

Prevention of Industrial Disputes

The Preventive Machinery comprises of the following Measures

- (a) Schemes of Worker's Participation in Mgt such as works committees, JMC & shop councils, Joint councils.
- (b) Collective Bargaining
 - (i) Tripartite Bodies
 - (ii) Code of Discipline
 - (iii) Standing orders

T.B — ^{in India} ~~has been~~ shaped by principles & Policies evolved through Tripartite consultative Mach. at industry & National levels. The aim is ^{to} bring the parties together for mutual settlement of differences in spirit of co-operation & g/w.

Meets once a year — SLC — Indian Labour Conference & Standing Labour Committee.

SOS — SLC

have been constituted to suggest ways & means to prevent disputes



The Representatives of Workers & Employers are nominated to these bodies by the Central Govt in consultation with the All India orgs of workers & employers.

The Agenda for Meetings of SLC/SLC is settled by Labour Ministry

Functions of JLC

- (1) Promote uniformity in Labour legislation.
- (2) Lay down a procedure for the settlement of I.D.
- (3) To discuss matters All India imp. as b/w E & L & it advises govt. on any matter referred to it for advice, ~~suggestions~~ ^{States} Representatives of ~~both~~ of workers & Employers.

Functions of SLC

- (1) To consider and determine such questions as may be referred to it by the plenary conference or the central govt
- (2) To render advice, taking into acc the suggestions made by various govt., workers & emp.

CODE OF DISCIPLINE

→ Set of self imposed mutually agreed voluntary principles of Discipline & ~~Relations~~ Relations b/w M & L in the industry.

Beorg of A ind. conflicts, the 15th J.L.C agreed that there should be a set of Gen. principles of discipline. To evolve such a set of principles, a Tripartite sub-committee was set up.

→ STANDING ORDERS.

To prevent the emergence of Ind. strikes over the condⁿ of employment, one imp. Measure is SO. Under the Industrial Employment Standing orders ACT-1946 that it was made all India

- that standing orders should govern the cond^{ns} of Employment of workers.
- from the stage of Entry to the orgⁿ to the stage of Exit to the orgⁿ

Thus we can say
⇒ It ~~is~~ form the regulatory Pattern for I.R.
i.e - S/O Provide Do's & Don'ts

- They act as a code of conduct for the Employees during their Tenure in the orgⁿ (working life ^{within})

These orders regulate the cond^{ns} of .

- 1 Employment
- 2 discharge
- 3 grievances
- 4 misconduct
- 5 disciplinary action

by the wfm Employed in the orgⁿ, Unresolved grievances can become industrial disputes -

SETTLEMENT OF INDUSTRIAL DISPUTES. (Judicial Machinery).

- Conciliation
- Arbitration
- Adjudication

Conciliation - Mediation - Third party intervention in promoting the voluntary settlement of disputes.

ILO - Defined. - The practice by which the services of a neutral 3rd party

It is a process of rational & orderly discussion of differences b/w the parties to a dispute under the guidance of conciliator.

(A) Conciliation Mach as per I.D.A 1947
 Conciliation Offices Board of Conciliation Court of Enquiry (C)

① permanently or for a limited period.

② for specific area or for a specific industry

(3) Enjoys the powers of civil court - he can call the parties on oath & witnesses

(4) Examines the facts related to the disputed matters & gives his judgement.

(B) Appointment by Govt. for promoting the settlement of Disputes where the Conciliation officer fails to do so within 14 Days

- It is a Tripartite Body (ad hoc body)

① Chairman

(2) 2-4 other members nominated by the parties to the dispute.

(3) The Mode & Procedure of the functioning of the Board are similar to those of the conciliation offices.

(1) Court of enquiry → Yet another option to settle disputes. The court is expected to give its report within 6 months
→ only 25% cases handled annually.

Reasons for in effectiveness of Conciliation Mech.

- Inefficient Conciliation officers as
 - They do not have necessary educational background;
 - Training and experience & knowledge of IR

Since most of them are promoted from the ranks of clerks & labour inspectors

- lack of intt. & initiative because conciliation is devoid of attractions that are usually present in other jobs.
- Parties casualness towards it (con. Mach)
 - At times it treated a hurdle to reach to next stage - Adjudication
- Political Pressure on conciliators.

Arbitration

on failure of conciliation proceedings, the conciliation officers may persuade the parties to refer the dispute to a Voluntary arbitrator. Voluntary arbitration refers to getting the disputes settled through an independent person chosen by the parties involved mutually and voluntarily.

(C) Court of enquiry → Yet another option to settle disputes. The court is expected to give its report within 6 months
→ only 25% cases handled annually

Reasons for ineffectiveness of Conciliation Mach.

- Inefficient Conciliation officers as
- They do not have necessary educational backgrounds
- Training and experience & knowledge of IR

Since most of them are promoted from the ranks of clerks & labour inspectors

- lack of intt. & initiative because conciliation is devoid of attractions that are usually present in other jobs
- Parties casualness towards it (con. Mach)
 - At times it treated a hurdle to reach to next stage - Adjudication
- Political Pressure on conciliators

Arbitration

on failure of conciliation proceedings, the conciliation officer may persuade the parties to refer the dispute to a Voluntary arbitrator. Voluntary Arbitration refers to getting the disputes settled through an independent person chosen by the parties involved mutually and voluntarily

The provision of voluntary arbitration was made because of the lengthy legal procedure and formalities and resulting delays involved in adjudication.

He derives his powers from the agreement b/w the parties

- ← Arbitrator doesn't have any judicial power
- The arbitrator submits his awards to the govt.
- The govt. then publishes it with in 30 days of its submission.

Adjudication

It is a process which involves intervention in the dispute by a third party appointed by the govt. with or without the consent of the parties to the disputes for the purpose of settling the dispute.

The I.D. Act 1947 provides a three tier adjudication machinery-

