
UNIT 20 DEALING WITH UNIONS AND ASSOCIATIONS

Objectives

After completion of the unit, you should be able to:

- 1 understand the background and forces responsible for birth of Trade Union Associations;;
- 1 discuss various conceptual and theoretical aspects of Trade Unions/Associations;
- 1 discuss the strength and weakness of Trade Unions/Associations;
- 1 discuss the challenges before Trade Unions/Associations in changing business environment; and
- 1 understand the shifts that are required to make Trade Unions/Associations responsive ones.

Structure

- 20.1 Introduction
- 20.2 Formative Stages of Trade Unions
- 20.3 Definition of Trade Unions
- 20.4 Forms of Trade Unions
- 20.5 Functions of Trade Unions
- 20.6 Objective of Trade Unions
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20.1 INTRODUCTION

Trade Unionism grew as one of the most powerful socio-economic political institutions of our time - to fill in the vacuum created by industrial revolution in industrial society. It came as a countervailing force to reconcile social and economic aberrations created by Industrial Revolution. Individual dispensibility and collective

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indispensability was the basic principle for its formation. United we stand and divided we fall is the philosophy. The government policy of "Laissez-faire" left the working class at the mercy of mighty employers. The worker lacked bargaining power and seller of most perishable commodity (labour) he was no match for the mighty employer. The supply of labour was more and demand was less. Employers employed them at their terms, which were exploitative. The exploitation of labour was at its peak.

Combination of workers was considered as 'criminal conspiracy' and the terms of contract was regulated by workman Breach of Contract Act, 1860 and general law of the land. Discontent was brewing. Liberal democratic and revolutionary ideas (set in motion by American war of Independence, French Revolution and Thinkers like Rousseau & Marks etc.) of the time fanned the discontentment which was a smoldering since long and gave birth to an institution known as "trade union."

20.2 FORMATIVE STAGES OF TRADE UNION

Trade Union has to pass through a very difficult and hostile period in the initial years. The employers wanted to crush them with iron hands. Then came the period of agitation and occasional acceptance. When the union gained strength they started confronting with the employer. This is period of struggle which continued for long. Employers were forced to accommodate, tolerate and hesitatingly accept them. Then came the period of understanding and industry in collective bargaining. This was followed by fraternal stage where union became matured and employers started consulting them. The desired state is the "Fusion Stage" in which joint efforts were required to be made for union management co-operation and partnership.

20.3 DEFINITION OF TRADE UNION

According to Webbs, a trade union is a continuous association of wage earners for the purpose of maintaining and improving the conditions of their working lives. Under the Trade Union Act of 1926, the term is defined as "any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workers and employers, or for imposing restrictive conditions on the condition of any trade or business and includes any federation of two or more unions". Let us examine the definition in parts.

1. Trade union is an association either of employees or employers or of independent workers.
1. It is a relatively permanent formation of workers. It is not a temporary or casual combination of workers.
1. It is formed for securing certain economic (like better wages, better working and living conditions), social (such as educational, recreational, medical, respect for individual) benefits to members. Collective strength offers a sort of insurance cover to members to fight against irrational, arbitrary and illegal actions of employers. Members can share their feelings, exchange notes and fight the employer quite effectively whenever he goes off the track.

A more recent and non-legislative definition of a union is "an organisation of workers acting collectively who seek to protect and promote their mutual interests through collective bargaining" (De Cenzo & Robbins, 1993).

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20.4 FORMS OF TRADE UNIONS

There are three forms of trade unions:

- 1) **Classical:** A trade union's main objective is to collectively protect the interests of its members in given socio-economic-political system. Trade Unions are the expressions of the needs, aspirations and wishes of the working class.
- 2) **Neo-classical:** It goes beyond classical objectives and tries to improve up other wider issues like tax-reliefs, raising saving rates etc.
- 3) **Revolutionary:** Change in the system. Establishing the rule of working class even through violence and use of force etc.

20.5 FUNCTIONS OF TRADE UNIONS

Functions of trade unions are:

- a) **Militant or protective or intra-mutual functions:** These functions include protecting the workers' interests, i.e., hike in wages, providing more benefits, job security, etc., through collective bargaining and direct action such as strikes, gheraos, etc.
- b) **Fraternal or extramural functions:** These functions include providing financial and non-financial assistance to workers during the periods of strikes and lock outs, extension of medical facilities during slackness and casualties, provision of education, recreation, recreational and housing facilities, provision of social and religious benefits, etc.
- c) **Political functions:** These functions include affiliating the union with a political party, helping the political party in enrolling members, collecting donations, seeking the help of political parties during the periods of strikes and lockouts.
- d) **Social functions:** These functions include carrying out social service activities discharging social responsibilities through various sections of the society like educating the customers.

20.6 OBJECTIVES OF TRADE UNIONS

Unions concentrate their attention to achieve the following objectives:

- a) **Wages and Salaries:** The subject which drew the major attention of the trade unions is wages and salaries. Of course, this item may be related to policy matters. However, differences may arise in the process of their implementation. In the case of unorganised sector the trade union plays a crucial role in bargaining the pay scales.
- b) **Working Conditions:** Trade unions with a view to safeguard the health of workers demands the management to provide all the basic facilities such as, lighting and ventilation, sanitation, rest rooms, safety equipment while discharging hazardous duties, drinking, refreshment, minimum working hours, leave and rest, holidays with pay, job satisfaction, social security benefits and other welfare measures.
- c) **Discipline:** Trade unions not only conduct negotiations in respect of the items with which their working conditions may be improved but also protect the workers from the clutches of management whenever workers become the victims of management's unilateral acts and disciplinary policies. This victimisation may take the form of penal transfers, suspensions, dismissals, etc. In such a situation the seperated worker who is left in a helpless condition may approach the trade union. Ultimately the problem may be brought to the notice of management by

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the trade union and it explains about the injustice met out to an individual worker and fights the management for justice. Thus, the victimised worker may be protected by the trade union.

- d) **Personnel Policies:** Trade unions may fight against improper implementation of personnel policies in respect of recruitment, selection, promotions, transfers, training, etc.
- e) **Welfare:** As stated earlier, trade unions are meant for the welfare of workers. Trade union works as a guide, consulting authority and cooperates in overcoming the personnel problems of workers. It may bring to the notice of management, through collective bargaining meetings, the difficulties of workers in respect of sanitation, hospitals, quarters, schools and colleges for their children's cultural and social problems.
- f) **Employee-employer relation:** Harmonious relations between the employees and employer is a *sine quo non* for industrial peace. A trade union always strives for achieving this objective. However, the bureaucratic attitude and unilateral thinking of management may lead to conflicts in the organisation which ultimately disrupt the relations between the workers and management. Trade union, being the representative of all the workers, may carry out continuous negotiations with the management with a view to promote industrial peace.
- g) **Negotiating machinery:** Negotiations include the proposals made by one party and the counter proposals of the other party. This process continues until the parties reach an agreement. Thus, negotiations are based on 'give and take' principle. Trade union being a party for negotiations, protects the interests of workers through collective bargaining. Thus, the trade union works as the negotiating machinery.
- h) **Safeguarding organisational health and the interest of the industry:** Organisational health can be diagnosed by methods evolved for grievance redressal and techniques adopted to reduce the rate of absenteeism and labour turnover and to improve the employee relations. Trade unions by their effective working may achieve employee satisfaction. Thus, trade unions help in reducing the rate of absenteeism, labour turnover and developing systematic grievance settlement procedures leading to harmonious industrial relations. Trade unions can thus contribute to the improvements in level of production and productivity, discipline and improve quality of work life.

20.7 ROLE OF TRADE UNIONS

Adopting the model of Prof. Clark Kerr unions assume the following roles:

- a) **Sectional Bargainer:** Interests of the workers at plant, industry, national level multiplicity of unions, Crafts Unions, white Collar Union etc.
- b) **Class Bargainer:** Unions representing the interest of the class as whole as in France Agricultural Unions, Federations of unions, Civil Servants Union.
- c) **Agents of State:** As in U.S.S.R., ensuring targets of production at fixed price. In 1974 Railway strike, INTUC stood behind Government and its agent.
- d) **Partners in Social Control:** Co-determinator in Germany. Also, some examples are found in Holland, France, Italy and Sweden; some half-hearted attempts are being made in India also.
- e) Unions role which can be termed as *enemies of economic systems*, driven by political ideologies than business compulsions. Leftist unions want to change the fundamental structure of economy and want to have control over it. Therefore, they encourage high wages, high bonus etc. without any consideration for the health of the economy.

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any consideration for the health of the economy.

- f) **Business Oriented Role:** Here unions consider the interests of the organisation along with workers. They think that their members fate is inextricably linked with that of organisation and they swim or sink together.
- g) **Unions as Change Agent:** Lead the changes than to be led by them and thus, performing the pioneering role.

20.8 CLASSIFICATION OF TRADE UNIONS

Classification of trade unions is based upon ideology, trade and agreement.

Classification based on ideology

- a) **Revolutionary Unions:** Believe in destruction of existing social/economic order and creation of a new one. They want shift in power and authority and use of force - Left Unions.
- b) **Reformist or Welfare Unions:** Work for changes and reforms within existing socio-political framework of society - European Model.
- c) **Uplift Unions:** Advocate extensive reforms well beyond the area of working condition i.e., change in taxation system, elimination of poverty etc.

Classification based on trade

- a) Many unions have memberships and jurisdictions based on the trades they represent. The most narrow in membership is the craft union, which represents only members certified in a given craft or trade, such as pipe fitting, carpentry, and clerical work. Although very common in the western world, craft unions are not common in countries like India and Sri Lanka.
- b) At the other extreme in terms of the range of workers represented in the general union, which has members drawn from all trades. Most unions in India and Sri Lanka are in this category.
- c) Another common delineation of unions based on trades or crafts is that between so-called blue-collar workers and white-collar workers. Unions representing workers employed on the production floor, or outdoor trades such as in construction work, are called blue-collar unions. In contrast, those employees in shops and offices and who are not in management grades and perform clerical and allied functions are called white-collar workers.
- d) In addition, trade unions may be categorised on the basis of the industry in which they are employed. Examples of these are workers engaged in agriculture or forestry; hence agricultural labour unions or forest worker unions.

Classification based on agreement

Another basis on which labour agreements are sometimes distinguished is on basis of the type of agreement involved, based on the degree to which membership in the union is a condition of employment. These are:

- a) **Closed Shop:** Where management and union agree that the union would have sole responsibility and authority for the recruitment of workers, it is called a Closed Shop agreement. The worker joins the union to become an employee of the shop. The Taft-Hartley Act of 1947 bans closed shop agreements in the USA, although they still exist in the construction and printing trades. Sometimes, the closed shop is also called the 'Hiring Hall.'
- b) **Union Shop:** Where there is an agreement that all new recruits must join the union within a fixed period after employment it is called a union shop. In the USA where some states are declared to be 'right-to-work'.

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- c) **Preferential Shop:** When a Union member is given preference in filling a vacancy, such an agreement is called Preferential Shop.
- d) **Maintenance Shop:** In this type of arrangement no compulsory membership in the union before or after recruitment exists. However, if the employee chooses to become a member after recruitment, his membership remains compulsory right throughout his tenure of employment with that particular employer. This is called a maintenance of membership shop or maintenance shop.
- e) **Agency Shop:** In terms of the agreement between management and the union a non union member has to pay the union a sum equivalent to a member's subscription in order to continue employment with the employer. This is called an agency shop.
- f) **Open Shop:** Membership in a union is in no way compulsory or obligatory either before or after recruitment. In such organisations, sometimes there is no union at all. This is least desirable form for unions. This is referred to as an open shop.

The above classifications are more usual in the west than on the Indian sub-continent.

20.9 THEORIES OF TRADE UNIONISM

There is no one theory of Trade Unionism, but many contributors to these theories are revolutionaries like Marx and Engels, Civil servants like Sydney Webb, academics like Common and Hoxie and labour leader like Mitchall. Important theories of trade unionism are as follows.

- a) **Political Revolutionary Theory of Labour Movement of Marx and Engels:** This theory is based on Adam Smith's theory of labour value. Its short run purpose is to eliminate competition among labour, and the ultimate purpose is to overthrow capitalist businessman. Trade union is pure simple a class struggle, and proletarians have nothing to lose but their chains and they have a world to win.
- b) **Webb's Theory of Industrial Democracy:** Webb's book 'Industrial democracy' is the Bible of trade unionism. According to Webb, trade unionism is an extension of democracy from political sphere to industrial sphere. Webb agreed with Marx that trade unionism is a class struggle and modern capitalist state is a transitional phase which will lead to democratic socialism. He considered collective bargaining as the process which strengthens labour.
- c) **Cole's Theory of Union Control of Industry:** Cole's views are given in his book "World of Labour" 1913. His views are somewhere in between Webb and Marx. He agrees that unionism is class struggle and the ultimate is the control of industry by labour and not revolution as predicted by Marx.
- d) **Common's Environment Theory:** He was skeptical of generalisations and believed only that which could be proved by evidence. He agreed that collective bargaining was an instrument of class struggle, but he summarised that ultimately there will be partnership between employers and employees.
- e) **Mitchell's Economic Protection Theory of Trade Unionism:** Mitchell, a labour leader, completely rejected individual bargaining. According to him unions afford economic protection to.
- f) **Simons Theory of Monopolistic, anti-Democratic Trade Unionism:** He denounced trade unionism as monopoly founded on violence. And he claimed monopoly power has no use save abuse.
- g) **Perlman's Theory of the "Scarcity Consciousness" of Manual Workers:** He rejected the idea of class consciousness as an explanation for the origin of the trade union movement but substituted it with what he called job consciousness.

c) Preferential Shop: When a Union member is given preference in filling a

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denounced trade unionism as monopoly founded on violence. And he claimed monopoly power has no use save abuse. g) Perlman's Theory of the "Scarcity Consciousness" of Manual Workers: He

rejected the idea of class consciousness as an explanation for the origin of the trade union movement but

substituted it with what he called job consciousness.

According to him, 'working people in reality felt an urge towards collective control of their employment opportunities, but hardly towards similar control of industry.' Perlman observed that three dominant factors emerged from the rich historical data:

- i) the capacity or incapacity of the capitalist system to survive as a ruling group in the face of revolutionary attacks (e.g., failure in Russia).
- ii) the source of the anti-capitalist influences being primarily from among the intellectuals in any society.
- iii) the most vital factor in the labour situation was the trade union movement. Trade unionism, which is essentially pragmatic, struggles constantly not only against the employers for an enlarged opportunity measure in income, security and liberty in the shop and industry, but struggles also, whether consciously or unconsciously, actively or passively, against the intellectual who would frame its programmes and shape its policies.

But Perlman also felt that a theory of the labour movement should include a theory of the psychology of the labouring man. For instance, there was a historical continuity between the guilds and trade unions, through their common fundamental psychology; the psychology of seeking a livelihood in the face of limited economic opportunity. It was when manual workers became aware of a scarcity of opportunity, that they banded together into unions for the purpose of protecting their jobs and distributing employment opportunities among themselves equitably, and to subordinate the interests of the individual to the whole labour organism. Unionism was ruled thus by this fundamental scarcity consciousness (Perlman, 1970).

- h) **Hoxies Functional Classification of Unionism:** He classified Unionism on the basis of their functions. His classification were Business Unionism for protecting the interest of various craftsmen, "Uplift unionism" for the purpose of contributing better life such as association of sales engineers etc. "Revolutionary Unionism" which is eager to replace existing social order, "Predatory Unionism" which rests on these support of others.
- i) **Tannenbaum's Theory of Man Vs. Machine:** According to him Union is formed in reaction to alienation and loss of community in an individualistic and unfeeling society. In his words, the union returns to the workers his society, which he left behind him when he migrated from a rural background to the anonymity of an urban industrial location. The union gives the worker a fellowship and a value system that he shares with others like him. Institutionally, the trade union movement is an unconscious effort to harness the drift of our time and reorganise it around the cohesive identity that men working together always achieve.

20.10 GROWTH OF TRADE UNION MOVEMENT AND MEMBERSHIP IN INDIA

Trade unions in India, as in most other countries, have been the natural outcome the modern factory system. The development of trade unionism in India has chequered history and a stormy career.

Early Period

Efforts towards organising the workers for their welfare were made, during the early period of industrial development by social workers, philanthropists and other religious leaders mostly on humanitarian grounds. The first Factories Act, 1881, was passed on the basis of the recommendations of the Bombay Factory Commission, 1875. Due to

According to him, 'working people in reality felt an urge towards collective control of their employment opportunities, but hardly towards similar control of industry.' Perlman observed that three dominant

factors emerged from the rich historical data: i) the capacity or incapacity of the capitalist system to survive as a ruling group in the face of revolutionary attacks (e.g., failure in Russia). ii) the source of the anti-capitalist influences being primarily from among the

intellectuals in any society. iii) the most vital factor in the labour situation was the trade union movement.

Trade unionism, which is essentially pragmatic, struggles constantly not only against the employers for an enlarged opportunity measure in income, security and liberty in the shop and industry, but struggles also, whether consciously or unconsciously, actively or passively, against the intellectual who would frame its programmes and shape its policies.

But Perlman also felt that a theory of the labour movement should include a theory of the psychology of the labouring man. For instance, there was a historical continuity between the guilds and trade unions, through their common fundamental psychology; the psychology of seeking a livelihood in the face of limited economic opportunity. It was when manual workers became aware of a scarcity of opportunity, that they banded together into unions for the purpose of protecting their jobs and distributing employment opportunities among themselves equitably, and to subordinate the interests of the individual to the whole labour organism. Unionism was ruled thus by this fundamental scarcity consciousness (Perlman, 1970). h) Hoxies Functional Classification of Unionism: He classified Unionism on the

basis of their functions. His classification were Business Unionism for protecting the interest of various craftsmen, “Uplift unionism” for the purpose of contributing better life such as association of sales engineers etc. “Revolutionary Unionism” which is eager to replace existing social order, “Predatory Unionism” which rests on these support of others. i) Tannenbaum’s Theory of Man Vs. Machine: According to him Union is

formed in reaction to alienation and loss of community in an individualistic and unfeeling society. In his words, the union returns to the workers his society, which he left behind him when he migrated from a rural background to the anonymity of an urban industrial location. The union gives the worker a fellowship and a value system that he shares with others like him. Institutionally, the trade union movement is an unconscious effort to harness the drift of our time and reorganise it around the cohesive identity that men working together always achieve.

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the limitations of the Act, the workers in Bombay Textile Industry under the leadership of N M Lokhande demanded reduced hours of work, weekly rest days, mid-day recess and compensation for injuries. Bombay Mill owners' Association conceded the demand for weekly holiday. Consequently, Lokhande established the first Workers' Union in India in 1890 in the name of Bombay Mill hands Association. A labour journal called "Dinabandu" was also published.

Some of the important unions established during the period are: Amalgamated Society of Railway Servants of India and Burma (1897), Management the Printers Union, Calcutta (1905) and the Bombay Postal Union (1907), the Kamgar Hitavardhak Sabha (1910) and the Social Service League (1910). But these unions were treated as ad hoc bodies and could not serve the purpose of trade unions.

Modest Beginning

The beginning of the Labour movement in the modest sense started after the outbreak of World War I in the country. Economic, political and social conditions of the day influenced the growth of trade union movement in India. Establishment of International Labour Organisation in 1919 helped the formation of trade unions in the country. Madras Labour Union was formed on systematic lines in 1919. A number of trade unions were established between 1919 and 1923. Categorywise unions, like Spinners' Union and Weavers' Union, came into existence in Ahmedabad under the inspiration of Mahatma Gandhi. These unions were later federated into an industrial union known as Ahmedabad Textile Labour Association. This union has been formed on systematic lines and has been functioning on sound lines based on the Gandhian Philosophy of mutual trust, collaboration and non-violence.

All India Trade Union Congress

The most important year in the history of Indian Trade Union movement is 1920 when the All India Trade Union Congress (AITUC) was formed consequent upon the necessity of electing delegates for the International Labour Organisation (ILO). This is the first all India trade union in the country. The first meeting of the AITUC was held in October, 1920 at Bombay (now Mumbai) under the presidentship of Lala Lajpat Rai. The formation of AITUC led to the establishment of All India Railwaymen's Federation (AIRF) in 1922. Many Company Railway Unions were affiliated to it. Signs of militant tendency and revolutionary ideas were apparent during this period.

- a) **Period of splits and mergers:** The splinter group of AITUC formed All India Trade Union Federation (AITUF) in 1929. Another split by the communists in 1931 led to the formation of All India Red Trade Union Congress. Thus, splits were more common during the period. However, efforts were made by the Railway Federation to bring unity within the AITUC unity. These efforts did bear fruit and All India Red Trade Union Congress was dissolved. Added to this, All India Trade Union Federation also merged with AITUC. The unified AITUC's convention was held in 1940 in Nagpur. But the unity did not last long. The World War II brought splits in the AITUC. There were two groups in the AITUC, one supporting the war while the other opposing it. The supporting group established its own central organisation called the Indian Federation of Labour. A further split took place in 1947, when the top leaders of the Indian National Congress formed another central organisation.
- b) **Indian National Trade Union Congress:** The efforts of Indian National Congress resulted in the establishment of Indian National Trade Union Congress (INTUC) by bringing the split in the AITUC, INTUC started gaining membership right from the beginning.

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Congress resulted in the establishment of Indian National Trade Union Congress (INTUC) by bringing the split in the AITUC, INTUC started gaining membership right from the beginning.

- c) **Other Central Unions:** Socialists separated from AITUC had formed Hind Mazdoor Sabha (HMS) in 1948. The Indian Federation of Labour merged with the HMS, Radicals formed another union under the name of United Trade Union Congress in 1949. Thus, the trade union movement in the country was split into four distinct central unions during the short span of 1946 to 1949.

Some other central unions were also formed. They were Bharatiya Mazdoor Sangh (BMS) in 1955, the Hind Mazdoor Panchayat (HMP) in 1965 and the Centre of Indian Trade Unions (CITU) in 1970. Thus, splinter group of INTUC formed Union Trade Union Congress, the split in the Congress Party in 1969 resulted in the split in INTUC and led to the formation of National Labour Organisation (NLO).

Present Position

There are over 9,000 trade unions in the country, including unregistered unions and more than 70 federations and confederations registered under the Trade Unions Act, 1926. The degree of unionism is fairly high in organised industrial sector. It is negligible in the agricultural and unorganised sectors.

Though the number of unions has greatly increased in the last four decades, the union membership per union has not kept pace. The National commission on labour has stated that only 131 unions had a membership of over 5,000. More than 70% of the unions had a membership of below 500. Over the years the average membership figures per union have fallen steadily from about 1387 in 1943 to 632 in 1992-93 (Pocket Book of Labour Statistics, 1997). Unions with a membership of over 2000 constitute roughly 4 per cent of the total unions in the country.

There is a high degree of unionisation (varying from 30% to over 70%) in coal, cotton, textiles, iron and steel, railways, cement, banking, insurance, ports and docks and tobacco sector. White-collar unions have also increased significantly covering officers, senior executives, managers, civil servants, self employed professions like doctors, lawyers, traders, etc. for safeguarding their interest.

There are as many as 10 central trade union organisations in the country (as against one or two in UK, Japan, USA). The criteria for recognition as Central Trade Union has been that the combined strength should be 5 lacs numbers with a spread over to at least 4 states and 4 industries as on 31.12.89. Ten such Trade Unions are; (1) BMS (2) INTUC (3) HMS, (4) U.T.U.C - LS (5) AITUC (6) CITUC (7) NLO (8) UTUC (9) TUCC (10) NFITU. As per one survey (Economic Times, 24.9.97) the five leading Trade Unions' strength are as follows:

Box 1 Trade Union Strength

<i>Trade Union</i>		<i>Strength</i>
BMS	-	331 Lakhs
INTUC	-	271 Lakhs
AITUC	-	18 Lakhs
HMS	-	15 Lakhs
CITU	-	3.4 Lakhs

20.11 TRADE UNION ACT, 1926

The Trade Union Act, 1926 legalises the formation of trade unions by allowing employee to form trade union. It allows trade union to get registered under the act. Registration provides legal status to the trade union and it becomes body corporate. It

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can hold moveable and immoveable property and can enter into contract and can sue and can be sued. The act also provides immunities to the unions from civil and criminal prosecution for bonafide trade union activities. Union can generate General fund for day-to-day activities and Political fund for political activities. For details refer the Act.

20.12 RECOGNITION OF TRADE UNION

The underline idea of former trade union is to negotiate and bargain with employers to improve the service and employment conditions of workers on their behalf. This collective bargaining process can be possible only when employer recognises a trade union as bargaining agent and agree to negotiate with it because it is difficult to negotiate with multiple trade unions in a single organisation.

The Trade Union Act, 1926, the only Central Law, which regulates the working of the unions does not have any provision for recognition of trade union. Some attempts were made to include compulsory recognition in the Trade Union Act in 1947, 1950, 1978 and 1988, but it could not be materialised.

There are, however, state legislations like Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act 1971, Madhya Pradesh Industrial Relations Act, 1960 and other states like Gujarat, Andhra Pradesh and Orissa etc. which have gone for such legislations, of late.

The usual methods used to determine union strength, which is the basis of the recognitions are following:

- 1) **Election by Secret Ballot:** Under which system, all eligible workers of an establishment may vote for their chosen union, elections to be conducted by a neutral agent, generally the Registrar of Unions, in a manner very similar to the conduct of general elections. Once held, the results of the elections would remain valid for a minimum period, usually two years.
- 2) **Check-Off method:** Under which each individual worker authorises management in writing to deduct union fees from his wages and credit it to the chosen union. This gives management concrete evidence about the respective strengths of the unions. But the system is also prone to manipulation, particularly collusion between management and a favoured union. Sometimes, genuine mistakes may occur, particularly when the number of employees is large. It also depends on all unions accepting the method and cooperating in its implementation.
- 3) **Verification** of union membership method by the labour directorate as adopted as a resolution in the same session of the ILC and used widely in many establishments. This process is carried out by the labour directorate, which on the invitation of unions and management of an organisation or industry, collects particulars of all unions in a plant, with regard to their registration and membership. The claim lists of the unions, their fees books, membership records and account books are scrutinised for duplicate membership. Under a later amendment, unions also with lists of members in order to avoid dual membership. After cross checking of records, physical sampling of workers, particularly in cases of doubt or duplication, a final verified list is prepared for employers, unions and the government.
- 4) **Rule of Thumb** or intelligent guessing by management or general observation to assess union strength, either by the response at gate meetings, strikes or discussions with employees. This is not a reliable method, particularly in large establishments and can also be subject to change at short intervals.

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