



Role of Trade Unions in Transition of Changes: A Contemporary Study

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Abstract

The primary concern of many observers of the trade union movement is the obligations of trade unions during periods of transition and growth. It is necessary to provide a protective umbrella under which all labour laws may operate to preserve workers' rights when reform measures are implemented. The current study is a mixture of doctrinal and non-doctrinal research. The Chi-Square Test is used to test seventeen variables selected from the previous literature research and current legislative provisions against alternative hypotheses. Various case studies are examined to verify the test results. It has been shown that militancy in the actions of trade unions emerges when employees are proactive and have a propensity towards protectionism on behalf of their members. In the majority of instances, there are no substantial differences amongst union members regardless of their political membership. In several cases, INTUC members and non-members have divergent opinions. Members of trade unions, regardless of their affiliation, are strongly opposed to any effort to change current legislative rules. It may be inferred that government machinery and employers, as significant parties in industrial conflicts, must take more responsibility for maintaining a congenial relationship.

Keywords: *INTUC, Disputes, Change, Industrial Relation, Trade Union*

Introduction

On June 1, 1926, the colonial administration enacted the trade union statute. A registered union obtains body corporate status. It is considered to be in perpetual succession. If a union is listed under the act, it would have specific privileges and immunities. For example, a union member's choice to act collectively or go on strike could not be considered a criminal conspiracy until they intend to commit a crime. Many scholars of the trade union movement are most concerned with the obligations of trade unions during periods of transition. Variations in the whole socio-economic system are inextricably linked to and conditioned by the trade union movement. The Indian government issued a new industrial strategy with distinct structural arrangements in July 1991. The modifications include various separation techniques.

The new Industrial Policy emphasised "privatization," "globalization," and "competition." (Aiyar, 2017; Ghosh, 2013; Indian Penal Code; 1860).

The 2nd national commission of labour proposed the enactment of single legislation for many industries in similar manners. Changes to Chapter VB of the Industrial Disputes Act, 1947, are among the commission's most important recommendations. Only permission from the competent authorities in advance is required for announcing layoffs and retrenchments in any firm employing 300 or more workers or for layoffs lasting more than 30 days (Aiyar, 2017; Ghosh, 2013).

Conciliation proceedings should be made compulsory for industrial disputes related to strikes and lock-outs. Any union that does not have 10% of the membership in a particular establishment can only represent individual cases. But the union should not have any other 'locus standi' there. The Notice of Change under Section 9A of the Industrial Disputes Act, 1947 should not operate as a stay against Section 33 of the said Act (Industrial Disputes Act, 1947). If a proper and fair inquiry is conducted on allegations of theft, sabotage, assault, or violence, and the worker is fired or eliminated from duty, and the court is satisfied with the charges presented and investigation procedures, the reinstatement order could not be issued. Appropriate protection against arbitrary dismissals and refusal of minimum wages must be provided to the employees involved in unorganised industries. Different sections of labour regulations must be re-evaluated so that employees as a group may experience equitable opportunity, economic security, and dignity (Minimum Wages Act, 1948).

Literature Review

This article provides a quick summary of the extant literature on different facets of trade unionism. In one discussion paper, Patel (2016) examines four stages of unionism in light of the aforementioned two perspectives. As per the author, the AITUC dominated the initial stage of the Indian Trade Union Movement (1950 to mid-1960s) but went slow as a new kind of protest evolved during the second stage. Independent unions appear in the 3rd stage. The influence of structural adjustment as well as "economic liberalization" policies characterised the third stage of trade unionism (1991-2013). Mamkottam (2003) analyses the trade union's attempts to adapt to technological modifications by analysing a case study on the newspaper. Ghosh (2008) recommends that novel technology can be a tool in management's hands to remove trade unions. Kotter (1989) found that while implementing technical change, management often takes the workforce for granted. Rao (2008) discusses issues of immunity in criminal and civil proceedings in some situations.

Research Methodology

Since the present research is quantitative in nature, it is very important to determine the variables which may influence the decision factors. Exploratory research has been conducted with the help of a small representation of union members. After consultation of 16 office bearers representing different union groups, 17 variables have been incorporated into the final study.

Sample Size

For a primary study, a sufficiently high representation of sample respondents is required. For this purpose, it was planned to gather 200 data points. However, owing to respondent non-availability, 156 replies were received in the corrected form and included in the research, resulting in a "response rate" of 78 percent.

Process of Sample Design

Random sampling techniques cannot be used since the target respondents are office bearers who may not be present at any given time or location. For this reason, it was decided to go with "Snowball Sampling."

Instruction and Test Administration

The current study is a hybrid of doctrinal and non-doctrinal research. There are 17 factors that have already been discovered and are being compared to alternate hypotheses. The "Chi-Square" test is used to reject or accept a hypothesis that has already been formed. Several cases are analysed to test Hypothesis 2.

Hypothesis

Hypothesis 1: H₀: Regardless of union affiliation, there is no substantial difference between INTUC and non-members regarding the use of general capital, the imposition of restraints on performing demonstrations, the exemption of legitimacy to trade union members under Section 17 of the "Trade Union Act" of 1926, the authenticity of immunity from a civil lawsuit in some instances for trade union members under Section 18 of the Act of 1926, the right of workers to peacefully exhibit, the absence of a guaranteed basic right causing disruption of the establishment's peaceful operation as a result of a presentation, the obligation of a registered union in connection with any legal or suitcase in a civil court on behalf of any tortuous act committed, the opinion of presenting a matter to voluntary arbitration for decision and announcement, circumstances prior to layoff and retrenchment as required by legislation, and the opinion of proportionate penalty.

H₁: Regardless of union affiliation, there are significant differences between members of INTUC & non-INTUC in their use of general funds, restrictions on holding demonstrations, the legitimacy of trade union exemptions under the Trade Union Act of 1926, section 17, the immunity legitimacy from a civil lawsuit in some cases to trade union members under Section 18, workers have the right to peacefully expose their concerns, lack of fundamental right disrupting the establishment's peaceful operation as a result of demonstration, the responsibility of a listed trade union in any legal case in a civil court for any tortuous act committed, opinion of submitting conflict to voluntary arbitration for a decision as well as a statement of the award, conditions prior to layoff and retrenchment as required by law, opinion on the severity of punishment in relation to the crime.

Hypothesis 2: Militancy grows when Trade Union activities become more active and protectionist.

Interpretation of Hypothesis

The alternative Hypothesis is evaluated against seventeen factors that have previously been discovered. The "Chi-Square Test" is used to reject or accept a hypothesis that has already been formed. In several areas, the opinions of INTUC and non-INTUC members differ. The response of INTUC members to the right of workers to peacefully protest has been divided into numerous groups, although the majority of INTUC members agree that it should be permitted with acceptable constraints. The INTUC and non-INTUC members have differing views on the nonexistence of a protected basic right that causes the establishment's peaceful functioning to be disrupted by demonstrations. Non-INTUC members were certain that demonstrations should be regarded as a given basic right, while INTUC members argued that demonstrations that disrupt the peaceful operation of the environment could not be considered a guaranteed right. INTUC and non-INTUC members have differing views on the responsibility of a listed trade union in relation to any legal procedure in a civil court for any tortious act committed. A vast proportion of non-INTUC members believe that a trade union or its associates are not accountable in any civil court litigation or legal process for any wrongful conduct committed. INTUC and non-INTUC members have differing views on sending disputes to voluntary arbitration for determination and announcement of the award. Respondents who were not INTUC members provided a negative reaction, whilst INTUC members offered a mixed opinion. A considerable proportion of non-INTUC members clearly said that "voluntary arbitration" is a failure and that they are opposed to sending disputes to voluntary arbitration for resolution and proclamation of the award. This viewpoint was rejected by INTUC members.

Hypothesis 2 is supported because reports of events and occurrences in various industrial settings reveal that trade union militancy emerges when employees are proactive and overly protective of their members. In the 1970s, 1980s, and early years of reform measures, unions were very active in organising and were too protectionist in protecting their members' interests. Protecting workers' rights was their main focus. Hypothesis 2 is supported by the numerous instances in which workers' protectionist and militancy-related behaviour has been linked.

Results

Table 1: Sphere/Sector-wise production loss, Wages Lost, Mandays Lost, and Workers involved, and number of Disputes owing to Industrial Disputes during 2014 in 'Public Sector' and 'Private Sector'

Sphere		Number of Disputes	"Number of workers involved"	Number of Mandays Lost	Wage Lost (in Rs.)	Production Loss (in Rs.)"	
PUBLIC SECTOR							
	1	2	3	4	5	6	7
I	State Sphere	Lockouts	-	-	-	-	-
		"Strikes"	5	152,908	577,592	1,59,31,874 (3)	..

		Lockouts & Strikes Total-I	5	152,908	577,592	1,59,31,874 (3)''	..
II	Central Sphere	Lockouts	-	-	-	-	-
		2Strikes	24	858,203	1,218,853	1,87,42,15,296 (23)	13,52,50,000 (4)''
		Lockouts & Strikes Total-II	24	858,203	1,218,853	1,87,42,15,296 (23)	13,52,50,000 (4)
GRAND TOTAL(I+I I)			29	1,011,111	1,796,445	1,89,01,47,170 (26)	13,52,50,000 (4)
PRIVATE SECTOR							
	1	2	3	4	5	6	7
I	State Sphere	Lockouts	168	96,344	8,097,253	18,24,18,184 (13)	49,03,12,600 (10)
		Strikes	89	28,665	1,162,332	11,29,41,448 (45)	1,57,36,50,831 (39)
		Lockouts & Strikes Total- I	257	125,009	9,259,575	29,53,59,632 (58)	2,06,39,63,431 (49)
II	Central Sphere	Lockouts	-	-	-	-	-
		Strikes	1	22,650	39,350	5,88,77,567 (1)	..
		Lockouts and Strikes Total - II	1	22,650	39,350	5,88,77,567 (1)	..
GRAND TOTAL (I+II)			258	147,659	9,298,925	35,42,37,199 (59)	2,06,39,63,431 (49)
TOTAL (PUBLIC & PRIVATE SECTOR)							
	1	2	3	4	5	6	7
I	State Sphere	Lockouts	168	96,344	8,097,253	18,24,18,184 (13)	49,03,12,600 (10)
		Strikes	94	181,573	1,739,914	12,88,73,322 (48)	1,57,36,50,831 (39)
		Lockouts & Strikes Total - I	262	277,917	9,837,167	31,12,91506 (61)	2,06,39,63,431 (49)

II	Central Sphere	Lockouts	-	-	-	-	-
		“Strikes	25	880,853	1,258,203	1,93,30,92,863 (24)	13,52,50,000 (4)”
		Lockouts & Strikes Total - II	25	880,853	1,258,203	1,93,30,92,863 (24)	13,52,50,000 (4)
GRAND TOTAL (I+II)		287	1,158,770	11,095,370	2,24,43,84,369(85)	2,19,92,13,431(53)	

- = Nil, ... = Not Available

[Note: The number of instances to which the important information applies is shown in brackets]

Discussion

Major Oil Sector Companies, FCI, ONGC, Insurance Cantonment Board, Major Ports, Banks, Railways, and Mines are within the central sphere. There is a progressive decline in the number of units impacted by lockouts and strikes in the central and state spheres. The number of layoffs and business closures is decreasing. This figure depicts an increasing favourable attitude between companies and unions. Now, they are trying to understand why it's important to work together to keep the workplace peaceful and protect their rights.

The outcomes of many cases vary from one another. The merits of each case determine the outcome. However, as learned courts have said in several decisions, militancy in any form could not be fostered since it is contrary to our Constitution's principles and the genuine character of trade union operations. In the case of Lakshmi Devi Sugar Mills, they determined that since the employees had engaged in an unlawful strike, the suspension order should be issued via General Manager as appropriate (Lakshmi Devi Sugar Mills Ltd. v. State of Uttar Pradesh, 1955). Examining O. K. Ghose versus E. X. Joseph, along with Kameshwar Prasad versus the State of Bihar, it may be concluded that freedom of association is a protected basic right (O.K Ghose v. E.X. Joseph, 1962; Kameshwar Prasad v. State of Bihar, 1962). However, the legal right to strike only protects the working class against the management's arbitrary decision to reinstate any disciplinary action against the union. The association between protectionism as well as militancy in the behaviour of workingmen may be observed in Simpson and Group Companies Workers versus Amco Batteries Limited, Central Bank of India versus Central Bank Officers' Association, Shahdol Pipe Works versus Zila Kamgar Sangh (Simpson & Group Companies Workers v. Amco Batteries Ltd. 1990; Central Bank of India v. Central Bank Officers, 1997; Shahdol Pipe Works v. Zila Laghu Udyog Kamgar Sangh, 2004). H1 is supported because reports of events and happenings in different workplaces show that trade union militancy happens when employees are proactive about voicing their demands and are too protective of their members.

Conclusion

The judgments in various cases vary from one another. Each case's judgement is based on its own merits. However, the learned courts, in several decisions, have made it plain that any type of militancy could not be promoted since this is contrary to the principles of trade union operations. Analysis in the case of Jay Engineering Works Ltd. versus State of West Bengal reveals that employees exhibited excessive militancy and aggressive conduct (Jay Engineering Works Ltd. v. State of West Bengal, 1967). Therefore, there exists a link between militancy and protectionism. This instance also supports H2. But genuine protectionism could not include unreasonable, disruptive, and disobedient behaviour toward others. The veracity of the activity must be the decisive element in this matter.

The organization's management should also act in a fair and equitable manner to acknowledge workers' rights. The management's unjustified approach also undermines the genuine importance of industrial relationships. The overall observation that could be drawn from primary data is that the members and leaders of the trade union are cooperative and compassionate when it comes to resolving conflicts. They firmly support bi-partite resolution and the use of joint consultative mechanisms to resolve conflicts. They firmly endorse current legal measures in the Industrial Disputes Act, Chapter V-B (Industrial Disputes Act, 1947). It may be inferred that government machinery and employers should have a greater share of the responsibility for maintaining a friendly relationship since they are also key players in industrial conflicts during times of transition. Enactment of an omnibus labour law encompassing various activities is required. But it's important to keep in mind that separation rules are very delicate, and any changes should focus on protecting workers' rights.

Conflict of Interest

The authors declare that they have no conflict of interest.

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