

INDUSTRIAL DISPUTE ACT 1947

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MEANING OF INDUSTRIAL DISPUTE ACT

- ▶ An Act to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.
- ▶ It defined as any dispute or difference 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 condition of labour of any person.

OBJECTIVES OF THE ACT

- ▶ To support measures for securing and preserving good relations between employers and employees.
- ▶ To provide suitable machinery for the equitable and peaceful settlement of industrial disputes.
- ▶ To prevent illegal strikes and lockouts.
- ▶ To afford relief to workers against layoffs, retrenchment, wrongful dismissal and victimisation.
- ▶ To promote collective bargaining.
- ▶ To improve the conditions of workers.
- ▶ To avoid unfair labour practices.

FEATURES OF THE ACT

- ▶ The act applies to entire India also includes the state of Jammu and Kashmir.
- ▶ It favours arbitration over the disputes between employers and workers.
- ▶ It affords for setting up of works committees as machinery for mutual discussion between employers and workers to promote friendly relation.
- ▶ The act paved the way for creating permanent conciliation machinery at various stages having definite time limits for conciliation and arbitration.
- ▶ This act emphasis on compulsory adjudication apart from the conciliation and voluntary arbitration of Industrial Disputes.
- ▶ The Act empowers the Government to refer the dispute to an appropriate authority, i.e., Labour Court, Industrial tribunal and National tribunal depending upon the nature of the dispute either on its own or on the request of the parties.

AUTHORITIES UNDER THE ACT

- ▶ Works Committee.
- ▶ Conciliation Officers.
- ▶ Board of Conciliation.
- ▶ Court of Inquiry.
- ▶ Labour Court.
- ▶ Industrial Tribunal.
- ▶ National Tribunal.

WORKS COMMITTEE

- ▶ The works committee is considered to be a powerful social institution only to secure cooperation between workers and employers, but to make the will of the employees effective on the management. According to section 3 of the Industrial Disputes Act, in case of an industrial establishment which contains 100 or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government by ordinary or particular order, acquire the employer to build a works committee containing of representatives of employers and workmen engaged in the establishment. The number of representatives of workers on Works Committee should not be less than the number of representatives of the employers.
- ▶ **Responsibilities of Work Committee**
- ▶ To promote measures for securing and preserving good relations between the employer and the workmen.
- ▶ To communicate upon subjects of their common interest or concern.

CONCILIATION OFFICERS

- ▶ The appropriate government will appoint conciliation officers charged with the duty of mediating in and promoting the settlement of the industrial disputes. Those conciliation officers are appointed for a specified area or a specified industry in a specified area, and his appointment may be permanent or temporary.
- ▶ **Responsibilities of Conciliation Officers**
- ▶ In case of any industrial disputes exist, the conciliation officer should maintain conciliation proceedings in a prescribed manner without delay to have the right settlement.
- ▶ Whether the settlement is reached or not, the conciliation officer has to submit the report within 14 days of the commencement of the conciliation proceedings or within the date fixed by the appropriate government.
- ▶ If the report proposed is satisfied to the respective Government, it may refer or not refer the dispute to any concerned authority under the Act. If the Government is not performing any endorsement, it should record and communicate the reason to the relevant parties.

BOARD OF CONCILIATION

- ▶ Similarly, a board of conciliation also be constituted to promote the settlement of industrial disputes. A board should consist of a chairperson and two or four other members, as the appropriate government thinks fit. The chairman should be an independent person, and the other member should be a person appointed in equal numbers to represent the parties to the dispute on the recommendation of the parties concerned. If any party refuses to make a recommendation within the prescribed time, then the appropriate government can appoint such persons eligible to represent the party.
- ▶ **Responsibilities of Board of Conciliation**
- ▶ When a dispute has been proposed to a Board, the board will investigate the matter affecting the merits and right settlement of the dispute without delay.
- ▶ Whether settlement reached or not, the Board must submit the report within two months of the date on which the dispute was proposed to it.
- ▶ If no settlement has arrived, the Government may refer the dispute to the labour court, Industrial Tribunal or National Tribunal.
- ▶ The time for submission of the report will be extended by the period as agreed by all the parties to the disputes
- ▶ The report of the Board should be in the written notice and has to be signed by all the members of the Board.
- ▶ The appropriate Government should publish the report submitted within 30days from the receipt
- ▶ A Board of Conciliation only has the power to bring about a settlement. It has no authority to impose a settlement on the parties to the dispute.

COURTS OF INQUIRY

- ▶ The appropriate government will constitute a court of inquiry consisting thirteen of one or more independent persons to inquire into any subject connected with or relevant to an industrial dispute where a court consists of two or more members any one of them will be appointed as chairman.
- ▶ **Responsibilities of Courts of Inquiry**
- ▶ A Court will inquire into the request raised to it and report to the appropriate government within six months from the commencement of the inquiry.
- ▶ The report of the court will be in the form of a written statement and signed by all the members of the court.
- ▶ Members are free to record their dissent. The report submitted will be published within 30 days of its receipt by the Government.

LABOUR COURTS

- ▶ The appropriate government will constitute one or more labour courts to adjudicate industrial disputes relating to any of the following entities.
- ▶ The propriety or legality of an order passed by an employer under the standing orders.
- ▶ The application and interpretation of standing orders.
- ▶ Discharge or dismissal of workers, including the retirement, grant of relief to workers wrongfully dismissed.
- ▶ Withdrawal of any customary concession or privilege.
- ▶ The appropriate government will appoint a labour court which consists of one person with the necessary judicial qualifications and will be appointed by the appropriate government.
- ▶ **Responsibilities of Labour Courts**
- ▶ Adjudicate upon the industrial disputes regarding any subject specified in the Second Schedule.
- ▶ When an industrial dispute has been proposed to a Labour Court for adjudication, within the specified period, it should submit award to the appropriate Government.
- ▶ The appropriate Government will publish it within 30 days from the date of its receipt.

INDUSTRIAL TRIBUNALS

- ▶ The appropriate Government by notification in the legal Gazette will constitute one or more industrial tribunals for the adjudication of industrial disputes relating to any matters specified above as in the case of Labour Court, or the following matters, namely
- ▶ Wages include the period and mode of payment
- ▶ Compensatory and other allowances;
- ▶ Hours of work and rest intervals.
- ▶ Leave with wages and holidays.
- ▶ Bonus, profit sharing, provident fund and gratuity.
- ▶ Shift working otherwise than by standing orders.
- ▶ Rules of discipline
- ▶ Rationalisation
- ▶ Retrenchment of workers and closure of establishment and
- ▶ Any other subject which is prescribed.

NATIONAL TRIBUNAL

- ▶ A National Tribunal will consist of one person to be appointed by the Central Government. To be qualified as a Presiding Officer of a National Tribunal, a person must be or must have been a Judge of a High Court, or must have held the office of the Chairman or any other member of the Labour Appellate Tribunal for at least two years. The Central Government may appoint two assessors to advise the National Tribunal, in proceedings before it.
- ▶ **Responsibilities of National Tribunals**
- ▶ When an industrial dispute is requested to the National Tribunal for adjudication, it should submit its request to the appropriate government.
- ▶ The request should be in written format and also be signed by the presiding officer of the National Tribunal.
- ▶ It should publish the request made within a period of 30days from the date of its receipt by Central Government.

THANK YOU