

Paper-HC-02

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Topic-Important topics of Industrial conflicts

1. Define Industrial Disputes.

According to the Industrial Disputes Act, 1947, Section 2(k); —Industrial Disputes mean any dispute or difference between employers and employees, or between employers and workmen or between workmen and workmen, which is connected with the employment or non – employment or term of employment or with the conditions of labour of any person.

2. What do you mean by Industrial Conflicts / Disputes?

Industrial Disputes mean any dispute or difference between employers and employees, or between employers and workmen or between workmen and workmen, which is connected with the employment or non – employment or term of employment or with the conditions of labour of any person.

3. What do you mean by Impact of Industrial Disputes?

∅ The consequences of industrial disputes are far – reaching, for they disturb the economic, social and political life of a country.

∅ Industrial disputes also affect the national economy.

∅ Prof. Pigou has observed: When labour and equipment in the whole or any part of an industry are rendered idle by a strike or lockout, national dividend must suffer in a way that injures economic welfare.

4. What do you mean by Strike? Define Strike?

Strike is —a temporary cessation of work by a group of employees in order to express their grievance or to enforce a demand concerning changes in work conditions.

Section 2(q) of the Industrial Disputes Act, 1947, defines a strike as —a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal under a common understanding of a number of persons who are or have been so employed to continue to work or to accept employment.

5. Write about lock out, layoff Lock – out:

Under the Industrial Disputes Act, 1947, Section 2(1), —A lock – out means the closing of a place of business or employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him.

Lay – off:

Lay – off means failure, refusal or inability of an employer, shortage of power, or raw material or accumulations of the stocks or the breakdown of the machinery or for any other reason to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched.

6. What do you mean by Retrenchment?

Retrenchment means the termination of the service of a workman for any reasons by the employer what so ever otherwise than as a punishment inflicted by the way of disciplinary action but does not include voluntary retirement of the workman or retirement of the workman reaching the superannuation if the contract of employment between the employer and the workman concerned contains a

stipulation in that behalf, or termination of the service of a workman on the ground of continuous ill health.

7. Define & meaning of Collective Bargaining Definition

According to Richardson, defines —Collective Bargaining takes place when a number of work people enter into negotiation as a bargaining unit with an employer or a group of employers with the object of reaching agreement on conditions of the employment of the work people.¶

Meaning:

It means collective negotiations between the employer and the employees relating to their work situations. The success of these negotiations depends upon mutual understanding and give and take principles between the employers and employees.

8. Write a short note on Industrial Peace.

Industrial peace is not merely a negative concept signifying the absence of industrial unrest, or the reconciling of hostile forces in order to avoid ruinous strife, but it also signifies the active presence of harmonious and good industrial relations generating amity and goodwill between the partners in an industry – a condition which is both the cause and effect of fruitful co – operation.

9. What you mean by Voluntary conciliation?

Conciliation is a voluntary proceeding, where the parties involved are free to agree and attempt to resolve their dispute by conciliation. The process is flexible, allowing parties to define the time, structure and content of the conciliation proceedings. These proceedings are rarely public. They are interest-based, as the

conciliator will when proposing a settlement, not only take into account the parties' legal positions, but also their; commercial, financial and / or personal interests.

10. Define collective bargaining.

According to Richardson, defines —Collective Bargaining takes place when a number of work people enter into negotiation as a bargaining unit with an employer or a group of employers with the object of reaching agreement on conditions of the employment of the work people.¶

10. What is Arbitration?

According to Kurt Brenn, —the objective of arbitration is not compromise, but adjudication, through the parties is at liberty to compromise. A wise arbitrator will certainly promote such agreements; but, as a rule, there is no place for compromise in the awards.¶ This basic difference between the settlement approach and the quasi – judicial approach must be appreciated.

11. Write a short note on grievances.

Grievances are feelings, sometimes real, sometimes imagined which an employee may have in regard to his employment situation. It is a broad concept and covers dissatisfaction.

12. What do you mean by Adjudication?

- ∅ Adjudication consists of settling disputes through intervention by the third party appointed by the government.

- ∅ A dispute can also be referred to adjudication by the Government even if there is no consent of the parties in which as it is called compulsory adjudication.

- ∅ Adjudication means a mandatory settlement of an industrial dispute by labour court or tribunal.