

Collective Bargaining-

1. Collective bargaining is referred to as a process or negotiations between an employer or organization and a group of employees who are members of a trade union.
2. Collective bargaining is usually part of a unionized workplace.
3. The union will negotiate with an employer or a group of businesses on behalf of an employee or employees.
4. It usually encompasses negotiations on number of hours worked, health and safety, salaries and grievances, among others.
5. It is also a process which can help an employer ensure that they get the best workers, consistency with productivity, and a set of standards that every worker can be held to while in the workplace

Objectives-

1. To harmonize labour relations
2. To promote industrial peace.
3. To give equal opportunity to workers and management.
4. To secure better wages and better terms of employment.

Forms Of Collective Bargaining-

1. Negotiations - face to face round table talks.
2. Mediation - third party assists the parties to reach their common agreement.
3. Arbitration - through medium of neutral third party.
4. Voluntarily Arbitration - consult the third party for settlement.
5. Compulsory Arbitration - Individual dispute submitted to the arbitration

Advantages -

1. It is quick and efficient. That means parties do not waste time in litigation.
2. It creates more harmonious relationships between the parties.
3. It prevents employees from going on strikes.
4. It gives protection, security and stability to all employees.

Disadvantages -

1. Settlement flows more from power politics.
2. Trade union leaders act more as politicians rather than leader of employees.
3. It can be unfair to senior employees and member employees.

Conciliation Officer(2d)-

The Conciliation officer who has duty of mediation and promoting the settlement of Industrial disputes.

Appointment -

1. By giving notification in official gazette for a specific industry or area.
2. Can be Appointed for either permanently or limited period.

Powers-

1. After giving reasonable notice of inquiry, he can enter the premises of industry for the purpose of inquiry.
2. Can ask parties to produce documents and material objects
3. Can inspect documents

Duties-

1. Holds Conciliation proceeding
2. To bring both parties towards settlement.
3. If settled, sends memorandum of settlement signed by both parties to Government.
4. If not settled, close the proceedings and prepare the report for steps taken by him and reason for settlement could not arrived.

Labour Courts (Section 7)

A labour court shall consist of one person to be appointed by appropriate Government.

Appointment-

By notification in official Gazette by appropriate Government

Qualifications-

1. Judge of High Court
2. District Judge or additional district judge with atleast 3 years of experience.
3. Held any judicial office for atleast 7 years.

Powers -

1. Full power to determine the question of cost of any proceedings before it
2. Can use Powers defined in Civil Procedure Code 1908 and Indian Penal Code, 1860

Duties -

1. Hold proceedings
2. Submits the conclusion of proceedings report to appropriate government.

Industrial Tribunal - (7A) - Same as Above

1. One person only.
2. Two persons as advisors

Qualifications-

1. Presiding Officer of labour Court for atleast 5 years.

Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour practices Act, 1971

Objectives-

1. To provide recognition of trade unions for facilitating collective bargaining
2. To confers certain powers on unrecognised trade unions.
3. To declare certain strikes and lock-outs as illegal strikes and illegal lock-outs
4. To prevent certain unfair labour practices.

Authorities-

1. Industrial Court (S.4 & 5)
 - a. Gazette, Not less than 3 members, president, Judge of High Court
 - b. Duties - grant of recognition, grant new in place of old, withdrawal & cancellation of recognised unions, decides complaints relating to unfair labour practices.
2. Labour Court (S. 6 & 7)
 - a. Gazette, qualification prescribed under Article 234, not more than 60 years of age.
 - b. Duties - To discharge or dismiss employee by victimization, false reason, absence without leave.
 - c. Powers - declare unfair law practices, take actions, direct trade unions, interim orders
3. Investigating Officer(S. 8, 9)
 - a. Gazette, Any number of Investigating offices to assist labour and Industrial Court.
 - b. Duties -
 1. exercise powers and perform duties imposed on him by Industrial Court
 2. To assist in verification of trade unions and investigate complaints
 3. To report name and address of persons engaged in unfair law practices.
 - c. Powers- exercise powers and perform duties imposed on him by Industrial Court, Inspect premises, inspect documents, can take meetings with employees, appear in the proceedings