

Recognition of Trade Union

INTRODUCTION

The need for recognition of trade unions by employers was felt by the working class to ensure that appropriate modes of collective bargaining took place and that the agreements, which were collectively reached, were mutually observed. It was considered that recognition of trade unions was a step towards securing reasonable levels of pay and working conditions. This in turn will be achieved if workers stood united in representing their demands through a trade union, which is adequately recognized.

It was the late 1990's that it was realised that trade unions have become massive bureaucratic bodies with interests and agendas of those who comprise its membership. However, there is a growing debate as to the extent to which they represent and pursue the interests of their members. It is often argued that this is slight and coincidental.

There are elements in the discussion, such as the argument about whether it is acceptable to require a level of support from among the whole of a workforce, in order to be recognized – an idea with history and resonance, which need to be debated thoroughly.

Trade union recognition works as much in the interests of the employer as it does in the interest of the worker. The recognition of a trade union has several repercussions in defending people on disciplinary charges, accompanying members in meetings with managers and negotiating local conditions of service.

After the passing of the Trade Unions Act, 1926, it may be observed that from criminal and illegal associations trade unions have now become legalized and recognized institutions, from institutions which were only very small bodies they have now become gigantic associations, from institutions that were primarily interested in the advancement of the cause of their own membership they have now become institutions which are interested in the social, cultural and political development of the country. This was a remarkable process.

Meaning of Recognition of Trade Union:

Recognition means the expressed recognition of a registered trade union by an employer or by an employers association for the purposes of collective bargaining. A union must be recognized before it may effectively represent any employees. Once a union is recognized it serves as the bargaining agent for the workers in a particular bargaining unit. An employee may not avoid the union, because recognition entails willingness to negotiate with a view to striking a bargain and this involves a positive mental decision.

Features of Recognition of Trade Union:

- Recognition is different from registration.
- Recognition is provided to that union which comprises of more than 50 per cent of the employees in that establishment as its members.
- It is the employer and only the employer, who awards recognition to one or more unions, or refuses such recognition.

Need For Recognition of Trade Union:

Collective bargaining is an important aspect of employer-employee relation. The right of collective bargaining is not provided for all trade unions that exists but is provided for those trade unions which are recognized. Registration of trade union is one thing and the recognition of trade union as a sole bargaining agent for the purpose of collective bargaining is another thing. Number of industrial strikes broke out on the question of recognition of union.

In practice, management allows the recognized Trade Union only for negotiations and collective bargaining. As such, recognition of trade union serves as backbone of collective bargaining. It has been debated time and again whether a trade union should be recognized or not. This is because there is so far no enforced central legislation on this subject, i.e., recognition of trade union. There are however voluntary code of discipline and legislations in some states.

Conditions for recognition:

- All ordinary members are workmen employed in the same industry or in industries closely allied to or connected with another.
- It is representative of all workmen employed by the employer in that industry or those industries.
- Its rules do not provide for the exclusion from membership of any class of workmen.
- Its rules provide for the procedure for declaring a strike.
- Its rules provide that a meeting of its executive shall be held at least once in every 6 months.
- It is a registered trade union and that it has complied will all the provisions of the Trade unions (amendment) Act, 1947.

Rights of a recognized trade union:

- Right to sole representation
- Entering into collective agreement on terms of employment and conditions of service
- Collection of membership subscription within the premises of the undertaking, the right to check-off
- Holding discussion with departmental representatives of its workers-members within factory premises
- Inspecting by prior agreement the place of work of any of its members
- Nominating its representatives on works/ grievance committees and other bipartite committees

Advantages of a Recognized Trade Union:

The rights conferred on a recognized trade union are as follows:

1. The executive of the trade union is entitled to negotiate with employer regarding employment, non employment, terms of employment or conditions of labour of any person or of all, if any dispute arises between the executive and the employer on these issues, it must be referred to the registrar whose decision is final.
2. The executive of the recognized trade union is entitled to display the notices of the trade union in the premises where the employees are employed and the employer must make necessary arrangements.
3. To collect some payable by the members to the union on the premises where wages are being paid
4. To appear behalf of any employee or employees in any domestic or departmental enquiry
5. The recognized union alone is given the right to appoint its nominee to represent its workman in the works commission under the industrial dispute act 1947.
6. The Bombay high court has held that only a recognized trade union can enter into settlement with the employer and not any other union or employees independently can do so.

In Balmer Lawrie Workers' Union, Bombay and Anr. v. Balmer Lawrie & Co. Ltd. and Ors., the underlying assumption made by the Supreme Court was that a recognized union represents all the workmen in the industrial undertaking or in the industry. The recognized Trade union also has a duty to submit returns to the registrar within the stipulated period of time failure of which would be punishable with penalty.

Problems In Recognition of Trade Union:

Recognition is one of the basic issues of industrial relation between employer and employee as the employer has no obligation to give recognition to any union. In the earlier times, the attitude of the employer towards trade union has been unfriendly.

There are two major problems in recognition of trade union:

1. All registered union in India seem to have been enjoying industrial relation rights either in reality or legally though they happen to be craft, caste or category based union.
2. Politicalisation of trade union is one of the basic reasons mainly in CTUO that one party supports secret ballot system and other support check off system due to which there is repeated coalition. Management in several states has refused to recognize a trade union mainly on five grounds:
 - 1) Most of the office bearers of the union were outsiders,
 - 2) Sometimes, those disapproved by management, particularly politicians and ex-employees;
 - 3) The union consisted of only small number of employees;
 - 4) There were many rival unions in existence; and
 - 5) The trade union was not registered under the Trade Unions Act, 1926.