

**ANALYSIS OF INDUSTRIAL RELATIONSHIP AND DISPUTE
RESOLUTION**G.Pugazhmani¹, R.Kishorekumar², E.Gopalakrishnan³, J.Arun⁴ and S.Mathivanan⁵.¹Assistant Professor, Dept. of civil engg, Roever Engineering College, Perambalur-Tamil Nadu,
^{2, 3, 4 & 5}Final Year Students, Dept. of civil engg, Roever Engineering College, Perambalur-Tamil Nadu.

ABSTRACT- Industrial relationship is concerned with the interaction between employer & employees and their respective organizations. The interaction takes place at various levels as between an individual employee and his/her employer or workplace between a group of employees or a trade union and an individual employer. This paper deals with the study of relationship between the employers and the employees. It provides the employers and workers and their organizations resolve their disputes through conciliation and arbitration and where necessary provide recourse to specialised labour courts. To support the establishment or revitalization of voluntary, free-of-charge and expeditious mechanisms for labour disputes settlement and also reduce the systemic need for social partners to resort to adjudicative processes.

Keywords- Industrial relationship, Labour, Dispute, enterprises, organized sector and unorganized sector

1. INTRODUCTION

Dispute prevention and resolution is today attracting more and more attention, as the effective prevention and resolution of labour disputes is critical for sound and productive employment relations worldwide. Dispute resolution processes offer a collective bargaining resource to the interested parties, and strengthen social partnerships. As conflict is inherent to and inevitable in employment relationships, establishing effective dispute prevention and resolution processes is key to minimizing the occurrence and consequences of workplace conflict.

Many countries have put in place dispute prevention and resolution systems, both inside and outside their ministries of labour, with different organizational structures and roles. The International Labour Organization has been assisting member States, as well as workers' and employers' organizations, to set up, or strengthen, such systems.

Traditionally, labour dispute management has been the responsibility of government ministries or departments of labour, with disputes being handled by government officials within the labour administration. However, labour administrations, with some exceptions, have been relatively slow to reduce their reliance on adjudication as a means of settling disputes, and today need to consider what can be done to improve their performance, on both dispute prevention and dispute resolution, through greater reliance on consensus-based arrangements. These guidelines aim to assist these bodies in strengthening and revitalizing their dispute management systems. Some countries adopted institutional arrangements, either by creating a dedicated dispute-handling unit within labour administration, or by creating independent and autonomous statutory bodies which assumed responsibility for dispute prevention and resolution that had previously been undertaken by labour administrations. Such bodies remain dependent on State funding but operate without governmental interference and independently of business, employer, or trade union influence. This Guide includes an outline of what needs to be done if a country seeks to reorganize and restructure its entire labour dispute management system by the creation of an independent body or commission. Whether disputes are handled by labour administrations or independent commissions, or through other arrangements including the use of private agencies, there is scope for improved performance.

II. LABOUR DISPUTE SYSTEMS

Guidelines for improved performance strengths and weaknesses of existing dispute prevention and resolution arrangements, the identification of performance gaps, and the planning and implementation of workable strategies for addressing the identified shortcomings. In some cases performance improvement may require major changes involving new institutions, new structures, and new operational arrangements. In other situations, improvement can result from relatively minor changes such as the re-design of forms, improved information flows, or the retraining of officers.

The prevention of disputes through conflict management in the workplace is presented as an important component of a sound industrial relations system, while the maturity of an industrial relations system is closely related to the capacity of employers and employees and their organizations, without State intervention, to resolve their disputes through information sharing, dialogue, consultation, negotiation, and bargaining.

2.1 About the study

The present study was undertaken to study the industrial relationships i.e., the relationships between the management, employer and employees. Their relationships are thoroughly studied and the problems facing by them in the working environment due to several factors is analysed and the final suggestions for the respective disputes are given.

2.2 Industrial relationship

Industrial relations is concerned with the interactions between employers and employees and their respective organizations – as influenced by governmental interventions – at work, or arising outside of the work situation. These interactions can take place at various levels as, for example, between an individual employee and his or her employer within an enterprise or workplace, between a group of employees or a trade union and an individual employer, between a trade union or unions and an employers' organization at industry or sector level and between peak representative bodies of employees and employers at the national level. This indicates that worker-employer interactions can be individual or collective, within individual enterprises or workplaces, with in groups of enterprises or industries, at the provincial or state level, at the national level. Irrespective of the level of interaction, it is clear that employees and employers, and their respective organizations, have both common and conflicting interests. The common interest relates to the production process which generates the goods and/or services, and the resultant earnings that enable enterprises to survive, make profits and grow, and which at the same time, provide the means for employees to earn wages and receive benefits. The conflicting interest relates to the share of production proceeds. Employees seek to improve their wages and non-wage benefits, employers seek to improve profits and returns for the owners and shareholders. A typical example of a conflicting interest is when employers seek discretion over hiring and firing, whereas workers want protection.

In industrial relations systems dominated by market forces, conflict between employees and employers and their organizations is inevitable, resulting in disagreements and disputes that need to be resolved. Disputes can be prevented and resolved by consensus-based actions of employers and employees themselves or, alternatively, through the actions of third parties through the processes of conciliation and bargaining.

2.3 The interacting parties

A better understanding of the nature of industrial relations and the extent to which cooperation or conflict is dominant requires an examination of the nature and characteristics of the interacting parties on the one hand, and the environments in which they interact on the other. The interacting parties include:

1. The individual employee,
2. The individual employer,
3. An employees' group or trade union,
4. An employers' organization,
5. A trade union federation,
6. An employers' federation,
7. Governmental agencies.

III. METHODOLOGY

3.1 General

The aim of this study is to analyse the industrial relationships between the management, the employers and the employees. The relationships are analysed and the disputes between them. this study is used to maintain a smooth relationships between the employers and the employees

3.2 Methods of Analysis

1. Questionnaire method
2. Ranking method
3. Grading system.

3.3 Questionnaire method

A paper form, yet to be filled in by the respondent. A questionnaire is a research instrument consisting of a series of questions and other prompts for the purpose of gathering information from respondents. Although they are often designed for statistical analysis of the responses, this is not always the case. Usually, a questionnaire consists of a number of questions that the respondent has to answer in a set format. A distinction is made between open-ended and closed-ended questions. An open-ended question asks the respondent to formulate his own answer, whereas a closed-ended question has the respondent pick an answer from a given number of options.

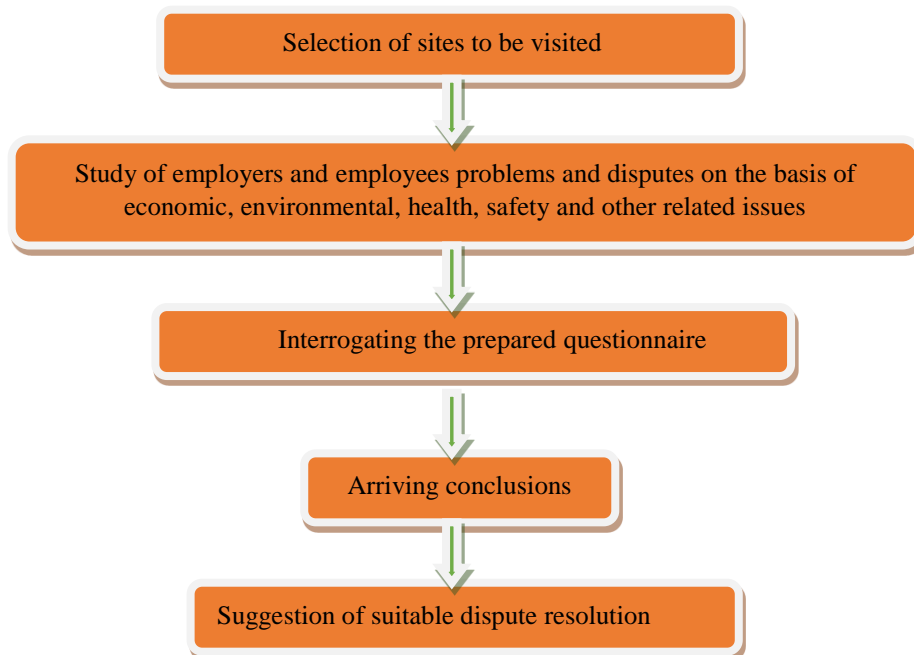
The questionnaire method is the detailed survey method to know the industrial relationship better and their disputes.

In this method the set of detailed questions are prepared considering the economic, social and physical factors.

3.4 Advantages of Questionnaire survey

The main advantages of questionnaires are:

1. They are relatively easy to analyse
2. They are familiar to library staff and managers
3. A large sample of the given population can be contacted at relatively low cost;
4. They are simple to administer;
5. The format is familiar to most respondents;
6. They should be simple and quick for the respondent to complete
7. Information is collected in a standardised way
8. They are usually straightforward to analyse
9. They can be used for sensitive topics which users may feel uncomfortable speaking to an interviewer about
10. Respondents have time to think about their answers; they are not usually required to reply immediately.



IV. DISPUTE ENVIRONMENT AND CAUSES OF DISPUTES

4.1 Dispute environment

The interactions between employees and employers take place in an environment comprising several factors that play a key role in determining the outcome of those interactions.

4.2 Types of dispute environment

4.2.1 Political environment

Is it one in which the prevailing Government supports freedom of association and the right to bargain collectively, or does it instead oppose trade union activities?

Is it one in which the principles of sound labour market governance are acknowledged and practised, including participation, inclusiveness, transparency, non-discrimination, equity and accountability, or is it one where decisions relating to labour market matters lack consultation, disregard standards of fairness and transparency, and generally lack a reasonable balance between the interests of employees and employers?

Is it one which promotes compulsory government-operated dispute resolution systems, or are voluntary options supported and encouraged?

Is it one that seeks to interfere in every aspect of employee-employer interactions, or one in which interventions are limited to encouraging employees and employers to resolve their own problems?

4.2.2 Legal environment

Are labour laws consistent with political pronouncements? For example, political statements may elevate the importance of collective bargaining but actual labour laws may create various obstacles to collective bargaining in practice, including stringent requirements for union registration and recognition for bargaining purposes, and the approval of collective agreements.

Do labour laws encourage and support institutional arrangements for dialogue between workers and employers at the enterprise level, and employers, employees and Government at the industry, regional, or national levels?

Is the legal environment sufficiently flexible to accommodate changing circumstances? For example, in some countries, parliamentary amendments to labour statutes may take many years, thereby requiring that the legal environment provide for interventions through cabinet-approved regulations and ministerial orders in accordance with suitable consultative processes.

As an extension of the political environment, are laws seen by employers, employees, or both as negative interference, or as positive interventions?

What is the definition of 'employee'? Do atypical employees, including those engaged in the informal economy, and those seen by employers to be independent contractors, have access to dispute resolution procedures?

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4.2.4 Economic environment

Is the economy strong and growing, or weak and contracting?

Is unemployment increasing?

Are enterprises closing, leading to retrenchments?

Is inflation increasing?

Which sectors are expanding, and which are contracting?

4.2.5 Technological environment

Is there an emphasis on labour-intensive or capital-intensive production methods?

How skilled is the workforce?

4.2.6 Social and cultural environment

What are the traditional ways of resolving conflict?

Is there an emphasis on competition and winning, or on cooperation and compromise?

Is there a tendency for religious beliefs to influence industrial relations interactions?

Have labour laws been influenced by religion?

4.3 Forms and causes of labour disputes

Labour disputes may be minor or major, individual or collective, confined to one workplace or extend over many enterprises. The causes of these disputes are many and various, ranging from a simple complaint by an individual employee over pay entitlements, to a complaint by a group of employees concerning unsafe or unhealthy working arrangements, to a work stoppage by all employees within a workplace claiming they are being prevented from forming a union to further their interests. Some disputes are resolved very quickly as, for example, a supervisor explaining to an individual employee how pay has been calculated on the employee's pay slip, and the employee accepting that explanation. The problem is resolved on the spot and the dispute is over. Some disputes, however, will take longer to resolve. For example, a complaint concerning unsafe or unhealthy working arrangements by a group of employees may not be possible to resolve on the spot. If the complaint relates to the lack of machine guards or excessive dust or noise levels in a particular section of a factory, it may not be possible for the employer to resolve the situation immediately. There may be disagreement between the employer and employee over whether a hazard exists, the degree of risk posed

by a hazard, and how the risk may be minimized. There may be a need for the employer to call on the services of a safety and health specialist for advice, but in the meantime the problem remains, conflict remains, and the possibility of a work stoppage or some other form of industrial action exists.

4.4 Types of disputes

Some disputes are individual in nature, others are collective; some disputes are identified as disputes over rights, others as disputes over interests.

An individual dispute is a disagreement between a single worker and his or her employer, usually over existing rights. It can also include situations in which a number of workers disagree with their employer over the same issue, but where each worker act as an individual.

A collective dispute is a disagreement between a group of workers usually, but not necessarily, represented by a trade union, and an employer or group of employers over existing rights or future interests.

A rights dispute is a disagreement between a worker or workers and their employer concerning the violation of an existing entitlement embodied in the law, a collective agreement, or under a contract of employment. Such disputes usually take the form of a claim by employees that they have not been provided with their entitlements with regard to such things as wages, overtime payments, holidays, and the working environment – indeed anything which is an entitlement that already exists by law. Rights disputes can be either individual or collective.

An interest dispute is a disagreement between workers and their employer concerning future rights and obligations under the employment contract. In practice most interest disputes are the result of a breakdown in the bargaining process with the parties failing to reach agreement on the terms and conditions of employment that will apply in future. Interest disputes are generally collective in nature. Some jurisdictions identify various special types of rights disputes including those relating to trade union recognition, the determination of bargaining units, the interpretation and application of collective agreements, and those concerning unfair dismissals. This raises the question as to whether such ‘special’ disputes should be handled differently from mainstream rights disputes, involving special institutions and processes

V. Summary

The various sites are investigated thoroughly through the prepared questionnaire and the following conclusions are arrived.

5.1 Organized and Unorganized sectors

From the detailed investigations, it has been found that the sectors are classified into

1. Organized sector
2. unorganized sector

5.2 Unorganised sector

The term unorganised sector when used in the Indian context is defined by National Commission for Enterprises in the Unorganised Sector, in their Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector as consisting of all unincorporated private enterprises owned by individuals or households engaged in the sale or production of goods and services operated on a proprietary or partnership basis and with less than ten total workers. Amongst the characteristic features of this sector are ease of entry, smaller scale of operation, local ownership, uncertain legal status, labour-intensive and operating using lower technology based methods, flexible pricing, less sophisticated packing, absence of a brand name, unavailability of good storage facilities and an effective distribution network, inadequate access to government schemes, finance and government aid, lower entry barriers for employees, a higher proportion of migrants with a lower rate of compensation. Employees of enterprises belonging to the unorganised sector have lower job security and poorer chances of growth, and no leaves and paid holidays, they have lower protection against employers indulging in unfair or illegal practices.

5.2.1 Unorganized characteristics

1. Low productivity compared to formal sector
2. Lower wages to workers
3. Poor working conditions
4. Absence of social security measures
5. Negation of social standard
6. Poor human capital base (in terms of education, skill and training) as well as lower mobilization status of the work force

5.2.2 Characteristics of Unorganized Workers (UW)

1. Have limited or no education or other skills.
2. Are hugely scattered and don't have political pressure groups
3. Don't have fixed jobs i.e. have seasonality as compared to formal sector workers.
4. Social stratification is more in them in rural areas on the basis of Caste and sub-castes.
5. Still today, they act as "bonded labour" in some cases due to low incomes & permanent indebtedness.
6. Have insufficient labour laws relating to them.
7. Work in very poor working environment.

5.3 Organized sector

A sector which act according to government rules with many employers and have a defined pattern of wages is called organised sector. It has high profits and irreparable losses. All developed countries follow this sector.

5.4 Conclusions

1. Employer employee relationship is not maintained smoothly in this sector.
2. The employee is not maintaining the work timings in this sector.
3. The employer finds difficulty in completing the project in the stipulated time.
4. The employer faces the dispute directly.
5. Regular work has not been provided to the employees.
6. Wages to the employee are not given on the regular basis.
7. Employees are directed by some mediators.
8. Insufficient labour laws
9. No social security
10. Bonded labour (they don't complain about this because if they do their master may remove them considering their ignorance)
11. Child Labour (they are the most exploited among them)
12. Working Women – issue of harassment at work place
13. Low incomes which they don't complain about.

VI REFERENCE

- [1]Hanneli Bendeman, "Ananalysis of the problem of the labour dispute resolution system in construction" journal on Conflict Resolution, Vol.6 (1) 2006:PP.81-112.
- [2]Beissenova and Turebayeva, "Labour conflicts in Kazakhstan: a specific character of their solution" Social and Behavioral Sciences World Conference on Psychologyand Sociology (2013) 877 – 881
- [3]Jayan Jose Thomas, "Labour and Industrialisation in Kerala" Indian Journal of Labour Economics, Vol. 46, No.4, pp. 575-592., June-December 2003
- [4]Sina Safinia, International Journal of Construction Engineering and Management ISSN:2326-1080 e-ISSN: 2326-1102. "A review on dispute Resolution methods Inconstruction Industry"
- [5]Mohamed Marzouk , Journal of Advanced Research (2014) 5, 49–55_“Analyzing delay causes in Egyptian construction projects”
- [6] Marinescu, I., (2009), Journal of Labour Economics, 27 (3), 475-486 “Job Security Legislation and Job Duration ? Evidence from the UK,”