

Unit : 4 Continuing

Industrial dispute settlement machinery-

- This machinery has been provided under the industrial dispute act, 1949.
- It provides a legalistic way of settling the disputes.
- The nature of this machinery is curative as it aims at curing the ailments.

This machinery comprises of-

- 1) Conciliation
- 2) Court of Enquiry
- 3) Voluntary arbitration
- 4) Adjudication

Conciliation:-

- It is a method of resolving the industrial conflict with the help of 3rd party.
- It is the form of mediation.
- The conciliation simply assist them in their negotiations and decision making. The scope function is provided under law.
- The conciliation can be utilised by either appointing

conciliation officers and by constituting board of conciliation.

Conciliation officer -

- ① The job of conciliation officer is to persuade both the parties to dispute to come to a fair settlement.
- ② The conciliation officer is appointed by the appropriate govt.
- ③ It has been given the powers of civil court.
- ④ He is required to submit his report to the appropriate govt. along with a copy of settlement arrived in relation to dispute.

Board of conciliation -

- ① In case, conciliation officers fails to resolve the differences between parties the govt. has the power to appoint a board of conciliation.
- ② The board is an ad hoc body and tripartite body.
- ③ It consist of chairman & two or four other members.
- ④ It is the duty of the board to do all things as it thinks fit for the purpose of inducing the parties to come to a fair settlement.
- ⑤ The board must submit its report to the govt. within two months of the date on which dispute was referred to it.

Court of Enquiry

Court of Enquiry -

- In case of failure of conciliation, the govt. can appoint a court of enquiry to settle a dispute.
- The court is expected to submit its report within 6 months.
- It is basically fact finding machinery.
- It aims at inquiring into and recalling the causes of an industrial dispute.

Voluntary arbitration -

- ① Voluntary arbitration means to get the dispute settled through an independent person chosen by the parties involved mutually and voluntarily.
- ② The parties must enter into a written agreement called arbitration agreement to refer a dispute to an arbitrator.
- ③ It is based on the notion of self govt. in industrial relation.
- ④ It connotes a healthy attitude and a developed outlook.
- ⑤ It assist in strengthening the trade union movement & contributes for building up sound industrial relation.
- ⑥ It became popular method when Gandhiji had applied it successfully in textile industry of Ahmedabad.
- ⑦ The process of arbitration saves time and money of both the parties.

Adjudication-

- ① It consists of settling disputes through intervention of 3rd party appointed by the govt.
- ② The law provides the adjudication to be conducted by labour court, industrial tribunal or national tribunal.
- ③ There are 2 situations when it is obligation for the govt. to make a reference to adjudication.
 - i) When both the parties to a dispute apply in prescribed manner either jointly or separately for a reference.
 - ii) When the dispute related to the public utility services and notice of strike or lockout according to the law has been given.

Labour court-

- ① A labour court consists of one member who is normally a sitting or ex-judge of the high court.
- ② The issues referred to the labour court include -
 - i) The legality of an order passed by an employer under standing order.
 - ii) The application and implementation of an standing order.
 - iii) Illegality of any strike or lockout.
- Dismissal of an employee and govt grant of relief to them.

Industrial tribunal-

- ① It is also an one member body.
- ② It has wider jurisdiction than the labour court.
- ③ The industrial tribunal may be referred to the following issues -
 - i) Wages including the period or mode of payment.
 - ii) Hours of work and rest intervals.
 - iii) Bonus and provident funds.
 - iv) Leave with the wages & holidays.
 - v) Rules of discipline.

National tribunal-

The central govt. may constitute a national tribunal for adjudication of disputes of the industrial disputes issues questions of national importance or the industrial dispute is of such a nature that undertaking established in more than 1 state are likely to be affected by such a dispute.

The central govt. may appoint two assessors to advise them & to assist the national tribunal.