

# INDUSTRIAL DISPUTE

## MODULE 4

# MEANING

- *An industrial dispute is defined as a conflict or a difference in opinion between management and workers regarding employment. It is a disagreement between an employer and employees representative i.e. trade union. The issue of disagreement is usually pay or other working conditions.*
- *During an industrial dispute, both the parties try to pressurize each other to agree to their terms and conditions. The industrial unrest manifests itself as strikes, lock-outs, picketing, gheraos and indiscipline on the part of workers.*
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- *The definition of Industrial disputes is as follows – According to Section 2(k) of the Industrial Disputes Act, 1947 “industrial dispute” is defined as, “Any disputes or differences between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person”.*
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# INTRODUCTION

- **Industrial Dispute – Introduction and Meaning**
- For industrial progress and prosperity, maintenance of peaceful relations between labour and capital is of the first importance. Industrial dispute means a loss, both to the employers and the employees even when the latter scores a victory. It is also harmful to the community in general.
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- Therefore, every effort is made in advanced countries to maintain industrial peace. “The employer-worker relationship”, according to the Planning Commission, “has to be conceived of as a partnership in a constructive endeavour to promote the satisfaction of the economic needs of the community in the best possible manner.”
- For a long time in India there was no industrial unrest. Although modern industry began to grow in India in about the middle of the last century, yet for nearly half a century no dispute of importance took place. The First World War had made the workers conscious of their rights, and they were prepared to fight for them, if necessary.
- During the second war, Defence of India Rules was enforced in order to check strikes and disputes. According to them the Government armed itself with power to prohibit strikes and lock-outs and to refer to it any disputes for conciliation or adjudication and to enforce the awards.
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# INTRODUCTION

- Industrial unrest became very serious during the years immediately after World War II and to a lesser extent in recent years. During the last few years there has been appreciable improvement in industrial relations, the number of industrial disputes going down from 1,630 in 1957 to 1,491 in 1962.
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# INTRODUCTION

- An industrial dispute as a conflict or a difference in opinion between management and workers regarding employment. It is a disagreement between an employer and employees representative i.e. trade union. The issue of disagreement is usually pay or other working conditions. During an industrial dispute, both the parties try to pressurize each other to agree to their terms and conditions. The industrial unrest manifests itself as strikes, lock-outs, picketing, gheraos and indiscipline on the part of workers. The causes of this unrest are either specific organizational problems such as insufficient pay, lack of benefit and assistance schemes, or the causes may be wider socio-economic problems such as poverty and unemployment etc.

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# TYPES

- 1. Employers
- 2. Employees
- 3. Workmen.
- Workmen Industrial dispute is disagreement and difference between two disputants, namely, labour and management. This disagreement or difference could be on any matter concerning them individually or collectively. It must be connected with employment or non-employment or with the conditions of labour. It should also be noted that, the subject- matter of an industrial dispute must be specific, i.e., which affects the relationship of employers and workers.
- Let us now understand the severity of industrial disputes It is self-evident that industrial disputes and industrial unrest are symptoms of a lack of co- operative spirit and of harmonious relations in industry. It is agreed that the manifestation of these symptoms causes stoppage of work or disruption of production and all consequential evils. The continued and prolonged industrial unrest also has serious consequences for the employees and also for the economy at large.
- From the point of view of the employer, an industrial dispute resulting in stoppage of work means a stoppage of production. Please understand that this results in the increase in the average cost of production since fixed expenses continue to be incurred. It also leads to a fall in sales and the rate of turnover, leading to a fall in profits. The employer may also be liable to compensate his customers with whom he may have contracted for regular supply.

- Apart from the immediate economic effects, loss of prestige and credit, alienation of the labour force, and other non-economic, psychological and social consequences may also arise. Loss due to destruction of property, personal injury and physical intimidation or inconvenience also arises. For the employee, an industrial dispute entails loss of income.
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# CONCEPT

- **Industrial Dispute – Concept**
- In narrow sense industrial dispute means conflict between parties in industrial establishments. Dictionary meaning of 'dispute' is 'disagreement', 'mutual antagonism as of ideas, interests etc.' So, industrial dispute is disagreement/mutual antagonism as of ideas, interests etc. between parties in industry. In industrial setting parties are invariably workers and management.
- In the process of working, workers express their need, expectation, desire for fulfilment and satisfaction. They want more money i.e., attractive wages, allowances, monetary incentive which the management may not be agreeable to pay. Workers demand of better fringe benefits, health benefits but management may provide less than that of their requirement.
- They want recognition, status, power, advancement, higher quality of work life but management may be reluctant to give. Under such situation, a state of disagreement/mutual antagonism between workers . So, industrial dispute is a general concept, and this conflict gets the shape of industrial dispute in a specific dimensional situation. Basically, there is no difference between 'industrial conflict' and 'industrial dispute', variation lies only in scope and coverage.
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# CHARACTERISTICS

- **(1) Parties**
- (i) Employers and employers,
- (ii) Employers and workmen and
- (iii) Workmen and Workmen.
- **(2) Relation:**
- Matter of dispute may relate to worker or to employer or to both. Normally, it relates to an appointment or termination of a person; conditions of employment or conditions of work.
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# CHARACTERISTICS

- **(3) Forms:**
- Industrial disputes may manifest themselves in different forms, such as strikes, lock-outs, Gheraos, go slow tactics, pens down strike, etc.
- **(4) Oral or Written:**
- Industrial dispute need not be written. It may be oral.
- **(6) Substantial Interest:**
- In matter relating to industrial dispute interest either of the employer or the worker must be involved.
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- **(7) Related to Industry:**
- A dispute can be included in industrial dispute when it concerns with industry. Usually, disputes must belong to an industry which is functioning. Disputes belonging to an industry that has since been closed down should not be included in it.
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