerned supervisor's level but one or two levels above him, the employee continues to be dissatisfied about the supervisor because he has not been able to resolve the issue completely and simultaneously supervisory authority gets eroded. Hence, it is important to have the grievances settled preferably at the level at which they occur.

If some grievances are recurring in nature, the strategy should be to prevent rather than cure them.

When grievances occur, it is important to make sure that they do not recur. If more grievances occur over the same issue, time and again, more number of employees is found to have a similar grievance. The focus should shift from person and procedure to policy and practices. An archaic rule may continue to be the cause of much irritation among many employees. Then it is appropriate to take a relook at the particular aspect of policy and alter or modify the same rather than get bogged down with redressing each and every case. If some grievances are recurring in nature, the strategy should be to prevent rather than cure them.

6.6 Knowing the Grievances

Knowledge about grievances is important in handling them. Upward channels of communication provide the dependable sources for discovery of grievances. One can also come to know about grievances through gossip and grapevine or through unions. It is always preferable to have knowledge based on observation and through direct communication from the employee concerned. Some of the important ways of discovering grievances are briefly outlined here.

(a) **Direct Observation** : A good manager must know how his subordinates behave in ordinary circumstances. When significant changes in that behaviour occur, it is sure to affect performance. Absenteeism, tardiness, indifferences, etc., are some of the forms in which discontent

and dissatisfaction find expression. A careful analysis of grievance rate, frequency of accident, request for transfer, indiscipline, etc., may reveal general patterns that are not easily discernible in the instance.

(b) Grievance Procedure : The most important channel through which discontent and dissatisfaction can be communicated is through grievance procedure. A grievance procedure provides an avenue and an opportunity to give vent to employees' grievances. The dilemma most managers face is whether and how far they should encourage or discourage grievances. If management does not induce employees to express their grievances, unions will do so. Discouraging employees from expressing grievances means ignoring grievances. When they simmer and burst, management finds it beyond their capacity to deal with them adequately. Thus, it is important to have a grievance procedure to process grievances.

(c) Gripe Boxes : The gripe box is a facility to file anonymous complaints about the various causes of discontent and dissatisfaction in the organization. It is different from the suggestion scheme system that may be in vogue in a company. In this case anonymity is assured and there is no reward or punishment. The limited purpose is to let the management know what the employees feel, without fear of victimization.

(d) Open-door Policy : Most organizations preach open-door policy but do not practice it. The policy is good and democratic, but usually ineffective and at times counter-productive. Organizations would do well to have grievance procedure. If a grievance procedure exists, open-door policy becomes redundant.

(e) Exit Interview : Employees usually quit organizations due to dissatisfaction or better prospects elsewhere. It requires certain skills to get to know the real reasons for leaving the job. Exit interviews, if conducted effectively, can provide vital information to improve personnel policies and identify the weaknesses and strengths of the organization. Some organizations mail an exit questionnaire three months after an employee leaves so that s/he need not fear about a poor reference and give the truth without fear or favour.

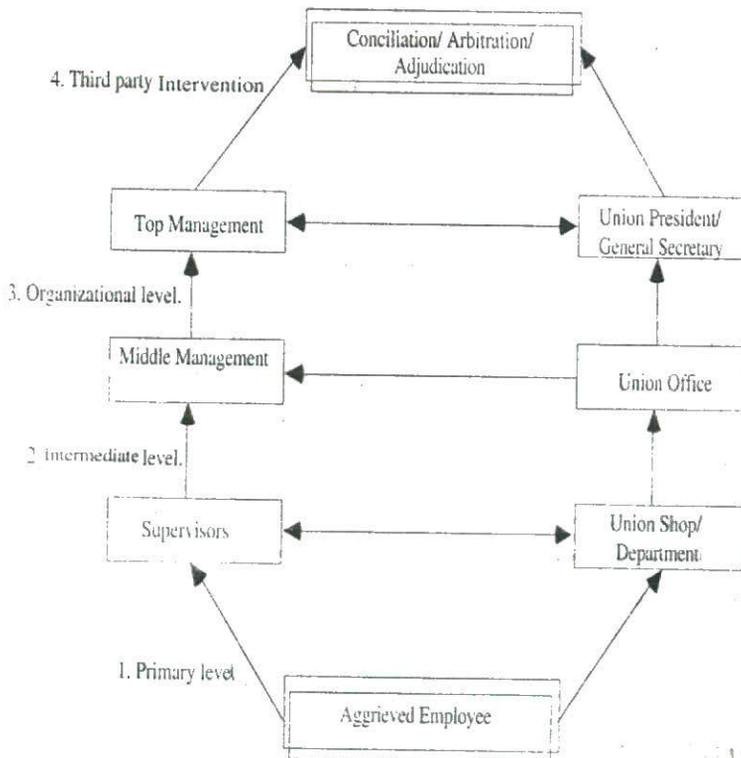
(f) Other Channels : Group meetings, periodical interviews with employees, collective bargaining sessions etc. are some of the other channels through which one can have information about employee discontent and dissatisfaction before they become grievances or disputes. Each channel referred to above serves in a different way. Using more than one channel is desirable.

6.7 Processing of Grievances

There are valid reasons to have the grievances processed through a machinery or procedure. A grievance procedure can be voluntarily established by management or installed as a result of collective agreement to that effect. Whether unionized or not, organizations should not wait for unions to raise their voice and use the strength in establishing a grievance procedure. The purpose of a grievance procedure is to :

- (a) Let aggrieved employees know what to do if they have a grievance and where to look for or appeal to :
- (b) Check on arbitrary management decision, by providing a system for appeals at least three levels above the level at which such grievances occur. However, the less frequently the higher levels are used more effective they become.
- (c) promote fair and equitable treatment and personnel practices that have regard to the rights of the employee. The superior will be more careful in their arbitrary use of power and authority.
- (d) assist in minimizing discontent and dissatisfaction that may have adverse effects upon cooperation and productivity.

The details of a grievance procedure or machinery may vary from organization to organization. Here, a four-stage model is suggested. The first and last stages have universal relevance, irrespective of the differences in the procedures at the intermediate stages. The four stages of the machinery are briefly discussed below :



6.8 Levels of Handling Grievances

1. Primary Level : The best opportunity to redress a grievance is to resolve it at the level at which it occurs. The immediate boss, the first line supervisor, should resolve a worker's grievance. The higher the discontent rises through the hierarchy, the more difficult it is to

resolve. Bypassing the supervisor would erode his authority. When the process moves to a higher stage, the aggrieved employee and the supervisor concerned may shift their focus to save face by providing the other wrong. The substantive aspect of any of the grievances may thus be relegated and dysfunctional aspects come to the fore, thus making it more difficult to settle the issue.

In a unionized concern, the first stage of the procedure usually involves three people: the aggrieved employee, his immediate boss and the union representative in the shop or department. It is possible to involve the union in laying down the framework of the grievance procedure and thereafter restrain union involvement in the actual process, at least in the first two stages. The choice depends on the top management attitude and orientation towards the dynamics of union-management relations.

Supervisory role needs to be strengthened, with appropriate training in problem solving skills, grievance handling and counseling, so that the supervisor can work towards reducing the number of grievances that get passed to higher stages in the machinery. Unrealistic policies and expectations and lack of commitment for equity and fair play can cause problems in handling grievance at the lower level. Inadequate delegation of authority may also inhibit a supervisor's effectiveness in handling grievances at his level.

2. Intermediate level : If the dispute is not redressed at the supervisor's level, it will usually be referred to the head of the concerned department. It is important that the line management assumes prime responsibility for the settlement of grievance. Any direct involvement by personnel department may upset the balance in line-staff relations. At the intermediate level, grievance can be settled without union involvement. Excessive reliance on superior at this stage can jeopardize the interest of the employee and affect the credibility of the procedure.

3. Organizational Level : If a grievance is not settled even at the intermediate level, it will be referred to the top management. Usually a person of a level not less than General Manager, designated for the purpose, will directly handle the issue. By now the grievance may acquire some political importance and the top leadership of the union may also step in formally if the procedure provides for it and informally, if the procedure prohibits. At this level it is very difficult to reconcile the divergent interests.

4. Third Party Intervention : If the grievances have not been settled bilaterally within the organization, it goes to a third party for mediation. It could be conciliation, arbitration or adjudication or the matter may even be referred to a labour court. At this stage, the parties concerned lose control over the way the grievance is settled. In case of mediation the mediator has no authority to decide, but in case of labour court or an adjudicator, the decision will be binding on the parties, subject to statutory provisions for appeal to higher courts.

6.9 Steps in Grievance Handling

At any stage of the grievance machinery, some members of the management must handle the dispute. In grievance redressal, responsibility lies largely with the management. And, as already discussed, grievances should be settled promptly at the first stage itself. The following steps will provide a measure of guidance to the manager dealing with grievance.

1. **Acknowledge Dissatisfaction :** Managerial/ supervisory attitude to grievances is important. They should focus attention on grievances not run away from them. Ignorance is not bliss; it is the bone of industrial conflict. Condescending attitude on the supervisors and managers would aggravate the problem.
2. **Define the problem :** Instead of trying to deal with vague feeling of discontent, the problem should be defined properly. Sometimes the wrong complaint is given. By effective listening, one can make sure that a true complaint is voiced.
3. **Find out the facts :** Facts should be separated from fiction. Though grievances result in hard feelings, the effort should be to get the facts behind the feelings. There is need for a proper record to each grievance.
4. **Analyze and decide :** Decisions on each of the grievances will have a precedent effect. While no time should be lost in dealing with them, it is no excuse to be slipshod about it. Grievance settlements provide opportunities for managements to correct themselves. Union pressures may temporarily bring union leadership closer to the management, but it will surely alienate the workforce away from the management.
5. **Follow up :** Decisions taken must be followed up earnestly. They should be promptly communicated to the employees concerned. If a decision is favorable to the employee, his immediate boss should have the privilege of communicating the same. Some of the common pitfalls that management commits in grievance handling relate to : (i) stopping the search for facts too soon; (ii) expressing a management opinion before gathering full facts; (iii) failing to maintain proper records; (iv) arbitrary exercise of executive discretion; and (v) settling wrong grievances.

6.10 Do's and Don'ts of Grievance Handling

All these points are not applicable to every case, but if the supervisor is familiar with all of them and observe them in his/her handling of grievances, s/ he will be prepared for almost any kind of case that may arise.

1. Investigate and handle each and every case though it may eventually result in an arbitration hearing.
2. Talk with the employee about his / her grievance; give him/ her a good and full hearing.
3. Enforce the contractual time limits.
4. Comply with contractual time limits on the company for handling the grievance.
5. Don't argue the merits of the grievances first if the grievance is untimely.

6. Don't make agreements with individuals that are inconsistent with the labour agreement.
7. Don't hold back the remedy if the company is wrong.
8. Visit the work area for the aggrieved party.
9. Determine if there were any witnesses.
10. Examine the relevant contract provisions.
11. Examine the total agreement and make interpretations based on the whole.
12. Don't admit to the binding effect of a past practice.
13. Examine prior grievance record.
14. Produce all available evidences.
15. Permit a full hearing of the issues.
16. Identify the relief the union is seeking.
17. Treat the union representative as your equal.
18. Don't relinquish your authority to the union.
19. Admit your error and take corrective action.
20. Don't settle grievances on the basis of what is unfair.
21. Bear burden of proof in discipline and discharge cases.
22. Treat union representatives and employees as people.
23. Don't argue grievance issues off work premises.
24. Don't give away your copy of the written grievance.
25. Don't discuss grievance of striking employees during illegal work stoppage.
26. Satisfy the unknown's right to relevant information.
27. Don't file management grievances.
28. Don't overlook the precedent value of prior grievance settlements.
29. Don't give long written answer.
30. Don't trade off a grievance settlement for a grievance withdrawal.
31. Handle cases involving discipline or discharge of union representatives with extra caution and consideration.
32. Don't deny grievances on the premise that management has tied your hands.
33. Control your emotions, your remarks and your behavior.
34. Don't withhold grievance information.
35. Maintain records of matters relevant to your labour relations situations.
36. Fully inform your own supervisor on grievance matters.
37. Remember the union is the moving party.
38. Determine if there has been equal treatment of employees.
39. Command respect from employees and union representatives.
40. Hold your grievance discussions privately.
41. Don't make mutual consent agreements regarding future management action.

42. Use the grievance meeting as another avenue of communication.
43. Know your employees as individuals.
44. Demonstrate qualities of leadership to your subordinates.

6.11 Conclusion

Grievance was part of the strategy to promote good relations between employees and employers. It needs to be reiterated that the lack of grievance machinery will find an outlet, in one form of indiscipline or another over a period of time, or else cooperation will not be in line with managerial expectation, reflecting perhaps in the production or output. In trade unions where there is political affiliation and involvement or outside leadership, grievance processing and settlement become complicated. It has been found that "once parties other than those directly concerned get interested in any event the situation becomes worse and its solution is hard to find because of vested interest." Outsiders, because of their pre-occupations, do not have same commitment to the individual worker or to the organization. Their understanding and involvement may not always be the same as that of internal leadership, who would be better able to appreciate the internal culture of the plant and be on hand constantly to aid and advise the grievant.

QUESTIONS TO ANSWER

1. What is grievance? Discuss about the nature of employee grievance in short.
2. Describe the approaches and nature of grievance in short.
3. What are the causes and effects of grievances?
4. (a) How do you know about grievances?
(b) Grievance processing follows a procedure—Discuss.
5. (a) Elaborate the levels of handling grievances.
(b) Discuss the steps in grievance handling.
6. What are the do's and don'ts of grievance handling?

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Collective Bargaining

Chapter Highlights

Introduction, Objectives of Collective Bargaining, Collective Bargaining Activities, Characteristics of Collective Bargaining, Collective Bargaining Process, Importance of Collective Bargaining, Impact of Collective Bargaining, Bargainable Issues, Types of Collective Bargaining, Levels of Collective Bargaining, Pre-requisites for Success in Collective Bargaining, Tactics to be Followed in Collective Bargaining, Conclusion, Questions to Answer, Indicate True or False.

7.1 Introduction

"Collective Bargaining" (CB) is the negotiation between representatives of management and workers to produce a written agreement covering terms and conditions of employment. It is essentially a compromise and balancing of opposing pressures of two social groups who have enough mutual interests to work together. Pressures at the bargaining table usually are framed in economic and technical terms. Bargaining is really a social process. According to Dale Yoder much of today's management of human resource or manpower is "Self-Management". Individual employees as individuals and members of unions take active part in their management. They join in making many decisions that would otherwise have to be made for them by employers or their managers. In mature economies like that of the U.S.A., employees play a decisive role in their own promotions, transfers, training and other conditions of employment. They participate in the formulation of labour policy. Participation takes place through unions in the process of collective bargaining. Joint Employer-Union-Management is relatively new.

To some employers, union participation is interference with essential prerogatives of management. In some firms and public agencies, major concern is apparent towards 'containment and resistance against worker participation in management'. Wide spread discussion is evident about the extent of union's role in management. How much Joint-Employer-Union-Management co-operation is desirable for the sake of enthusiastic team work, productivity and democratic society is hotly debated. Appropriateness of public rules are also being discussed. Office employees, retail clerks and janitorial staffs are also forming associations. Once unionism was prohibited among white collar employees. So employers used to promote unmanageable union leaders and then fire them. Today officers, teachers, accountants, lawyers, journalists and top ranking bureaucrats have their associations to press for their rights and bargain with authorities.

"Collective Bargaining (CB) is the negotiation between representatives of management and workers to produce a written agreement covering terms and conditions of employment"

Wide spread discussion is evident about the extent of union's role in management.

7.2 Objectives of Collective Bargaining

Collective bargaining objectives, among others, are to :

1. settle disputes/conflicts relating to wages and working conditions;
2. protect the interests of workers through collective action;
3. resolve the differences between workers and management through voluntary negotiations and arrive at a consensus;
4. avoid third party intervention in matters relating to employment.

7.3 Collective Bargaining Activities

Collective bargaining is the oldest form of labour management negotiation in the industrial relations in Bangladesh. Because of the doctrine of multiple union system the practice has been developed to select a collective bargaining agent (CBA) from among the registered unions in an enterprise or group of enterprises to undertake collective bargaining with the employer on behalf of the workers in that enterprise or group of enterprises. The main activities of CBA are as follows :

1. To undertake collective bargaining with the employer or employees on matters connected with employment, non-employment, terms of employment or the conditions of work.
2. To represent all or any of the workmen in any proceedings.
3. To give notice of and declare a strike in accordance with the provisions of law.
4. To nominate representatives of workmen on the board of trustees of any welfare institution or provident fund and of the workers' participation fund.

In any enterprise if there is only one registered union with membership equivalent to a minimum of one third of the total number of workers employed in an enterprise, that union is legally authorized to work as the CBA without any election. But in case there exist more than one legal union, a CBA is elected from among those unions on the basis of secret balloting under the supervision of the Registrar of Trade Unions. It is stipulated in the law that a union, even if it wins in the balloting cannot be declared as the CBA, unless votes casted in its favor amount to at least one third of the total number of workers employed in that enterprise or group of enterprises.

Collective bargaining is the oldest form of labour management negotiation in industrial relations.

In case there exist more than one legal union, a CBA is elected from among those unions on the basis of secret balloting.

7.4 Characteristics of CB

The important characteristics of collective bargaining are :

1. Equality in Strength : Across the table, both parties bargain from a position of equal strength. In collective bargaining, the bargaining strength of both parties is equal. It is industrial democracy at work.

2. Voluntary endeavor : Both workers and management come to the negotiating table voluntarily in order to have a meaningful dialogue on various troubling issues. They try to probe each other's views thoroughly before arriving at an acceptable solution. The implementation of the agreement reached is also a voluntary process.

3. Flexibility : It is a group action where representatives of employers and workers expend energies in order to arrive at a consensus. It has sufficient flexibility, since no party can afford to be inflexible and rigid in such situations. The unique feature of collective bargaining is that usually the parties concerned start negotiations with entirely divergent views but finally reach a middle point acceptable to both. It is, therefore, not a one way street but a give and take process.

4. Joint and amicable settlement : It is collective in two ways. One is that all the workers collectively bargain for their common interests and benefits. The other is that workers and management jointly arrive at an amicable solution through negotiations.

5. Continuous affair : Collective bargaining is a continuous affair. It does not commence simply with negotiations and end with an agreement. The agreement is only a beginning of collective bargaining. It is continuous and includes implementation of the agreement and also further negotiations.

6. Dynamic process : Collective bargaining is a dynamic process because the way agreements are arrived at, the way they are implemented, the mental make-up of parties involved, keep changing. So, the effort itself changes, grows and expands over time.

7. Power relationship : Workers want to gain the maximum from management, and management wants to extract the maximum from workers by offering as little as possible. For reaching a consensus, both have to retreat from such positions and accept less than what is asked for and give more than what is on offer. By doing so unions attempt to strengthen their hold over workers without any serious dilution of their powers and management tries to retain its control on workplace matters.

8. Bipartite process : The employers and the employees negotiate the issues directly, face to face across the table. There is no third party intervention. Any settlement of dispute in this method ensures harmonious relations between the parties concerned.

7.5 Collective Bargaining Process

Collective Bargaining is in reality a compromise and balancing of opposing pressures of two social groups who have considerable mutual interest to work together. Pressures at bargaining table normally are framed in economic and technical terms but still overall bargaining remains a social process. It is not a one stop process but a continuous one. This is particularly true from behavioural point of view. It is true that formal negotiation around bargaining table takes place periodically but a lot of pre and post contract signing process and procedures have to be followed cautiously. Contract is communicated to union leaders, employees, managers and employers for perusal, analysis and interpretations.

New situation, not specifically spelled out, may always arise. This requires union representatives and managers to sit together to thrash out differences. Both the parties watch for flaws for amendments. In the mean time, plans for negotiating a new contract is underway. Union leaders hammer out heads to find newer and newer demands and management people also devise ways to evade compliance. Both the parties closely watch what is happening in other firms of the locality as well as other organizations in national and international levels. They also employ smart negotiating experts. This keeps bargaining alive and effective. Habibullah watched as member of Minimum Wage Board of GoB the warring representatives of workers and management.

Collective bargaining is not an affair conducted annually and half-yearly permitting managers to get down to business peacefully. Periodic bargaining tells only a part of the whole picture. From behavioural point of view collective bargaining is a continuing process though formal negotiations around bargaining table takes place periodically. Signing of the contract means temporary stoppage of cold war but after signing, several other parts of bargaining process have got to be performed.

In collective bargaining carrying out negotiation and reaching an agreement constitute only half of the process. The other equally important part is implementation of the contract. However, briefly the following steps are involved in the Collective Bargaining process :

Collective Bargaining is in reality a compromise and balancing of opposing pressures of two social groups who have considerable mutual interest to work together.

New situation, not specifically spelled out, may always arise. This requires union representatives and managers to sit together to thrash out differences.

From behavioural point of view collective bargaining is a continuing process



Fig : 7.1 Collective Bargaining Process.

1. Identification of the problem : Problem identification influences the whole process. Whether the problem is very important that is to be discussed immediately or it can be postponed for some other convenient time or whether the problem is a minor one so that it can be solved with the other party's acceptance on its presentation and does not require following the long process of collective bargaining, etc. It also influences the selection of representatives, their size, period of negotiations and period of agreement that is reached ultimately. [As such it is important for both the parties to be clear about the problem before entering into the negotiations.]

Problem identification influences the whole process.

2. Preparing for negotiations : If collective bargaining is deemed essential, both the parties prepare themselves for negotiations. The preparation starts with selection of representatives. Such representatives should be selected who can carry out negotiations with patience, and sincerity and can present their views effectively. After selection they should be educated about the complete problem and its pros and cons. Their power and authority during negotiations also should be clearly spelt out. Other preparations include fixing up time for negotiations, period of negotiations, etc. But once the parties enter into negotiations the period of negotiations may vary depending upon circumstances.

The preparation starts with selection of representatives who can carry out negotiations with patience.

3. Negotiation of agreement : Negotiation usually begins with the union delivering to management a long list of demands. By initiating with extreme demands, the union creates significant room for trade off in the later stages of the negotiation. It also disguises the union's real position, leaving it to management to try to figure out which demands are adamantly sought, which are moderately sought and which the union is prepared to quickly abandon.

Negotiation usually begins with the union delivering to management a long list of demands.

Usually there will be a chief negotiator who is from the management side. S/he directs and presides the process. The chief negotiator presents the problem, its intensity and nature and the views of both the parties. Then s/he allows the representatives of both parties to present their views. During negotiations the representatives should be attentive as to find out what the other party is arguing for. The representatives tend to think about what counter arguments they can present and how to say 'no' effectively,

Each representative should try to reach a solution which is acceptable to both the parties.

While the other party is presenting its own views. This is a major obstacle in the bargaining process. Each representative should be attentive to the other party's arguments and needs as well and thereby try to reach a solution which is acceptable to both the parties.

Both the parties should strive to maintain an objective attitude.

So, it is important that representatives should come to the negotiating table with positive frame of mind and both the parties should strive to maintain an objective attitude. With this objective mind both the parties should try to reach an amicable solution. When a solution is reached at, it is put on paper taking concerned legislations into consideration. Both the parties concerned sign an agreement which, in turn, becomes a binding contract for both the parties. If, inspite of all these efforts, no amicable solution is reached, both parties may resort to conciliation.

Once a contract is agreed upon and ratified, it then must be implemented.

4. Implementation of the contract : Once a contract is agreed upon and ratified, it then must be implemented. The agreement can be made on a temporary basis. In such cases, before its expiry both parties consult each other and can terminate or renew the agreement depending upon the circumstances. The union may always demand the renewal of such agreements which benefit workers before their expiry. Management, on the other hand, may reject this demand taking the financial position of the organization into consideration. As a result, this may again lead to negotiations. As such, collective bargaining is not a temporary accommodation but is a continuous process.

7.6 Importance of Collective Bargaining

Collective bargaining is a useful device to help preserve labour-management autonomy in a free society.

Collective bargaining is a useful device to help preserve labour-management autonomy in a free society. Disputes are natural since workers may demand more than what they deserve and employers may have proneness to pay less since the money paid to employees reduce profit volume. Reference to third parties for dispute settlement may reduce freedom of both labour and management. So collective bargaining is expected to serve the long-run interests of labour and management. It is indispensable. Practice of collective bargaining developed out of the situation that individual employee has neither the knowledge nor the resources to discover and take advantage of the best opportunities. Collective bargaining enables him to get more compensation.

The weakness in the position of individual workers vis-a vis their employer can be solved in several ways.

The weakness in the position of individual workers vis-a vis their employer can be solved in several ways. Research organizations through appropriate Governmental agencies may survey demand for manpower in various industries, localities and occupations and compare them with available supplies. At times, govt. can establish and control rates of compensation. GoB has been setting up Workers' Wage Commissions. Collective bargaining has grown as a device seeking to assist manpower allocation and compensation with much of public control. In a democracy, this is widely supported as, "Democratic and Voluntary Settlement" as contrasted with, "Bureaucratic or Totalitarian means of achieving an efficient disposition, composition and compensation of human resources."

Collective bargaining is a means for labour marketing and manpower management. It has developed mainly because individual employees have seen how economic advantages accrue through joint collective action. In many instances, employers also formed associations to bargain collectively. Collective bargaining grew to advance the interests of both the parties. Collective bargaining is said to reflect the weakness of both. One theory of collective bargaining regards associations of employers as symbol of "groupism" in which individuals having common interest band together to enhance their power. Such theory has been apparent in North America and Europe.

Collective Bargaining has developed mainly because individual employees have seen how economic advantages accrue through joint collective action.

Collective bargaining refers more exactly to economic theory of labour monopoly which seeks to explain goals of union organization and put pressure on employers for participation in determining conditions of employment. Economist Perlman views collective bargaining as worker's attempt directed in resisting power of capitalistic employers. Dale Yoder reported that programmes of union and employers focus on social, economic and political needs.

Economist Perlman views collective bargaining as workers' attempt directed in resisting power of capitalistic employers.

In some cases and in some areas, unions embraced reformist or revolutionary political goals while in other cases they remained content with economic goals, particularly wage rates, work hours and working conditions. It sought specifying managerial and unions' adherence to rules rather than arbitrary and capricious decisions. In the language of Silchter, this is "Industrial Jurisprudence" in employer and employee relations. Human resource manager has to keep in mind that the role of collective bargaining is changing with technological and managerial changes introduced in the workplace and work methods.

Role of collective bargaining is changing with technological and managerial changes introduced in the workplace and work methods.

Negotiation of collective bargaining and establishment of a mechanism for contract administration has several important implications for those involved in human resource management. As a matter of fact, collective bargaining takes place between the representations of employers and of employees without the intervention of any third party. The scope of mutual settlement enables both the parties to help maintain cordial relationship. So, collective bargaining is considered as the best method to solve industrial disputes.

7.7 Impact of Collective Bargaining

1. *Loss of unilateral discretion of management on personnel matters.* Discretion of management in decision making about pay, promotion, transfer, dismissal, etc. is often curtailed under a collective bargaining agreement. Management right is one of the most controversial issues in labour-management relations. Most collective bargaining agreements stipulate that management retains the right to make decisions about corporate strategy, product lines, plant locations and product pricing policy. But such decisions may affect union personnel resulting in union's challenges in facing management. Activities like employee recruitment and selection, training, development and control of absenteeism do not produce much bad blood in mature economies but in developing

Discretion of management in decision making is often curtailed under a collective bargaining agreement.

countries. Union leaders may push own men into the job and may spend much of time in union activities neglecting normal duties. Unions may like to interfere with personnel policies relating to promotion, transfer, layoffs, compensation, job security, apprenticeship training, grievance procedure handling and arbitration.

2. *Greater uniformity in personnel practices* is achieved by collective bargaining agreement with standardization of wages, hours of work and working conditions. The company is forced to improve the way in which it administers its personnel function which raises employee morale and productivity.

3. *Employers fear that collective bargaining agreement may put them in competitive disadvantage* in facing its non-unionized competitors. Employers fear increase of labour costs which may force them to raise product price or cut profit. Price raise may result in loss of customers.

4. *Employers are also afraid that collective bargaining agreement may hamper R & D efforts* and prohibit taking advantage of technological advances. Unions have been noticed to disfavour merit pay plans, individual and group incentive and output based performance appraisal. Unions are inclined towards joint control, safety and health programmes, plant closing decisions, quality of work life schemes, employee benefits, salary administration and employee discipline.

5. *Favouritism, nepotism and uncertainty regarding pay, hours and poor working conditions are reduced.* Uniform compensation and employee benefit packages and a set of work rules leave less room for misunderstanding between employers and employees.

6. *Collective bargaining reduces fear of capricious and unfair treatment* and dismissed employees are assured of due processes and equal protections in the workplace as collective bargaining agreement lays down sensible grievance handling procedure to which employers are contract bound. However, the chance of incompetent or troublesome employees taking shelter behind the protective shield of the union, is there.

7. *Collective bargaining reflects "united we stand and divided we fall" theme.* Employers are financially and organizationally stronger. They may hire things to destroy worker unity and police help favours employers in most cases.

8. *Collective bargaining implies "one for all and all for one".* This philosophy treats superior and moderate employees at par. Talented employees cannot demonstrate initiative and better performance.

7.8 Bargainable Issues

What are the issues that could be bargained in between the employers and the union representatives? Practically speaking any issue that has relevance to management and workers may become the subject matter of bargaining. However, in certain specific cases both management and workers are reluctant to yield ground. Traditionally, management is not willing to negotiate work methods, arguing that it is management's exclusive right to decide how the work is to be done. However, over the decades, the nature and content of collective bargaining has changed quite dramatically, thanks to the pulls and processes exercised by the bargaining parties.

Practically speaking any issue that has relevance to management and workers may become the subject matter of bargaining.

Traditionally wages and working conditions have been the areas of primary focus of collective bargaining. However, in recent times, the scope of bargaining has extended to almost any area of labour-management relations. Some of the important areas are :

1. Wages and working conditions.
2. Work norms.
3. Incentive payments.
4. Job security.
5. Work tools, techniques and practices.
6. Staff transfers and promotions.
7. Grievances.
8. Disciplinary matters.
9. Health and safety.
10. Insurance and benefits.
11. Union recognition.
12. Management rights.
13. Union activities/responsibilities.
14. Changes in technology.

7.9 Types of Collective Bargaining

The types of bargaining that have evolved over time are : (a) distributive (b) cooperative, (c) productivity and (d) composite bargaining. These are discussed below :

a. Distributive bargaining : The parties try to maximise their respective gains. They try to settle economic issues such as wages, bonus, etc. through a zero-sum game (where my gain is your loss and your gain is my loss). Unions negotiate for maximum wages. Management wants to yield as little as possible, while getting benefits more from workers.

The parties try to maximise their respective gains.

b. Cooperative bargaining : There may be circumstances in which the very existence of the organization is at stake. Both parties realise the importance of surviving in such difficult times and are willing to negotiate the terms of employment in a flexible way. Union may accept a cut in wages in return for security and higher wages when things improve. Management agrees to modernise and bring in new technology and invest in marketing efforts in a phased manner.

Both parties realise the importance of cooperation.

c. Productivity bargaining : Sometimes workers' wages and benefits are linked to productivity. A standard productivity index is finalised through negotiations initially. If the workers are able to exceed the standard productivity norms they will get substantial benefits. Management gains control over work place relations and is able to tighten the norms still further in future negotiations.

A standard productivity index is finalised through negotiations initially.

d. Composite bargaining : This is a proactive system of collective bargaining. In this method labour bargains for wages as usual but goes a step further demanding equity in matters relating to employment levels, environmental hazards, etc. When unions negotiate manning standards they ensure that the workload of workers does not increase. This helps to maintain the status quo as far as employment level is concerned. Workers are no longer interested in monetary aspects to occupy the centre-stage in bargaining sessions. But there is a definite shift towards composite bargaining.

This is a proactive system of collective bargaining.

Without such a proactive stand, workers may not be able to withstand the forces of liberalisation, automation, and survival. Through composite bargaining unions are able to prevent the dilution of their powers and ensure justice to workers by putting certain limits on the freedom of employers. For the employer this is a lesser evil when compared to strikes and lockouts. Apart from periodic wage hikes and day-to-day tussels over productivity norms and other related issues there is at least no danger of workers striking work every now and then. Of course, even this situation may not continue for long.

Through composite bargaining unions are able to ensure justice to workers by putting certain limits on the freedom of employers.

7.10 Levels of Collective Bargaining

Collective bargaining is generally structured and conducted at three levels : (i) plant level; (ii) industry level; and (iii) national level.

1. Plant Level : This is the basic or micro level unit, where negotiations are conducted between the management of the plant concerned and the CBA union of the same plant. Generally, the unions are centred around the plant, with little or no involvement in other bodies, although having political connections. There are many plant level agreements but the pioneers, in this field, are the agreements concluded in the public sector.

This is the basic or micro level unit, where negotiations are conducted between the management of the plant concerned and the CBA union of the same plant.

2. Industry Level : Employers of several units in the same industry band together and form an association, which negotiates with a federation of trade unions, usually called craft federation, having a similar status. The agreements are somewhat broader in scope and delineation than the plant level settlements which are very specific. The craft federations working in jute industry, for example, bargaining with representatives of employers' association in the jute industry, are doing industry level bargaining.

Employers of several units in the same industry band together and form an association, which negotiates with a federation of trade unions.

3. National level : Here the terms of reference and shape are much wider though such agreements are not so common in Bangladesh. The representatives of the trade unions and of the employers at the national level negotiate and arrive at a settlement. The formation of the SKOP in early eighties has given impetus to bargaining at this level with the government. The 1984 agreement is a historic one.

The representatives of the trade unions and of the employers at the national level negotiate and arrive at a settlement.

7.11 Pre-requisites for Success in Collective Bargaining *

Success in collective bargaining depends upon the fulfillment of the following preconditions :

1. Flexibility in bargaining : Collective bargaining is a flexible, give-and-take group process. It depends on careful preparation and skillful manouvering. It does not do good if management takes extreme stand with rigid attitude.

2. Constructive attitude : Prudent employers try to build constructive attitude so that parties can discuss mutual problems and attempt to obtain agreement.

3. Ability of union leaders : Union leaders should also be trained and exposed to the realities. Stability of the leader and success in the next election depends on their ability, in exacting/extracting more benefits for the workers who constitute their vote box.

4. Non-involvement of political parties : Militancy can be reduced if political parties do not take side with any party.

5. Bargaining attitude of management : However, management's bargaining attitude is important. No group should proceed with defensive attitude and challenging mentality. Review of the bargaining processes of the past has indicated that attitude of co-operation and concession is a powerful positive force, although management being more powerful, intelligent and articulate.

6. Bargaining procedure : Bargaining procedures have significant influence on bargaining sessions and so the agreement should be drafted carefully. It should be clear and readily understandable to the parties.

7. Bargaining role of the lawyers : Bargaining role of the lawyers in the bargaining table has got to be assessed carefully. The lawyer employed by the management has to consider whether he is a representative of the employer or acting as an advisor. The two roles are different. This is also true for union lawyer.

8. Role of observers : At times, non negotiating observers remain present during the bargaining session. Management and union both may allow observers to keep them informed. Union observers are watchdogs who assure that union leaders do not "sell out" to management.

7.12 Tactics to be Followed in C.B.

There may be several tactics that are used by bargainers to improve their bargaining. Six tactics are typical.

1. Counter proposal : Counter proposal is used in an effort to get two sides closer together. A counter proposal is an offer suggested as an alternative to previous proposal in the hope that both the parties may think over.

2. Trade-off : Another tactic is trade-off which is an offer to give up one issue in exchange for winning another, e.g., getting paid holiday for flexibility in work rules. Counter proposal gradually moves the parties together; trade-off expedites resolution of differences. One version of trade off is accepting wage or benefit cut for job loss in case of trade depression and poor general economic condition. This is called concession bargaining.

3. Recess : Recess is another important tactic. It is useful when negotiators become fatigued. Members of bargaining committee take a break to discuss some point privately in case of disagreement among themselves. This allows either party to work out the problem in private and then return to the negotiating table.

4. Wait and see : Another tactic is wait and see. When some issues are very troublesome for negotiators to reach agreement, they request tabling those issues and postpone decision for a later meeting in the hope that in the meantime situation may change. A sub-committee may also be formed to study the issues in details.

5. Getting public support : The parties sometimes find it useful to get public opinion. The issue is given publicity in the hope that additional pressure may be exerted on the opponent. News paper comment becomes important as also opinions of experts in the media. Sometimes law suits, advertising and street demonstrations are used.

6. Use of mediator : At times, a mediator is brought to the scene by one party or by the government. Mediator is an outside specialist who encourages negotiating parties to come to an agreement. He introduces fresh point of view. He helps in cooling down by use of persuasion for holding down emotionalism. Mediator's role is one of confidential intermediaries carrying messages and view points between the parties. This enables negotiators to sound each other without formal commitment. Two options are there in case mediator fails. One is a strike which is union's tool of work stoppage to pressurize management.

Mediator's role is one of confidential intermediaries carrying messages and view points between the parties.

One fundamental difficulty of collective bargaining is that both labour and management enter into the game with firm desire to win. With this win-win bargaining, each party enters the battle field. This makes the relation more bitter. This creates a situation when governmental intervention becomes a necessity. Here is the need for problem-solving bargaining in which prudent economists, accountants, sociologists, financial experts, managers, psychologists and development thinkers can make constructive contribution.

7.13 Conclusion

In fact, collective bargaining is never used as an effective means of negotiation between labour and management on matters of conflicting interest. In the public sector enterprises, management can negotiate with the CBA but cannot come into agreement on issues like wage increase, dearness allowance, bonus, house rent, medical allowance and so on. Since these require additional financial commitment they remain the prerogative of the ministerial authority. On other issues management and CBA can reach agreements and such agreements are binding on the parties for usually a period of one year or any longer period as agreed upon by the parties. During such a stipulated period further demand cannot be made on those issues, but new issues can be brought for bargaining.

In fact, collective bargaining is never used as an effective means of negotiation between labour and management on matters of conflicting interest.

As workers are always under expectation of new concessions CBAs have to come up with fresh demands now and then in order to maintain their position and popularity. When progressive and prudent owners and managers meet all the demands for the unions, union leaders have little to harass management. So, unions employ experts to innovate new issues for them. In Bangladesh CBA leaders are selected to Govt. appointed bodies like Minimum Wage Board to safeguard and promote interest of workers. Prof. Habibullah saw CBA leaders in action in the Minimum Wage Board. Some of the worker representatives appeared easily manageable to owners.

When progressive and prudent owners and managers meet all the demands for the unions, union leaders have little to harass management.

QUESTIONS TO ANSWER

1. Define collective bargaining.
 2. State the objectives of collective bargaining.
 3. What are the collective bargaining activities? Elaborate.
 4. How employer is benefited from collective bargaining?
 5. Discuss the characteristics of collective bargaining.
 6. What are the impacts of collective bargaining?
 7. Does collective bargaining really raise employee morale and productivity?
 8. How collective bargaining is a process? How the process goes on?
 9. What the parties to the bargaining process want to gain?
 10. What is the difference between periodical negotiation and negotiation process?
 11. What is the meaning of proposal, counter proposal and trade-off?
 12. What is composite bargaining?
 13. What are the types of collective bargaining in practice? Discuss each of them with example.
 14. Discuss the prerequisites for success in collective bargaining.
 15. What tactics are to be followed in collective bargaining?
- Indicate True or False.**
- a. Collective bargaining takes place among the representatives of workers only.
 - b. Collective bargaining allows third party intervention.
 - c. Rigidity is one of the characteristics of collective bargaining.
 - d. Collective bargaining is a static process.
 - e. Collective bargaining ends with problem identification.
 - f. Collective bargaining reduces discretion of management.
 - g. Distributive bargaining helps improve productivity.

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Chapter Highlights

Nature, Performance of Labor Courts in Bangladesh, Suggestions for Ensuring Effectiveness of Labour Courts in Bangladesh, Questions to Answer, Indicate True or False.
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8.1 Nature

Labor courts play a vital role in maintaining and ensuring healthy industrial relations. Generally, they are established as special courts in order to dispose of labor related cases expeditiously. In fact labor courts are not courts of law but courts of social justice. Labor courts provide a mechanism for settling cases related to labor dispute which are not mitigated through the process of collective bargaining and conciliation.

In fact labor courts are not courts of law but courts of social justice.

Labor courts comprise one of the tiers of the adjudication process. It is a traditioned organ in dispute settlement in Bangladesh. Adjudication by labour courts refers to a judicial pronouncement on matters relating to any industrial dispute arising between two or more parties. In 1947 the Government of Pakistan adopted the Indian Industrial Disputes Act along with some other labor relations legislation for regulating industrial disputes and other matters on labor. Later a number of amendments were made on the Industrial Disputes Act which laid more stress on conciliation and adjudication of disputes rather than collective bargaining. In 1969, collective bargaining was incorporated as a method of dispute settlement along with the other accepted and long practiced methods viz. conciliation, arbitration and adjudication. Again in 1980, new labor policy was declared bringing no basic changes in the procedure of settlement of industrial disputes.

Labor courts comprise one of the tiers of the adjudication process.

The law of the land provides for an adjudication system composed of Labor Courts, Labor Appellate Tribunal and the High Court. The legal provisions relating to the adjudication by labor courts in Bangladesh need elaboration.

A chairman and two members comprise a labour court. One of the members represents the employers and the other the workers. The chairman is appointed by the government in the prescribed manner. The law provides that the chairman is to be a judge or an additional judge of high court or of a district court. The members are to be appointed in consultation with the employers and the workers under the prescribed terms and conditions.

A chairman and two members comprise a labour court.

The principal functions of labor courts are adjudication and determination of industrial disputes, adjudication of matters concerning implementation or violation of a settlement, trying offences under the relevant law and cases relating to termination of services.

It is the duty of the court to ensure that no particular party is put to suffer and be exploited by other side.

If conciliation fails, either strike or lock-out becomes inevitable. In such a situation, the dispute may be referred to labor court for adjudication.

If either party is dissatisfied with the verdict of a labor court, the aggrieved party can prefer an appeal to Labor Appellate Tribunal (LAT)

Cases of disputes are filed with the labor courts under various labour laws.

Technically, the labor court is designed under the IRO, 1969 (as amended upto date) in order to bring about justice and fair-play in the field of both matters of law and matters of interest covering labour-management relations and terms and conditions of employment. Within the framework of law the employers, workers and the trade unions can approach the labor courts for enforcement of their own respective legal rights. It is the duty of the court to ensure that no particular party is put to suffer and be exploited by other side.

Basically a labour court deals with two types of disputes-viz. (1) disputes of interest raised by collective bargaining agent (CBA) and referred to by government and (2) disputes of right raised either by CBA or by any aggrieved party. If conciliation fails, either strike or lock-out becomes inevitable. In such a situation, the dispute may be referred to labor court for adjudication. Within 30 days after the date of issuing of the failure certificate by the conciliator, any party may approach to a labor court for adjudication of the dispute. The government also enjoys the authority to prohibit a strike or lock-out if it continues beyond a period of 30 days and may refer the dispute to the labor court for adjudication.

The time limit for the disposal of a case in labor court is 60 (sixty) days. An award of the labor court remains valid for two years. If either party is dissatisfied with the verdict of a labor court, the aggrieved party can prefer an appeal to Labor Appellate Tribunal (LAT) within 30 (thirty) days of the delivery of such verdict and in such a case the decision of LAT is final. The verdict of the labor court under complaint case and legal right case is final. In such a case, writ petition is allowed to challenge the legality of judgement of labour court (verdict) to the High Court as per article 102 of the constitution of the People's Republic of Bangladesh.

8.2 Performance of Labor Courts in Bangladesh :

Labour courts try to ensure proper justice in industrial disputes. Cases of disputes are filed with the labour courts under various labour laws. There are mainly five types of cases of industrial disputes and more than one-fifth (i.e. 20.77%) are related to termination, suspension and discharge of workers from employments. More than two-fifths (i.e. 42.02%) are related to financial benefits and more than one-sixth (i.e. 17.86%) to the establishment of legal rights vis-a vis cancellation of the registration of trade unions. Most of the dispute cases at labour courts relate either to termination, , suspension, discharge, dismissal, retrenchment or to the refusal of workers' rights to trade unionism and fair wages by their employers.

Labour courts in our country are not at all efficient. On an average, only about one-fifth of the cases filed in a year can be disposed off. The proportion of pending cases is on the increase.

Labour courts in our country are not at all efficient.

A survey of performance of Chittagong labour court indicates that no single case was settled within the statutory time limit of two months. The time required for nearly one-sixth (i.e. 16%) of the cases was less than 1 year; less than one-third (i.e. 30%) of the cases took between 1 year and 3 years; nearly one-fourth (i.e. 24%) of the cases took between 3 years and 5 years and less than one-third (i.e. 30%) of the cases took more than 5 years.

A survey of performance of Chittagong labour court indicates that no single case was settled within the statutory time limit of two months.

A number of reasons account for the late settlement of the dispute cases by labour courts. They are :

1. It is a legal requirement that every member would be present for the court to function. The absence of any member from the court results in the adjournment of the court. It is a severe hindrance in the early settlement of the cases.

2. There is a practice of time-petition from either side—the employers and the employees. The tendency of serving such petition is higher among employers. They try to remove the workers from the game by encouraging lengthy disposal of the cases.

It is possible on the part of employers since they are the owners of capital and are influential in the society.

3. The number of labour courts available in Bangladesh is not adequate as compared to the volume of the cases. This hampers quick disposal of the suits.

4. The labour courts are found to show liberal attitude in observing the rules of procedures. This stands as a bottleneck in the way of mitigating dispute cases in the stipulated time.

5. In our country there is a practice of representing parties to the dispute by lawyers. These lawyers, for the sake of their professional interest, act as an obstacle to the early adjudication of disputes.

6. In most cases labour courts of Bangladesh do not maintain regularity of sessions. As a consequence, justice is delayed.

7. The chairman and members of the court are not provided with reasonable facilities. It demotivates them and ultimately hampers the quality of judgement.

Performance of labour courts in Bangladesh are criticised heavily by different parties interested in their affairs. The workers view the labour court as the court of employers since they do not get satisfactory remedy of their sufferings due to oppressions at the hands of the employers.

The trade union leaders are also of the view that the labour court can be of no help to a worker when he is discharged, dismissed, laid-off or terminated as per provisions of law. The workers cannot expect to have any concession simply because they represent the weak section of the society.

The members of the labour court admit that most of the litigant parties, especially workers, are frustrated due to frequent shifting of hearing dates. Frequent shifting demotivates them to follow the case up-to the last.

According to the management personnel, labour court is liberal in exercising the power conferred upon it by law and largely ignores the rules of summary procedure.

Thus, a distillation of the performance of labour courts, reasons for delay in the disposal of the cases and problems and weaknesses cited by the stakeholders present a shaky picture of performance of our labour courts.

8.3 Suggestions for Ensuring Effectiveness of Labour Courts in Bangladesh

For quick disposal of the labour court cases and to make the labor courts more effective in Bangladesh the following recommendations may be considered :

1. A labour court is to be constituted with the chairman. The presence of the members in the court should be made optional. This is the usual practice in the neighboring countries for ensuring quick disposal of the cases.
2. The present number of labor courts is inadequate compared to the volume of the cases and hence the number of labor courts need be increased.
3. Time petition for shifting of dates by the parties should not be encouraged without reasonable grounds.
4. The members of labor courts should be given full-time appointment in order to ensure their cent percent adherence.

5. The Code of Criminal Procedure, 1898 should be properly executed in order to ensure early disposal of the cases.

6. The yearly minimum number of cases to be disposed of by each labour court should be fixed up.

7. The regular session of the labor courts should be ensured.

Since liberation the performance of labor courts in Bangladesh has not at all been satisfactory, particularly in early disposal of the cases. The recurrence of military regimes with short lived pseudo democratic governments greatly hampered the democratic environment as well as the activities of the labour courts. Hence the future democratic government and its relevant agencies should look into the matter and take necessary steps for making the labor courts more effective. Otherwise it will create frustration and develop hostile relationship among the concerned people. Moreover, it will adversely affect the entire realm of industrial relations in Bangladesh.

QUESTIONS TO ANSWER

1. What do you mean by labor court? Discuss the nature of labor court in Bangladesh.
2. Critically elaborate the performance of labour courts in Bangladesh.
3. There are some reasons for which labor courts in Bangladesh are not as efficient as they should be—Discuss.
4. What are your suggestions for ensuring effectiveness of labor courts in Bangladesh?

ILO and Its Conventions Ratified by Bangladesh

Chapter Highlights

Introduction, History of ILO, Preamble of ILO Constitution, The Principles of ILO, The Objectives of ILO, Organizational Structure of ILO, International Labour Conference / Office, The Governing Body, The Secretariat of ILO, Policies of ILO, Mandate of the ILO, Activities of ILO, Membership of the International Labour Organization, Withdrawal of Membership of ILO, International Labour Standards (ILS), Conventions of ILO, List of ILO Conventions, ILO Conventions Ratified by the Government of Bangladesh, Questions to Answer

9.1 Introduction

The International Labour Organisation (ILO) was established in 1919 after the First World War. This organisation maintains a continuing programme for the improvement of working conditions of labour. It conducts studies and publishes reports on working conditions throughout the world. It holds annual conferences which discuss employment relationship and prepares draft conventions on such subjects as minimum wages and working hours for consideration by the legislative bodies of member nations. Since the formation of the United Nations after the Second World War, the ILO has been associated with the UN as a "specialised agency". Most of its activities are directed from the central office in Geneva, Switzerland, but ILO has smaller branch offices in other countries also.

In order to improve working conditions the ILO has so far adopted 122 Conventions and 192 Recommendations. Each convention is a legal instrument regulating some aspects of labour administration, social welfare or human rights. When the Government of a country ratifies a convention, it accepts the obligation of applying the provisions of the convention under some international supervision. A recommendation is similar to a convention but it is not subject to ratification. Recommendation defines standards and provides a model and stimulus for legislation and practice in member countries.

ILO conventions cover a wide range of social problems including matters of basic human rights, such as freedom of associations, abolition of forced labour, elimination of discrimination of employment, minimum wages, labour administration, industrial relations, employment policy, working conditions, social security, occupational safety and health and employment at sea.

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In order to improve working conditions the ILO has so far adopted 122 Conventions and 192 Recommendations.

ILO conventions cover a wide range of social problems

Bangladesh has so far ratified 32 conventions. Some of them are related to conditions of work, such as hours of work night work, for women and young persons, weekly rest, minimum age, etc. while others are related to labour inspection, occupational diseases, workmen's compensation, marking of weights, forced labour, equality of treatment regarding accident compensation, social security, etc. The most important category of conventions are those related to rights of the workers including freedom of association, right to organise and tripartite consultation.

Bangladesh has so far ratified 32 conventions.

9.2 History of ILO

The ILO was created in 1919, at the end of the First World War, at the time of the Peace Conference, which was convened first in Paris, then at Versailles. The need for such an organization had fast been advocated in the nineteenth century by two industrialists-Robert Owen (1771-1853) of Wales and Damiel Legrand (1783-1859) of France.

After having been put to the test within the International Association for Labour Legislation, founded in Basel in 1901, their ideas were incorporated into the Constitution of the ILO, adopted by the Peace Conference in April of 1919. It was created in 1919 by Part XIII of the Versailles Peace Treaty ending World War-1. It grew out of nineteenth-century labor and social movements which culminated in widespread demands for social justice and higher living standards for the world's working people. In 1946, after the demise of the League of Nations, the ILO became the first specialized agency associated with the United Nations with the original membership of 45 countries. Some motivations worked behind the creation of ILO.

The initial motivation was humanitarian. The condition of workers, more and more numerous and exploited with no consideration for their health, their family lives and their advancement, was less and less acceptable. This preoccupation appears clearly in the preamble of the Constitution of the ILO, where it is stated, "conditions of labour exist involving ... injustice, hardship and privation to large numbers of people."

The second motivation was political. Without an improvement in their condition, the workers, whose numbers were ever increasing as a result of industrialization, would create social unrest, even revolution. The preamble notes that injustice produces "unrest so great that the peace and harmony of the world are imperiled."

The third motivation was economic. Because of its inevitable effect on the cost of production, any industry or country adopting social reform would find itself at a disadvantage vis-a-vis its competitors. The preamble states that "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

Another reason for the creation of the ILO was added by the participants of the Peace Conference, linked to the end of the war to which workers had contributed significantly both on the battlefield and in the industry. This idea appears at the very beginning of the Constitution: "*universal and lasting peace can be established only if it is based upon social justice.*"

The ILO Constitution was written between January and April, 1919, by the Labour Commission set up by the Peace Conference. The Commission was composed of representatives from nine countries—Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the United Kingdom and the United States, under the chairmanship of Samuel Gompers, head of the American Federation of Labour (AFL). It resulted in a tripartite organization, the only one of its kind bringing together representatives of governments, employers and workers in its executive bodies. The ILO Constitution became Part XIII of the Treaty of Versailles.

The first annual International Labour Conference, composed of two representatives from the government, and one each from employers' and workers' organizations from each member State, met in Washington beginning on 29 October 1919. It adopted the first six International Labour Conventions, which dealt with hours of work in industry, unemployment, maternity protection, night work for women, minimum age and night work for young persons in industry.

The Governing Body, the ILO executive council elected by the Conference, half of whose members are government representatives, one-fourth workers' representatives and one-fourth employers' representatives, chose Albert Thomas as the first Director of the International Labour Office, which is the permanent Secretariat of the Organization. He was a French politician with a deep interest in social questions and a member of the wartime government responsible for munitions. He gave the Organization a strong impetus from the very beginning. In less than two years, 16 International Labour Conventions and 18 Recommendations had been adopted.

*The Governing
Body chose
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the first Director
of the
International
Labour Office.*

The ILO was set up in Geneva in the Summer of 1920. The zeal which drove the Organization was very quickly toned down. Certain governments felt that there were too many Conventions, the publications were too critical and the budget too high. Thus everything had to be reduced. Nevertheless, the International Court of Justice, under pressure from the Government of France, declared that the ILO's domain extended also to international regulation of conditions of work in the agricultural sector.

The ILO was set up in Geneva in the Summer of 1920.

In 1926, an important innovation was introduced when the International Labour Conference set up a supervisory system on the application of its standards, which still exists today. It created the Committee of Experts composed of independent jurists responsible for examining government reports and presenting its own report each year to the Conference.

In 1932, after having assured the ILO's strong presence in the world for thirteen years, Albert Thomas suddenly died. His successor, Harold Butler of England, his deputy since the birth of the Organizations, was soon confronted by the Great Depression with its resulting massive unemployment. During this period, workers' and employers' representatives confronted each other on the subject of the reduction of working hours, without any appreciable results. In 1934, under the presidency of Franklin D. Roosevelt, the United States, which did not belong to the League of Nations, became a Member of the ILO.

In 1934, under the presidency of Franklin D. Roosevelt, the United States, which did not belong to the League of Nations, became a Member of the ILO.

In 1939, John Winant, an American who was a former Governor of New Hampshire, the first head of the American Social Security System, then Deputy Director of the ILO, succeeded Harold Butler who had resigned. His main task was to prepare the Organization for the imminent war. In May 1940, the situation in Switzerland, isolated and threatened in the heart of Europe at war, led the new Director to move the headquarters of the Organization temporarily to Montreal, Canada.

In 1941, President Roosevelt named him Ambassador of the United States in London, where he replaced Joseph Kennedy.

In 1941 Edward Phelan of Ireland was named Director of ILO. He knew the organization in depth, having participated in the drafting of its Constitution. He played an important role once again during the Philadelphia meeting of the International Labour Conference, in the midst of the Second World War, attended by representatives of governments, employers and workers from 41 countries. The delegates adopted the Declaration of Philadelphia which, annexed to the Constitution, still

In 1948 the International Labour Conference adopted Convention No. 87 on freedom of association and the right to organize.

In 1948, an American, David Morse, was named to head the ILO, where he remained until 1970.

In 1969, the ILO was awarded the Nobel Peace Prize as it commemorated its 50th anniversary.

Jenks made a major contribution to the development of standards and the mechanisms for supervising their application, and particularly to the promotion of freedom of association and of the right to organize.

constitutes the Charter of the aims and objectives of the ILO. In 1948, still during the period of his leadership of the ILO, the International Labour Conference adopted Convention No. 87 on freedom of association and the right to organize.

In 1948, an American, David Morse, who played an important role in the administration of President Harry Truman, was named to head the ILO, where he remained until 1970. During this long twenty-two year period, the number of member States doubled, the Organization took on its universal character, industrialized countries became a minority among developing countries, the budget grew five-fold and the number of officials quadrupled. In 1960, the ILO created the International Institute for Labour Studies at its Geneva headquarters, and the International training Centre in Turin in 1965. And finally, in 1969, the ILO was awarded the Nobel Peace Prize as it commemorated its 50th anniversary.

The Englishman Wilfred Jenks, Director-General from 1970 until his death in 1973, was faced with politicization of labour problems resulting from the East-West conflict. His profound knowledge of the Organization served him well in this task. In fact, he had been a co-author with Edward Phelan of the Declaration of Philadelphia. A renowned jurist, he was a firm advocate of human rights, the rule of the law, tripartism and the moral authority of the ILO in international problems. Jenks made a major contribution to the development of standards and the mechanisms for supervising their application, and particularly to the promotion of freedom of association and of the right to organize. He was succeeded by Francis Blanchard, formerly a senior French Government official.

Mr. Blanchard had spent the best part of his career with the ILO, where he played an active part in the large-scale development of technical co-operation. Both a diplomat and a man of conviction, he remained in that post for fifteen years, from 1974 to 1989. He succeeded in averting major damage to the ILO when a crisis triggered by the withdrawal of the United States from the Organization (1977 to 1980) resulted in the loss of one-fourth of its budget. The United States returned to the Organization at the beginning of the Reagan Administration. During this period, the ILO resolutely continued its work in defense of human rights. Thus, the ILO played a major role in the emancipation of Poland from dictatorship, by giving its full support to the legitimacy of the Solidarnosc Union based on respect for Convention No. 87 on freedom of association which Poland had ratified in 1959.

In 1989, Michel Hansenne, former Belgian Minister of Employment and Labour and of the Civil Service, became the first Director-General of the post-Cold War period. Re-elected for a second term in 1993, he indicated that his primary responsibility was to lead the ILO into the 21st century with all the moral authority, professional competence and administrative efficiency, which the Organization had demonstrated for 75 years. In the face of new challenges, he intended to give the ILO the means to play a full part in the major international councils on economic and social development, in order to place social justice at the heart of the debate. He has set the ILO on a course of greater decentralization of activities and resources away from Geneva under the ILO's Active Partnership Policy.

On 4 March 1999 Juan Somavia, an attorney by profession, took up office as the ILO's ninth Director-General. Mr. Somavia has had a long and distinguished career in civil and international affairs, serving, inter alia, as Chairman of the preparatory Council of the World Summit for Social Development (held in Copenhagen in 1995) and President of the UN Economic and Social Council (from 1993 to 1994).

9.3 Preamble of ILO Constitution

The preamble of ILO constitution is basically based on the Declaration of Philadelphia which included the following :

- (i) Labour is not a commodity;
 - (ii) Freedom of expression and of association are essential to sustained progress;
 - (iii) Poverty anywhere constitutes a danger to prosperity everywhere;
- and
- (iv) The war against want requires to be carried on with unremitting vigour within each nation and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments join with them in free discussion and democratic decision with a view to promotion of workers' welfare.

9.4 The Principles of ILO

During the Second World War, in April 1944, a conference was convened at Philadelphia. As a result of these deliberations, the aims of the ILO were redefined. This was termed the Declaration of Philadelphia

which was later incorporated into ILO's constitution. This conference reaffirmed the principles of ILO, namely, that

1. Labour is not a commodity.
2. Freedom of expression and of association are essential to sustained progress.
3. Poverty anywhere constitutes a danger to prosperity everywhere,
4. The war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers enjoying equal status with those of governments join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

9.5 The Objective of ILO

The Declaration of Philadelphia set forth 10 objectives which the ILO was to further and promote among the nations of the world. The theme underlying these objectives is social justice. The objectives are as follows.

1. Full employment and the raising of standards of living.
2. The employment of workers in the occupation in which they can have the satisfaction of giving the fullest measure of their skill, and make their contribution to the common wellbeing.
3. The provision, as a means to the attainment of this end, and under adequate guarantees for all concerned, of facilities for training and the transfer of labour including migration for employment and settlement.
4. Policies in regard to wages and earnings, bonus, and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of protection.
5. The effective recognition of the right of collective bargaining, the cooperation of management and labour in the continued improvement of productive efficiency and the collaboration of workers and employers in social and economic measures.
6. The extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care.
7. Adequate protection for the life and health of workers in all occupations.
8. Provision for child welfare and maternity protection.
9. The provision of adequate nutrition, housing and facilities for recreation and culture.
10. The assurance of equality of educational and vocational opportunity.

As stated by one of its director-generals, "the primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity." In working towards this goal, the organization seeks to promote employment creation, strengthen fundamental principles and rights at work - workers' rights, improve social protection and promote social dialogue as well as provide relevant information, training and technical assistance.

9.6 Organizational Structure of ILO

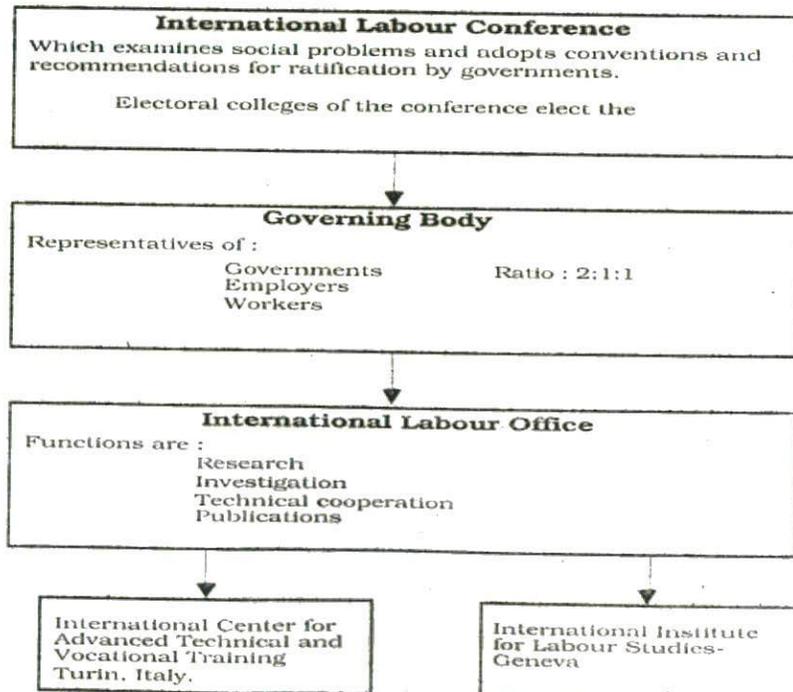
The ILO operates through three main organs. These are :

(i) The International Labour conference of national tripartite delegations, which meets annually.

(ii) The Governing Body - a tripartite executive council, and

(iii) The International Labour Office - permanent secretariat.

The ILO is comprised of an annual assembly called the International Labour Conference, an executive council called the Governing Body and a permanent secretariat. The International Labour Office and also the Conference is the supreme policy making and legislative body, the Governing Body is the executive council and the International Labour Office is the Secretariat, operational headquarters and information center. The following Figure 01 shows the above mentoud structures of ILO.



9.7 International Labour Conference / Office

The international Labour Conference is composed of four delegates nominated by each of the Member States, of whom two are government delegates and one each representing employers, and workers of the Member States.

The international Labour Conference is composed of four delegates nominated by each of the Member States, of whom two are government delegates and one each representing employers, and workers of the Member States. Non-government delegates are nominated in agreement with the most representative organizations of employers and work-people, as the case may be. Each delegate may be accompanied by advisers (also nominated by the government concerned) who are not to exceed two in number for each item on the agenda of the meeting. When questions, specially affecting women are to be considered, at least one of the advisers is to be a woman. Advisers can speak only on a request made by the delegate whom they accompany and by the special authorization of the President of the conference, but are not allowed to vote. A delegate may authorize one of his advisers to act as his deputy and in this case, the adviser is allowed to speak and vote. Every delegate is entitled to vote individually on all matters, which are taken into consideration.

The International Labour Conference, which is the supreme body of the organization, directs and supervises the work of the Governing Body and the International Labour Office.

In addition to the regular delegates and advisers, the Conference may be attended by representatives of non-governmental international organizations with which ILO has entered into consultative relationship, such as the International Confederation of Free Trade Unions, the world Federation of Trade Unions and the International Federation of Christian Trade Unions. The International Labour Conference, which is the supreme body of the organization, directs and supervises the work of the Governing Body and the International Labour Office. It also elects the members of the Governing Body and functions as a world parliament for labour and social questions. One of the most important tasks which the International Labour Conference has undertaken is to create world-wide uniform standards of labour in the form of Conventions and Recommendations.

The International Labour Conference elects the Governing Body; adopts the budget, sets international labour standards; and provides a world forum for the discussion of social and labour questions.

The Conference regulates its own procedure and may appoint committees to consider and report on any matter. It may exercise such powers and discharges such duties it considers desirable for proper functioning of the organization. The International Labour Conference elects the Governing Body; adopts the budget, sets international labour standards; and provides a world forum for the discussion of social and labour questions. Each national delegation is composed of two government delegates, one employers' delegate and one workers' delegate, accompanied as necessary by technical advisors. The functions

of this body are :

1. Formulates International Labour Standards.
2. Fixes the amount of contributions by the member states.
3. Decides the expenditure budget estimates prepared by the Director General and submitted to the Governing Body.
4. Makes amendments to the constitution subject to subsequent ratification of the amendments by the 2/3rd member states including 5 of the 10 states of industrial importance.
5. Considers the report of the Director General giving labour problems and assists in their solution.
6. It appoints committees to deal with different matters during each session.
7. It is empowered to regulate its own procedures.
8. Selects once in 3 years members of the Governing Body.
9. Elects its Presidents.
10. Seeks advisory opinion from the International Committee of Justice.
11. Confirms the powers, functions and procedures of Regional Conference.

9.8 The Governing Body

Originally, the Governing Body consisted of 24 persons including 12 government representatives of 12 member states, 6 representing employers and 6 workers. Later, the proportion of government, employers' and worker's representatives was raised to 16:8:8 and subsequently to 40: 10:10. At present, the governing body is composed of 56 members, 28 representing government, 14 representing employers and 14 representing workers. Of the 28 government seats, ten are permanently allotted to the ten states of chief industrial importance. The ten permanent Members are now Canada, China, France, India, Italy, Japan, Soviet Union, the United Kingdom, USA and Germany.

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The tenure of office of the Governing Body is three years. In case the election of the Governing Body does not take place on the expiry of this period, it is to remain in office until such election is held. The method of filling vacancies and appointing substitutes and other similar questions are decided by the Governing Body, subject to the approval of the Conference. The Governing Body is required to elect from its members, a chairman and two Vice-Chairman so as to ensure representation of government, employers and workers, each. The procedure and the time of meetings are regulated by the Governing Body itself, but a special meeting can be convened only on a written request made by at least sixteen representatives of the Government Body.

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The Governing Body, functioning under the general direction of the International Labour Conference, appoints the Director General of the International Labour Office.

The Governing Body, functioning under the general direction of the International Labour Conference, appoints the Director General of the International Labour Office, supervises its functioning, prepares the agenda to be placed before IL Conference and discharges such other duties as are assigned to it by the Conference. Presently the Governing Body holds three sessions a year to decide questions of policy and programme. The functions of this body are stated below :

1. Coordinates work of the organization.
2. Draws up an agenda for each session and subject to the decision of the International Labour Conference, decides what subject should be included in the agenda of the International Conference.
3. Appoints the Director General of the office.
4. Scrutinizes the budget.
5. It follows up the implementation by member states of the conventions and recommendations adopted by the conference.
6. It fixes the date, duration and agenda of the Regional Conference.
7. It has the power to seek advisory opinions from the International Court of Justice with the consent of the International Labour Conference.

9.9 The Secretariat of ILO

The administrative head of the International Labour Office is its Director General. The Director General, subject to the instructions of the Governing Body, is responsible for the efficient conduct of the International Labour Office.

The International Labour Office acts as a secretariat, a world information center and a publishing house. The administrative head of the International Labour Office is its Director General. The Director General, subject to the instructions of the Governing Body, is responsible for the efficient conduct of the International Labour Office and for such other duties which may be assigned to him. He or his deputy is required to attend all meetings of the Governing Body. The staff of the IL office is appointed by the Director General under regulations approved by the Governing Body. As far as possible, the staff is to be appointed from different nationalities and a certain percentage of them is to consist of women.

The functions of the International Labour Office include "the collection and distribution of information on all subjects relating to the international adjustment of the conditions of industrial life and labour, and particularly, the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions and the conduct of such special investigations as may be ordered by the Conference or the Governing Body.

Subject to the directions of the Governing Body, the ILO Office is required to :

1. Prepare the document on the various items of the agenda for the meeting of the conference;
2. Provide all appropriate assistance to governments, at their request, within its power in connection with the framing of laws and regulations on the basis of the directions of the Conference, and the improvement of administrative practices and systems of inspection;
3. Edit and issue publications dealing with problems of industry and unemployment of international interest; and
4. Carry out the duties required of it in connection with the effective observance of Conventions.

Generally, the International Labour Office exercises such powers and discharges such duties as are assigned to it by the Conference or the Governing Body. The headquarters of the ILO is located in Geneva, Switzerland. It has a network of offices and multidisciplinary advisory teams worldwide. In addition the ILO's International Training Centre is located in Turin, Italy. Presently, ILO membership stands at 175 countries.

Presently, ILO membership stands at 175 countries.

9.10 Policies of International Labour Organization

ILO is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues. In promoting social justice and internationally recognized human and labour rights, the organization continues to pursue its founding mission that labour peace is essential to prosperity. Today, the ILO helps advance the creation of decent jobs and the kinds of economic and working conditions that give working people and business people a stake in lasting peace, prosperity and progress.

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□ ILO's vision of decent work

Work is central to people's wellbeing. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, hinges on work that is decent. Decent work sums up the aspirations of people in their working lives.

□ **Tripartism and social dialogue**

The ILO is the only 'tripartite' United Nations agency in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes. This unique arrangement gives the ILO an edge in incorporating 'real world' knowledge about employment and work.

□ **International labour standards**

The ILO is the global body responsible for drawing up and overseeing international labour standards. Working with its member states, the ILO seeks to ensure that labour standards are respected in practice as well as principle.

□ **Working out of Poverty**

Poverty remains deep and widespread across the developing world and some transition countries, with an estimated 2 billion people in the world today live on the equivalent of less than USD 2 per day. In the view of ILO, the main route out of poverty is work.

9.11 Mandate of the International Labour Organization

The mandate of the ILO is to :

- * Set international labour standards in the form of Conventions and Recommendations;

- * Provide technical assistance of ILO Constitutents;

- * Undertake research and dissemination of information.

□ **International Labour Standards**

When the ILO was established in 1919, its primary focus was to set international labour standards to improve the working conditions and social wellbeing of people worldwide. These standards comprise International Labour Conventions and Recommendations. Some standards deal with basic labour rights: freedom of association, the right to organise, collective bargaining, abolition of forced labour, equality of opportunity and treatment and other standards which regulate conditons of work.

An ILO Convention is a legal instrument regulating some aspect of labour administration, social welfare and human rights. When a country ratifies a Convention, it undertakes a formal obligation to apply the provisions of that Convention and to accept a meausre of international supervision and monitoring.

An ILO Recommendation is similar to a Convention except that it is not subject to ratification. It provides more specific guidelines on the subject.

□ Technical Cooperation

In working to improve social and labour conditions worldwide, the ILO started delivering technical advice to its constituents. However, it was felt that the ILO had an obligation to go beyond giving advice since there was a need to implement specific action. In order to do so, it joined with other United Nations agencies to carry out operational activities on a continuing basis in the field of vocational training and vocational rehabilitation; employment policy; labour administration; labour law; industrial relations; working conditions; management development; cooperatives; social security; labour statistics and occupational safety and health.

□ Research and Dissemination of Information

The work of the ILO is informed by on-going research into social and labour problems. The results of this research are published in the form of studies, reports and books which are disseminated worldwide. In addition, the ILO is a storehouse and a clearinghouse for information on social and economic policy.

9.12 Activities of the ILO

The ILO has made relentless efforts to achieve the objectives set forth in the Constitution. The major activities of ILO are related to: improvement of conditions of work and life, development of human resources and social institutions, and research planning. The principal aim behind the improvement of conditions of work and life is "to promote national, regional and international action designed to adjust these conditions to the requirements of social progress at all stages of economic development, bearing in mind the interdependence of social progress and economic growth. Programmes in the field of human resources are intended to determine principles and policies which should govern the development and utilization of human resources, and to encourage their application through technical programmes in the fields of employment policy and employment promotion, vocational guidance and training, basic and advanced management training, manpower planning and organization, and classification of occupations. The main purpose behind the development of social institutions is "to identify and advance solutions to the problems connected with the framing and implementation of policies of economic and social development, such as the role of workers and employers' organizations, co-operatives, rural organizations, and different forms of enterprise, and the improvement of labour relations at various levels - unit, industry, regional and national.

The major activities of ILO are related to: improvement of conditions of work and life, development of human resources and social institutions, and research planning.

The major activities of ILO are :

(a) Creation of International Standards of Labour : An important activity of ILO is the creation of international standards of labour on various labour and social matters. This is done primarily by the adoption of Conventions and Recommendations. These Conventions and Recommendations have covered a wide variety of areas such as basic human rights, employment, and conditions of work, industrial relations, social security, employment of children and women, labour administration, social policy and matters affecting special categories of workers.

(b) Employee Promotion : ILO assists countries in the pursuit of higher levels of productive employment. The efforts of ILO in this regard comprise: exploring the short and long-term employment effects of alternative development strategies; aiding the functioning of labour markets through appropriate policies and measures; addressing the employment, income and organizational requirements of unprotected and unorganized labour who form the majority of work - force in the developing countries; assisting in managing the transition from state-run or market-oriented economies; responding to the increased migratory pressure resulting from demographic changes, structural adjustment and imbalances in world development; encouraging productivity in formal and informal sectors; and protecting especially vulnerable groups and the elimination of discrimination against specific groups.

(c) Collection Distribution and Publication of Information : ILO has been a world repository of information on labour and social questions and a publishing house. The ILO collects information on a global basis on a wide variety of social and labour subjects and makes them available to the member countries. Statistics collected by ILO are universally regarded as an authoritative source of statistical information. Research accompanies and reinforces the activities relating to collection of information. The ILO operates the International Labour Information Service on social and labour questions, which is drawn extensively on its rich library containing more than 10 lakh titles. The Library of ILO publishes LABORDOC, a database of major literature on ILO interests, and provides information, documents, and so on to ILOs staff and a vast range of ILO related institutions, using a variety of modern information technologies.

The ILO brings out a number of authentic publications on major international labour and social issues, standard reference works, technical guides on specialized topics, codes of practices on occupational safety and health, workers' education materials, and text-books on management. The periodical publications of the organization include: (i) International Labour Review (Quarterly review); (ii) Official Bulletin; (iii) Labour Law Documents; (iv) Conditions of Work Digest; (v) Labour Education; (vi) Year Book of Labour Statistics and Bulletin of Labour Statistics; (vii) International Labour Documentation; and (viii) world of Work Magazine of ILO. The encyclopedia of occupational Health and Safety; International Labour Conventions and Recommendations and Modular Programme for Supervisory Development, are a few notable numerous titles published by ILO.

(d) Research and Studies : Numerous researches and studies relating to specific labour and social issues have been completed under the auspices of ILO and their results published. Some of the more notable areas covered have been industrial relations, social security, working conditions, industrial safety and health and manpower development. In this field, the role of the International Institute of Labour Studies, founded in 1960 and functioning under the auspices of ILO, has increasingly become prominent. The institute aims at raising awareness of labour-related problems and of methods appropriate for their solution. The core theme of the Institute's work is to examine the possible contribution of labour institutions to economic development and social progress. Labour or social institutions include: "formal organizations such as trade unions and employer's organization, as well as the rules governing their interactions, including industrial relations systems, their regulations and laws, and the informal social mechanisms regulating labour markets.

(e) Training : The ILO has attributed great importance to training. The Human Resources Development Convention (No. 142) of 1975 requires the ratifying country to adopt and develop policies and programmes in collaboration with employers' and workers' organizations, and to assist all persons on an equal footing to develop and utilize their vocational proficiency in their own interest and according to their aspirations. ILO deals with vocational guidance and training as well as training in management functions and self-employment, and programmes intended for specific categories of target groups. The training activities of ILO are essentially based on the guidelines contained in the Recommendations.

The major role of ILO in the field of training is that of an adviser. It makes available to the governments, social partners and public and private trainers the services of its experts, training designs and aids in a variety of training programmes such as vocational training, apprenticeship training, and those for the unemployed, women and special target groups.

(f) Improvement of Working Conditions and Working Environment : For improving working conditions and environment at work, ILO adopts in a co-oriented manner various means of action including international standards of labour, studies and research, collection and dissemination of information and technical co-operation. An appreciable number of

Conventions and Recommendations aim at achieving the Objectives. ILO makes available consultancy services to countries making request, and develops training activities to facilitate the actions of all involved.

(g) Development of Social Institution : The ILOs programmes in this sphere are related to : development of workers' and employers' organizations, improvement in labour legislation and industrial relations, workers' education, labour administration, co-operative and rural institutions.

(h) Statistics and databases : Within the UN system, the ILO Bureau of Statistics is the focal point for labour statistics. These statistics are needed for the development and evaluation of policies and for assessing progress towards decent work. They are also an important tool for information and analysis, helping to increase understanding of common problems, explain actions and mobilize interest.

(i) Skills, knowledge and employability : Skills and knowledge are engines of economic growth and social welbing.

(j) Labour migration : Half of all migrants (86 million adults) are economically active. The ILO seeks to ensure them decent work through multilateral actions and policies.

(k) Social security : Only 20 per cent of the world's population has adequate social security coverage and more than 50 percent lack any coverage at all. The ILO actively promotes policies and provides assistance to countries to help extend adequate levels of social protection to all members of society.

(l) Workers' and employers' organization, tripartism and social dialogue : Through their organizations, workers and employers make tripartism and social dialogue a real life experience by applying them in practice.

(m) Other activities : Some other activities of ILO relate to such areas as : promotion of universal respect for the observance of human rights and rights at work; undertaking regional programmes; establishment of Industrial Committees; undertaking special programmes for specially handicapped groups of workers such as children, women, migrants and disabled; and establishing collaboration with other international organizations having a bearing on its policies and programmes.

9.13 Membership of the ILO

The constitution of ILO provides that its membership is open to the states, which were its members on 1 November 1945, and such other states, which are either original members of the United Nations or are admitted to the membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter. The General Conference of ILO may also admit members to the organization by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the government delegates being present and voting. The new members are required to communicate to the

Director General of the International Labour Office about their formal acceptance of the obligations of the constitutions of the organization. A member of ILO can withdraw from the organization only after giving notice of its intention to do so to the Director General of the International Labour Office. Such notice shall take two years after the date of its reception by the Director General; subject to the Member having at that time fulfilled all financial obligations arising out of its membership.

9.14 Withdrawal of Membership of the International Labour Organization

The constitution of the ILO contains the specific right of the member states to withdraw by giving notice to the Director General of the ILO. Such notice will take 2 years after the date of its receipt by the Director General; subject to the member having at that time fulfilled all its financial obligations.

Since the Second World War five members have given notice of withdrawal but in three cases the members have returned to the ILO.

The withdrawal of a member has been regarded by the ILO as a serious matter, much more serious than the simple subtraction of one numerical unit. For, the ILO is not merely the mathematical total of its members but a living association of these states, organized for a common purpose - the attainment of balanced economic and social progress in an expanding world economy.

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9.15 International Labour Standards (ILS)

The core conventions of ILO are given below :

Union rights

i) Freedom of Association and protection of the right to organise convention No. 89.

ii) Right to organise and collective bargaining convention No. 98 of 1949.

Forced Labour

i) Forced labour convention No. 29.

ii) Abolition of forced labour convention No. 105.

Child Labour

i) Minimum age convention No. 138 of 1973

ii) Worst forms of child labour convention No. 182.

Discrimination

i) Equal Remuneration Convention No. 100.

ii) Discrimination in Employment convention No. 111.

9.16 Conventions of the International Labour Organization

The Governing Body is guided by the wishes of governments, employers' and workers' organizations of the member states.

The conventions that come into being are the result of international agreement on a given subject. To illustrate this point, equal pay for men and women will serve as a good example. Equal pay was recognized as an objective of the ILO constitution. Following a request of the Economic and Social Council of the UN, in 1948, the Governing Body of the ILO decided to place the question on the agenda of the ILC. In choosing a question the Governing Body is guided by the wishes of government's, employers' and workers' organizations of the member states. It is helped in its decision by surveys of the law in different countries, compiled by the office. The ILC in considering a question seeks the views of the government by means of a detailed questionnaire. In the case of the issue of equal pay, there were two successive annual sessions of the ILC, the first reading covering the general principles and the second adopting the final text. In the deliberations of the ILC, workers' and employers' representatives participate on a basis of full equality with representatives of governments. The proposed standards are considered, firstly, by a technical committee, which are adopted later, after acquiring a two-thirds majority, the combined labour and management votes equaling the government votes.

The ILC discussed equal pay in 1950 and 1951 and in 1952 adopted a convention by 105 votes to 33 and a recommendation by 146 votes to 18. Thus a convention was born. One of the salient features of these standards is their flexibility. The ILO has as its members, countries with varying degrees of industrialization and a divergent social structure. The ILO constitution contains provisions designed to meet this difficulty. While framing the standards, the Conference is required to keep factors like climative conditions, industrial organization, etc. into consideration.

List of ILO conventions :

1. Hours of Work (Industry) Convention, 1919
2. Unemployment Convention, 1919
3. Maternity Protection Convention, 1919
4. Night Work (Women) Convention, 1919 (shelved)
5. Minimum Age (Industry) Convention, 1919
6. Night Work of Young Persons (Industry) Conventions, 1919
7. Minimum Age (Sea) Conventions, 1920
8. Unemployment Indemnity (Shipwreck) Convention, 1920

9. Placing of Seamen Convention, 1920
10. Minimum Age (Agriculture) Convention, 1921
11. Right of Association (Agriculture) Convention, 1921
12. Workmen's Compensation (Agriculture) Convention, 1921
13. White Lead (Painting) Convention, 1921
14. Weekly Rest (Industry) Convention, 1921
15. Minimum Age (Trimmers and Stockers) Convention, 1921 (shelved)
16. Medical Examination of Young Persons (Sea) Convention, 1921
17. Workmen's Compensation (Accidents) Convention, 1925
18. Workmen's Compensation (Occupational Diseases) Convention, 1925
19. Equality of Treatment (Accident Compensation) Convention, 1925
20. Night Work (Bakeries) Convention, 1925 (shelved)
21. Inspection of Emigrants Convention, 1926 (shelved)
22. Seamen's Articles of Agreement Convention, 1926
23. Repatriation of Seamen Convention, 1926
24. Sickness Insurance (Industry) Convention, 1927
25. Sickness Insurance (Agriculture) Convention, 1927
26. Minimum Wage-Fixing Machinery Convention, 1928
27. Marking of Weight (Packages Transported by Vessels) Convention, 1929
28. Protection against Accidents (Dockers) Convention, 1929 (shelved)
29. Forced Labour Convention, 1930
30. Hours of Work (Commerce and Offices) Convention, 1930
31. Hours of Work (Coal Mines) Convention, 1931 (withdrawn by the ILC - decision of 15 June 2000)
32. Protection Against Accidents (Dockers) Convention (Revised), 1932
33. Minimum Age (Non-Industrial Employment) Convention, 1932
34. Fee-Charging Employment Agencies Convention, 1933 (shelved)
35. Old-Age Insurance (Industry, etc.) Convention, 1933 (shelved)
36. Old-Age Insurance (Agriculture) Convention, 1933 (shelved)
37. Invalidity Insurance (Industry, etc.) Convention, 1933 (shelved)
38. Invalidity Insurance (Agriculture) Convention, 1933 (shelved)
39. Survivors' Insurance (Industry, etc.) Convention, 1933 (shelved)
40. Survivors' Insurance (Agriculture) Convention, 1933 (shelved)
41. Night Work (women) Convention (revised), 1934 (shelved)
42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
43. Sheet-Glass Works Convention, 1934 (shelved)
44. Unemployment Provision Convention, 1934 (shelved)
45. Underground Work (Women) Convention, 1935

46. Hours of Work (Coal Mines) Convention (Revised), 1935 (withdrawn by the ILC - decision of 15 June 2000)
47. Forty-Hour Week Convention, 1935
48. Maintenance of Migrants' Pension Rights Convention, 1935 (shelved)
49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (shelved)
50. Recruiting of Indigenous Workers Convention, 1936 (shelved)
51. Reduction of Hours of Work (Public Works) Convention, 1936 (withdrawn by the ILC - decision of 15 June 2000)
52. Holidays with Pay Convention, 1936
53. Officers' Competency Certificates Convention, 1936
54. Holidays with Pay (Sea) Convention, 1936
55. Ship owners' Liability (Sick and Injured Seamen) Convention, 1936
56. Sickness Insurance (Sea) Convention, 1936
57. Hours of Work and Manning (Sea) Convention, 1936
58. Minimum Age (Sea) Convention (Revised), 1936
59. Minimum Age (Industry) Convention (Revised), 1937
60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (shelved)
61. Reduction of Hours of Work (Textiles) Convention, 1937 (withdrawn by the ILC - decision of 15 June 2000)
62. Safety Provisions (Building) Convention, 1937
63. Convention concerning Statistics of Wages and Hours of Work, 1938
64. Contracts of Employment (Indigenous Workers) Convention, 1939 (shelved)
65. Penal Sanctions (Indigenous Workers) Convention, 1939 (shelved)
66. Migration for Employment Convention, 1939 (withdrawn by the ILC - decision of 15 June 2000)
67. Hours of Work and Rest Periods (Road Transport) Convention, 1939 (shelved)
68. Food and Catering (Ships' Crews) Convention, 1946
69. Certification of Ships' Cooks Convention, 1946
70. Social Security (Seafarers) Convention, 1946
71. Seafarers' Pensions Convention, 1946
72. Paid Vacations (Seafarers) Convention, 1946
73. Medical Examination (Seafarers) Convention, 1946
74. Certification of Able Seamen Convention, 1946
75. Accommodation of Crews Convention, 1946
76. Wages, Hours of Work and Manning (Sea) Convention, 1946
77. Medical Examination of Young Persons (Industry) Convention, 1946
78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946
79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

80. Final Articles Revision Convention, 1946.
81. Labour Inspection Convention, 1949.
Protocol of 1995 to the Labour Inspection Convention, 1947
82. Social Policy (Non-Metropolitan Territories) Convention, 1947
83. Labour Standards (Non-Metropolitan Territories) Convention, 1949.
84. Right of Association (Non-Metropolitan Territories) Convention, 1947
85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947
86. Contracts of Employment (Indigenous Workers) Convention, 1947 (shelved)
87. Freedom of Association and Protection of the Right to Organize Convention, 1948
88. Employment Service Convention, 1948
89. Night Work (Women) Convention (Revised), 1948
Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948
90. Night Work of Young Persons (Industry) Convention (Revised), 1948
91. Paid Vacations (Seafarers) Convention (Revised), 1949 (shelved)
92. Accommodation of Crews Convention (Revised), 1949
93. Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949
94. Labour Clauses (Public Contracts) Convention, 1949
95. Protection of Wages Convention, 1949
96. Protection of Wages Convention, 1949
97. Fee-Charging Employment Agencies Convention (Revised), 1949
98. Migration for Employment Convention (Revised), 1949
99. Right to Organize and Collective Bargaining Convention, 1949
100. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951
101. Equal Remuneration Convention, 1951
102. Holidays with Pay (Agriculture) Convention, 1952
103. Social Security (Minimum Standards) Convention, 1952
104. Maternity Protection Convention (Revised), 1952
105. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (shelved)
106. Abolition of Forced Labour Convention, 1957
107. Weekly Rest (Commerce and Offices) Convention, 1957.
108. Indigenous and Tribal Populations Convention, 1957
109. Seafarers' Identity Documents Convention, 1958
110. Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958
111. Plantations Convention, 1958
Protocol of 1982 to the Plantations Convention, 1958
112. Discrimination (Employment and Occupation) Convention, 1958
113. Minimum Age (Fishermen) Convention, 1959
114. Medical Examination (Fishermen) Convention, 1959
115. Fishermen's Articles of Agreement Convention, 1959

116. Radiation Protection Convention, 1960
117. Final Articles Revision Convention, 1961
118. Social Policy (Basic Aims and Standards) Convention, 1962
119. Equality of Treatment (Social Security) Convention, 1962
120. Guarding of Machinery Convention, 1963
121. Hygiene (Commerce and Offices) Convention, 1964
122. Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]
123. Employment Policy Convention, 1964
124. Minimum Age (Underground Work) Convention, 1963
125. Medical Examination of Young Persons (Underground Work) Convention, 1965
126. Fishermen's Competency Certificates Convention, 1966
127. Accommodation of Crews (Fishermen) Convention, 1966
128. Maximum Weight Convention, 1967
129. Invalidity, Old-Age and Survivors' Benefits Convention, 1967
130. Labour Inspection (Agriculture) Convention, 1969
131. Medical Care and Sickness Benefits Convention, 1969
132. Minimum Wage Fixing Convention, 1970
133. Holidays with Pay Convention (Revised), 1970
134. Accommodation of Crews (Supplementary Provisions) Convention, 1970
135. Prevention of Accidents (Seafarers) Convention, 1970
136. Workers' Representatives Convention, 1971
137. Benzene Convention, 1971
138. Dock Work Convention, 1973
139. Minimum Age Convention, 1973
140. Occupational Cancer Convention, 1974
141. Paid Educational Leave Convention, 1974
142. Rural Workers' Organisations Convention, 1975
143. Human Resources Development Convention, 1975
144. Migrant Workers (Supplementary Provisions) Convention, 1975
145. Tripartite Consultation (International Labour Standards) Convention, 1976
146. Continuity of Employment (Seafarers) Convention, 1976
147. Seafarers' Annual Leave with Pay Convention, 1976
148. Merchant Shipping (Minimum Standards) Convention, 1976
- Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976
149. Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
150. Nursing Personnel Convention, 1977
151. Labour Administration Convention, 1978
152. Labour Relations (Public Service) Convention, 1978
153. Occupational Safety and Health (Dock Work) Convention, 1979

154. Hours of work and Rest Periods (Road Transport) Convention, 1979
155. Collective Bargaining Convention, 1981
156. Occupational Safety and Health Convention, 1981
Protocol of 2002 to the Occupational Safety and Health Convention, 1981
157. Workers with Family Responsibilities Convention, 1981
158. Maintenance of Social Security Rights Convention, 1982
159. Termination of Employment Convention, 1982
160. Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983
161. Labour Statistics Convention, 1985
162. Occupational Health Services Convention, 1985
163. Asbestos Convention, 1986
164. Seafarer's Welfare Convention, 1987
165. Health Protection and Medical Care (Seafarers) Convention, 1987
166. Social Security (Seafarers) Convention, (Revised), 1987
167. Repatriation of Seafarers Convention (Revised), 1987
168. Safety and Health in Construction Convention, 1988
169. Employment Promotion and Protection against Unemployment Convention, 1988
170. Indigenous and Tribal Peoples Convention, 1989
171. Chemicals Convention, 1990
172. Night Work Convention, 1990
173. Working Conditions (Hotels and Restaurants) Convention, 1991
174. Protection of Workers' Claims (Employer's Insolvency) Convention, 1992
175. Prevention of Major Industrial Accidents Convention, 1993
176. Part-Time work Convention, 1994
177. Safety and Health in Mines Convention, 1995
178. Home Work Convention, 1996
179. Labour Inspection (Seafarers) Convention, 1996
180. Recruitment and Placement of Seafarers Convention, 1996
181. Seafarers' Hours of Work and the Manning of Ships Convention, 1996
182. Private Employment Agencies Convention, 1997
183. Worst Forms of Child Labour Convention, 1999
184. Maternity Protection Convention, 2000
185. Safety and Health in Agriculture Convention, 2001
186. Seafarers' Identity Documents Convention (Revised), 2003
187. Maritime Labour Convention, 2006 [this Convention does not have a number]
188. Promotional Framework for Occupational Safety and Health Convention, 2006

9.17 I.LO Conventions Ratified by the Government of Bangladesh

Convention 4 : This convention deals with night work by women. It was adopted by the ILO in 1919 and was ratified by the then Government of our country on July 14, 1921. It defines "Night" as a period of at least eleven consecutive hours including the interval between 10 p.m. and 9. a.m. It stipulates that no woman may be employed during night in any industrial undertaking. Its application is confined only to factories as defined in the Factories Act.

Convention 6 : This convention, adopted in 1919, deals with night work by young persons in industries. The provisions of this convention lays down that young persons under 18 years of age should not be employed during night in any industrial undertaking. It further stipulates that persons between 16 and 18 years of age may be employed in some specified continuous process undertakings. Its application is confined to factories defined in the Factories Act.

Convention 7 : It deals with hours of work in industries. It was adopted in 1919 by the ILO. On July 14, 1921 this was ratified by the then government of our country. Again this was ratified by the government of the peoples Republic of Bangladesh on June 22, 1972. This convention stipulates sixty hour week for all workers in industries covered by the Factories Act, workers in mines and in specified branches of railway work. (Note : Labour legislations have made much progress around the world since 1919. In Bangladesh, the factories Act, 1965 provides for 9 hours of work in a day and 48 hours of work in a week in a factory.

Convention 11 : This convention deals with right of association of persons engaged in agriculture. It was adopted in 1921 and was ratified by the then government on May 11, 1923. It stipulates that all persons engaged in agriculture should be given the right of association and combination as industrial workers.

Convention 14 : This convention deals with weekly rest of industrial workers. It stipulates that workers in industrial undertaking shall enjoy a period of rest for 24 consecutive hours in every period of seven days. Its application is confined to factories, mines and specified branches of railway work.

Convention 15 : This convention dealing with minimum age of trimmers or stokers stipulates that no person under the age of 18 years shall be employed as trimmer or stoker except on work done in school ships and on vessels mainly propelled by other means than steam. Young persons of not less than 16 years of age, if physically fit, under special provisions of law in Bangladesh are allowed to be so employed.

Convention 16 : This convention deals with medical examination of young persons for employment in sea-going vessels. It stipulates that employment of young persons, under 18 years of age, in vessel other than vessels on which members of the same family are engaged, shall be subject to production of medical certificate of physical fitness for such work.

Convention 18 : This convention was adopted in 1925 and ratified by the then Government in 1929. It deals with workmen's compensation for occupational diseases. According to provisions of this convention, compensation shall be payable to workmen incapacitated by occupational diseases, or in case of death from such diseases, to their dependents as per law. In Bangladesh workmen's compensation Act, 1923 has laid down the rate and scale of payment.

Convention 19 : This convention was adopted in 1925 and was ratified by the then government in 1929. It deals with equality of treatment in case of compensation for accidents. The provisions of this convention lays down that nationals of any other country which ratified this convention shall be granted same treatment in respect of working's compensation as is given by a country to its nationals, without any condition as to residence.

Convention 21 : This convention deals with inspection of emigrants. It was adopted in 1926 and was ratified by the then government in 1928. It stipulates that official inspection on board an emigrant vessel" shall be undertaken by relevant government for the protection of emigrants. It also provides that any other government having interest, shall not be debarred from placing an observer on board at their own expen'ss.

Convention 22 : This convention is on seamen's article of agreement. It was adopted in 1926 and was ratified by the then government in 1932. It provides that article of agreement shall be signed by the shipowners and seamen stating the respective rights and obligation of each party including conditions regarding age, place, voyages to be undertaken, wages etc. It also provides that every seaman shall be given a document containing record of his employment on board the vessel. It applies to owners, masters and seamen of all sea-going vessels in a country.

Conention 27 : This convention was adopted in 1929 and ratified by the then government in 1931. It deals with marking of weights of packages transported by various types of vessels. According to the provisions of this convention, every package of one thousand kilograms or more consigned for transport by sea, or inland waterways and railways shall have its exact gross weight marked upon it.

Convention 29 : This convention is related to forced labour. It was adopted in 1930 and was ratified by the then government in 1939. It stipulates discontinuation of forced labour or compulsory labour in all its forms. It permits recourse to forced labour during transitional period for public purposes only as an exceptional case under specific guarantees.

Convention 32 : This convention was adopted by the ILO in 1932 and was ratified by the then government in 1949. It is about protection against accidents in case of deckers. It contains detailed safety provisions regarding approaches to a dock, hoisting, fencing, handing of loads etc.

Convention 45 : This convention deals with underground work by female workers. Adopted by the ILO in 1935 this convention was ratified by the then government in 1943. It lays down that no female worker shall be employed in underground work in any mine except females holding positions of management and other services.

Convention 59 : This convention is about minimum age for employment in industries. It was revised by the ILO in 1937 and ratified by the then government in 1955. It provides that persons between the age group of 12 to 17 years cannot be employed in factories unless they are declared medically fit. Similarly, persons between the age group of 15 to 17 years cannot be employed in mines unless they are declared medically fit.

Convention 80 : This convention is entitled Final Articles (Revised). It was adopted in 1946 and was ratified by the then government in 1948. It changed some provisions that was necessary on the dissolution of the League of Nations and the amendment of the Constitution of the ILO.

Convention 81 : This convention deals with labour inspection in industry and commerce. It was adopted in 1947 and ratified by the then government in 1953. It provides for the establishment of a system of labour inspection to enforce properly the legal provisions relating to conditions of work, health, safety etc.

Convention 87 : This convention relates to freedom of association and protection of right to organise. It was adopted in 1948 and was ratified by the then government in 1953. It guarantees the following rights of workers and employers :

(i) The right of workers and employers to establish and join organisations of their own choosing.

(ii) The right of workers' and employers' organisations to draw up the constitution of their organisation, frame rules, select representatives in full freedom and organise their activities.

(iii) The right of protection of the organisations of workers and employers from dissolution and suspension by administrative authority.

(iv) The right to establish and join federations and confederations and affiliate them with international organisation of workers and employers.

(v) The protection of the free exercise of the right to organise.

Convention 89 : This revised convention dealing with night work of women was adopted in 1948 and ratified by the then government in 1951. The provisions of this convention have been incorporated in the factories Act and Mines Act in Bangladesh.

Convention 90 : This revised convention is related to night work by young persons in industries. It was also adopted in 1948 and ratified by the then government in 1951. It stipulated that young persons under the age of 17 years shall not be employed during night in factories, mines, railways and ports.

Convention 96 : This revised convention dealing with fee-charging employment agencies was adopted in 1949 and ratified in 1952. It provides that employment agencies conducted with a view to profit shall be either progressively abolished or properly regulated.

Convention 98 : It deals with workers' right to organise and collective bargaining. Adopted in 1919 and ratified in 1952, this convention lays down that workers shall enjoy adequate protection against anti-union discrimination and interference. It also provides for the right to organise. This convention does not apply in case of public servants.

Convention 105 : This convention provides for application of forced labour. It was adopted in 1959. Its provisions require that any form of forced or compulsory labour will not be used as a means of political coercion or education or as a punishment for holding or expressing political views as a method of mobilising and using labour for purpose of economic development, as a means of labour discipline as a punishment for having participated in strikes and as a of social or religious discrimination.

Convention 106 : This convention relates to weekly rest. It was also adopted in 1959. It provides for an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days. Its application is to be regulated under legislative provisions of the ratifying country. This convention is meant for commercial houses and offices.

Convention 107 : For the purpose of protection and integration of indigenous and semi-tribal population in independent countries, this convention was adopted in 1959. it provides that government shall have the primary responsibility for developing coordinated systematic action for the protection of the populations concerned and other programmes for itengration into the life of their respective countries.

Covention 111 : With a view to eliminate discrimination in resepect of employment and occupation this convention was adopted in 1958. It requires that member countries ratifying this convention shall declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation.

Convention 116 : This revised convention entitled Final Articles Revision was adopted for the purpose of standardising the provisions regarding preparation of reports. It was adopted in 1961. The reporting provision of convention 80 was substituted with the following sentences.

"At scuh time as it may consider necessary, the governing body of the ILO shall present to the General Conference a report on the working of this convention and shall examine the desirability of placing on agenda of the conference the question of its revision in whole or in part."

Convention 118 : The purpose of this convention is to provide equality of treatment of nationals and non-nationals in social security in member countries. It was adopted in 1962 and was ratified by the then government. It requires the ratifying member states to take steps for the porvision of medical care, sickness benefit, maternity benefit, invalidity benefit, old-age benefit, employment injury benefit, unemployment benefit, and family benefit to its own nationals as well as to the nationals of any other member country for which the convention is in force.

Convention 144 : Tripartite consultation to promote the implementation of International Labour Standard. This convention adopted in 1976 was ratified by the government of the Peoples' Republic of Bangladesh on April 9, 1979. It provides that member states shall operate procedures which ensure effective consultations with respect to the matters concerning the activities of the ILO stween representatives of the government, of employers

and workers. The Tripartite consultative committee constituted by the Ministry of Labour as per a resolution, works as the machinery for tripartite consultation.

Convention 149 : Employment and conditions of work and life of nursing personnel. This convention was adopted in 1977 and ratified by the government of Bangladesh on April 9, 1979. It provides that each member state that ratifies it shall adopt and apply a policy concerning nursing services, within the frame-work of a general health programme to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population. It also provides that nursing personnel shall be given opportunity to get education and training as well as employment and working conditions including career prospects and remuneration.

Convention 188 : International Child Labour Prevention Programme. A convention is a treaty between the ratifying government, ILO, and workers. It creates an obligation for a member state of a member state does not implement a convention, any registered union or federation of that state can file a case with the ILO. The ILO can make enquiry and ask the member state to explain why the convention is not implemented. The member state is bound to explain its reasons for non-implementation. If the member state fails to reply, ILO will consider that freedom of association is not allowed, and it will form a powerful fact finding mission, whose enquiry cannot be denied by the member state. International court of Justice is formed with a chairman and two other members. Chairman is a retired Justice of the Supreme Court of a member state. If hearing of a case of freedom of association begins in this court, the government, employer, and workers will be represented by two, one and one delegates respectively.

QUESTIONS TO ANSWER

1. What do you mean by ILO? Put the preamble of ILO constitution in brief.
 2. What are the core conventions of ILO? Discuss conventions 87 and 98 as ratified by Bangladesh.
 3. Discuss in short the history of ILO.
 4. (a) Mention the preamble of ILO constitution.
(b) What are the principles and objectives of ILO?
 5. (a) Represent the organization structure of ILO through a suitable diagram.
(b) Narrate in short about the "International Labour Conference."
 6. Discuss in short about the general body and the secretariat of ILO.
 7. (a) What are the policies of ILO?
(b) What is your idea about the mandate of ILO?
 8. Describe in short the activities of the ILO.
- Write short notes :
- a. International Labour Standards
 - b. Conventions of ILO.
 - c. The Principles of ILO.
 - d. Membership of ILO.
 - e. International Labour Standards.

May Day and its Impact

Chapter Highlights

Introduction, Background and Significance of May Day, Impact of May Day on Socio-Economic Condition of Industrial Workers in Bangladesh, Questions to Answer

10.1 Introduction

May 1st, often called May Day is a day of political protests and a day for organized labor. In many countries, it is a national holiday. May Day is a cross-quarter day. **May Day**, also refers to various socialist and labor movement celebrations conducted on May 1, to commemorate the Haymarket martyrs of 1886 and the international Socialist Social Movement generally. May Day in this regard is called **International Workers' Day** or **Labour Day**, and is a commemoration of the execution of the men who were arrested after the Haymarket Riot of 1886 in Chicago, Illinois, which occurred on May 4 but was the culmination of labor unrest that had begun on May 1. Consequently this May Day became established as an anarchist and socialist holiday, and in this form, May Day has become an international celebration of the social and economic achievements of the working class and labor movement. Although May Day observance began in the United States, it is not officially nor popularly recognized as a holiday there; instead May 1 was officially designated by the U.S. Congress as Loyalty Day in 1958, because of the association of May Day with Communism.

In many countries, May Day is also Labor Day. This originated with the United States' labor movement in the late 19th Century. On May 1, 1886, unions across the country went on strike, demanding that the standard workday be shortened to eight hours. The organizers of these strikes included socialists, anarchists, and others in organized labor movements. Rioting in Chicago's Haymarket Square on May 4th including a bomb thrown by an anarchist led to the death of a dozen people (including several police officers) and the injury of over 100 more. The protests were not immediately successful but they proved effective down the line as eight-hour workdays eventually did become the norm. Labor leaders, socialists, and anarchists around the world took the American strikes and their fallout as a rallying point, choosing May Day as a day for demonstrations, parades, and speeches. It was a major state holiday in the Soviet Union and other communist countries. Labor Day is still celebrated on May 1 in countries around the world, and it is still often a day for protests and rallies. In recent years, these have often been targeted against globalization.

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The protests were not immediately successful but they proved effective down the line as eight-hour workdays eventually did become the norm.

10.2 Background and Significance of the May Day

The sacrifice made by the workers of the city of Chicago is remembered every year all over the world. But it is not only the day of commemoration of the marty workers who fought for human rights, it is also the day of inspiration of being united for the realization of the demand of the workers. Further more, May Day has been a symbol for the workers all over the world. Pledged to peace and Socialism, and unity of the workers of the world, on this day they renew to fight against oppression and for human rights on the whole May Day is the day of international unity of the working class.

May 1st, International Workers' Day, commemorates the historic struggle of working people throughout the world, and is recognized in every country except the United States, Canada, and South Africa. This despite the fact the holiday began in the 1880s in the United States, with the fight for an eight-hour workday.

In 1884, the Federation of Organized Trades and Labor Unions passed a resolution stating that eight hours would constitute a legal day's work from and after May 1, 1886. The resolution called for a general strike to achieve the goal, since legislative methods had already failed. With workers being forced to work ten, twelve, and fourteen hours a day, rank-and-file support for the eight-hour movement grew rapidly, despite the indifference and hostility of many union leaders. By April 1886, 250,000 workers were involved in the May Day movement.

The heart of the movement was in Chicago, organized primarily by the anarchist International Working People's Association. Businesses and the state were terrified by the increasingly revolutionary character of the movement and prepared accordingly. The police and militia were increased in size and received new and powerful weapons financed by local business leaders. Chicago's Commercial Club purchased a \$2000 machine gun for the Illinois National Guard to be used against strikers. Nevertheless, by May 1st, the movement had already won gains for many Chicago clothing cutters, shoemakers, and packinghouse workers. But on May 3, 1886, police fired into a crowd of strikers at the McCormick Reaper Works Factory, killing four and wounding many. Anarchists called for a mass meeting the next day in Haymarket Square to protest the brutality.

The meeting proceeded without incident, and by the time the last speaker was on the platform, the rainy gathering was already breaking up, with only a few hundred people remaining. It was then that 180 cops marched into the square and ordered the meeting to disperse. As the speakers climbed down from the platform, a bomb was thrown at the police, killing one and injuring seventy. Policy responded by firing into the crowd, killing one worker and injuring many others.

May day is recognized in all countries of the world except U.S.A, Canada and South Africa.

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As the speakers climbed down from the platform, a bomb was thrown at the police, killing one and injuring seventy. Policy responded by firing into the crowd, killing one worker and injuring many others.

Although it was never determined who threw the bomb, the incident was used as an excuse to attack the entire Left and labor movement. Police ransacked the homes and offices of suspected radicals, and hundreds were arrested without charge. Anarchists in particular were harassed, and eight of Chicago's most active were charged with conspiracy to murder in connection with the Haymarket bombing. A kangaroo court found all eight guilty, despite a lack of evidence connecting any of them to the bombthrower (only one was even present at the meeting, and he was on the speakers' platform), and they were sentenced to die. Albert Parsons, August Spies, Adolf Fischer, and George Engel were hanged on November 11, 1887. Louis Lingg committed suicide in prison; the remaining three were finally pardoned in 1893.

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It is not surprising that the state, business leaders, mainstream union officials, and the media would want to hide the true history of May Day, portraying it as a holiday celebrated only in Moscow's Red Square. In its attempt to erase the history and significance of May Day, the United States government declared May 1st to be "Law Day", and gave us instead Labor Day - a holiday devoid of any historical significance other than its importance as a day to swill beer and sit in traffic jams.

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Nevertheless, rather than suppressing labor and radical movements, the events of 1886 and the execution of the Chicago anarchists actually mobilized many generations of radicals. Emma Goldman, a young immigrant at the time, later pointed to the Haymarket affair as her political birth. Lucy Parsons, widow of Albert Parsons, called upon the poor to direct their anger toward those responsible - the rich. Instead of disappearing, the anarchist movement only grew in the wake of Haymarket, spawning other radical movements and organizations, including the Industrial Workers of the World.

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By covering up the history of May Day, the state, business, mainstream unions and the media have covered up an entire legacy of dissent in this country. They are terrified of what a similarly militant and organized movement could accomplish today, and they suppress the seeds of such organization whenever and wherever they can. As workers, we must recognize and commemorate May Day not only for its historical significance, but also as a time to organize around issues of vital importance to working-class people to-day.

The rights of labourers were recognized by the founding of the International Labour Organization (ILO).

May Day has assumed a special significance after the Socialist Revolution in Russia and subsequent revolutions in some other countries. The rights of labourers were recognized by the founding of the International Labour Organization (ILO), an important auxiliary organ of the UNO. The ILO has established some conventions calling upon management and workers of all countries to abide by them, thereby conserving the rights of workers as well as those of the management. Bangladesh is a signatory to the Conventions set up by the ILO.

However, the simmering discontent among labour unrests, proves that the new industrial worker is still in a state of flux.

There can be no study of IRs without an analysis of industrial workers, who are the prime movers of commerce and industry. Most recent studies point to the new industrial workers being more adjusted to his work environment than his predecessors. However, the simmering discontent among labour unrests, proves that the new industrial worker is still in a state of flux. The *Industrial Worker*, the voice of revolutionary industrial unionism, is the newspaper of the Industrial Workers of the World (IWW), a radical labor union. It is currently released eleven times a year, printed and edited by union labor, and is frequently distributed at radical bookstores, demonstrations, strikes and labor rallies. It contains news relevant to working class people, such as information on economics, industrial conditions, strikes, direct action against employers, labor history, and general labor issues.

In spite of the government's commitment to rural development, the average farmer is still decidedly poor.

Owing to the increasing mechanisation of industry today, the recruits to industry have to possess the appropriate skill and qualification necessary for the job, unlike their counterparts in the past. In spite of the government's commitment to rural development, the average farmer is still decidedly poor. As a result many of them have migrated to urban centres in search of work. These constitute the 'surplus' workforce 'who are permanent and semi-permanent urban settlers with no nostalgic attachment to their romantic surroundings of the country.

The Spokane paper was the birthplace of the beloved comic strip character Mr. Block, later commemorated in a Joe Hill song. *The Industrial Worker* usually ran four pages, with an annual eight page May Day issue reflecting on gains of the labor movement in the previous year. Circulation fell off due to the repression of the IWW during and after the First World War, reflecting a decline in the influence of radical unionism more generally. Long-time *Industrial Worker* editor Jon Bekken stepped down in 2006, and the current editor is Peter Moore. Issues of the *Industrial Worker* are often available on microfilm at university libraries and other research oriented facilities, as they contain a wealth of information on labor issues not easily found in the mainstream press of the time.

10.3 Impact of May Day on Socio-Economic Conditions of Industrial Workers in Bangladesh

May Day is a golden occasion for the working class that gives serious thought to what they are doing in the name of trade unionism. Trade unionism has mostly become rowdysm, vandalism, anarchy, lawlessness and follows blindly the destructive and much hated policy of "might is right" not "right is might". Indiscipline and lost sense of belongingness will run the labour class. They are supposed to behave in a rational of disciplined manner despite provocations from management. In the present administrations avowed policy package of socio-economic reforms for the common man, the welfare of the workers finds a prominent place. The idea of associating the working people with the management of industries is being given a concrete and practical shape. The worker's share in the management while entailing responsibility on his part will also bring him reward in terms of equitable dividend.

The idea of associating the working people with the management of industries is being given a concrete and practical shape.

The impact of May Day on Industrial workers of Bangladesh is dicussed below from different perspectives :

(1) Eithical / Moral Perspectives

In an eithical or moral context, participation in decision making is designed to promote individual development or fulfillment. In support of this ethical approach it has been pointed out that the workers contribute to the production of goods and services. May Day also promises some benefits to industrial workers such as : (i) improve the quality of working life and job satisfaction; (ii) improve industrial relations and thereby promote industrial peace and harmony; and (iii) secure full recognition of the importance of human factor in industry.

(2) Social Perspectives

Industrial democracy is part of the effort made by the labour movement to extend democracy throughout society... Life away from the workplace has developed in one way and life at the work place in another. Individual workers must be induced to feel that in their own way they were helping to build a state directed towards progress. Consequently, the introduction of industrial democracy was a prerequisite for the establishment of an egaletarian society. Now the May Day has become significant once again; let us celebrate it in a befitting way, not through mere demonstrations and processions, but through a disciplined and systematic process to strengthen worker's unity and to ensure protection of the right and privileges of the working class. Let us honour those martyrs who laid down their lives to champion the cause of the toling masses. As long as the struggle of the workers against the oppressors continues, May Day will continue to be the expression of the hopes and aspiration the dreams and desires of the workers in fields and factories. On this day, let it be our collective goal to ensure a happy, exploitation free society for ourselves in Bangladesh. It is a task, we can accomplish through a strict adherence to all the international conventions relating to a promotion and upholding of labour laws.

As long as the struggle of the workers against the oppressors continues, May Day will continue to be the expression of the hopes and aspirations, the dreams and desires, of the workers in fields and factories.

(3) Economic perspectives

May Day relates directly or indirectly to increasing the efficiency of the undertaking. By associating the workers with the decisions taken, it is hoped to improve the quantity and quality of output and the utilization of labour, raw materials, equipment and introduction of new techniques.

May Day is being observed in Bangladesh in a setting of tranquility and harmony in labor management relations. Production figures of some industries indicate an appreciable improvement. The country observes today the historic May Day in memory of the workers who gave their lives 118 years ago in the United States on this day at Chicago's Hay Market to establish their right of limited hours of work. Workers' rights in different phases and in different areas have been established, secured and promoted worldwide ever since. But working people in the world trace their inspiration to that unique struggle by the Chicago workers that heralded the new age where employers were forced to recognise for the first time that their workers were human beings and had basic rights which must be respected and enforced.

In the context of Bangladesh, one can say that the country is not too poorly served by labour laws and their regulations on the employers. Trade union practices, providing collective bargaining of workers with their employers, are generally allowed in the industries and services here. Labour courts in Bangladesh promote and protect workers' rights and enforce laws such as compensation to be paid to workers by employers for the breach of labour laws on their part. Bangladesh is a signatory nation associated to the International Labour Organisation (ILO) and remains committed on the whole to ILO policies. However, trade union practices in Bangladesh seem to be in existence in the country's older industries and services with new ones—particularly the export oriented garments industries—remaining largely unserved by trade unions. But there are also powerful arguments in favour of such exemptions. The garments industries could never have come to their present number or employ the record number of workers as they do, if they were burdened by demands from workers and lost their competitiveness as a result. The example of the garments industries also demonstrates that it should be a prudent course for eligible workers in this country to first find employment in sectors like the garments industries than to restrict the flourishing of such emerging work opportunities by attempting to introduce trade unions in them too early in the day.

It should be advantageous for workers to put less emphasis first on orthodox trade union practices and accept less regulation on the employers so that they feel encouraged to expand business activities. This should maximise employment creation which should go in favour of unemployed workers when unemployment is a huge problem in Bangladesh. More employment and some income should be a better choice for the country's workforce with its vast number of unemployed than no employment and no income from too much of trade unionism. Thus, there is a need for responsible trade unionism in the country if there exists a genuine interest among worker's leaders to best advance the longer term interests of their followers. Of course, it is not meant that pressure for better looking after the welfare needs of workers ought not to be there when the new enterprises graduate into stronger entities and, thus, become able to smoothly accommodate reasonable demands from their workers. Many of the country's garments industries, for instance, would not lose their competitiveness or experience any major reduction in their profits or the control over their workers by allowing the workers certain basic rights, such as a weekly holiday, casual leave, a bearable increase in their wages and safe conditions of work in the factories.

More employment and some income should be a better choice for the country's workforce with its vast number of unemployed than no employment and no income from too much of trade unionism.

From the government's side, the role expected most is imparting of training and education free of cost to workers. The same should increase their productivity and skills which would be invaluable assets in the work places. Governments in many countries play the desired role of training and education as many workers as possible and look upon government spending on these areas as long term investment on economic growth. The Government in Bangladesh needs to adopt and pursue vigorously similar policies. This surely is a victory at the spirit of May Day, which now puts the responsibility on the shoulders of the workers and makes them duty bound to participate for their own interest and the interest of the country as a whole in full productive activities.

From the government's side, the role expected most is imparting of training and education free of cost to workers.

Now-a-days, productivity of workers can only be raised through adequate training, creation of an enabling and working environment and enhancement of welfare programmes as far as possible. Hence the Government, management and trade union should work hand in hand to ensure that industrial atmosphere is maintained at all costs. Only then May Day will inspire the working class to realize their rights and duties. On this great May Day all workers should be united to lead the nation to the paths of prosperity, progress and happiness.

QUESTIONS TO ANSWER

1. (a) What do you understand by May Day?
(b) Describe the background and significance of May Day.
2. Critically discuss the impact of May Day on the socio-economic conditions of industrial workers of Bangladesh.

Extracts From Labour and Industrial Laws
(Taken from Bangladesh Labour Act-2006)

□ Industry and Industrial Worker

1. Industrial Establishment :

Industrial establishment means any workshop or other establishment in which articles are produced, adapted or manufactured or where the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance, with a view to their use, transport, sale, delivery or disposal, is carried on or such other class of establishments which the Government may, by notification in the official Gazette, declare to be an industrial establishment for the purpose of this Act, and includes any :

- (a) road transport service or railway transport service,
- (b) river transport service,
- (c) airlines,
- (d) dock, wharf or jetty,
- (e) mine, quarry, gas-field or oil-field,
- (f) plantation,
- (g) factory,
- (h) newspaper establishment;

i. contractor's or sub-contractor's establishment for the purpose of construction, reconstruction, repair, alternation or demolition of any building, road, tunnel drain, canal or bridge or ship-breaking or rebuilding or loading or unloading of cargo into vessel or carrying thereof.

2. Manufacturing Process' :

It means any of the following processes

(a) for making, altering, repairing, ornamenting, painting, washing, finishing, packing or otherwise treating any articles or substance with a view to its use, sale, transport, delivery, display or disposal,

- (b) for pumping, oil, gas, water, sewerage or other fluids or slurries,
- (c) for generating, transforming or transmitting power or gas,
- (d) for constructing, reconstructing, repairing, refitting, finishing or breaking up of ships or vessels, or

(e) for printing by letter press, lithography, photogravure, computer, photo-compose, offset or other similar work or book-binding which is carried on by way of trade or for purposes of gain or incidental to another business so carried on.

3. Worker :

Worker means any person including an apprentice employed in any establishment or industry, either directly or through a contractor, to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment be expressed or implied, but does not include a person employed mainly in a managerial or administrative capacity;

4. Classification of Workers and Period of Probation :

1. Workers employed in any establishment shall be classified in any of the following classes according to the nature and condition of work; namely-

- (a) apprentice,
- (b) badli,
- (c) casual,
- (d) temporary,
- (e) permanent.

2. A worker shall be called an apprentice if he is employed in an establishment as a learner, and is paid an allowance during the period of his training.

3. A worker shall be called a badli if he is employed in an establishment in the post of a permanent worker or of a probationer during the period who is temporarily absent.

4. A worker shall be called a casual worker if his employment in an establishment is of casual nature.

5. A worker shall be called a temporary worker if he is employed in an establishment for work which is essentially of temporary nature, and is likely to be finished within a limited period.

6. A worker shall be called a probationer if he is provisionally employed in an establishment to fill a permanent vacancy in a post and has not completed the period of his probation.

7. A worker shall be called a permanent worker if he is employed in an establishment on a permanent basis or if he has satisfactorily completed the period of his probation in the establishment.

8. The period of probation for a clerical worker is of six months and for other workers such period shall be three months;

Provided that in the case of a skilled worker, the period of probation may be extended by an additional period of three months if, for any circumstances, it has not been possible to determine the quality of his work within the first three months' period of his probation.

9. If any worker, whose service has been terminated during his probationary period, including the extended period, is again appointed by the same employer within a period of three years, he shall, unless appointed on a permanent basis, be deemed to a probationer and

the period or periods of his earlier probation shall be counted for determining his total period of probation.

10. If a permanent worker is employed as a probationer in a new post, he may, at any time during the probationary period, be reverted to his old permanent post.

5. Employer :

In relation to an establishment, employer means any person who employs workers therein and includes-

(a) a heir, successor, assign, guardian or legal representative, as the case may be, or such person;

(b) any manager or person responsible for the management and control of the establishment,

(c) in relation to an establishment run by or under the authority of the Government, the authority appointed in this behalf or where no authority is so appointed, the head of the Ministry or Division concerned,

(d) in relation to an establishment run by or on behalf of a local authority, the officer appointed in this behalf or, where no officer is so appointed, the chief executive officer of that authority,

(e) in relation to any other establishment, the owner of such establishment and every director, manager, secretary, agent or other officer or person concerned with the management of the affairs thereof, and

(f) in relation to an establishment under the occupation of any person other than the owner, the person in occupation of that establishment or in ultimate control over the affairs of the establishment and the manager or other person concerned with the management of the affairs thereof.

6. Procedure for Leave :

1. A worker who desires to obtain leave of absence shall apply to the employer for the same in writing stating his leave address therein.

2. The employer or his authorised officer shall issue orders on the application within seven days of the application or two days prior to the commencement of leave applied for, whichever is earlier;

Provided that, if, due to urgent reasons the leave applied for is to commence on the date of application or within three days thereof the order shall be given on the same day.

3. If the leave asked for is granted, a leave pass shall be issued to the worker.

4. If the leave asked for is refused or postponed, the fact of such refusal or postponement, and the reasons thereof shall be communicated to the worker before the date on which the leave was expected to be commenced, and shall also be recorded in a register to be maintained by the employer for the purpose.

5. If the worker, after commencement of leave, desires an extension thereof, he shall, if such leave is due to him, apply sufficiently in advance before the expiry of the leave to the employer who shall, as far as practicable send a written reply, either granting or refusing extension of leave to the worker to his leave address.

7. Stoppage of Work :

1. The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery, or stoppage of power supply, epidemics, civil commotion or any other cause beyond his control, stop any section or sections of the establishment, wholly or partly for such period as the cause for such stoppage continues to exist.

2. In the event of such stoppage occurring at any time beyond working hours, the employer shall notify the workers affected, by notice on the notice board in the section or department concerned or at a conspicuous place in such establishment before the work is due to begin next.

3. In the notice mentioned in sub-section (2) direction shall be given indicating as to when the work will be resumed and whether such workers are to remain at their place of work at any time before the actual resumption.

4. In the event of such stoppage occurring at any time during working hours, the workers affected shall be notified, as soon as practicable, in the manner specified in sub-section (2) indicating as to when the work will be resumed and whether such workers are to leave or remain at their place of work.

5. In the case where workers have been directed to stay at their place of work following such stoppage, the workers so detained may not be paid for the period of such detention if it does not exceed one hour, and the workers so detained shall be paid wages for the whole period of such detention if it exceeds one hour.

6. If the period of stoppage of work does not exceed one working day, a worker, unless entitled to wages under sub-section (5), may not be paid any wages.

7. If the period of stoppage of work continues for more than a working day, a worker affected, other than a casual or badli worker, shall be paid wages for day or day by which it will exceed one working day.

8. If the period of stoppage of work extends beyond three working days, the workers may be laid-off in accordance with the provisions of section-16.

9. A lay-off mentioned in sub-section (8) shall be effective from the day of stoppage of work and any wage paid to a worker for the first three days may be adjusted against the compensation payable for such subsequent lay off.

8. Re-employment of Retrenched Workers :

Where any number of workers are retrenched, and the employer proposes to take into his employ any worker within a period of one year from the date of such retrenchment, he shall give an opportunity to the retrenched workers belonging to the particular category concerned by sending a notice to their last known addresses, to offer themselves for

employment, and the retrenched workers who so offer retrenched for re-employment shall have preference over other retrenched workers, each having priority according to the length of his service under the employer.

9. Discharge From Service :

1. A worker may be discharged from service for reasons of physical or mental incapacity or continued ill-health certified by a registered medical practitioner.

2. If a worker who has completed not less than one year of continuous service is so discharged, he shall be paid by the employer compensation at the rate of thirty days wages for every completed year of service, or gratuity, if any, whichever is higher.

10. Punishment for Conviction and Misconduct :

(1) Notwithstanding anything regarding lay-off, retrenchment, discharge and termination of service as provided elsewhere in this Act, a worker may be dismissed without prior notice or pay in lieu thereof if he is-

(a) convicted for any criminal offence; or

(b) he is found guilty of misconduct under section-24.

2. Any worker found guilty of misconduct may, instead of being dismissed under sub-section (1), in consideration of any extenuating circumstances, be awarded any of the following punishments, namely :

(a) removal;

(b) reduction to a lower post, grade or scale of pay for a period not exceeding one year;

(c) stoppage of promotion for a period not exceeding one year;

(d) withholding of increment for a period not exceeding one year;

(e) fine;

(f) suspension without wage and subsistence allowance for a period not exceeding seven days;

(g) censure or warning.

3. A worker who is dismissed under sub-section (1) or removed as a measure of punishment under sub-section (2) (a) shall, if his continuous service is not less than one year, be paid by the employer compensation at the rate of fourteen days wages for every completed year of service, or gratuity, if any, whichever is higher;

Provide that no compensation shall be payable if the worker is dismissed for misconduct as specified in sub-section (4) (b).

4. The following acts and omissions shall be treated as misconduct :

(a) willful insubordination or disobedience, whether alone or in combination with others to any lawful or reasonable order of a superior;

(b) theft, fraud or dishonesty in connection with the employer's business or property;

(c) taking or giving bribe in connection with his or any other worker's employment under the employer;

(d) habitual absence without leave or absence without leave for more than ten days;

(e) habitual breach of any law or rule or regulation applicable to the establishment;

(f) riotous or disorderly behaviour in the establishment, or any act subversive of discipline;

(g) habitual negligence of work;

(h) habitual breach of any rule of employment, including conduct or discipline, approved by the Chief Inspector;

(i) falsifying, tampering with, damaging or causing loss of employer's official records.

5. If a worker who is dismissed from service under sub-section (1) (a), is acquitted on an appeal, he will be reinstated to his original post without back wages or to any new post suitable to him; and if such reinstatement is not possible, he shall be paid compensation at the rate payable to a person on discharge excluding the compensation already paid to him for his dismissal.

11. Procedure for Punishment :

1. No order of punishment under section-23 shall be made against a worker unless :

(a) the allegations against him are recorded in writing;

(b) he is given a copy thereof and not less than seven day's time to explain;

(c) he is given an opportunity of being heard;

(d) he is found guilty, after enquiry;

(e) the employer or the manager approves of such order.

2. A worker charged for misconduct may be suspended pending enquiry into the charge against him and unless the matter is pending before any Court, the period of such suspension shall not exceed sixty days :

Provided that during the period of such suspension, a worker shall be paid by his employer a subsistence allowance equivalent to half of his average wages, and dearness allowance and ad-hoc or interim pay, if any.

3. An order of suspension shall be in writing and shall take effect immediately on delivery to the worker.

4. In an enquiry the accused worker may be helped by any person nominated by him who is employed in the establishment.

5. If in an enquiry, any oral evidence is given on behalf of any party, the party against whom the evidence is given may cross examine the witness.

6. If, on enquiry, a worker is found guilty and is punished he shall not be entitled to his wages for any period of suspension but shall be entitled to the subsistence allowance for such period.

7. If the charges against the worker is not proved in the enquiry, he shall be deemed to have been on duty for the period of suspicion for enquiry, if any, and shall be entitled to his wages for such period of suspension and the subsistence allowance shall be adjusted accordingly.

8. In cases of punishment, a copy of the order inflicting such punishment shall be supplied to the worker concerned.

(9) In a worker refuses to accept any notice, letter, chargesheet, order or any other document addressed to him by the employer, it shall be deemed that such notice, letter, charge-sheet, order or the document has been delivered to him, if a copy of the same has been exhibited on the notice board and another copy has been sent to the address of the worker as available from the records of the employer, by registered post.

□ HEALTH AND HYGIENE

12. Cleanliness :

Every establishment shall be kept clean and free from effuvia arising from any drain, privy or other nuisance, and in particular :

(a) accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of work-rooms and from staircases and passage and disposed of in a suitable manner ;

(b) the floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method;

(c) where the floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained;

(d) all inside walls and partitions, all ceilings, or tops of rooms, and walls, sides and tops or passages and staircases shall-

(i) where they are painted or varnished, be repainted or revarnished at least once in every three years.

(ii) where they are painted or varnished and have smooth imperious surface, be cleaned at least once in every fourteenth months, by such methods as may be prescribed.

(iii) in any other case, be kept white-washed or colour-washed and the white-washing or colour-washing shall be carried out at least once in every fourteen months; and

(e) the date on which the processes required by clause (d) are carried out shall be entered in the prescribed register.

13. Ventilation and Temperature :

(1) Effective and suitable provisions shall be made in every establishment for securing and maintaining in every work-room adequate ventilation by the circulation of fresh air:

(2) such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

(3) the walls and roos, as required by sub-section (2) shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable;

(4) where the nature of the work carried on in the establishment involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable, shall be taken to protect the workers therefrom by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means.

(5) If it appears to the Government that in any establishment or class or description of establishments excessively high temperature can be reduced by such methods as white-washing, spraying or insulating and screening outside walls or roofs windows or by raising the level of the roof, or by insulating the insulating roof materials, or by other methods, it may prescribe such of those or other methods to be adopted in the establishment.

14. Dust and Fume :

1. In every establishment in which, by reason of any manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent and is likely to be injurious or offensive to the worker employed therein, effective measures shall be taken to prevent accumulation in any work-room and if inhalation by worker and if any exhaust appliance is necessary for this purpose shall be applied as near as possible to the point of origin of dust, fume or other impurity, and such point shall be enclosed as far as possible.

2. In any establishment no stationary internal combustion engine shall be operated unless the exhaust is conducted into open air, and no internal combustion engine shall be operated in any room unless effective measures have been taken to prevent accumulation of fumes there from as are likely to be injurious to the workers employed in the work-room.

15. Disposal of Wastes and Effluents :

Effective arrangement shall be made in every establishment for disposal of wastes effluents due to the manufacturing process carried on therein.

16. Artificial Humidification :

1. In any establishment where the humidity of the air is artificiaally increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified beforded it is so used.

2. If it appears to an Inspector that the water used in establishment for increasing humidity which is required to be effectively purified under sub-section (1) is not effectively purified, he may serve on the employer of the establishment order in writing, specifying the measures which, in his opinion should be adopted, and requiring them to be carried out before specified date.

17. Overcrowding :

1. No work-room in any establishment shall be overcrowded to an extent injurious to the health of workers employed therein.

2. Without prejudice to the generality of the provisions of section (1), there shall be provided for every worker employed work-room at least 9.5 cubic metre of space in the establishment.

Explanation : For the purpose of this sub-section no account shall be taken of a space which is more than 4.25 metre above level of the floor of the room.

3. If the Chief Inspector by order in writing so requires, then shall be posted in each work-room of an establishment a notice specifying the maximum number of workers who may in compliance with the provisions of this section, be employed in the room.

4. The Chief Inspector may, by order in writing, exempt, subject to such conditions as he may think fit to impose, any work-room from the provisions of this section if he is satisfied that compliance therewith in respect of such room is not necessary for the purpose of health of the workers employed therein.

18. Lighting :

1. In every part of an establishment where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.

2. In every establishment all glazed windows and skylights used for the lighting of the work-room shall be kept clean on both the outer and inner surfaces and free from obstruction as far as possible.

3. In every establishment effective provisions shall, so far as is practicable, be made for the prevention of-

(a) glare either directly from any surface of light or by reflection from or polished surface, and

(b) the formation of shadows to such an extent as to cause eye strain or risk of accident to any worker.

19. Drinking Water :

1. In every establishment effective arrangement shall be made to provide and maintain at a suitable point conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

2. All such points where water is supplied shall be legibly marked 'Drinking Water' in Bangla.

3. In every establishment wherein two hundred fifty or more workers are ordinarily employed, provision shall be made for cooling the drinking water during the hot weather by effective means and for distribution thereof.

(4) Where dehydration occurs in the body of workers due to work near machineries creating excessive heat, there workers shall be provided with oral re-hydration thereby.

20. Latrines and Urinals :

In every establishment-

- (a) sufficient latrines and urinals of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are in the establishment;
- (b) such latrines and urinals shall be provided separately for male and female workers.
- (c) such latrines and urinals shall be adequately lighted and ventilated;
- (d) all such latrines and urinals shall be maintained clean and in sanitary condition at all times with suitable detergents and disinfectants.

21. Dust bean and Spittoon :

1. In every establishment shall be provided, at convenient places, sufficient number of beans and spittoons which shall be maintained in a clean hygienic condition.
2. No person shall throw any dirt or spit within the premise of an establishment except in the dust beans and spittoon provided for the purpose.
3. A notice containing this provision and the penalty for violation shall be prominently displayed at suitable places in premises.

□ SAFETY

22. Safety of Building and Machinery :

1. If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in an establishment is in such condition that is dangerous to human life or safety, he serves on the employer of the establishment an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.
2. If it appears to the Inspector that the use of any building or part of a building or of any part of the ways towards machinery or plants in the establishment involves imminent danger to human life or safety, he may serve on he employer of the establishment order in writing prohibiting its use until it has been properly repaired or altered.

23. Precaution In Case of Fire :

1. Every establishment shall be provided with at least one alternative connecting stairway with each floor and such means of escape in case of fire and fire fighting apparatus, as may be prescribed by rules.
2. If it appears to the Inspector that any establishment is provided with the means of escape prescribed under sub-section (1) he may serve on the employer of the establishment

an order in writing specifying the measures which, in his opinion, should be adopted before a date specified in the order.

3. In every establishment the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room and all such doors, unless they are of the sliding type, shall be constructed to open outwards or where the door is between two rooms, and all such doors, unless they are of the sliding type, shall be constructed to open outwards or where the door is between two rooms, in the direction of the nearest exit from the building and no such door shall be locked or obstructed while work is being carried on in the room.

4. In every establishment every window, door, or other exit affording means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in Bangla and in red letters of adequate size or by some other effective and clearly understood sign.

5. In every establishment there shall be provided effective and clearly audible means of giving warning in case of fire to every person employed therein.

6. A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of the establishment.

7. In every establishment wherein more than ten workers are ordinarily employed in any place above the ground floor, or explosive or highly inflammable materials are used or stored, effective measures shall be taken to ensure that all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

8. In factories wherein fifty or more workers and employees are employed shall arrange at least once in a year a mock fire-fighting and the employer shall maintain a book of records in this regard.

24. Fencing of Machinery :

1. In every establishment the following shall be securely fenced by the safeguards of substantial construction which shall be kept in position while the part of machinery required to be fenced are in motion or in use, namely-

- (a) every moving part of a prime mover, and every fly wheel connected to a prime mover;
- (b) the head-race and tail-race of every water wheel and water turbine;
- (c) any part of a stock-bar which projects beyond the head stock of a lathe; and
- (d) unless they are in such position or of such construction as to be as safe to every person employed in the establishment as they would be if they were securely fenced-
 - (i) every part of an electric generator, a motor or rotary converter,
 - (ii) every part of transmission machinery, and
 - (iii) every dangerous part of any machinery :

Provided that, for the purpose of determining whether any part of machinery is safe as aforesaid, account shall not be taken of any occasion when it being necessary to make an examination of the machinery while it is in motion, such examination or operation is made or carried in accordance with the provisions of section 64.

2. Without prejudice to any other provision of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle wheel or pinion and all spur, worm and other toothed or friction gearing in motion with which such worker would otherwise be liable to come into contact, shall be securely fenced, to prevent such contact.

25. Work on or Near Machinery in Motion :

1. Where in any establishment it becomes necessary to examine any part of machinery referred to in section 61 while the machinery is in motion or as a result of such examination to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight-fitting clothing whose name has been recorded in the register prescribed in this behalf and while he is so engaged such worker shall not handle a belt at a moving pulley unless the belt is less than fifteen centimeters in width and unless the belt-joint is either laced or flush with the belt.

2. The Government may, by notification in the official Gazette, prohibit, in any specified establishment, the cleaning, lubricating, or adjusting by any person of specified part of machinery when those parts are in motion.

26. Striking Gear and Devices for Cutting off Power :

1. In every establishment-

(1) suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose.

□ WELFARE

27. First-aid Appliances :

1. There shall, in every establishment be provided and maintained, so as to be readily accessible during all working hours, first-aid boxes or cupboards equipped with the contents prescribed by rules.

2. The number of such boxes or cupboards shall not be less than one for every one hundred fifty workers ordinarily employed in the establishment.

3. Every first-aid box or cupboard shall be in charge of a responsible person who is trained in first-aid treatment and who shall always be available during the working hours of the establishment.

4. A notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room and such person shall wear a badge so as to facilitate identification.

5. In every establishment wherein three hundred or more workers are ordinarily employed, there shall be provided and maintained a sick room with dispensary of the prescribed size containing the prescribed equipment or similar facilities, in the charge of such medical and nursing staff as may be prescribed.

29. Maintenance of Safety Record Book—In every establishment / factory wherein more than twenty five workers are employed, shall maintain compulsorily, in the prescribed manner, a safety record book and safety board.

28. Washing Facilities :

1. In every establishment-

(a) adequate and suitable facilities for washing and bathing shall be provided and maintained for the use of the workers therein;

(b) separate and adequately screened facilities shall be provided for the use of male and female workers; and

(c) such facilities shall be conveniently accessible and shall be kept clean.

2. The Government may in respect of any establishment or class or description of establishments or of any manufacturing process, prescribe standards of adequate and suitable facilities for washing.

29. Canteens :

1. In every establishment wherein more than one hundred workers are ordinarily employed, there shall be provided adequate number of canteens for the use of the workers.

2. The Government may make rules providing for-

(a) the standards in respect of construction, accommodation, furniture and other equipment of the canteen; and

(b) the constitution of a managing committee for the canteen and representation of the workers in the management to the canteen.

3. The managing committee to be formed under the rules shall determine the foodstuff to be served in the canteen, and the charges thereof.

30. Shelters, etc.

1. In every establishment wherein more than fifty workers are ordinarily employed, adequate and suitable shelters or rest rooms, and a suitable lunch room, with provision for drinking water, where workers can eat meals brought by them, shall be provided and maintained for the use of the workers.

Provided that any canteen maintained in accordance with the provisions of section 92 shall be regarded as part of the requirements of this sub-section:

Provided further that where a lunch room exist, no worker shall eat any food in the work room.

2. The shelters, rest rooms or lunch rooms provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition.

3. In the establishments wherein more than 25 female workers are employed, separate shelter rooms are to be maintained and in establishment wherein less than 25 female workers are employed, separate and adequate spaces with screen shall be provided.

31. Rooms for children :

1. In every establishment, wherein forty or more women workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

2. Such rooms shall provide adequate accommodation, adequately lighted and ventilated and maintained in a clean and sanitary condition and shall be under the charge of woman trained or experienced in the care of children and infants.

3. Such rooms shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable they shall not be situated in close proximity to any part of the establishment where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on.

4. Such rooms shall be solidly constructed and all the walls and roof shall be of suitable heat resisting materials and shall be water-proof.

5. The height of such rooms shall not be less than 360cm from the floor to the lowest part of the roof and there shall be not less than 600sq. cm of floor area for each child to be accommodated.

6. Effective and suitable provisions shall be made in every part of such room for securing and maintaining adequate ventilation by the circulation of fresh air.

7. Such rooms shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with necessary bedding for each child, at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child and a sufficient supply of suitable toys for the older children.

8. A suitable fenced and shady open air play-ground shall be provided for the older children;

Provided that the Chief Inspector may, by order in writing exempt any establishment from compliance with this sub-rule if he is satisfied that there is not sufficient space available for the provision of such a playground.

□ WORKING HOURS AND LEAVE

32. Daily Hours

No adult worker shall ordinarily be required or allowed to work in an establishment for more than eight hours in any day:

Provided that, subject to the provisions of law, any such worker may work in an establishment not exceeding ten hours in any day.

33. Interval for Rest or Meal

Any worker in any establishment shall not be liable to work either-

(a) for more than six hours in any day unless he has been allowed an interval of at least one hour during that day for rest or meal;

(b) for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal; or

(c) for more than eight hours unless he has had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal.

34. Weekly Hours :

1. No adult worker shall ordinarily be required or allowed to work in an establishment for more than forty-eight hours in any week.

2. Subject to the provisions of law, an adult worker may work for more than forty-eight hours in a week:

Provided that the total hours of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year:

Provided further that in the case of a worker employed in an establishment which is a road transport service, the total hours or overtime work in any year shall not exceed one hundred and fifty hours.

Provided further that the Government, if satisfied that in public interest or in the interest of economic development such exemption or relaxation is necessary, in certain industries, by order in writing under specific terms and conditions, may relax the provision of this section or exempt, for a maximum period of six months, from the provision of this section at a time.

35. Weekly Holiday :

An adult worker employed in an establishment-

(a) which is a shop or commercial establishment, or industrial establishment, shall be allowed in each week one and half days holidays and in factory, and establishment one day in a week:

(b) which is a road transport service, shall be allowed in each week one day's holiday of twenty four consecutive hours; and no deduction on account of such holidays shall be made from the wages of any such worker.

36. Compensatory Weekly Holiday :

Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting an establishment or the workers there from the provisions of law 103, a worker is deprived of any of the weekly holidays provided he shall be allowed, as soon as circumstances permit, compensation holidays, of equal number of the holidays so deprived of.

37. Spread over :

The periods of work of an adult worker in an establishment shall be so arranged that, inclusive of his interval for rest or meal, it shall not spread over more than eleven hours and subject to such conditions as be may imposed by the Government, either generally or in the case of any particular establishment.

38. Night Shift :

Where, an adult worker in an establishment works on a shift which extends beyond midnight :

(a) a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning from the end of his shift; and

(b) the following day for him shall be deemed to be period of twenty-four consecutive hours beginning from the end of this shift and the hours he has worked after midnight shall be counted towards the previous day.

39. Restriction on Cumulative Hours of Work on a Vehicle :

No worker shall work or be allowed to work on a vehicle or two or more vehicles in excess of the period during which he may be lawfully employed under this Act.

40. Extra-allowance for Overtime :

1. Where a worker works in an establishment on any day or week for more than the hours fixed under this Act, he shall, in respect of overtime work, be entitled to allowance at the rate of twice his ordinary rate of basic wage and dearness allowance and ad-hoc or interim pay, if any.

2. Where any worker in an establishment is paid on a piece rate basis the employer, in consultation with the representatives of the workers, may, fix time rates as nearly as possible equivalent to the average rates of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of wages of those workers.

3. The Government may prescribe registers to be maintained in an establishment for the purpose of securing compliance with the provisions of this section.

41. Limitation of Hours of Work for Women :

No woman shall, without her consent, be allowed to work in an establishment between the hours of 10.00 p.m. and 6.00 a.m.

42. Restriction on double employment :

No adult workder shall be employed or allowed to be employed for work in more than one establishment on any day, except on permission in writing from the Chief Inspector on such terms and conditions as he may impose.

43. Notice of Periods of Work for Adults and Preparation Thereof :

1. There shall be displayed and correctly maintained in every establishment in accordance with he provisions of this Act, a notice of periods of work for adult workers showing clearly the periods which adult workers may be required to work.

2. The periods shown in the notice shall be fixed beforehand in accordance with the provisions of this Act and shall be such that workers working during such periods would not be working in contravention of the provisions of the Act.

3. Where all the adult workers in an establishment are required to work during the same period, the employer, shall fix those periods generally.

4. Where all the adult workers in an establishment are not required to work during the same periods, the employer, shall classify them into groups according to the nature of their work, and indicate the number of workers in each group.

5. For each group which is not required to work on a system of shifts, the employer shall fix the period during which the group may be required to work.

6. Where any group is required to work on a system of shifts, and the relays are not on a undetermined periodical changes, the employer shall fix the periods during which each relay of the group may be required to work.

7. Where any group is to work on a system of shifts and the relays are or are intended to be subject to predetermined periodical changes of shifts, the employer, shall draw up a scheme of shifts, where under the periods during which any relay of the group may be required to work on the relay which will be working at any time of the day shall be known for any day.

8. A copy of the notice shall be sent in duplicate to the Inspector before the day on which an establishment begins work, for approval of the periods of work by the Inspector.

9. The Inspector shall return a copy of the notice to the employer within one week of its receipt, indicating modifications if any; the employer shall immediately comply with the modifications, if made and shall preserve the approval in the records of the establishment.

10. Any proposed change in the system of work in an establishment which will necessitate a change in the notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made.

11. An employer may refuse to employ a worker for any day if on that day he turns up for work more than half an hour after the time fixed for the commencement of the days work.

44. Casual Leave :

Every worker shall be entitled to casual leave with full wages for ten days in a calendar year, and such leave shall not be accumulated and carried forward to the succeeding year :

Provided that nothing in this section shall apply to a worker employed in a tea plantation.

45. Sick Leave :

1. Every worker other than a newspaper worker, shall be entitled to sick leave with full wages for fourteen days in a calendar year.

2. Every newspaper worker shall be entitled to sick leave with half wages for not less than one-eighteenth of the period of services.

3. No such leave shall be allowed unless a registered medical practitioner appointed by the employer or, if no such medical practitioner is appointed by the employer, any other registered medical practitioner, after examination, certifies that the worker is ill and requires sick leave for cure or treatment for such period as may be specified by him.

4. Such leave shall not be accumulated and carried forward to the succeeding year.

46. Annual Leave with Wages :

1. Every adult worker, who has completed one year of continuous service in an establishment, shall be allowed during the subsequent period of twelve months leave with wages for a number of days calculated at the rate of one day.

(a) in the case of shop or commercial or industrial establishment or factory or road transport service, for every eighteen days of work;

(b) in the case of tea plantation, for every twenty two days of work;

(c) in the case of a newspaper worker, for every eleven days of work performed by him during the previous period of twelve months.

2. Every worker, who is not an adult, who has completed one year of continuous service in an establishment, shall be allowed during the subsequent period of twelve months leave with wages for a number of days calculated at the rate of one day :

(a) in the case of factory, for every fifteen days of work;

(b) in the case of tea plantation, for every twenty two days of work;

(c) in the case of a shop or commercial or industrial establishment, for every fourteen days of work performed by him during the previous period of twelve months.

3. A period of leave allowed under this section shall be inclusive of any holiday which may occur during such period;

4. If a worker does not, in any period of twelve months, take the leave to which he is entitled under sub-section (1) or (2), either in whole or in part, any such leave not taken by him shall be added to the leave to be allowed to him, in the succeeding period of twelve months.

5. Notwithstanding anything contained in sub-section (4), an adult worker shall cease to earn any leave under this section, when the earned leave due to him amounts to :

(a) in the case of factory or road transport service, forty days;

(b) in the case of a tea plantation or shop or commercial or industrial establishment, sixty days;

6. Notwithstanding anything contained in sub-section (4) an adolescent worker shall cease to earn any leave under this section, when the earned leave exceeds,

(a) in the case of a factory or tea plantation, sixty days;

(b) in the case of a shop or commercial or industrial establishment, eighty days;

7. Any leave applied for by a worker but refused by the employer for any reason, shall be added to the credit of such worker beyond the aforesaid limit mentioned in sub-section (5) and (6).

8. For the purpose of this section a worker shall be deemed to have completed a period of continuous service in an establishment notwithstanding any interruption in service during that period due to-

- (a) any holiday;
- (b) any leave with wages;
- (c) any leave with or without wages due to sickness or accident;
- (d) any maternity leave not exceeding sixteen weeks;
- (e) any period of lay-off;
- (f) a strike which is legal or a lock-out which is not illegal.

47. Festival Holidays :

(1) Every worker shall be allowed in a calendar year eleven days of paid festival holidays.

(2) The days and dates for such festivals shall be fixed by the employer in such manner as may be prescribed.

(3) A worker may be required to work on any festival holiday, but two day's additional compensatory holidays with full pay and a substitute holiday shall be provided for him.

48. Calculation of Wages and Payment During Leave or Holiday Period:

(1) For the leave or holidays allowed to a worker under the provisions of this Act, he shall be paid at the rate equal to the daily average of his full time wages including dearness allowances, and ad-hoc or interim pay, if any, for the days on which he worked during the month immediately preceding this leave but excluding any overtime allowance and bonus :

Provided that if a worker in any establishment is entitled to cash equivalent of any advantage accruing from the supply of food grains, it shall be included in his wages.

(2) A worker who has been allowed annual leave for a period of not less than four days in the case of an adult and five days in the case of an adolescent, at any time, shall, in so far as it is practicable, be paid his wages for the period of the leave so allowed, before his leave begins.

□ WAGES AND PAYMENT

49. Special Definition of 'Wages' : Wages includes-

- (a) any bonus or other additional remuneration payable under the terms of employment;
- (b) any remuneration payable in respect of overtime work, holiday or leave;
- (c) any remuneration payable under any award or settlement between the parties or under order of nay court;s
- (d) any sum payable under this Act or any agreement by reason of termination of employment whether by way of retrenchment, discharge, removal, resignation, retirement, dismissal or otherwise; and
- (e) any sum payable due to lay-off-or suspension.

50. Responsibility for Payment of Wages :

Every employer shall be responsible for the payment to workers employed by him of all wages required to be paid under this Act;

Provided that except in the case of a worker employed by contractor, the chief executive officer, the manager or any other person responsible to the employer for the supervision and control of an establishment shall also be responsible for such payment.

Prodded further that when the wages of a worker employed by the contractor is not paid by the contractor, the wages shall be paid by the employer of the establishment and the same shall be adjusted from the contractor.

51. Fixation of Wage-periods:

(1) Every person responsible for the payment of wages shall fix periods, to be called wage periods, in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

52. Time of Payment of Wages:

(1) The wages of every worker shall be paid before the expiry of the seventh day after the last day of the wage period in respect of which the wages are payable.

(2) where the employment of any worker is terminated by retirement or by the employer, whether by way of retrenchment, discharge, removal, dismissal or otherwise, the wages payable to him shall be paid before the expiry of the seventh working `day from the day on which his employment is so terminated.

(3) All payment of wages shall be made on a working day.

53. Wages to be Paid in Current Coin Or Currency Notes :

Wages shall be paid in current coin or currency notes or bank cheque.

54. Deductions that May be Made From Wages :

(1) No deduction shall be made from the wages of a worker except those authorised by or under this ACT.

(2) Deductions from the wages of a worker shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely.

(a) fines;

(b) deductions for absence from duty;

(c) deductions for damage to or loss of goods expressly entrusted to the worker for custody, or for loss of damage or loss is directly attributable to his neglect or default;

(d) deductions for house accommodation supplied by the employer;

(e) deductions for such amenities and services, other than tolls and raw materials required for the purpose of employment, supplied by the employer, as the Government may, by general or special order; authorise;

(f) deductions for recovery of advances or loans of whatever nature or adjustment of over-payments of wages;

(g) deductions of income-tax payable by the worker;

(h) deduction required to be made by order of a Court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Funds Act, 1925 (XIX of 1925. applies or any other recognised provident fund as defined in the Income-tax Ordinance, 1984 (XXXVI of 1984), or any provident fund approved in this behalf by the Government, during the continuance of such approval;

(j) deductions, made with the written authorisation of the workers for the contribution to any fund or scheme constituted or framed by the employer, with the approval of the Government, for the welfare of the workers or the members of their families or both, and

(l) deduction of subscription for the CBA union through cheek-off system.

55. Deductions for Absence From Duty :

(1) Deduction may be made (b) only on account of the absence of a worker from the place, where by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall, in no case bear to the wages payable to the worker in respect of the wage period for which the deduction is made a larger proportion, he was required to work;

Provided that, subject to any rules made in this behalf by the government, if ten or more workers acting in concert absent themselves without due notice and without reasonable cause, such deduction from any such worker may include such amount not exceeding his wages for eight days as may, by the terms of his employment, be due to the employer in lieu of due notice.

Explanation-For the purposes of this Act, a worker shall be deemed to be absent from the place where he is required to work if, although present in such place he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstance, to carry out this work.

56. Deductions for Damage or Loss :

(1) A deduction under section 125(2) (c) shall not exceed the amount of the damage or loss caused to the employer by neglect or default of the worker and shall not be made until the worker has been given an opportunity of showing cause and found guilty of the charge in compliance with the principles of natural justice.

(2) All such deductions and all the realisations there of shall be recorded in a register to be kept by the person responsible for the payment of wages in such form as may be prescribed by rules.

57. Deductions for Services Rendered :

Deduction shall not be made from the wages of a worker unless the house-accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and, in the case of a deduction under this Act (e), shall be subject to such conditions as the Government may impose.

58. Deductions for Recovery of Loans or Advances :

Deductions shall be subject to the following conditions, namely :

(a) recovery of a loan or an advance of money given before employment began shall be made from the first payment or wages in respect of a complete wages period, but no recovery shall be made of such loans or advances given for travelling expenses;

(b) recovery of loans or any advances of wages not already earned shall be subject to any rules made by Government regulating the extent to which such loans or advances may be given and the instalment by which they may be recovered.

□ TRADE UNIONS AND INDUSTRIAL RELATIONS

59. Trade Unions of Workers and Employers :

Subject to the provisions of this Act-

(a) Workers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulating the relations between workers and employers or workers and workers and, subject to the constitution of the union concerned, to join trade union of their own choosing.

(b) Employers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulating the relation between employers and workers or employers and employers and, subject to the constitution of the union concerned, to join trade union of their own choosing; and

(c) trade unions of workers and employers shall have the right to form and join federations and any such union and federation shall have the right to affiliate with any international organisation and confederation of worker's or employer's organisations.

(d) Trade unions and employers' associations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

60. Application for Registration :

Any trade union may, under the signature of its president and secretary, apply for registration of the trade union to the Registrar of-Trade unions of the concerned area under this Act.

61. Requirements for Application :

(1) An application for registration of a trade union shall be made to the Director of Labour or to the Officer authorised in this behalf.

(2) the application shall be accompanied by-

(a) a statement showing-

(i) the name of the trade union and the address of its head office;

(ii) date of formation of the union;

(iii) the names, ages, addresses, occupations and the posts in the union of the officers of the trade union;

(iv) Statement of total paid membership;

(v) the name of the establishment to which the trade union relates and the total number of workers employed or engaged therein;

(vi) in case of a federation of trade unions the names, addresses and registration numbers of member-unions;

(b) three copies of the constitution of the trade union together with a copy of the resolution by the members of the trade union adopting such constitution bearing the signature of the Chairman of the meeting;

(c) a copy of the resolution of trade members of the trade union authorising its President and Secretary to apply for its resgistration; and

(d) in case of federation of trade unions a copy of the resolution from each of the constituent unions agreeing to become a member of the federation.

(3) the Director of Labour or the officer authorised in this behalf shall, on receipt of an application under sub-section (1) forthwith send a copy thereof along with the list of officers of the union to the employer concerned for information.

Provided that in case where the applicant is a federation of trade unions, a public notice showing the names of the officers of the union shall be published at the expenses of the applicant.

62. Requirements for Registration :

(1) A trade union shall not be entitled to registration under this Act unless the constitution thereof provides for the following matters, namely :

(a) the name and address of the trade union;

(b) the objects for which the trade union has been formed;

(c) the manner in which a worker may become a member of the trade union specifying therein that no worker shall be enrolled as its member unless he applies in the form set out in the constitution declaring that he is not a member of any other trade union;

(d) the sources of the fund of the trade union and statement of the purposes for which such fund shall be applicable;

(e) the conditions under which a member shall be entitled to any benefit assured by the constitution of the trade union and under which any fine or forfeiture may be imposed on him;

(f) the maintenance of a list of the member of the trade union and of adequate facilities for the inspection thereof by the officers and members of the trade union;

(g) the manner in which the constitution shall be amended, varied or rescinded;

(h) the safe custody of the funds of trade union, its annual audit, the manner of audit and adequate facilities for inspection of the books of account by the officers and members of trade union;

(i) the manner in which the trade union may be dissolved;

(j) the manner of election of officers by the general body of the trade union and the term, not less than two years and not exceeding three years, for which an officer may hold office;

(k) the number of members of the executive which shall not be less than five and more than thirty five as may be prescribed by rules;

(l) the procedure for expressing want of confidence in any officer of the trade union; and

(m) the meetings of the executive and of the general body of the trade union, so that the executive shall meet at least once in every three months and the general body at least once every year.

(2) A trade union of workers shall not be entitled to registration unless it has a minimum membership of thirty percent of the total number of workers employed in the establishment in which it is formed;

Provided that more than one establishments under the same employer, which are allied to and connected with another for the purpose of carrying out the same industry irrespective of their place of situation, shall be deemed to be one establishment for the purpose of this sub-section.

(3) Where any doubt or dispute arises as to whether any two or more establishments are under the same employer or whether they are allied to or connected with one another for the purpose of carrying on the same industry the matter may be referred to the Director of Labour for decision.

(4) Any person aggrieved by a decision of the Director of Labour may, within thirty days of the decision, prefer an appeal to the Labour court; and the decision of the Labour Court shall be final.

(5) No more than three trade unions shall be registered in any establishment.

63. Disqualification for Being an Officer or a Member of Trade Union:

(1) Notwithstanding anything contained in the constitution of a trade union, a person shall not be entitled to be or to be elected as a member or an officer of a trade union if-

(a) he has been convicted of an offence involving moral turpitude and unless two years have elapsed from the date of his release;

(b) he is not employed or engaged in that establishment in which the trade union is formed;

(2) Such disqualification shall apply to any federation of trade unions.

64. Registered Trade Union to Maintain Register, etc. :

Every registered trade union shall maintain the following registers and books in such form as may be prescribed :

(a) a register of members showing particulars of subscriptions paid by each member;

(b) an accounts book showing receipts and expenditure and

(c) a minute book for recording the proceedings of meetings.

65. Registration :

(1) The Director of Labour, on being satisfied that a trade union has completed with all the requirements, shall register the trade union in a prescribed form within a period of sixty days from the date of receipt of the application for registration.

(2) If the Director of Labour finds the application to be deficient in any material respect, he shall communicate in writing his objection to the trade union within a period of fifteen days from the receipt of the application and the trade union shall reply there to within a period of fifteen days from the receipt of the objection.

(3) When the objection raised by the Director of Labour has been satisfactorily met, the Director of Labour shall register the trade union as provided in sub-section (1) and if the objection is not met satisfactorily he shall reject the application.

(4) When the application has been rejected or the Director of Labour has, after settlement of the objection delayed disposal of the application beyond the period of sixty days provided in sub-section (1), the trade union may, within a period of thirty days from the date of such rejection or the date of expiry of such period, whichever is earlier, appeal to the Labour court.

(5) The Labour Court, after hearing the appeal, for reasons to be stated in its judgment, may pass an order directing the Director of Labour to register the trade union and to issue a certificate of registration within a period of seven days from the date of order or may dismiss the appeal.

(6) Any party aggrieved by the judgment passed by the Labour Court may prefer appeal to the Labour Appellate Tribunal within 30 (thirty) days from the date of receipt of the order of the Labour Court.

66. Registration of Trade Unions in a Group of Establishment :

(1) For the purpose of formation of a trade union any group of establishments shall be treated as an establishment, and no separate trade unions shall be formed in any establishment included in the group of establishments.

(2) A group of establishments shall, for the purposes of this section, mean all the establishments, none of which employs more than twenty workers, in a specified area carrying on the same or similar specified industry.

(3) Notwithstanding anything contained in sub-section (2), all the establishments, irrespective of the number or workers employed therein, in specified area carrying on any of the following industries shall be deemed to be a group of establishments for that area, namely:

- (a) Private road transport, including rickshaw;
- (b) private inland river transport;
- (c) tailoring and garments manufacturing industry wherein less than 100 workers are employed;
- (d) tea industry;
- (e) jute bailing;
- (f) tannery;
- (g) bidi;
- (h) handloom;
- (i) hosiery;
- (j) printing press;
- (k) hotels or motels where number of guest rooms does not exceed twenty-five;
- (l) restaurant not forming part of a hotel;

- (m) book-binding
- (0) cinema and theatre;

Provided that the government may, if it deems fit so to do in the national interest, by notification in the official Gazette, add any industry to this list of industries.

(4) Specified area as mentioned in sub-section (2) or (3) shall mean such area specified for specific industries published by notification in the official Gazette, by the government; and such area may be at national, regional or local level, as may be expedient; and different areas may be specified for different industries.

(5) Specified industries as mentioned in sub-section (2), shall mean such industries which, the Government, may by notification in the official Gazette, specify for the purpose.

67. Certificate of Registration :

The Director of Labour, on registering a trade union under section 182. shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the trade union has been duly registered.

68. Cancellation of Registration :

(1) Subject to the other provisions of this section, the registration of a trade union may be cancelled by the Director of Labour if the trade union has :

- (a) applied for cancellation of registration;
- (b) ceased to exist;
- (c) obtained registration by fraud or by misrepresentation of facts;
- (d) contravened any of the basic provisions of its constitution;
- (e) committed any unfair labour practice;
- (f) a membership which has fallen short of the number of membership required under this Act; and
- (g) contravened any of the provisions of the rules.

(2) Where the Director of Labour is satisfied on enquiry that the registration of a trade union should be cancelled, he shall submit an application to the Labour Court praying for permission to cancel such registration.

(3) The Director of Labour shall cancel the registration of a trade union within thirty days from the date of receipt of a permission from the Labour Court.

(4) The registration of a trade union shall not be cancelled if the unfair labour practice is not committed within three months prior to the date of submission of the application to the Labour Court.

69. Collective Bargaining Agent :

(1) Where there is only one trade union in an establishment, that trade union shall be deemed to be collective bargaining agent for such establishment.

(2) Where there are more trade unions than one in an establishment, the Director of Labour shall, upon an application made in this behalf by any such trade union or by the employer, hold secret ballot, within a period of not more than one hundred and twenty days

from the date of receipt of such application, to determine as to which one of such trade unions shall be the collective bargaining agent for the establishment.

(3) Upon receipt of an application under sub-section (2), the Director of Labour shall, by notice in writing call upon every trade union in the establishment to which the application relates to indicate, within such time, not exceeding fifteen days, as may be specified in the notice, whether it desires to be a contestant in the secret ballot to be held for determining the collective bargaining agent in relation to the establishment.

(4) If a trade union fails to indicate, within the time specified in the notice, its desire to be a contestant in the secret ballot, shall not be a contestant in such ballot.

(5) If no trade union indicates, within the time specified in the notice, its desire to be a contestant in the secret ballot, the trade union which has made the application shall be declared to be the collective bargaining agent in relation to the establishment concerned, provided it has as its members not less than one third of the total number of workers employed in the establishment.

(6) Every employer shall on being so required by the Director of Labour, submit to him a list of all workers employed in the establishment excluding those who are casual or badli workers, and the list shall contain the following particulars; namely :

- (i) name of each worker,
- (ii) name of his parents (in appropriate case name of husband/wife shall be written)
- (iii) Name of his section or department
- (iv) place in which he is employed
- (v) his ticket number and the date of this employment

(7) On being so required, every employer shall submit to the Director of Labour requisite number of additional copies of the list of workers mentioned in sub-section (6) and shall provide such facilities for verification of the list submitted by him.

(8) On receipt of the list of workers from the employer, the Director of Labour shall send a copy of the list to each of the contesting trade unions and shall also affix a copy thereof in a conspicuous part of his office and another copy of the list in a conspicuous part of the establishment concerned, together with a notice inviting objections, if any, to be submitted to him within such time as may be specified by him.

(9) The objections, if any, received by the Director of Labour within the specified time shall be disposed of by him after necessary enquiry.

(10) The Director of Labour shall make such amendments, alterations or modifications in the list of workers submitted by the employer as may be required by any decision given by him on objections under sub-section (9)

(11) After amendments, alterations or modifications, if any, made under sub-section (10), or where no objections are received by the Director of Labour within the specified time, the Director of Labour shall prepare a list of workers employed in the establishment concerned duly certified and send copies thereof to the employer and such of the contesting trade unions at least seven days prior to the date fixed for poll.

(12) The list of workers prepared and certified under sub-section (11) shall be deemed to be the list of voters, and every worker whose name appears in that list shall be entitled to vote in the poll to determine the collective bargaining agent.

(13) Every employer shall provide all such facilities in his establishment as may be required by the Director of Labour for the conduct of the poll but shall not interfere with, or in any way influence the voting.

(14) No person shall canvas for vote within a radius of forty five meters of the polling stations.

(15) For the purpose of holding secret ballot to determine the collective bargaining agent, the Director of Labour shall-

(a) fix the date for the and intimate the same to each of the contesting trade unions and also to every employer;

(b) on the date fixed for the poll to place in the polling station set up for the purpose the ballot boxes which shall be sealed in the presence of the representatives of the contesting trade unions as to receive the ballot papers.

(c) conduct the poll at the polling stations at which the representatives of the contesting trade unions shall have the right to be present;

(d) after the conclusion of the poll and in the presence of such of the representatives the contesting trade unions as may be present open the ballot boxes and count the votes; and

(e) after the concluding of the count, declare the trade union which has received the highest number of votes to be the collective bargaining agent;

Provided that no trade union shall be declared to be the collective bargaining agent for an establishment unless the number of votes revived by it is not less than one third of the total number of workers employed in such establishment.

(16) Where a registered trade union has been declared under sub-section (14) (e) to be the collective bargaining agent for an establishment, it shall be such collective bargaining agent for a period of two years and no application for the determination of the collective bargaining agent for such establishment shall be entertained within a period of two years from the date of such declaration : Provided that, in the case of a group of establishments, the trade union declared to be the collective bargaining agent there for shall be such collective bargaining agent for three years.

(17) Notwithstanding anything contained in sub-section (16), where a registered trade union desires to be the collective bargaining agent for an establishment after the expiry of the terms of an existing collective bargaining agent or where an existing collective bargaining agent desires to continue as such existing collective bargaining agent desires to continue as such for the next term, it may make an application to the Director of Labour, not earlier than one hundred and fifty days and not later than one hundred and twenty days immediately before the expiry of the term of the existing collective bargaining agent, to hold a secret ballot to determine the next collective bargaining agent for the establishment.

(18) Where an application under sub-section (17) is made, a secret ballot to determine the next collective bargaining agent shall be held within one hundred and twenty days from the receipt of such application, but the trade union declared to be the next collective bargaining agent shall be the collective bargaining agent from the date of the expiry of the term of the existing collective bargaining agent.

(19) Where after an application made under sub-section (17) a collective bargaining agent has not been determined for reasons beyond the control of the Director of Labour before the expiry of the term of the existing collective bargaining agent, the existing collective bargaining agent shall continue to function as such till a new collective bargaining agent is determined.

(20) Where no application is made under sub-section (17), the Director of Labour may, after the expiry of the term of the existing collective bargaining agent, recognise such collective bargaining agent or any registered trade union to act as collective bargaining agent for the establishment unless a registered trade union is deemed to be a collective bargaining agent for the establishment under sub-section (1) or until a collective bargaining agent is determined by secret ballot under the foregoing provisions of this section, as the case may be.

(21) Any dispute arising out of any matter in relation to an election for determination of collective bargaining agent shall be referred to the Labour Court, and the decision of the Labour Court there on shall be final.

(22) If in any election for determination of collective bargaining agent any contesting trade union receives less than ten per cent of the total votes cast, the registration of that trade union shall stand cancelled.

(23) A collective bargaining agent may, without prejudice to its own position, implead as a party to any proceedings to which it is itself a party any federation of trade unions of which it is a member.

(24) The collective bargaining agent in relation to an establishment shall be entitled to-

(a) undertake collective bargaining with the employer on matters connected with the employment, non-employment, the term of employment or the conditions of work;

(b) represent all or any of the workers in any proceedings;

(c) give notice of, and declare, a strike in accordance with the law; and

(d) nominate representatives of workers on the board of trustees of any welfare institutions or Provident Funds, and of the workers' participation fund.

(e) to conduct cases on behalf of any individual worker or group of workers.

(25) The provisions of this section shall mutatis mutandis apply to the election or determination of collective bargaining agent in group of establishments under this Act.

70. Federation of Trade Unions to Act as Collective Bargaining Agent:

(1) A federation of trade unions shall be deemed to be the collective bargaining agent in any establishment or group of establishments, if its federated unions by resolutions passed in their annual general meetings or in general meetings specially convened for the purpose, by

the votes of not less than the majority of the total membership of the union concerned authorise it to act as the collective bargaining agent on their behalf.

Provided that no such authorisation shall be permissible unless the constitutions of the federation and also of the federated unions provided for such authorisation.

(2) A federation of trade unions shall act as the collective bargaining agent only in the establishments or group of establishments in which its federated unions are collective bargaining agents.

(3) Nothing in this section shall be applicable in case of federation of trade unions formed on national basis under section 200 (5).

71. Deduction of Subscription from Wages of Trade Union Members :

(1) If a collective bargaining agent so requests, the employer of the workmen who are members of collective bargaining agent-trade union shall deduct from the wages of the workmen such amounts towards their subscription to the funds of the collective bargaining agent-union as may be specified, with the approval of each individual workman named in the demand statement furnished by the trade union.

(2) An employer making any deduction from the wages under sub-section (1) shall, within 15 days deposit the entire amount so deducted by him in the account of the collective bargaining agent-union.

(3) The employer shall provide facilities to the collective bargaining agent for ascertaining whether deductions from the wages of its members are being made under sub-section (1).

72. Participation Committee :

(1) The employer in an establishment in which fifty or more workers are normally employed shall constitute in the prescribed manner a Participation Committee.

(2) Such committee shall be formed with representatives of the employer and the workers.

(3) The number of representatives of workers in such committee shall not be less than the number of representatives of the employer.

(4) The representatives of the workers shall be appointed on the basis of nomination given by the trade union in the establishment.

(5) Each of the trade unions, other than the collective bargaining agent, nominating equal number of representatives and the collective bargaining agent nominating representatives. the number of which shall be one more than the total number of representatives nominated by the other trade unions.

(6) In the case of an establishment where there is a trade union, representatives of the workers on a participation committee shall be chosen in the prescribed manner from amongst the workers engaged in the establishment for which the Participation committee is constituted.

(7) Where an establishment has any unit in which at least fifty workers are normally employed, a unit participation committee, may, on the recommendation of the Participation Committee, be constituted in the manner prescribed by Rules.

(8) Such unit committee shall consist of the representatives of the employer and the workers employed in or under that unit.

(9) The provisions of this section applicable in case of participation committee shall mutatis-mutandis apply to the unit participation committee.

73. Functions of Participation Committee :

(1) The functions of the Participation committee shall be to inculcate and develop sense of belonging and workers' commitment and, in particular.

(a) to endeavour to promote mutual trust, understanding and co-operation between the employer and the workers;

(b) to ensure application of labour laws;

(c) to foster a sense of discipline and to improve and maintain safety, occupational health and working condition;

(d) to encourage vocational training, workers' education and family welfare training;

(e) to adopt measures for improvement of welfare services for the workers and their families;

(f) to fulfill production target, improve productivity, reduce production cost and wastes and raise quality of products.

(2) A unit participation committee shall, subject to the supervision of the participation committee, discharge, as far as practicable, those functions as specified in sub-section (1).

74. Meetings of the Participation Committee :

(1) The participation committee shall meet at least once in every two months to discuss and exchange views and recommend measures for performance of the functions under law.

(2) the proceedings of every meeting of the participation committee shall be submitted to the Director of Labour and the Conciliator within seven days of the date of the meeting.

75. Implementation of Recommendations of Participation Committee :

(1) The employer and the registered trade union shall take necessary measures to implement the specific recommendations of the participation committee within the period specified by the committee.

(2) If, for any reason, the employer of the registered trade union finds it difficult to implement the recommendations within the specified period, he or it shall inform the committee about it and make all out efforts to implement the same as early as possible.

□ SETTLEMENT OF DISPUTES, LABOUR COURT, LABOUR APPEALATE TRIBUNAL, LEGAL PROCEEDINGS, ETC.

76. Raising of Industrial Disputes :

No industrial dispute shall be deemed to exist, unless it has been raised in accordance with law by a collective bargaining agent or an employer.

77. Settlement of Industrial Disputes :

(1) If, at any time, an employer or a collective bargaining agent finds that an industrial dispute is likely to arise between the employer and the workers or any of the workers, the employer, or, as the case may be, the collective bargaining agent shall communicate his or its views in writing to the other party.

(2) Within fifteen days of the receipt of a communication under sub-section (1), the party receiving it shall, in consultation with the representatives of the other party, arrange a meeting for collective bargaining on the issue raised in the communication with a view to reaching an agreement there on, and such meeting may be held with the representatives of the parties authorised in this behalf.

(3) If the parties reach a settlement on the issues discussed, a memorandum of settlement shall be recorded in writing and signed by both the parties and a copy thereof shall be forwarded by the employer to the Government, the Director of Labour and the conciliator if.

(a) the party receiving a communication under sub-section (1) fails to arrange a meeting with the representatives of the other party for collective bargaining within the time specified in sub-section (2) the other party, or

(b) no settlement is reached through dialogue within a period of one month from the date of the first meeting for negotiation, or, such further period as may be agreed upon in writing by the parties, any of the parties, may, within fifteen days from the expiry of the period mentioned in sub-section (2) or clause (b) or this sub-section, as the case may be, report the matter to the conciliator and request him in writing to conciliate in the dispute and the conciliator shall, within ten days of receipt of such request, proceed to conciliate in the dispute.

(5) The Government shall, for the purpose of its law, by notification in the Official Gazette, appoint such number of persons as it considers necessary, as conciliator for such number of persons as it considers necessary, as conciliator for such specific area or any industrial establishment or industry, and the conciliator shall take up the conciliation to whom the request shall be made for conciliation under sub-section (4).

(6) The conciliator, upon receipt of the request as aforesaid, shall start conciliation and shall call a meeting of the parties to the dispute for the purpose of bringing about a settlement.

(7) The parties to the dispute shall appear before the conciliator in person or shall be represented before him by person nominated by them and authorised to negotiate and enter into an agreement binding on the parties.

(8) If any settlement of the dispute is arrived at the course of the proceedings before him, the conciliator shall send a report there of to the Government together with a memorandum of settlement signed by the parties to the dispute.

(9) If no settlement is arrived at within the period of thirty days of receipt of request under sub-section (4) by the Conciliator, the Conciliation proceedings shall fall or the conciliation may be continued for such further period as may be agreed upon in writing by the parties.

(10) If the conciliation proceeding fails, the Conciliator shall try to persuade the parties to agree to refer the dispute to an Arbitrator.

(11) If the parties do not agree to refer the dispute to an Arbitrator, the conciliator shall, within three days of failure of the conciliation proceedings, issue a certificate to the parties to the dispute to the effect that such proceedings have failed.

(12) If the parties agree to refer the dispute to an arbitrator, they shall make a joint request in writing for reference of the dispute to an arbitrator agreed upon by them.

(13) The arbitrator, to whom a dispute is referred under sub-section (12), may be a person borne on a panel to be maintained by the government or any other person agreed upon by the parties.

(14) The Arbitrator shall give award within a period of thirty days from the date on which the dispute is referred to him or such further period as may be agreed upon in writing by the parties to the dispute.

(15) After he has made an award, the arbitrator shall forward a copy thereof to the parties and to the government.

(16) The award of the arbitrator shall be final and no appeal shall lie against it.

(17) An award shall be valid for a period not exceeding two years as may be fixed by the arbitrator.

(18) The Director of Labour may, if he deems fit in the interest of settlement of a dispute, at any time, take over any conciliation proceedings pending before any conciliator and proceed to conciliate in the dispute himself or transfer such proceedings to any other conciliator, and the provisions of the preceding subsections shall apply to such proceedings.

(19) Notwithstanding anything contained in this section, collective bargaining agent in the establishments in respect of which trade union of employers or federation of trade unions of employers have been registered shall communicate with such trade union or federation regarding any industrial dispute and a settlement between them shall be binding upon all the employers and workers of those establishments.

78. Strike and Lock Out :

(1) The party which raised the dispute may, within fifteen days of the issue to it a certificate of failure under section 210(11), either give to the other party a notice of strike or lockout, at the case and not later than fourteen days of the date of such notice, to be specified therein, or make an application to the labour court for adjudication of the dispute :

Provided that no collective bargaining agent shall serve any notice of strike unless three-fourths of its members have given their consent to it through a secret ballot specially held for he purpose, under the supervision of the conciliator, in such manner as may be prescribed.

(2) if a strike or lock-out is commenced, both the parties may make a joint application to the Labour Court for adjudication of the dispute.

(3) if s strike or lock-out lasts for more than thirty days, the government may, by order in writing, prohibit the strike or lock out.

(4) In the case of any of the public utility services, the Government may, by order in writing prohibit a strike or lock-out at anytime before or after the commencement of the strike or lock-out.

(5) In any case in which the government prohibits a strike or lock-out, it shall forthwith refer the dispute to the labour court.

(6) The labour court shall, after giving both the parties to the dispute an opportunity of being heard, make such award as it deems fit as expeditiously as possible but not exceeding sixty days from the date on which the dispute was referred to it; provided further that any delay by the labour court in making an award shall not affect the validity of any award made by it.

(7) An award of the labour court shall be for such period as may be specified in the award shall not be more than two years.

(8) No strike shall be permissible in an establishment for a period of three years from the date of commencement of production, if such establishment is a new one or is owned by foveights or is established in collaboration with foreigners.

79. Cessasion of Industrial Dispute :

(1) If the party raising an industrial dispute under section 210 fails to-

(a) make a request of the conciliator to conciliate in the dispute under law within in period specified therein; or

(b) commence strike or lock-out, as the case may be, on the date specified in the notice served or

(c) refer the dispute to the labour court for settlement or serve notice of strike or lock-out, as the case may be, within the period specified; the dispute shall cease to exist on the expiry of such specified period or date.

(2) When an industrial dispute has ceased to exist under sub-section (1), no fresh dispute on the same subject shall be raised within a period of one year from the date of cessation of such dispute.

80. Application to Labour Courts :

Any collective bargaining agent or any employer or worker may apply to the Labour Court for the enforcement of any right guaranteed or secured to it or him by or under this Act or any award or settlement.

81. Labour Courts :

(1) For the purposes of this Act, the Government shall, by notification in the official Gazette, establish as many labour courts as it considers necessary.

(2) Where more than one labour court is established under sub-section (1), the Government shall specify in the notification the territorial limits within which each one of them shall exercise jurisdiction under this Act.

(3) A labour court shall consist of a Chairman and two Members to advise him, but in case of trial of any offence or in disposal of any matter under law, it shall be constituted with the Chairman only.

(4) The chairman of the labour court shall be appointed by the Government from amongst the District judges or an Additional District judge.

(5) The terms and conditions of appointment of the Chairman of the labour court shall be determined by the government.

(6) One of the two members of the labour court shall be the representative of employers and the other shall be the representatives of the workers and they shall be appointed in the manner provided by law.

(7) The Government shall constitute, in the manner prescribed by rules, by notification in the official Gazette, two panels, one of which shall consist of six representatives of employers and the other of six representatives of the workers.

(8) The panel of members prepared under sub-section (9) shall be reconstituted after every two years, notwithstanding the expiry of the said period of two years, The members shall continue on the panels till the new panels are constituted and notified in the official gazette.

(9) The chairman of the labour court shall, for hearing or disposal of a case relating to a specific industrial dispute, select one person from each of the two panels constituted under sub-section (7), and persons so selected, together with the Chairman, shall be deemed to have constituted the labour court in respect of that specific industrial dispute :

Provided that the Chairman may select any member from either of the panels as member of the labour court in respect of that than one such case pending before the labour court.

(10) A labour court shall have exclusive jurisdiction to-

(a) adjudicate and determine an industrial dispute or any other dispute or any question which may be or has been referred to or brought before it under this Act;

(b) enquire into and adjudicate any matter relating to the implementation or violation of settlement which is referred to it by the government;

(c) try offences under this Act; and

(d) exercise and perform such other powers and functions as are or may be conferred upon or assigned to it by, or under this Act or any other law.

(11) If any member of the Labour Court is absent at the time of its constitution or is absent from or is otherwise unable to attend, any sitting of the court, whether at the beginning of the hearing or a case or during the continuance of the hearing thereof, the proceedings of the court may begin or continue, as the case may be, in his absence and the decision or award

of the court may be given in the aberrance of such member; and no act, proceeding decision or award of the court shall be invalid or be called in question merely on the ground of such absence or on the ground of any vacancy in, or any effect in the constitution of the labour court.

Provided that if any Member informs the Chairman beforehand of his absence, the Chairman shall nominate another member from the panel of the concerned parties;

Provided further that the opinions of the Members of both the sides shall be mentioned in the judgment.

(12) The provisions of Chapter XXXV of the Code Criminal Procedure, 1898 (V of 1898) shall apply to a Labour Court, and for the purposes of that chapter, a Labour court shall be deemed to be a Civil court.

(13) All labour courts shall be subordinate to the Tribunal.

82. Procedure and Powers of Labour Courts in Trial of Offence :

(1) Subject to the provisions of this Act, a Labour Court shall, while trying an offence; follow as nearly as possible summary procedure as prescribed under the code of Criminal Procedure.

(2) A labour court shall, for the purpose of trying an offence under this Act, have the same powers as vested in the Court of a Magistrate of the first class under the code of Criminal Procedure.

(3) Notwithstanding anything contained in sub-section (2), for the purpose of imposing penalty a labour court shall have the same powers as are vested in a Court of session under that code of criminal Procedure.

(4) A Labour Court shall, while trying an offence hear the case without the members,

83. Procedure and Powers of Labour Courts in Any Matter Other Than Trial of Offence :

(1) a Labour Court shall for the purpose of adjudicating and determining any matter or issue or dispute under this Act be deemed to be a Civil court and shall have the same powers as are vested in such Court under the code of Civil Procedure, including the powers of-

(a) enforcing the attendance of any person, examining him on oath and taking evidence;

(b) compelling the production of documents and material objects;

(c) issuing commissions for the examination of witnesses or documents;

(d) delivering ex-parte decision in the event of failure of any party to appear before the Court;

(e) setting aside ex-parte decision;

(f) setting aside order of dismissal made for non-appearance of any party.

(g) In order to save the frustration of purpose of the case properly the Labour court may pass interim order upon any party.

(2) Subject to this Act, no court-fee shall be payable for filing, exhibiting or recording any document in, or obtaining, any document from a Labour Court.

(3) A Labour Court shall, by notice to be served through process server or special messenger or by registered post or by both the modes, ask the opposite party to file written objection or written statement, if any within a period not exceeding ten days from the date of filing of the case.

(4) The court may, for reasons to be recorded in writing, extend the time for filing objection or written statement for a period not exceeding seven days in all.

(5) If any party fails to file any written statement or objection within the time specified in the notice or the extended time the case shall be heard and disposed of *ex parte*.

(6) The labour court shall not grant adjournment of the hearing of a case on the prayer of any party for more than seven days in all;

Provided that, if both the parties file application for adjournment, an adjournment for not more than ten days in all may be allowed.

(7) If the party filing the case is absent on the date of hearing, the case shall be dismissed for default.

Provided that the court shall have jurisdiction to set aside the rider of dismissal if any application is made by the petitioner within three months from the date of such order of dismissal of the case.

(8) If the opposite party is absent on the date of hearing, the case shall be heard and disposed of *ex parte*.

(9) A case which is dismissed for default, shall not bar the filling of a fresh case on the same cause of action, provided such fresh case is filed, if not otherwise barred, within a period of three months from the date of dismissal.

(10) A Labour Court may, on an application filed by all the parties to a case, and after giving a hearing to them, allow the withdrawal of the case at any stage of the proceedings thereof, if it is satisfied that the dispute has been amicably resolved.

(11) An award or decision or judgment of a Labour Court shall, in every case, be delivered, unless the parties to the dispute given their consent in writing to extend the time, limit, within sixty days following the date of filing of the case.

Provided that an award or decision or judgment of a Labour Court shall be invalid merely on the ground of delay in its delivery.

84. Appeal From Judgments etc. of Labour Courts :

Subject to this Act, any party aggrieved by an award, decision, sentence or judgment given or passed by a Labour Court may prefer an appeal to the Labour Appellate Tribunal within sixty days of the delivery thereof and the decision of the Tribunal in such appeal shall be final.

85. Labour Appellate Tribunal :

(1) For the Purpose of this Act there shall be a Labour Appellate Tribunal which shall consist of a Chairman, and, if the government so deems fit, such number of other members as the government may appoint from time to time.

(2) The Chairman and the members, if any, of the Tribunal shall be appointed by the Government by notification in the official Gazette on such terms and conditions as the Government may determine.

(3) The Chairman of the Tribunal shall be a person who is or was a judge or an Additional judge of the Supreme Court, and a member of the Tribunal shall be a person who is or was a judge or an additional judge of the Supreme Court or who is or was a District Judge for not less than three years.

(4) If the Chairman is absent or unable to discharge his functions for any reason, the senior Member of the Tribunal, if any, shall perform the functions of the Chairman.

(5) Where members are appointed in the Tribunal, the Chairman may, for the efficient performance of the functions of the Tribunal, constitute as many Benches of the Tribunal consisting of one or more Members of the Tribunal, including himself, where necessary, as he may deem fit.

(6) An appeal or any matter before the Tribunal may be heard and disposed of by the Tribunal sitting in Full Bench or by any Bench thereof.

(7) Subject to this Act, the Tribunal shall follow as nearly as possible such procedure as are prescribed under the code of Civil Procedure, for hearing of appeal by an appellate court from original decrees.

(8) If the members of a Bench differ in opinion as to the decision to be given on any point :

(a) the matter shall be decided according to the opinion of the majority, if any; and

(b) if the members are equally divided, they shall state the point on which they differ and the case shall be referred by them to the Chairman for hearing on such point by the Chairman himself, if he is not a member of the Bench, or by one or more of the other members of the Tribunal, and such point shall be decided according to the opinion of the Chairman or Member or majority of the Members hearing the point, as the case may be.

(9) Where a Bench includes the Chairman of the Tribunal as one of its members and there is a difference of opinion among the members and the Members are equally divided, the decision of Chairman shall prevail and the decision of the Bench shall be expressed in terms of the opinion of the Chairman.

(10) The Tribunal may, on appeal, confirm, set aside, vary or modify the award, decision or sentence or remand a case to the Labour Court for re-hearing; and shall, save otherwise provided, exercise all the powers conferred by this Act on the Labour Court.

(11) The decision of the Tribunal shall be delivered, within a period of sixty days following the filing of the appeal :

Provided that such decision shall not be rendered invalid by reason of any delay in its delivery.

(12) The Tribunal shall have authority to punish for contempts of its authority, or that of any Labour Court, as if it were a High Court Division of the Supreme Court.

(13) Any person convicted and sentenced by the Tribunal under sub-section (12) to imprisonment for any period, or to pay a fine exceeding two hundred Taka, may prefer an appeal to the High Court Division.

(14) The Tribunal may, on its own motion or on the application of a party, transfer any application or proceeding from a Labour Court to any other Labour Court.

86. Form of Application or Appeal : An application to a labour court and an appeal to the Tribunal may be made in such form as may be prescribed, and shall contain, in addition to any particulars which may be prescribed by law.

SAFETY

87. Safety Precautions :

Without prejudice to the Provisions of sub-section (1) of section 23, in regard to the fencing of machines, the further precautions as may be directed by the Chief Inspector in writing shall apply to the machines specified in such direction.

88. Building and Structures :

No building, wall chimney bridge, tunnel, road, gallery, stairway, ramp, floor, platform, staging or other structure, whether of a permanent or temporary character, shall be constructed, situated or maintained in any factory in such a manner as to cause risk of bodily injury.

89. Electrical and Mechanical Transport :

No railway or other electrical or mechanical means of transport within the precincts of a factory shall be constructed, situated, operated or maintained in such a manner as to cause risk of bodily injury :

Provided that the Chief inspector shall not allow the used of any such railway or means of transport if it is designed, maintained or operated in contravention of any provisions of any other Act, for the time being in force.

90. Machinery and Plant :

No machinery plant or equipment shall be constructed, situated, operated or maintained in any factory in such a manner as to cause risk of bodily injury.

91. Precautions Against Electrical Hazards :

(1) In every factory all electric supply lines and apparatus shall be of proper size and sufficient strength and shall be constructed, situated, protected, worked and maintained in such a manner as to cause no risk of bodily injury :

Provided that where automatic mechanism is installed which renders 'dead' any electrical equipment on the occurrence of any danger, such mechanism shall be taken into account by the inspector when considering the adequacy or otherwise of the protection furnished :

Provided further that in no case shall the Inspector accept as adequate any conditions or combination of conditions which are subject to objection under any law for the time being in force.

(2) Every portable hand lamp must be equipped with an insulating handle and the bulb must be enclosed in a wire cage which must be insulated from the metal parts of the lamp-holder.

(3) Wherever practicable, Connection between the flexible cable of a portable apparatus and the supply line shall be made by a properly designed three pin plug and socket so that wrong insertion will not be possible.

(4) The type and the layout of electrical apparatus to be fused and the method of electrical wiring any part of a factory in which any substance likely to induce ignitable or explosive mixtures is used or stored, shall be subject to the approval of the Chief Inspector.

92. Methods of Work :

No process or work shall be carried on in any factory in such a manner as to cause risk of bodily injury.

93. Stacking and Storing of Materials etc :

No materials or equipment shall be stacked or stored in such a manner as to cause risk of bodily injury.

94. Work on or near machinery in motion :

(1) One or more adult workers shall be appointed for the purposes of this Act. A list of such workers shall be maintained in a Register in Form No. 8.

(2) No worker shall be appointed unless he has been sufficiently trained for such examination or operation and is acquainted with the dangers from moving machinery arising in connection with such work.

(3) A worker required to wear tight fitting clothing shall be provided by the occupier and such clothing shall consist of at least a pair of closely fitting shorts and a closely fitting half sleeve shirt or vest. Such clothing shall be returned to the occupier on termination of service or when new clothing is provided.

95. Employment of Young Persons on Dangerous Machinery :

The following machines shall be deemed to be such dangerous character that young persons shall not work at them unless the provisions of law-section (1) of section 25 are complied with-

- (a) power presses other than hydraulic presses, milling machines used in the metal trades;
- (b) guillotine machine;
- (c) circular saws; and
- (d) plate printing machines.

96. Lifting Machines, Chains, Ropes And Lifting Tackles :

(1) No lifting machine and no chain, rope or lifting tackle, except a fiber rope or fibre rope sling, shall be taken in use in any factory for the first time in that factory unless it has been tested and all parts have been thoroughly examined by a competent person and a certificate of such as test and examination specifying the safe working load or loads and signed by the person taking the test and the examination, has been obtained and is kept available for inspection.

(2) Every jib-crane so constructed that the safe working load may be varied by the raising or lowering of the jib, shall have attached there to either an automatic indicator or safe working loads at corresponding inclination of the jib or corresponding radii of the load.

(3) A table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use and in the case of a multiple sling, the safe working loads of different angles of the legs shall be posted in the store room or place where or in which the chains, ropes or lifting tackles are kept, and in prominent position on the premises and no rope, chain or lifting tackle not shown in the table shall be used. The provisions of this sub-rule shall not apply in respect of lifting tackle if the safe working load thereof, or in the case of a multiple sling, the safe working load at different angle of the legs, is plainly marked upon it.

(4) A register in Form No. 9 shall be maintained containing the following particulars, which shall be available for inspection.

(i) name of the occupier of the factory;

(ii) address of the factory;

(iii) distinguishing number or mark and description to identify the lifting machine, chain, rope or lifting tackle;

(iv) date when the lifting machine chain, rope or lifting tackle was first taken into use in the factory.

(v) date and number of the certificate relating to any test and examination made under sub-rule (1) together with the name and address of the person who and whom it was carried out;

(vi) date of each periodical thorough examination made and whom it was carried out;

(vii) date of annealing or other heat treatment of the chain and other lifting tackle and by whom it was carried out;

(viii) particulars of any defects affecting the safe working load found at any examination or after annealing and of the steps taken to remedy such defects.

(5) All chains and lifting tackles, except a rope sling shall, unless they have been subjected to such other heat treatment as may be approved by the Chief Inspector, be effectively annealed under the supervision of a competent person at the following intervals :

(i) all chains, slings, rings, hooks, shackles and swivels used in connection with molten metal or molten slag or when they are made of half inch bar or smaller, once at least every six months.

(ii) all other chains, rings, hooks, shackles and swivels in general use once at least in every twelve months :

provided that chains and lifting tackle not in frequent use shall, subject to the approval of the Chief Inspector, be annealed only when necessary particulars of such annealing shall be entered in the register mentioned under sub-rule (4).

(6) Nothing in sub-rule (5) shall apply to the following classes of chains and lifting tackle:

(i) chains made of malleable cast iron;

- (ii) plate link chains;
- (iii) chains, rings, hooks, shackles and swivels made of steel or of any non-ferrous metal;
- (iv) pitched chains, working on sprocket or pocketed wheels;
- (v) rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines;
- (vi) hooks and swivels having screw threaded parts or ball bearing or other case hardened parts;
- (vii) socket shackles secured to wire ropes by white metal capping;
- (viii) bordeaux connections;
- (ix) any chain or lifting tackle which has been subjected to heat treatment known as "normalising" instead of annealing. Such chains and lifting tackle shall be thoroughly examined by a competent person once at least in every twelve months and particulars entered in the register kept in accordance with sub-rule (4).

(7) All lifting machines, chains, ropes and lifting tackles, except a fiber rope or fiber rope sling which have been lengthened, altered or repaired by welding or otherwise, shall, before being again taken into use, be adequately tested and re-examination be obtained.

(8) All rails on which a trawling crane moved and every track on which the carriage of a transported or runway moves shall be proper size and adequate strength and have an even running surface and every such rail or track shall be properly laid, adequately supported and properly maintained.

(9) No person under 18 years of age and no person who is not sufficiently trained and reliable shall be employed as driver of a lifting machine whether driven by mechanical power or otherwise or to give signals to the driver.

(10) Overhead travelling cranes shall be provided with safe access by stairways or fixed ladders from the ground or floor to the crane cabs and from the crane cabs to the bridge foot walks.

(11) Where the regular foot walks or platforms provided on the bridges of overhead travelling cranes do not afford safe support for changing or rearing wheels of end tracks, special platforms shall be provided for the purpose at both ends of each day :

Provided that the Chief Inspector may exempt any factory in respect of any particular overhead travelling crane from the operation of any provision of this-rule subject to such condition as he may directed in writing.

97. Pressure Plant :

(1) Every plant or machinery other than working cylinder or prime movers used in factory, and operated at a pressure greater than atmospheric pressure, shall be-

- (a) of good construction, sound material, adequate strength and free from any patent defect;
- (b) properly maintained in a safe condition;
- (c) fitted with-

(i) a suitable safety valve or other effective device to ensure that the maximum permissible working pressure of the vessel shall not be exceeded;

(ii) a suitable pressure gauge easily visible and designed to show, at all times, the correct internal pressure in pounds per square inch, and marked with a prominent red mark at the safe working pressure of the vessel :

(iii) a suitable stop valve or valves by which the vessel may be isolated from other vessels or source of supply of pressure;

(iv) a suitable drain cock or valve at the lowest part of the vessels for the discharge of collected liquid;

Provide that it shall be sufficient for the purpose of clause (c) if the safety valves, pressure gauge and stop valve are mounted on a pipe line immediately adjacent to the vessels and where there is a range of two or more similar vessels in a plant served by the same pressure load; only one set of such mountings need be fitted, provided they cannot be isolated;

(d) thoroughly examined by a competent person-

(i) externally, once in every period of six months, to ensure general condition of the vessel and the working of its fitting;

(ii) internally, once in every period of twelve months, to ensure condition of the walls, seams and ties, both inside and outside vessel, soundness of the parts of the vessel, and the effects of the corrosion. If by reason of construction of the vessel thorough internal examination is not possible, then examination may be replaced by a hydraulic test which shall be carried out once in every two years, provided that the vessels in continuous processes which cannot be frequently opened, the period of internal examination may be extended to four years;

(iii) hydraulically, at intervals of not more than four years :

Provided that in respect of pressure vessels with thin walls, such as; sizing cylinders made of copper or any other non-ferrous metal, periodic hydraulic test may be dispensed with on the condition that the requirements laid down in sub-rule (2) are fulfilled.

(2) In respect of pressure vessels of thin walls, such as, sizing cylinder made of copper or any other non-ferrous metal the safe working pressure shall be reduced at the rate of 5 per cent of the original working pressure for every year of its use after the first 5 years and no such cylinder shall be continued to be used for more than twenty years after it was first taken into use.

(3) If no information as to the date of construction, thickness of walls and safe working pressure is available, the age of the sizing cylinder shall be determined by the competent persons in consultation with the Chief Inspector from any other particulars available with the Manager of the Factory.

(4) Every new and second hand cylinder of thin walls to which repairs have been carried out and which may affect its safety shall be tested before use at least once and half times its working pressure.

(5) Every vessel other than part of prime mover operated at a pressure greater than atmospheric pressure, and not so constructed as to withstand safety, the maximum permissible working pressure at the source of supply, or the maximum pressure which can be obtained in the pipe connecting the vessel with any other source of supply shall be fitted with a suitable reducing valve of ther suitable automatic device to prevent the safe working pressure of the vessel being exceeded.

(6) If during thorough examination doubt arises as to the ability of a vessel to work safely until the next examination provided for these rules then the competent person shall enter in his report a statement mentioning the reasons for authorizing the vessel for further work subject to a lowering of pressure or to more frequent inspection or subject to both of these requirements.

(7) No vessel which has undergone alternation or repairs shall be taken into use unless it is thoroughly examined by a competent person.

(8) A report on the result of every examination made shall be completed and signed by the person making the examination and shall be kept available for perusal by an inspector.

(9) No vessel which has previously been used elsewhere shall be taken into use for the first time in another factory until it has been examined, and reported in accordance with these rules and no new vessel shall be taken into use unless a certificate specifying the maximum permissible working pressure thereof, and the nature of the tests to which the vessel and its fitting, if any have been subjected, has been obtained from the maker of the vessel, or from a competent person. The certificate shall be kept available for perusal by an inspector, and the vessel to which the certificate relates shall be so marked as to enable it to be easily identified.

(10) Where the report of any examination under this rule specifies conditions for securing the safe working of a vessel, the vessel shall not be used except in accordance with these conditions.

(11) The competent person making the report of any examination under this rule shall, within seven days of the completion of the examination, send to the Inspector a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the part cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(12) The requirements of this rule shall be in addition to and not in derogation of the requirement of any other law, rule or regulation for the time being in force.

(13) Nothing in this rules shall apply to-

(a) any pressure pant which comes within the scope of the Boilers Act, 1923; and

(b) The chief Inspector may exempt on such condition as many be deemed expedient any or all the pressure vessels from compliance with any or all provisions of this rule if he is satisfied that the construction or use of these vessels is such that inspection provisions are not necessary and not practicable.

98. Exessive Weights.

(1) No man, woman or young person shall be employed in any factory to lift, carry or move by hand or on head, unaided by another person, any material, article, tool or appliance exceeding the following maximum limit in weight :

(a) adult male	"	"	68 Ibs
(b) adult female	"	"	50 Ibs
(c) adolescent male	"	"	50 Ibs
(d) adolescent female	"	"	40 Ibs
(e) male child	"	"	35 Ibs
(f) female child	"	"	30 Ibs

(2) No woman, while she is pregnant, shall be employed in any factory to lift, carry or move by hand or on head, any material article, tools or appliance.

99. Protection of Eyes :

Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the immediate vicinity of the following processes :

(a) dry grindings of metal or metal articles applied by hand to a revolving wheel, or disc driven by mechanical power; turning (external or internal) of non-ferrous metals of cast iron, or articles of such metals or such iron, where the work is done dry other than precision turning where the use of goggles or screen would seriously interfere with the work, or turning by means of hand tools :

(b) welding or cutting of metals by means of electric, oxyacetylene or similar processes:

(c) fettling, cutting out cold rivets or bolts, chipping or scaling, and breaking or dressing for stone, concrete slag and the like by hand tools or other portable tools.

100. Minimum Dimension of Manholes :

Every chamber, tank, vat, pipe flue or other confined space in which persons may have to enter and which may contain dangerous fumes to such extent as to involve risk of the persons being overcome thereby, shall, unless there is other effective means of egress, be provided with a manhole which may be rectangular, oval or circular in shape, and which shall-

(a) in the case of a rectangular or oval shape, be not less than 16" long and 12" wide;

(b) in the case of a circular shape, be not less than 16" in diameter.

101. Means of Escape in Case of Fire :

(1) Each room of factory building shall be provided with not less than two exits for use in case of fire, so positioned that each person will have a reasonably free and unobstructed passage from his work place to an exit.

(2) In the case of a factory building or part of a factory building of more than one story and in which not less than 20 persons work at any one time, there shall be provided at least with one substantial stairway permanently constructed either inside or outside the building and which afford direct and unimpeded access to ground level.

(3) In the case of a factory building or part of a factory building in which 20 or more persons work at any one time above the level of the ground floor or wherein explosive or highly inflammable materials are used or stored, or which is situated below ground level, the means of escape shall include at least two separate and substantial stairways permanently

constructed either inside or outside the building and which afford direct and unimpeded access to ground level.

(4) Every stairway in a factory which affords means of escape in case of fire shall be provided with a substantial handrail which, if the stairway has open side shall be on that side, and if the stairway has two open sides, such handrail shall be provided on both sides.

(a) at least one of the stairways shall be of fire resisting materials;

(b) every hoistway or life-way inside a factory building shall be completely enclosed with fire-resisting materials and all means of access to the hoist or lift shall be fitted with doors of fire resisting materials;

(e) no part of factory building shall be at a distance (along the line of travel) of 150 or more from any fire escape stair; and

(d) no stairway shall be less than 45¢¢ width.

102. Fire Fighting Apparatus and Water Supply :

(1) In every factory there shall be provided and maintained two fire buckets of not less than two gallon capacity each for every 1,000 sq. ft. of floor area subject to a maximum of four such buckets on each floor and every bucket shall-

(a) conform to appropriate Bangladesh standard specifications;

(b) be kept in a position approved by the Inspector and shall be used for no other purpose than for extinguishing fire; and

(c) at all times be kept full of water, except where the principal fire risk arises from inflammable liquid or other substances where water cannot be used :

(a) conform to the appropriate standard specification;

(b) be kept charged ready for use, properly mounted in a position approved by the Inspector and accompanied by maker's printed instructions for its use; and

(c) be examined, tested or discharged periodically in accordance with the maker's recommendation.

(8) Every factory shall and maintain sufficient number of spare charges for each type of extinguisher provided in the factory with a maximum of 12 spare charges always in stock and readily available.

(9) Every worker of the factory should, as far as possible, be trained in the use of portable fire extinguishers subject to a minimum of at least one fourth of the numbers engaged separately in each section of the factory.

(10) Each factory shall have a trained officer who shall be responsible for the proper maintenance and upkeep of all fire fighting equipments.

(11) The Manager of the factory shall prepare a detailed 'fire safety plan' for proper enforcement of fire safety rules and for actions to be taken in proper sequence, in the case of a fire in the factory.

103. Prohibition of Smoking and Naked Lights :

There shall be exhibited in Bengali and in English languages, a notice prohibiting smoking and the use of naked lights in any place where they would be dangerous, or where the inspector may require, and all other reasonable precautions against fire shall be taken.

FORM A

Form of agreement

[See rule (3)]

MEMORANDUM OF AGREEMENT

Name of parties and designation.

Representing employers

Representing employees

Short recital of the case

Terms of agreement

Signature of parties

Date

FORM B

[See rule 4 (1)]

Application for registration of a trade union

Dated the day of 20

To

**THE REGISTRAR OF TRADE UNIONS,
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH**

Dear Sir,

1. We hereby apply for the registration of a Trade Union under the name of
2. The address of the Head Office of the Trade Union is
3. The Union was formed on the day of 20
4. The particulars required under section 6 (a) (iii) of the Industrial Relations Ordinance, 1969, are given in Schedule 1.
5. The statement required under section 6((a) (iv) showing total paid membership is given in schedule II.
6. Three copies of the constitution of the trade union conforming of the provisions of section 7 of the Industrial Relations Ordinance, 1969, together with a copy of the resolution mentioned in section 6(b) are given in Schedule II.
7. A copy of the resolution mentioned in section 6(c) is given/in schedule iv.

Yours faithfully

President

Secretary

Data

FORM C**[See rule 4 (2)]****Application for registration of a federation of trade unions**

Dated day of 20

To

**THE REGISTRAR OF TRADE UNIONS, GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF BANGLADESH**

Dear Sir,

1. We hereby apply for the registration of our Federation of Trade Unions under the name of
- Address of the head Office of the Federation is
-
2. Telephone number, if any
3. The Federation was formed on the day of and hadregistered Trade Unions affiliated on the date of application.
4. Particulars of the affiliated registered Trade Unions are given in Schedule I.
5. Resolutions of the general body of the registered Trade Unions affiliated to the Federation expressing their agreements for joining the Federation are given in Schedule II.
6. We have been duly authorised to make his application in a meeting of this Federation and resolution thereof is given in Schedule III.
7. Particulars of the Officers of the Federation are given in Schedule IV.
8. Copies of instruments of Federation executed between the Federation and each of the registered Trade Unions are given in Schedule V.

Yours faithfully

1.

2.

3.

4.

Dated

FORM D

[(See rule 5(1)]

Form of Application for Membership

(Name of the Trade Union)

Dated the

To

THE SECRETARY

(Name and address of the Trade Union)

Dear Sir.

I hereby apply for admission as member of the -----(name of the Trade Union)
 I have carefully read and understood the provisions/the constitution of the Trade Union have
 been read to and understood by me and I hereby agree to abide by them.

My particulars are given below :

1. Name with father's/husband's name
2. Age and mark of identification
3. Industry/Establishment in which employed
4. Department and ticket no., if any
5. Whether permanent or temporary
6. Date of entry into present employment
7. Whether member of any other Trade Union
8. Address :
 - (i) Local
 - (ii) Permanent
 Signature/Thumb impression
 Date

FROM
 [See Rule 5(2)]
Membership

Name of members	Father's name/Husband's name	Address	Designation of Worker/Token No		Establishment in which working		Admission fee, if any		collecti on other account if any		Monthly	
							January	February	March	April		
1	2	3	4	5	6	7	8	9	10	11		

Subscriptions/other collections

May	June	July	August	Sept.	Oct.	Nov.	Dece.	Total	Remarks if any
12	13	14	15	16	17	18	19	20	21

Signature of Secretary
 Authorised officer of the Trade Union

FROM F
[See Rule 5(3)]

Name and address of the Federation of Trade Union

Name and Particulars of the registered trade union from which money is received.	Date of receipt	Amount Received												
		Ja.	Fe.	Ma.	Ap.	Ma.	Ju.	Ju.	Au.	Se.	Oc.	No	De.	To tal
1	2	3	4	5	6	7	8	9	10	11	12	13	14	

Signature of the Secretary/Authorised
officer of the Federation

Date

FROM G
[See Rule 5(4)]

Name of the Registered Trade Union/Federation

Name of the month to which the account relates.....

Receipts					Expenditure				
Date	Description	Voucher No	Courent	Grand total	Date	Descripti on	Voucher No.	current	Grand Total
1	2	3	4	5	6	7	8	9	10

Secretary /Authorised officer of the Registered
Trade Union / Federation
Date.....

FROM H

[See Rule 7]

Register of Trade Unions

Serial No.	Name of trade union with address	Registration No. and date.	Name of President and Secretary with address	Name and address of Industry/establishment with which connected	Number of members of the trade union	Name and address of the federation of trade union with which affiliated	Remarks
1	2	3	4	5	6	7	8

FROM I

[See Rule]

Register of Federation of Trade Union

Serial No.	Registration No and date	Name of Federation with address	Name and address of Industry establishment with which the Federation is connected	Name of the President and secretary of the federation with their address	Name of the registered trade unions affiliated to the federation	Total number of members of each of the affiliated trade union	Remarks.
1	2	3	4	5	6	7	8

FORM J

[See rule 8]

No.

It is hereby certified that the (name of the trade union/federation representing employers/workers employed in (name of the establishment) has been registered under the Industrial Relations Ordinance, 1969 (Ord. XXIII of 1969), this day of 20

FORM K

[See rule 13]

Form for Annual Return

(Annual return required to be submitted under section 21 of the Industrial Relations Ordinance, 1976, for the year ending 31st December, 19)

Name of the trade Union

Registered Head Office

Registration No.

Return to be submitted

by a federatio of trade unions.

Return to be submitted by a
union

1. Number of trade unions affiliated at the beginning of the year and the number of members of each of those trade unions.
2. Number of trade unions joined during the year and the number of members of each of those trade unions.
3. Number of trade unions disaffiliated during the year.
4. Number of affiliated trade unions at the end of the year and with their respective membership.
 1. Number of members on trade record at the beginning of the year.
 2. Number of members admitted during the year.
 3. Number of members who left during the year.
 4. Total number of members on record at the end of the year :
 - Male-
 - Female
5. Name of the federation of trade unions, if any, to which the trade union is affiliated.

A copy of the constitution of the trade union, corrected up to the date of despatch of this return, is appended.

Dated.

Secretary

FORM K (Contd)

Statement of Liabilities and Assets on the day of

Liabilities	Amount	Assets	Amount
Amount of General ..	Tk	In Hands of Treasurer	
Amount of Political Fund		In hands of Secretary	
Loans from		In the Bank securities as per list below	
Debts due to		Unpaid subscription due to	
		Immovable property ..	
		goods, Furniture and machines	
		other assets (to be specified)	
Total Liabilities		Total Assets	

List of Securities

Particulars	Nominal	Market value and rate on which accounts have been made up	In Hands of

Treasurer

FORM K (Contd)
General Fund Account

Income	Amount	Expenditure	Amount
Balance at the beginning of the year		Salaries, allowances and expensers, of Officers	
Contribution form members		Allowances and expenses of establishments	
		Auditors fees	
Donations		Legal Expenses	
		Expenses in conduction trade disputes	
Sate of periodicals, Rules etc.		Compensation paid to members for loss arising out of trade disputes.	
		Loans to members	
Interest from miscellaneous sources (to be specified).		Funeral, old age sickness. Employment benefits, etc.	
		Cost of publishing periodicals ...	
		Rents, rates and taxes ...	
		Furniture ...	
Income from duplicating		Stationery ...	
		Priniting ...	
		Postage ...	
		Subscription of Federation	
		other epenses (to be specified)	
		Expenses in Annual General Metting and other entertainment expenses	
		Convey Expenses	
		Miscellaneous expenses Balance at the end of year	
Total		Total	

The following changes of Officers have been made during the year.

Officers Relinquishing office

Name	Office	date of Relinquishing Office

Officers appointed

Name	Age.	Office.	Addres	occupation	Date of appointment

Secretary

FORM L

[See rule 18(4)]

Declaration of Collective Bargaining Agent

(Name of the Trade Union or Federation with its address) is hereby declared as collective bargaining agent for

.....

(Name of establishments and industry with address)

.....

under rule of the Industrial Relations Rules, 1977, this day of
20

Registrar of Trade Unions.

FORM M

[See rule 26 (2)]

Form of Nomination Paper

Name of Industrial Establishment, Group/Section/Shop /Department.

I Propose.....

(Here enter the name of the workmen's representative eligible for election) as a candidate for election to the Works council.

.....

Signature of Proposer with
Department and Token No.

Date

I second the proposal

i agree to the proposed nomination

.....

Signature of Seconder with
Department and Token No.

.....

Signature of Candidate with
Department/Token No.

FORM N
Particulars of officers of trade union
 See rule 5(4A)

Sl. No	Name	Father's Name/Husb and's		Age	Address with Police Station			Name of undertaking where employed	Department Section	Designation	Remarks
					Local	Home	Post held in the trade union				
1	2	3	4	5	6	7	8	9	10	11	

.....
 Signature of the President

.....
 Signature of the General Secretary