

Collective Bargaining Typically refers to the negotiations, administration & interpretation of a written agreement b/w 2 parties that covers a specific period of time. This agreement or contract lays out in specific terms the condⁿs of employment; i.e., what is expected of employees & what limits there are on mg't's authority.

(C.B.) It is used to describe a situation in which the essential condⁿs of employment are determined by a bargaining process undertaken by representatives of a group of workers and of one or more employers.

That means - C.B. is a process in which the representatives of a Labour orgⁿ & the representatives of business orgⁿ meet & attempt to negotiate a contract / agreement, which specifies the nature of employees-employer-union relationship.

Features

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Features

- ① It is a collective process - The representatives of both workers & mg^t participate in Bargaining process.
- ② continuous, flexible & dynamic process.

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The parties have to adopt a flexible attitude. It establishes a regular & stable relationship b/w the parties. It not only involves negotiations of the contract, but also the administration of the contract.

It is a method of partnership of workers in the Mgt. to establish Ind-Democracy.

Significance

C.B. is an important method of regulating relations b/w employers & employees. It also includes the process of resolving Labour-Mgt conflicts.

It involves - Negotiation

Administration

Enforcement

of Agreements b/w M/wm.

Healthy C.B. generates a spirit of Role of C.B. self confidence & self reliance among the workers. That means C.B. Based on a 'give & take' policy on both side will develop g/w & understanding b/w Lab & Mgt, which in turn will help to create peaceful & comfortable atmosphere in I.R.

C.B. provides speedy solution to dispute; as the settlement

GOOD WRITE

but the disputing parties can be done at their own discretion. i.e., they do not wait for the awards of judicial & other authorities. as compared to the time involved in adjudication. the time involved in solving the dispute through C.B. is very less.

Advantages of C.B.

- (1) It provides a method for the regulation of condⁿs of employment by the Emp. & workers in the industry as they know more about its condⁿs & problems than any one else.
- (2) It provides a flexible means of adjusting wages & condⁿs of employment to economic & technological changes in industry.
- (3) It leads to better mutual understanding.
- (4) It leads to better implementation of decisions. (decisions are then given & are not imposed)
- (5) It creates a sort of Industrial jurisprudence — Two kinds of Rules —

Procedural and Substantive are framed.
Procedural ^{Rules} — Procedures that govern the behaviour of two groups — Employers & union & regulate the manner in which they deal with each other. As per —

Substantive rules - Regulate the relationship B/w individuals & not groups.

① Economic Relationship - The terms on which Existing as well as prospective workers will offer their labour to the employer. They also stipulate (tell) manning procedures, recruitment policies etc.

② Political Relationship -
- who may exercise power over whom and for what purpose.

③ Social Relationships -

Rules provide standards of behaviour based on shared intt., sentiments, beliefs, & values among various groups of employees

★ Process of C.B & Negotiation

① Organising & Recognition → to form Trade Union as per the Act - get it Registered

② Preparation for Negotiation

after the union has been recognised as the exclusive bargaining agent, both the union & Mgt begin preparation for Negotiation. It is basically composed of these activities

- ① Fact Gathering - from internal & external sources
- ② Goal Setting
- ③ Strategy Development.

③ Negotiation - For Negotiating the Contract

1st Meeting b/w Labour & Mgt. negotiation Terms usually Establishes rules, Policies & schedules for future meetings; specific proposals for changes in the existing labour agreements.

At succeeding meetings - Mgt submits counter proposals & try to reach to an agreement -

If not then, a Third party - a fact finder, a mediator, or an Arbitrator will intervene with the consent on both the parties.

Still no viable solution can be found to resolve the dispute - There may be a strike or lockout.

④ Contract Administration - Final Phase

- once a contract is agreed upon, it then must be administered. The way it will be administered is included in the contract itself.

for effectiveness - The agreement should contain formal procedures to be used in resolving grievances over the interpretation & application of the terms of contract as quick as possible.

base for → C.B.

steps involved in Collective Bargaining

① Recognition of the Bargaining Agent - T.U.

The Bargaining agent of the workers should be properly identified before initiating any action.

② Deciding the level of Bargaining - whether the dealings are confined to enterprise level, industry level, regional or national level should be decided as the contents, scope & enforcement agencies differ in each case.

③ Determining the scope and coverage of Bargaining → what are the issues to be covered under bargaining? All the important and interrelated issues are to be taken for consideration.

Types of Collective Agreements in India:

- ① Bipartite agreement - Drawn up in Voluntary Nego.
- ② Settlement
- ③ Consent Award.

① B.A → Drawn up in Voluntary Negotiations b/w Mgt and union without any pressure from outside. It has same binding force as settlement reached in conciliation proceedings.

② Settlement → It is Tripartite in Nature becoz

it is reached by conciliation.

- ③ Consent Award - when the dispute is actually pending before one of the compulsory adjudicatory authorities & the agreement is incorporated to the authorities, award.

Problems of Collective Bargaining in India.

- Multiplicity of Unions
- dominated by politicians.
- Lack of definite procedure to determine Union.
- The faith in C.B is discouraged due to easy availability of adjudication.
- Association b/w. The Trade Unions & Political Parties
- ^{intervention} Invitation of Political leaders to mediate industrial dispute.

* Suggestions to make collective Barg. Effective.

- ① strong Trade Union.
- ② compulsory Recognition of T.U.
- ③ Mutual Accommodation.
- ④ Mutual Trust & Confidence.
- ⑤ Efficient Bargaining Mechanism.
- ⑥ Emphasis on problem-solving Attitude.
- ⑦ Political climate.