

CODE OF DISCIPLINE

*Joint Comm. of Labour
& Chief Estimating Officer
(Under Code of Discipline)
Govt. of Andhra Pradesh*

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The Central Implementation and Evaluation Committee at its third meeting held on April 25, 1960 recommended that a booklet should be brought out on the procedure to be followed for dealing with the cases of the Code of Discipline, enquiries to be conducted under the Code, etc., for the guidance of the State Implementation Organisations. Hence this brochure.

NOVEMBER, 1961.

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I. CODE OF DISCIPLINE

The Code of Discipline was ratified by all Central Employers' and Workers' Organisations at the 16th Session of the Indian Labour Conference held at Nainital in May, 1958, and came into force from June 1, 1958. A copy of the Code is at Appendix I.

II. IMPLEMENTATION MACHINERY

2. To implement the Code of Discipline, Labour Enactments, Awards and Agreements, a separate machinery has been set up at the Centre and in all States. This machinery comprises :

- (a) Implementation Units in Labour Departments, and
- (b) Tripartite Implementation Committees at the Central, State and Local levels.

(i) Implementation Units :

3. A Central Evaluation and Implementation Division has been set up in the Ministry of Labour and Employment under the charge of a Joint Secretary. In the States also, Implementation Units have been set up under the charge of either a whole time Officer of the Labour Department or of the State Labour Commissioners. According to the recommendation of the Labour Ministers' Conference held in January, 1960 the Implementation Officer in each State should, as far as possible, be whole time and of sufficient seniority. The following functions have been assigned to Implementation Units :

- (1) to ensure Implementation of the Code of Discipline, Code of Conduct, Labour Enactments, Awards, agreements, etc. with a view to reducing at the source the main cause of industrial strike;
- (2) to supplement the work of the Industrial Relations Machinery in making preventive action where disputes are brewing and in settling long pending disputes which could not be settled otherwise ;
- (3) to maintain liaison with Central, State or Local Units, as the case may be, to ensure effective working of the implementation machinery;
- (4) to arrange meetings of Implementation Committees and to function as their Secretariat ;
- (5) to bring about out of court settlement of cases pending in High Courts and the Supreme Court ,
- (6) to ensure that cases are screened by the Screening Committees set up by the Central Employers' and Workers' Organisations before appeals are filed in higher courts ;
- (7) to evaluate :
 - (a) major strikes, lockouts and disputes in order to fix responsibility for them, and
 - (b) the working of important labour legislations, awards, policies, decisions, etc., in order to see how far they have produced the results which they were intended to produce and suggest measures to improve them.
- (8) to collect and maintain necessary statistics regarding Implementation of the Code of Discipline, Labour enactments, Awards, etc.

The consensus of opinion was that recognition of category-wise/department-wise unions should not be encouraged. Unions not recognised under the Code of Discipline should, however, have the right to represent individual grievances relating to dismissals and discharge or other disciplinary matters affecting their members. The question of other rights of un-recognised unions was deferred for future consideration.

(ii) Procedure for dealing with cases of violation of the Code of Discipline reported to Implementation Units.

4. The procedure which is being followed by the Central E & I. Division to deal with complaints of non-implementation of Labour Laws, Awards, Code of Discipline, etc., and which is to be adopted by all State Implementation Units as desired by the Labour Ministers' Conference (January 1960) is described below :

- (1) All Central Organisations of Employers and workers and the Officers of the Central Industrial Relations Machinery have been requested to report to the E. & I. Division cases of violation of the Code in Central Sphere undertakings in a prescribed proforma (Appendix. II). They have been specifically asked to report cases falling in the State sphere to the concerned State Implementation Machinery.
- (2) All complaints under the Code of Discipline received from Employers/organisations or workers/unions—whether or not affiliated to a Central Organisation—are dealt with by the Division even if they are covered by any labour legislation. Action under the Code is taken on a voluntary basis, good offices harnessed without any interference with but as a supplementary to the action that might be taken under law by the authority concerned.
- (3) On receipt of a complaint, the comments of the party complained against are called for. Simultaneously, the field staff is requested to make discreet enquiries and send comments indicating the responsibility of the parties for violation of the Code.
- (4) On receipt of replies from both the management/union and the field staff, the Division makes an assessment of the responsibility for violation of the Code. The matter is then taken up with the guilty party either direct or through its Central Organisation or simultaneously with both. The Central organisation is also requested to bring its moral pressure on the defaulting member to ensure that the breaches are set right and they do not recur. If the responsibility for a violation of the Code rests on an independent employer/union, it is asked to accept the Code, if it has not done so already and observe its provisions faithfully in future.
- (5) If a party denies the charge and/or puts forward counter-charges, the matter is investigated again, if necessary, and the final decision communicated to it. Whether this investigation should again be confidential or not will depend on the nature of the inquiry. If the party persists in denying the breach, the matter is placed before the Central Implementation Committee. If the Committee upholds the findings of the Inquiry Officer the Central Organisation concerned is requested to ensure that the Committee's decisions are implemented and, if necessary, to apply the sanctions, laid down under the Code against the defaulting member.
- (6) Case studies of major violations of the Code are made by the Officer in charge of the E. & I. Division. In these investigations he is assisted by assessors representing Employers' and Employees Organisations. The report of the Inquiry Officer is considered by the Central Implementation and Evaluation Committee and responsibility for breaches of the Code fixed. The details of this procedure are given below :-

"The Central Employers' and Workers' Organisations concerned with the strike are requested to nominate in equal number their representatives to work as Assessors; these Assessors are not members of

the Inquiry Committee. The Assessors assist and advise the Chairman but such advice is not binding on him. The Committee asks for the statements of the parties, (Unions and employers concerned regarding circumstances leading to the strike and the various events during the strike, particularly in the context of the Code of Discipline. They are also asked to send the names of the witnesses whom they would like to be examined by the Committee. The Committee then sits in camera, examines the witnesses and records their evidence. The Chairman thereafter submits his report to the Committee after taking into account the views of the Assessors which they are asked to give in writing".

5. As agreed at the Indian Labour Conference (October, 1961) the State Governments should take steps to improve and strengthen their implementation machinery for ensuring prompt disposal of complaints made to it, if possible within two months.

(iii) *Implementation Committees.*

6. The Implementation Committees at the Centre and in the States represent both Central Employers' and Workers' organisations. The Central Implementation and Evaluation Committee consists of an equal number of employers' and workers' representative-four each from the Central Employers' and workers' organisations. They are nominated by the organisations to which they belong and not by Government. State/Administration Implementation Committees are also required to be constituted in consultation with the Central Employers' and Workers' Organisations wherever they have affiliate in the States/Territories concerned. These Committees are presided over as far as possible by respective Labour Ministers. At the local level, the Committees comprise an equal number of representatives of employers and workers in the area and are presided over by an Officer of the Labour Department or by a prominent person in the region.

7. The functions assigned to Implementation Committees by the Standing Labour Committee in October, 1957 and other Committees are as follows :-

- (1) to examine the extent of implementation of agreements, awards and settlements and to advise the parties which are anxious to implement an award but are unable to do so, as to how the difficulties in implementation could be overcome.
- (2) to fix responsibility for violations of the Code in cases brought to its notice by the implementation Unit or in those enquired into by it or a sub-committee appointed by it. In doing so, the Committee may hear the parties concerned, if considered necessary.
- (3) to consider cases for out-of-court settlement with the consent of the parties, screening of cases of industrial disputes before appeals are filed, etc. that may be brought to its notice by the Implementation Unit or such other cases that the Committee may desire, to bring about harmonious labour-management relations.
- (4) to review periodically the working of the Code in their respective spheres.
- (5) to maintain a two-way exchange of experience between the Committees at the lowest level and the Central Committee. All points of importance arising at any level should be given wide circulation.

8. The Implementation Committees are to meet as frequently as possible. The Central Implementation and Evaluation Committee is required to meet every quarter. The Implementation Units provide the Secretariat for the Committees and ensure that their decisions are implemented promptly.

III. PREVENTIVE ACTION

9. One of the important duties of Implementation Units is to keep a vigilant eye on trouble spots in the realm of industrial relations, so that preventive action is taken wherever possible against an outbreak of trouble or, deterioration of, ugly situations. The Central Implementation Committee at its first meeting in September 1958, emphasised the need to so organise the Implementation Machinery, both at the Centre and in the States, tha

this action could be taken before a strike or lockout took place or an industrial disputes reached the explosive point. In many cases, the Central E.&I. Division has been able to settle long pending disputes which had defied solution or otherwise became chronic and saved many a situation from taking a turn for the worse. It has also succeeded in averting strikes in a number of cases by taking prompt action. All State Implementation Units are also required to so organize themselves that preventive action is taken promptly in State sphere cases.

IV. GRIEVANCE PROCEDURE

10 (1). It is the responsibility of Central and State Implementation Units to ensure that a grievance procedure is set up by every management in consultation with their workers. (2) Clause II(viii) of the Code required managements to set up a mutually agreed grievance procedure to ensure a speedy and full investigation of individual grievances leading to settlement. (3) A model grievance procedure (Appendix III) has been evolved by the Indian Labour Conference to guide the parties in drawing up their procedures. (4) Besides pursuing individual complaints made to it, the E.&I. Division at the Centre has specifically requested all Central employers' organisations to ensure that their members set up a mutually agreed grievance procedure. Similar action should be taken by all State implementation Units.

V. RECOGNITION OF UNIONS.

11. Except in those States where the procedure to confer recognition on unions is governed by a statute the conditions and procedure or recognition of unions are governed by the provisions of the Code of Discipline. It is the responsibility of Implementation units to ensure that recognition is granted to unions by managements wherever they satisfy the prescribed criteria. The procedure to be followed for this purpose is at Appendix IV. For the sake of uniformity the State Implementation units are requested to adopt it.

VI. SANCTIONS UNDER THE CODE.

12. An important obligation on employers and workers is to apply sanctions against their members for violating the Code. The success of the Code depends largely on the willing co-operation of employers' and workers organisations to apply sanctions against erring members. They are expected to judge the action of their members in an impartial manner and not with a partisan spirit. It is the responsibility of Implementation Units to ensure that appropriate sanctions are applied by Central Organisations against members found responsible for violations of the Code. The sanctions so far laid down by the Standing Labour Committee and the Indian Labour Conference are as follows :—

(i) As recommended by Standing Labour Committee (16th Session-October, 1957).

(1) The Central Employers' and workers' Organisations should take the following steps against their constituent units guilty of breaches of the Code.

(i) to ask the unit explain the infringement of the code.

(ii) to give notice to the unit to set right the infringement within a specified period;

(iii) to warn and in cases of a more serious nature to ensure the unit concerned for its actions constituting infringement ;

(iv) to impose on the unit any other penalties open to the organisation ;

(v) to disaffiliate the unit from its membership in case of present violation of the Code ;

(vi) Not to give countenance, in any manner, to non-members who do not observe the Code.

- (2) Grave, wilful and persistent breaches of the Code by any party should be widely publicised.
- (ii) As recommended by Indian Labour Conference (17th Session—Madras—July, 1959).
- (3) Failure to observe the Code would entail de-recognition normally for a period of one year. This period may be increased or decreased by the Implementation Committee concerned.
- (4) A dispute may not be ordinarily referred for adjudication if there is a strike or lockout without proper notice of in breach of the Code as determined by an Implementation Machinery unless such strike (or direct action) or lockout, as the case may be, is called off.

(While the sanction laid down in sub-para (3) above is to be applied by employers with the approval of the concerned Implementation committee that in sub-para (4) has to be enforced by the Government concerned.

VII. SCREENING MACHINERY.

13. To minimise litigation, the Central Implementation and Evaluation Committee in September, 1958 and the Standing Labour Committee in October, 1958 decided that workers' and employers' organisations should evolve, as early as possible, machinery to screen cases wherein recourse to Law courts was contemplated. The Central employers' and workers' organisations have accordingly set up separate committees or have made arrangements through their Central, Pradesh or Regional Offices to screen cases of industrial disputes before appeals are filed in higher courts by their members. The arrangements made by these organisations are as follows:—

- | | |
|---|---|
| (1) Employer's Federation of India. | .. The Regional Committees at Bombay, Calcutta, Kanpur and Madras function as Screening Committees. |
| (2) All India Organisation of Industrial Employers. | .. Its members—Indian Sugar Mills Association, Delhi Factory Owners' Federation, Bihar Chamber of Commerce Employers' Association of Northern India (Kanpur) Silk and Art Silk Mills Association Ltd., (Bombay) and Federation of Gujarat Mills and Industries (Baroda) have set up screening Committees. |
| (3) All India Manufacturers Organisation. | .. The Special Committee of the Organisation for Industrial Relations at Bombay has been entrusted with the work of screening cases. |
| (4) Indian National Trade Union Congress. | .. A Committee has been set up for screening cases. |
| (5) All India Trade Union Congress. | .. The Central Office of the Organisation at New Delhi functions as a screening committee. |
| (6) Hind Mazdoor Sabha | .. The Central Office of the Organisation at Bombay functions as a screening committee. |
| (7) United Trades Union Congress. | .. A special sub-committee has been set up in its Central Office, at Calcutta to screen cases. |

14. Whenever it is reported to the Central E.& I Division that an Industrial dispute is likely to be taken to a higher court or has already been taken to it, the Central Organisation of the employers or workers concerned is asked to inform the Division whether the case was screened by its screening committee. If necessary, the organisation is requested to use its good offices with the party concerned to refrain from going in appeal against a Tribunal's decision. It is the responsibility of the organisations to ensure that their members always make use

of their screening committees. The Central E.&I. Division as well as State Implementation Units are to ensure that the screening Committee function effectively in their respective spheres. Unless considered necessary by an Implementation Committee, separate screening committees are not to be set up in each State. A periodical analysis of cases filed in High Courts or the Supreme Court is also to be made by Implementation Units to find out whether or not they were screened by the respective screening committees and also what important principles or monetary stakes were involved in them. This analysis is to be reported to respective Implementation Committees. In accordance with the decision of the Standing Labour Committee (April, 1961) the Central Organisations have been requested to utilise their screening machinery and extend full cooperation by supplying the requisite statistical information to Government to enable them to make a proper assessment of the effectiveness of this machinery.

VIII. OUT OF COURTS SETTLEMENT OF INDUSTRIAL DISPUTES

15. The Central Implementation and Evaluation Committee in September, 1958 decided that the Central Government might explore the possibility of bringing the parties together with a view to settling out of court, Industrial disputes which are already pending in High Courts or the Supreme Court. Accordingly, whenever a case of an appeal pending in a higher court is reported to an Implementation unit, attempts should be made, through the concerned Central Organisation, to bring about an out of court settlement. The Implementation Officers should also use their good offices to bring about such a settlement. The progress of this work should be reviewed periodically and reported to respective Implementation Committees.

IX. ADOPTION OF THE CODE OF DISCIPLINE BY INDEPENDENT EMPLOYERS/UNIONS

16. The code was initially accepted by the Central employers (*Viz.*, E.F.I., A.I.O.I.E., and A.I.M.O.,) and workers organisations (*Viz.*, I.N.T.U.C., A.I.T.U.C., H.M.S., and U.T.U.C.,). It does not discriminate between public and private sector undertakings. At a Conference in January, 1959, however, it was decided that the Code, with certain clarifications regarding industrial mater, grievance procedure, de-recognition of unions, etc., was applicable to all undertakings worked as corporations and companies, except defence undertakings, banks and Life Insurance Corporation. The E.&I. Division is in correspondence with the authorities concerned for the extension of the Code to banks, insurance companies, etc. In February, 1961 it was decided that the Code would be applicable to all Government departmental undertakings covered by the I.D. Act, 1947 subject to certain clarifications regarding recognition, grievance procedure, etc.,

17. The employers and unions which are not affiliated to any Central Organisation should be requested by State Implementation Officers to accept the Code on a voluntary basis. If necessary, a meeting of such employers and unions may be convened and the benefits of the Code explained to them. In case any independent organisation/unit does not accept the code, it will not be entitled to benefits under the Code.

X. MAINTENANCE OF STATISTICS ON IMPLEMENTATION OF CODE, ETC.,

18. The Central E.&I. Division maintains statistics of each case of violation of the Code, including non-implementation of awards, agreements, labour, enactments etc. A register is maintained in the form at Appendix V, where in each such case entered and its progress recorded periodically till it is finally settled. A report on the working of the Division is submitted every month to the Union Minister for Labour and Employment, such statistics should be maintained by each state Implementation Unit.

19. The Division gets from State Implementation Units quarterly reports in a prescribe proforma (Appendix VI) on the working of their organisations. Attempts should be made by every State Implementation Unit to send these reports promptly. As decided at the Labour Ministers Conference held in January 1960, the Centr a

E.&I. Division analysis all cases of strike/ lockout during a month and fixes responsibility of the Central Organisations for them. Similar analysis should be made by State Implementation units in respect of State sphere cases and responsibility for strike/lockout pointed out to the organisation concerned. A note on their analysis indicating action on each case is required to be sent to the Central E.&I. Division.

XI EVALUATION WORK

20. An important function of the Implementation organisations is to evaluate the working of labour laws awards labour policies, programmes, major disputes, etc. The E.&I. Division has already undertaken the following evaluation studies :-

- (i) the strike in T.I.S.C.O., Jamshedpur, from May 12 to May, 27, 1958.
- (ii) the strike in Ports and Docks from June 16 to June 26, 1958.
- (iii) the strike in Premier Automobiles Ltd., Bombay from April 12 to July 29, 1958 and the general strike in Bombay on July 25, 1958. The report has been published;
- (iv) the dispute between the Employees' State Insurance Corporation and its employees' over allegations of victimisation, etc.;
- (v) the strike by workmen of Calcutta Tramways Company from August 12 to September 23, 1958. The report has been published ;
- (vi) the strike in the Industrial Training Institute, Delhi under the Directorate General of Resettlement and Employment early in 1958.
- (vii) the working of the Multi-purpose Institutes set up under the Coal Mines Welfare Fund Organisation ;
- (viii) the Working of Calcutta Dock Workers (Regulation of Employment) Scheme, 1956;
- (ix) An analysis of appeals regarding industrial disputes decided by the Supreme Court during 1957 and 1958 with a view to ascertaining the legal principles or monetary stake involved in them;
- (x) an analysis of appeals to High Courts and the Supreme Court against industrial awards during the period 1947-1958 with a view to determining their trend during the pre and post LAT periods;
- (xi) the working of the employees' provident Funds Act in exempted establishments ;
- (xii) analysis of the cases of violation of the Code of Discipline reported to the Division during June, 1, 1958 to May, 1960 with a view to assessing the responsibility of Central employers' and workers' organisations for them and the extent of co-operation extended by them towards the successful implementation of Code.

21. The State Implementation Organisations are also expected to undertake similar studies in their sphere.

XII. INTER-UNION CODE OF CONDUCT

22. At a meeting of the representatives of four Central Labour organisations, viz., I.N.T.U.C., A.I.T.U.C. H.M.S. and U.T.U.C. held at Nainital on May 21, 1958 under the Chairmanship of the Union Minister for Labour and Employment a Code of Conduct (Appendix. VII) was evolved unanimously to regulate inter-union rivalry and achieving trade union amity. The Central E.&I. Division deals with complaints regarding violations of the Code under the guidance of the Union Labour Minister. Whenever a complaint against a union is made to the Division by a rival union, the matter is investigated through the Central Industrial Relations

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Machinery. At the same time, the comments of the Central Organisation of the Union complained against are also invited. On receipt of these, the Division examines the matter and fixes responsibility of the party concerned. If necessary, the Central Organisation of the party deemed responsible for the breach is requested to set it right and make appropriate action against its member union. The State implementation units have also been requested to adopt this procedure in regard to case falling within their sphere; these cases are to be dealt with under the personal guidance of the State Labour Minister.

APPENDIX I

CODE OF DISCIPLINE IN INDUSTRY

I. To maintain discipline in industry (both in Public & Private Sectors)

there has to be (i) a just recognition by employers and workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) a proper and willing discharge by either party of its obligations consequent on such recognition.

The Central and State Governments, on their part will arrange to examine and set right any shortcomings in the machinery they constitute for the administration of labour laws.

II. To ensure better discipline in industry Management and Union (s) agree.

(i) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level ;

(ii) that the existing machinery for settlement of disputes should be utilised with the utmost expedition ;

(iii) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration ;

(iv) that there should be no strike or lockout without notice ;

(v) that neither party will have recourse to (a) coercion (b) intimidation, (c) victimisation or (d) go-slow.

(vi) that they will avoid (a) litigation (b) sit-down and stay-in strikes and (c) lockouts ;

(vii) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into ;

(viii) that they will establish, upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement ;

(ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would bypass this procedure ; find

(x) that they will educate the management personnel and workers regarding their obligations to each other.

III. Management agree.

(i) not to increase work-loads unless agreed upon or settled otherwise ;

(ii) not to support or encourage any unfair labour practice such as (a) interference with the rights of employees to enroll or continue as union members, (b) discrimination restraint or coercion against any employee because of recognised activity of trade unions and (c) victimisation of any employee and abuse of authority in any form ;

(iii) to take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders ;

(iv) to display in conspicuous places in the undertaking the provisions of this Code in the local language (s) ;

(v) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure ;

(vi) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline; and

(vii) to recognise the union in accordance with the criteria (Annexure-I) evolved at the 16th Session of the Indian Labour Conference held in May, 1958.

IV. Union (s) agree.

(i) not to engage in any form of physical duress ;

(ii) not to permit demonstrations which are not peaceful and not to permit rowdysm in demonstration ;

(iii) that their members will not engage or cause other employees to engage in any union activity during working hours unless as provided for by law, agreement or practice ;

(iv) to discourage unfair labour practices such as (a) Negligence of duty, (b) careless operation, (c) damage to property (d) interference with or disturbance to normal work and (e) in, subordination ; -

(v) to take prompt action to implement awards, agreements-settlements and decisions;

(vi) to display in conspicuous places in the union offices, the provisions of this Code in the local language (s) ; and

(vii) to express disapproval and to take appropriate action against office-bearers and members for including in action against the spirit of this Code.

ANNEXURE—I

CRITERIA FOR RECOGNITION OF UNIONS

1. Where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration. Where there is only one union, this condition would not apply.
2. The membership of the union should cover at least 15 per cent of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.
3. A union may claim to be recognised as a representative union for an industry in a local area if it has a membership of at least 25 per cent of the workers of that industry in that area.
4. When a union has been recognised, there should be no change in its position for a period of two years.
5. Where there are several unions in an industry or establishment, the one with the largest membership should be recognised.
6. A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment has a membership of 50 per cent, or more of the workers of that establishment it should have the right to deal with matters of purely local interest such as, for instance, the handling of grievances pertaining to its own members. All other workers who are not members of that union might either operate through the representative union for the industry or seek redress directly.
7. In the case of Trade Union federations which are not affiliated to any of the four central organisations of labour the question of recognition would have to be dealt with separately.
8. Only unions which observed the Code of Discipline would be entitled to recognition.

APPENDIX—II

PROFORMA FOR REPORTING BREACH OF THE CODE OF DISCIPLINE
BY EMPLOYERS AND WORKERS

- N.B.—(1) In cases failing in the Central sphere, major breaches of the provisions of the Code of Discipline, e.g., Strikes or Lockouts, Go-slow, Violence, victimisation, sabotage, etc., may be reported to the Evaluation and Implementation Division of the Ministry of Labour and Employment, without prejudice to the usual course of action under the existing statutory provisions. Minor breaches may be reported to this Division only after the existing machinery provided for the settlement of disputes has been exhausted.
- (2) Cases failing in the State Sphere should invariably be reported to the State Implementation Machinery. Copies of such reports, particularly when they refer to major breaches, may be sent to the Evaluation and Implementation Division of the Ministry of Labour and Employment.

PART-I

1. Name of the establishment with complete address :
2. Name of the Central Employers' Organisation (i.e.,) (AIOIF, EFI and AIMO) to which the establishment is affiliated ;

3. Date on which the breach took place ;
4. Specific nature of the breach (e.g. go-slow, intimidation, coercion, victimisation, violence or threat of violence, non-peaceful demonstrations, sabotage, unfair labour practice, non-implementation of awards, agreements, etc., (Please state also the specific clause (s) of the Code breached).
5. Party or parties responsible for the breach :
 - (A) In the case of Union Please State :
 - (a) Name and address.
 - (b) Affiliation to Central Workers' Organisation, (i.e., INTUC, AITUC, HMS and UTUC.)
 - (c) Registered or unregistered.
 - (d) Recognised or unrecognised.
 - (B) Please state if the employer mentioned in item 1 is responsible.
6. Was the responsibility for the breach wholly on the employer/workers ?
workers
7. If not, how should be the responsibility be apportioned between both the parties?
Details of the background to the breach e.g., any known disputes, grievances, awards, decision of orders pending settlement etc., Please state specifically :
 - (a) re-disposing causes, and
 - (b) immediate causes.
8. Has a mutually agreed grievance procedure been set up in the establishment?
9. What attempts were made to settle the points in dispute at the appropriate level through :
 - (a) Grievance procedure ;
 - (b) Mutual negotiations ;
 - (c) Conciliation machinery ;
 - (d) Voluntary arbitration ;
 - (e) Implementation machinery ;
 - (f) Adjudication.

10. Has the breach been brought to the notice of the Central Organisation to which the party responsible for it is affiliated? If so, when and with what results.
11. What action in your opinion should be taken to remedy the situation and settle the dispute?
12. Was the party responsible in the past also for breach of the Code? If so, please mention its nature and date of occurrence.
13. Any other remarks.

PART-II

STRIKES AND LOCK OUTS.

14. In the case of strike please give
lockout
the following additional details :
 - (i) Was the strike launched
lock out
after giving notice? If so, what was the period of the notice?

If no notice was given what were the reasons for not doing so?
 - (ii) Was the strike launched
lock out
during the pendency of :—
 - (a) Mutual negotiations ;
 - (b) Conciliation proceedings ;
 - (c) Arbitration proceedings ;
 - (d) Investigation by Implementation Machinery ;
 - (e) Adjudication?
 - (iii) Was the strike declared
lock out
illegal before it was actually launched?
 - (iv) If it was a lightning strike, was it launched only to enforce settlement of a dispute or for any other reason?
15. Did the employer given any
worker
provocation for the strike?
lock out
16. Was the provocation such as to warrant a strike?
lock out
17. Any other remarks.

Place.....
State.....
Date.....

1. Signature.....
2. Name and address of the reporting party.....

APPENDIX-III

MODEL GRIEVANCE PROCEDURE.

A. Grievance Machinery :

A Grievance Machinery will be required to be set up in each undertaking to administer the Grievance Procedure. The minimum requirements of such a machinery would be as follows, except where an established procedure is already working to the mutual satisfaction of either party. Even in the latter case, every effect shall be made to bring the procedure in conformity with the Guiding Principles.

Further purpose of constituting a fresh Grievance Machinery, workers in each department (and where a department is too small in a group of departments) and each shift, shall elect, from amongst themselves and for a period of not less than one year at a time, departmental representatives and forward the list of persons so elected to the management. Where the union (s) in the undertaking are in a position to submit an agreed list of names, recourse to election may not be necessary. Similar in the case where Works Committees are functioning satisfactorily since the Works Committee member of a particular constituency shall act as a Departmental representative. Correspondingly, the management shall designate the persons for each department who shall be approached at the second stage. Two or three of the departmental representatives of workers and two or three departmental heads nominated by the management shall constitute the Grievance Committee, the composition of which is indicated in Annexure. In the case of appeals against discharges or dismissals, the management shall designate the authority to whom appeals could be made.

B. Grievance Procedure :

While adaptations have to be made to meet special circumstances such as those obtaining in the Defence Undertakings, Railways, Plantations and also small undertakings employing few workmen the procedure normally envisaged in the handling of grievances should be as follows :

(1) An aggrieved employee shall first present his grievance verbally in person to the other designated by management for this purpose. An answer shall be given within 48 hours of the presentation of complaint.

(2) If the worker is not satisfied with the decision of this officer or fails to receive an answer within the stipulated period, he shall either in person or accompanied by his departmental representative, present his grievances to the Head of the Department designated by the management for the purpose of handling grievances. (For this purpose, a fixed time shall be specified during which on any working day an aggrieved worker could meet the Departmental Head for presentation of grievances). The Departmental Head shall give his answer within 3 days of the presentation of grievance. If action cannot be taken within that period the reason for delay should be recorded.

(3) If the decision of the Departmental Head is unsatisfactory, the aggrieved worker may request the forwarding of his grievance to the 'Grievance Committee' which shall make its recommendations to the Manager within 7 days of the worker's request. If the recommendations cannot be made within this time-limit, the reason for such delay should be recorded. Unanimous recommendations of the Grievance Committee shall be implemented by the management. In the event of a difference of opinion among the members of the Grievance Committee, the view of the members along with the relevant papers shall be placed before the Manager for final decision. In either case, the final decision of the management shall be communicated to the workmen concerned by the Personnel Officer within 3 days from the receipt of the Grievance Committee's recommendations.

(4) Where the workman is not satisfied with the final decision of management, he shall have the right to appeal to management for a revision. In making this appeal, the worker, if he so desires, shall have the

right to take a union official along with him to facilitate discussions with the management. Management shall communicate their decision within a week of the workman's revision petition. If no agreement is still possible, the union and the management shall refer the grievance to voluntary arbitration.

(5) Where a worker has taken up a grievance for redressal under this procedure, the formal Conciliation Machinery shall not intervene till all steps in the procedure are exhausted. A grievance shall be presumed to assume the form of a dispute only when the final decision of the top management in respect of the grievance is turned down by the worker.

(6) If a grievance arises out of an order given by management, the said order shall be complied with before the workman concerned invokes the procedure laid down for redressal of grievances. If, however, there is a time lag between the issue of order and its compliance, the grievance procedure may immediately be invoked but the order nevertheless must be complied within the due date, even if all the steps in the grievance procedure have not been exhausted. It may however be advisable for the management to await the findings of Grievance Procedure Machinery.

(7) Worker's representatives on the Grievance Committee shall have the right of access to any document connected with the enquiry maintained in the department and which may be necessary to understand the merit or otherwise of the workers' grievances. The management's representatives shall have the right, however, to refuse to show any document or give any information which they consider to be of a confidential nature. Such confidential document (s) shall not be used against the workmen in the course of the grievance proceedings.

(8) There shall be a time-limit within which an appeal shall be taken from one step to the other. For this purpose, the aggrieved worker shall, within 72 hours of the receipt of the decision at one stage (or if no decision is received, on the expiry of the stipulated periods), file his appeal with the authority at the next higher stage, should he feel inclined to appeal.

(9) In calculating the various time intervals under the above clauses, holidays shall not be reckoned.

(10) Management shall provide the necessary clerical and other assistance for the smooth functioning of the grievance machinery.

(11) If it is necessary for any worker to leave the department during working hours on call from the Labour/Personnel Officer or any other officer of the established grievance machinery, previous permission of his superior shall necessarily be obtained. Subject to this condition, the worker shall not suffer any loss in wages for the work-time lost in this manner.

(12) If, however, there be any complaint against any individual member of the staff, who is nominated by the management to handle grievances at the lowest level, the workman may take up his grievance at the next higher stage, i.e., at the level of Departmental Head.

(13) In the case of any grievance arising out of discharge or dismissal of a workman, the above mentioned procedure shall not apply. Instead, a discharged or dismissed workman shall have the right to appeal either to the dismissing authority or to a senior authority who shall be specified by the management within a week from the date of dismissal or discharge. At the time the appeal is heard, the workman may, if he so desires, be accompanied by either an official of the recognised union or a fellow worker, as the case may be.

GUIDING PRINCIPLES FOR A GRIEVANCE PROCEDURE

Existing labour legislation does not provide for a well-defined and adequate procedure for redressal of day-to-day grievances in industrial units. Clause 15 of the Model Standing Orders in Schedule I of the Industrial Employment (Standing Orders) Central Rules, 1946 specifies that 'All complaints arising out of employment

including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or the other person specified in this behalf with the right of appeal to the employers'.

In some industrial units, however, detailed grievance procedures have been worked out by mutual agreement. In the absence of a satisfactory grievance procedure, day-to-day grievances are allowed to pile up with the result that the accumulated discontent culminates some time or the other in cases of indiscipline strikes, etc. In what follows, therefore, an attempt has been made to draw up Guiding Principles for a Grievance Procedure. It is realised that it may not be possible to apply all these principles in respect of each and every industrial unit. However, all units should endeavour to conform, as much as possible, to these principles.

Complaints affecting one or more individual workers in respect of their wage payments, over-time leave, transfer, promotion, seniority, work assignment, working conditions and interpretation of service agreement, dismissals and discharges would constitute *grievances. Where the points at dispute are of general applicability or of considerable magnitude, they will fall outside the scope of this procedure.

A grievance Procedure should take note the following principles :—

1. **Conformity with existing legislation :—** A grievance Procedure forms part to the integrated scheme intended to promote satisfactory relations between employers and workers. This procedure should be designed to supplement the existing statutory provisions and it may, where practicable, make use of such machinery as is already provided by legislation. The grievance machinery can be availed of on the receipt by the worker of the order causing a grievance. The operation of the order, however, need not be heldup till the grievance machinery is completely exhausted. Wherever possible attempts should be made to complete the grievance procedure between the time the order is passed and when it is acted upon.

2. **Need to make the machinery simple and expeditious :**

(a) As far as possible, grievances should be settled at the lowest level.

(b) No matter should ordinarily be taken up at more than two levels, i.e., normally there should be only one appeal.

(c) Different types of grievances may be referred to appropriate authorities.

(d) A grievance must be redressed as expeditiously as possible and towards this end, the employer, in consultation with the workers, should decide upon the time limit required for settling a grievance.

3. **Designation of authorities :—** The workmen must know the authorities to be approached and it should, therefore, be incumbent on the management to designate the authorities to be contacted at various levels.

It may be useful to classify grievances as these arising from personal relationship and others arising out of conditions of employment. In the former case, a grievance should be taken up, in the first instance, with the authority in the line management immediately above the officer against whom the complaint is made. Thereafter, the matter may go to the Grievance Committee comprising representatives of management and workers. The size and composition of the Committee shall be decided at the unit level (See Annexure).

Other grievances should be taken up, in the first instance, with the authority designated by the management. Thereafter, a reference may be made to the Grievance Committee.

Where the matter goes to the Grievance Committee, in the first instance, an appeal shall lie with the top management.

* In the case of defence undertakings however a special provision may have to be made.

ANNEXURE

CONSTITUTION OF GRIEVANCE COMMITTEE.

(1) *In the case where the Union is recognised.*

Two representatives of management plus a Union representative and the Union departmental representative of the Department in which the workmen concerned work.

(2) *In the case where the Union is not recognised or there is no Union but there is a Works Committee.*

Two representatives of management plus the representatives of the Department of the workmen concerned on the works Committee plus either the Secretary or Vice-President of the Works Committee (this is in case the Secretary of the Works Committee is also the workman's departmental representative).

It is suggested that in the case of the management, their representatives should be the departmental Head plus the official who dealt with the matter at the first stage, or the Personnel Officer should act as an adviser.

The size of the 'Grievance Committee' should be limited to a maximum of four to six; otherwise it becomes unwieldy.

APPENDIX-IV.

PROCEDURE FOR VERIFICATION OF MEMBERSHIP OF UNIONS FOR THE PURPOSE OF RECOGNITION UNDER THE CODE OF DISCIPLINE*

(1) On receipt of a representation from a union for recognition under the Code of Discipline, the Central/State Implementation Machinery will first ascertain :

- (a) the names of unions functioning in the establishment together with their number and date of registration by reference to the Registrar of Trade Unions concerned.
- (b) whether any of the unions functioning in the establishment was responsible for an established breach of the Code during the past one year. (By an 'established breach of the Code' is meant a breach reported to and on enquiry established by the Implementation Machinery of the State or the Centre) ;
- (c) whether the existing recognised union, if any, has completed a period of two years of recognition.

(2) After ascertaining the above facts, the Implementation Machinery at the Centre will request the Chief Labour Commissioner to arrange verification of membership of unions entitled to recognition under the Code. In the states, either the Implementation Officer will carry out this verification or get it done through the State Labour Commissioner, depending on the practice obtaining in each State.

(3) The verification officer will ask the Unions by registered post/A.D. to produce before him within 10 days, at the stipulated place and time, a list of their members who have paid subscription for atleast 3 months during the period of six months immediately proceeding the date of reckoning along with (i) membership-cum-subscription register, (ii) receipt counter-foils, (iii) cash and account books, (iv) Bank books and (v) a copy of the constitution of the union. If the number of members of a union is more than 10,000 a longer time on the basis of one additional day for every 2,000 members over 10,000 should be given for submission of its list of members and records.

If any of the unions fails to produce the list of its members and records, a second and final notice will be given by registered post/A.D. asking it to produce them within 10 days or a longer period as mentioned above,

- (v) If the objection List furnished by a union consists of more than 5,000 names, the number of persons to be personally interrogated should be 2% subject to a minimum of 250 ;

The persons selected for personal interrogation should among other things be asked whether they are members of a particular union and whether they have paid subscriptions for 3 months within a period of six months from the date of reckoning and if so, the amount of subscription paid, the months for which it was paid etc., The verification officer will maintain a list of members personally interrogated, giving their ticket numbers, name of section where working, the result of personal interrogation, etc.

(8) Where the sample check reveals that certain members interrogated deny membership of union, its list of members will be modified proportionately. For example, if on checking records, it is found that a union has 2,000 valid members and the rival union objects to, say, 800, of these members, a 15% sample of the latter has to be drawn i.e., 120 persons have to be interrogated personally. If on personal interrogation it is found that 30 of the 120 persons (i.e., 25%) deny membership of the union, the strength of the union will be reduced by 25% of 800 persons whose membership was objected to i.e., by 200. In other words, the final strength of the union will, in this case, be 1,800 ($2,000 - (25\% \text{ of } 800) = 1,800$).

If the persons who, on interrogation deny their membership of the union claiming them as their members inform the verification officer that they are members of a rival union, the verification officer will check their membership with the list of members and records of that union and adjust its list accordingly, i.e., their names will be added to the list of the rival union if they are not already included in it, and excluded, in the manner mentioned above, from the list of the claimant union.

- (9) While conducting personal verification as mentioned in para (7) above, the verification officer will not allow the representatives of any union or management to be present.

(10) The verification officer will report his findings to the Central/State Implementation Machinery which in turn will communicate its decision to the management as well as to the unions. In his report the verification officer will also indicate the total number of workers in the establishment and the percentage of the verified membership to it.

if the membership of the union exceeds 10,000 at the stipulated place and time. If the union fails to produce the list and records on the second occasion also, no further attempt will be made to verify its membership. However, in respect of the union which has submitted its list and records, the verification officer will examine them and report its membership without inviting objections from the rival union i.e., the defaulting union, and without doing any personal verification as mentioned in para (7) below. If more than one union produces its list and records, the verification officer will check their membership in the manner, described below ignoring the union which fails to produce its records.

(4) The date of reckoning, mentioned in para (3) above will be taken as the first of the month in which verification begins, i.e., when the verification officer asks the unions to submit their lists and books for scrutiny.

(5) The verification officer will then check the list of members with the membership register and receipt counterfoils and exclude those who have not paid 3 months subscription during the period of six months preceding the date of reckoning. This examination will be 100% and will be done in the presence of the office-bearers of the union concerned but not in the presence of the office-bearers or representatives of the rival union. If the union objects to the elimination of any member from its membership register, it will have to give full and valid reasons for such an objection. The verification officer will then recheck the records (i.e. Membership register, receipt book etc.) to ascertain correct position the verification officer will scrutinise carefully the cash and accounts books as well as the bank book maintained by a union to ascertain that the amount of subscription shown to have been received has been properly accounted for and that the amount received as subscription are not incompatible with the total number of persons shown in the register and the list furnished by the union. The verification Officer will also ensure that only those workers are included in the lists of the unions who were on the Muster Roll of the management on the date of reckoning.

(6) The verification Officer will thereafter intimate, in writing, to the unions concerned that the verified lists of their respective members are ready for inspection by the union representatives at an appointed time and place. The union will also at the same time be informed that after inspection of the verified list of members of the rival union(s), they should send, in writing, their specific objections, if any, to the entries in these lists, within 10 days (or a longer period if the number of objections is likely to exceed 10,000 on the basis of one additional day for every 2,000 objections over and above 10,000) of the date of inspection. It should be made clear to the unions that general and vague objections like inflated membership etc., will not be considered ;

Objections should give names of the persons whose membership of a union is objected to and the reasons therefor.

(The union representatives will be allowed to make notes from the verified lists shown to them in the presence of the verification officer ; they will, however, not be allowed to take any of the lists, nor a copy of the lists, will be given to them).

(7) The objections received from the unions will then be verified by personal interrogation, by the verification officer of the members on the basis of the following* systematic sampling system :

- (i) If the objection List furnished by a union consists of 500 or less names of members, the number of persons to be personally interrogated should be 20% subject to a minimum of 100 ;
- (ii) If the objection List furnished by a union consists of more than 500 but not more than 1,000 names the number of persons to be personally interrogated should be 15% subject to a minimum of 100 ;
- (iii) If the objection List furnished by a union consists of more than 1,000 but not more than 2,000 names the number of persons to be personally interrogated should be 10% subject to a minimum of 150 ;
- (iv) If the objection List furnished by a union consists of more than 2,000 but not more than 5,000 names, the number of persons to be personally interrogated should be 5% subject to a minimum of 200; and

(Statement)

APPENDIX

PROFORMA FOR THE RECORDING OF CASES OF

Sl. No.	File No.	Complaint (give its affiliation to Central Organisation).	Party complained against (give its affiliation to Central Organisation).	Name of Industry concerned.	Public or private Sector/ Central or State Sphere.	Brief details of complaints (mention all complaints serially with clauses of the Code breached).	To whom addressed (i.e. Ministry/State Govt./Management or authorities).	If no action is necessary, state reasons (i.e. only an endorsement or minor breach, or independent unit, or vague complaints etc.).
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

V.

VIOLATION OF THE CODE OF DISCIPLINE.

PRELIMINARY ACTION TAKEN.						RESULTS.				Remarks.
Referred to State Govt. for action direct.	Referred to State Govt. for investigation or report.	Referred to Central I.R.M. for investigation or to parties for comments.	Parties asked to cite specific instances.	What preventive action was taken (by Division or by R.L. Cs.	Allegations not substantiated on enquiry.	Party responsible for violation.	Breach brought to the notice of the party & to Central Organisation (Give Details.)		Action taken by the parties (i.e. whether denied accepted/ sanction enforced, mutual agreement reached, etc.)	
(10)	(11)	(12)	(13)	(14)	(15)	(16)	By Division.	By C.L.C's Organisation or the State Govt.	(19)	(20)

APPENDIX VI

PROFORMA

ON THE WORKING OF THE
STATE IMPLEMENTATION MACHINERY

(Quarterly Report)

State

QUARTER ENDING

I. DESCRIPTIVE INFORMATION.

Brief Information on the following items may be forwarded :—

1. Meetings of Implementation Committee :

- (i) An account of the meetings of Implementation Committee held during the quarter, important items discussed and decisions taken.
- (ii) Changes, if any, in the composition of the State Implementation Committee or the setting up of Local Committees.

2. Violations of the Code of Discipline.

- (i) An account of major cases of violation of the Code, action taken to set right the violations—including sanctions enforced by the organisations, etc.,
- (ii) Case studies, if any, conducted under the Code by the Implementation Machinery.
- (iii) An account of the complaints of non-recognition of unions.
- (iv) A critical assessment of the working of the Code, difficulties, if any, in its working, extent of co-operation of employers'/workers' organisations, etc.

3. Violations of Labour Enactments.

An account of major cases of violation or administrative difficulties experienced in the enforcement of Labour enactments, remedial steps taken, etc.,

4. Out of court settlement of industrial disputes pending in High Courts/Supreme Courts.

The extent of co-operation extended by the employers and unions in this task and an account of cases, if any settled out-of-court during the quarter.

5. Screening Machinery.

An assessment of the working of the screening machineries set up by employers' and workers' organisations in the State. This should include the number of cases screened, number in which parties were allowed to appeal to higher courts, etc.,

6. Preventive action.

An account of the action taken to prevent major labour troubles, strikes or lock-outs, etc. This should include the number of cases taken up, number in which the efforts succeeded, etc.

7. Extension of the Code to independent units.

Steps taken to extend the Code on a voluntary basis to independent employers/Unions, number of cases taken up, number in which the Code was accepted, etc.,

8. Voluntary arbitration.

Following information may be given :

(i) No. of cases where parties were requested to **

(ii) No. where the parties agreed to take the course to arbitration.

9. Inter-union Code of Conduct.

A short account of major cases of violation of the Code of Conduct, action taken thereon, etc.

10. Any other special feature such as major labour troubles, major strikes/lock-outs, undesirable activities of trade unions/organisations, etc.,

II. STATISTICAL INFORMATION.

Statistical information regarding violation of the Code of Discipline, non-implementation of labour enactments out-of-court settlement, violations of inter-union Code of Conduct, etc., may be furnished in the enclosed statements (Annexure. I to VI).

** Accept voluntary arbitration for the settlement of the dispute.

ANNEXURE I

CLASSIFICATION OF THE CASES OF VIOLATION OF THE CODE OF DISCIPLINE

Complaints made by.	No. of cases pending at the beginning of the quarter.	No. of cases reported during the quarter	No. requiring no action being copies for information, minor breaches or involving independent employers/ unions or in High Courts/ Supreme Court.	No. not substantiated on enquiry.	No. where mutual agreement was arrived at and no responsibility was fixed.
(1)	(2)	(3)	(4)	(5)	(6)

ANNEXURE VI

State

Quarter ending

CLASSIFICATION OF THE CASES OF VIOLATION OF CODE OF CONDUCT, ACTION TAKEN THEREON,
RESPONSIBILITY FOR VIOLATION, ETC.,

Reported by	No. of complaints by organisations mentioned in column (1)			No. of complaints requiring no action (being endorsed etc.)	No. where investigations were completed	No. of complaints under investigation	No. of cases where responsibility has been fixed on					
	pending at the beginning of the quarter	made during the quarter	Total of cols.(2)&(3)				INT UC	AIT UC	HMS	UTUC	OTHERS	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

INTUC.

AITUC.

HMS.

UTUC.

Other Unions.

Field Officers.

L :

B :—Details in columns (5) to (8) should relate to the figures cited in column (4)

APPENDIX.VII

INTER-UNION CODE OF CONDUCT

We, the representatives of four Central Labour Organisations, namely, INTUC, AITUC, HMS and UTUC, agree to observe the following basic principles for maintaining harmonious inter-union relations :-

- (1) Every employee in an industry or unit shall have the freedom and right to join a union of his choice. No coercion shall be exercised in this matter.
- (2) There shall be no dual membership of unions. (in the case of Representative Unions, this principle needs further examination).
- (3) There shall be unreserved acceptance of, and respect for, democratic functioning of trade unions.
- (4) There shall be regular and democratic elections of executive-bodies and office-bearers of trade unions.
- (5) Ignorance and/or backwardness of workers shall not be exploited by any organisation. No Organisation shall make excessive or extravagant demands.
- (6) Casteism, communalism and provincialism shall be eschewed by all unions.
- (7) There shall be no violence, coercion, intimidation or personal (verification) inter union dealings.
- (8) All Central Labour Organisations shall combat the formation or continuance of Company Unions.

* Adopted on May 21, 1968.

An account of the action taken to prevent major labour troubles, strikes or lock-outs, etc. This should include the number of cases taken up, number in which the efforts succeeded, etc.

7. Extension of the Code to independent units.

Steps taken to extend the Code on a voluntary basis to independent employers/Unions, number of cases taken up, number in which the Code was accepted, etc.,

8. Voluntary arbitration.

Following information may be given :

(i) No. of cases where parties were requested to **

(ii) No. where the parties agreed to take the course to arbitration.

9. Inter-union Code of Conduct.

A short account of major cases of violation of the Code of Conduct, action taken thereon, etc.

10. Any other special feature such as major labour troubles, major strikes/lock-outs, undesirable activities of trade unions/organisations, etc.,

II. STATISTICAL INFORMATION.

Statistical information regarding violation of the Code of Discipline, non-implementation of labour enactments, out-of-court settlement, violations of inter-union Code of Conduct, etc., may be furnished in the enclosed statements (Annexure I to VI).

** Accept voluntary arbitration for the settlement of the dispute.

ANNEXURE I

CLASSIFICATION OF THE CASES OF VIOLATION OF THE CODE OF DISCIPLINE

Complaints made by.	No. of cases pending at the beginning of the quarter.	No. of cases reported during the quarter	No. requiring no action being copies for information, minor breaches or involving independent employers/unions or in High Court/Supreme Court.	No. not substantiated on enquiry.	No. where mutual agreement was arrived at and no responsibility was fixed.
(1)	(2)	(3)	(4)	(5)	(6)

REPORTED DURING THE QUARTER AND ACTION TAKEN THEREON

State.....

Quarter ending.....

No. of cases where breachers were brought to the notice of the parties with request to adhere to the Code in future and where the responsibility for violation on enquiry rests on.

Total of cols. (7) to 15

No. of cases under investigation

E F I	A I O I E	A I M O	O T H E R S	I N T U C	A I T U C	H M S	U T U C	O T H E R S
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(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
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CLASSIFICATION OF THE CASES OF VIOLATION OF THE CODE OF DISCIPLINE

I. Workers' Unions.	..
(i) INTUC or its affiliates.	..
(ii) AITUC or its affiliates.	..
(iii) HMS or its affiliates.	..
(iv) UTUC or its affiliates.	..
(v) Independent Unions.	..
II. Employers' Organisations.	
(i) EFI or its affiliates.	..
(ii) AIOIE or its affiliates.	..
(iii) AIMO or its affiliates.	..
(iv) Other employers.	..
III. Others including Field Officers.	
Total	..

N. B.—Details in columns (4) to (15) and (17) should relate to all the cases mentioned in

REPORTED DURING THE QUARTER AND ACTION TAKEN THEREON

columns (2).

ANNEXURE II

STATE

QUARTER ENDING.....

CLASSIFICATION OF CASES OF VIOLATION OF THE CODE OF DISCIPLINE ACCORDING TO
THEIR NATURE.

	No. of cases	
	Reported	Substantiated on enquiry.
	(1)	(2)

I. Violations by workers/unions

- (i) Strikes, including sit-down and stay in strikes, etc.
- (ii) Recourse to violence, etc.
- (iii) Coercion, intimidation, etc.
- (iv) Rowdy or non-peaceful demonstration.
- (v) Unfair labour practices (e.g. negligence of duty, insubordination, damage to property, etc.)
- (vi) Unilateral action involving non-utilisation of existing machinery for settlement of disputes, etc.
- (vii) Others.

Total

II. Violations by employers.

- (i) Lock out without notice
- (ii) Increase in work-load
- (iii) Unilateral action involving retrenchment, etc.
- (iv) Unfair Labour practices, e.g., victimisation, harrassment, etc.
- (v) Non-recognition of unions.
- (vi) Non-implementation of awards, agreements and settlements.
- (vii) Others.

Total