

Industrial Relations and Labour Laws PYQ 2020

Q1 What are the emerging challenges for trade unions in present scenario? What role they can play in future.

Ans1. Trade unions are facing several emerging challenges in the present scenario. Some of the major challenges are:

1. **Declining Union Membership:** One of the major challenges for trade unions is declining union membership. Many workers are no longer interested in joining unions, which affects the bargaining power of unions.
2. **Globalization:** With the increasing globalization, the bargaining power of trade unions has declined. The availability of cheap labor in developing countries has led to the relocation of many manufacturing units from developed countries to developing countries.
3. **Technological Advancements:** Technological advancements are also posing a challenge to trade unions. Many jobs are becoming automated, and workers are being replaced by machines. This has led to a decline in the demand for labor, which affects the bargaining power of unions.
4. **Changes in Labor Laws:** Changes in labor laws by the government have also impacted the functioning of trade unions. Many laws have been amended to give more power to employers, which makes it difficult for unions to protect the rights of workers.

To overcome these challenges, trade unions need to evolve and adapt to the changing environment. They can play an important role in the future by:

1. **Educating Workers:** Trade unions can educate workers about their rights and help them to understand the importance of joining unions. This will increase the bargaining power of unions and improve the working conditions of workers.
2. **Collaboration:** Unions can collaborate with employers and the government to find common solutions to problems. This will help to build trust and promote dialogue, which is essential for the smooth functioning of the economy.
3. **Diversification:** Unions can diversify their activities and focus on issues such as education, training, and social welfare. This will help to improve the overall well-being of workers and their families.
4. **Technology Adoption:** Trade unions can adopt technology to reach out to a wider audience and improve their communication with members. This will help to increase membership and improve the bargaining power of unions.

In summary, trade unions face emerging challenges in the present scenario, but by evolving and adapting to the changing environment, they can continue to play an important role in the future.

Q2 Differentiate between Conventions and Recommendations. What are the difficulties in their adoption? What is the future of International Labour Standards?

Ans2 Conventions and Recommendations are two types of instruments used by the International Labour Organization (ILO) to establish international labor standards.

Conventions are legally binding international treaties that set minimum standards on labor issues. Once a convention is ratified by a member state, it becomes legally binding in that country. The conventions address issues such as child labor, forced labor, freedom of association, and collective bargaining.

Recommendations, on the other hand, are non-binding guidelines that suggest ways for member states to improve their labor practices. They provide guidance on issues such as employment policies, social security, and working conditions.

The adoption of Conventions and Recommendations can be difficult due to a variety of reasons. One of the major difficulties is the lack of political will among member states to implement and enforce the standards. Another challenge is the cultural and social differences between countries that can make it difficult to agree on common standards.

The future of International Labour Standards is dependent on the ability of the ILO to adapt to changing circumstances and new challenges. As the world of work evolves, new issues such as digitalization, non-standard forms of employment, and climate change will need to be addressed. The ILO will need to work closely with member states, social partners, and other stakeholders to ensure that labor standards remain relevant and effective in addressing these emerging challenges.

Q3 What are the causes of Indiscipline? Explain the procedure for taking disciplinary action.

Ans Causes of indiscipline:

Indiscipline refers to a lack of control or disobedience to the established rules and regulations. The following are some of the causes of indiscipline:

1. Poor management: Inefficient management can lead to confusion and a lack of direction, resulting in indiscipline among employees.
2. Lack of communication: Poor communication can result in misunderstandings and a lack of clarity, leading to indiscipline.
3. Unfair treatment: When employees feel that they are being treated unfairly, they may resort to indiscipline to express their grievances.
4. Personal problems: Personal problems such as financial difficulties, marital problems, and health issues can affect an employee's performance and lead to indiscipline.
5. Lack of motivation: When employees are not motivated, they may become disengaged and unproductive, leading to indiscipline.

Procedure for taking disciplinary action:

The following is the procedure for taking disciplinary action:

1. Investigation: The first step is to investigate the allegations of misconduct to determine if they are true.

Informing the employee: The employee must be informed of the allegations against him/her and given an opportunity to explain his/her side of the story.

2. Holding a hearing: If the allegations are serious, a formal hearing may be held to hear the employee's side of the story.

3. Deciding on the penalty: After the hearing, the employer must decide on the penalty to be imposed based on the severity of the misconduct.

4. Informing the employee: The employee must be informed of the decision and the penalty imposed.

5. Follow-up: The employer must ensure that the employee complies with the penalty and takes steps to prevent further misconduct.

6. Difficulties in adopting disciplinary action:

The following are some difficulties in adopting disciplinary action:

1. Delay: Disciplinary action can be delayed due to various reasons such as investigations, hearings, etc.

2. Legal challenges: Employees can challenge disciplinary action in court, which can be time-consuming and expensive.

3. Employee morale: Disciplinary action can have a negative impact on employee morale and productivity.

4. Unions: Unions can oppose disciplinary action and can even go on strike, making it difficult for the employer to take action.

Future of disciplinary action:

The future of disciplinary action depends on the ability of employers to create a culture of discipline and accountability. This includes setting clear expectations and consequences for misconduct, providing training and support to employees, and enforcing rules consistently and fairly. It is also important to ensure that disciplinary action is carried out in a timely and efficient manner to avoid delays and legal challenges.

Q4 How was "Industry" defined after the judgement of the Supreme Court in Bangalore Water Supply and Sewerage Board vs Rajappa.

Ans4 The judgement of the Supreme Court in Bangalore Water Supply and Sewerage Board vs Rajappa, commonly known as the "Rajappa case", provided a comprehensive definition of "industry" under Indian law. The court held that the term "industry" should be construed broadly to include any systematic activity carried out by co-operation between an employer and his employees, with the objective of producing goods or services that satisfy human needs or wants.

The court further elaborated that the activity must be carried out with the aid of power, mechanical or manual, or both, and be integrated into a system or a process. The term "process" was also defined to include any activity that converts raw materials or inputs into a finished product or service.

Thus, the Rajappa case established that the definition of "industry" is not limited to traditional manufacturing activities, but also includes services, mining, construction, and other related activities. This broad interpretation has important implications for the scope of labor laws in India, as they apply to all workers employed in industries, irrespective of the nature of their work.

Q5 What are the conditions precedent to retrenchment of workmen? What is the procedure for retrenchment?

Ans5 Retrenchment refers to the termination of services of workmen by the employer for any reason whatsoever except for disciplinary action, voluntary retirement, or retirement on reaching the age of superannuation. The conditions precedent to retrenchment of workmen are:

1. The employer must give one month's notice in writing to the workmen prior to retrenchment.
2. The employer must pay compensation to the workmen at the rate of fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.
3. The workmen have been selected for retrenchment according to the principle of last come, first go.

The procedure for retrenchment is as follows:

1. The employer must first prepare a seniority list of the workmen.
2. The employer must then identify the workmen to be retrenched, based on the principle of last come, first go.
3. The employer must then issue a notice of retrenchment to the workmen who are to be retrenched, with one month's notice.
4. The employer must pay compensation to the workmen as per the law.

It is important to note that the provisions related to retrenchment are governed by various labor laws and regulations, including the Industrial Disputes Act, 1947. Employers must comply with these laws and regulations to avoid any legal disputes with the employees.

Q6 Explain the provisions related to health of workers given under the Factories Act, 1948.

Ans6. The Factories Act, 1948 contains several provisions related to the health of workers in factories. Some of the important provisions are as follows:

1. Cleanliness: Every factory must be kept clean and free from effluvia arising from any drain, privy, or other nuisance. Adequate ventilation and lighting must be provided.
2. Disposal of wastes and effluents: Adequate measures must be taken for the disposal of wastes and effluents. If necessary, arrangements must be made for the treatment of such wastes before their discharge into a public sewer.

3. Drinking water: Clean drinking water must be provided to workers. The water must be easily accessible and the supply must be adequate.
4. Latrines and urinals: Adequate latrines and urinals must be provided for male and female workers separately. These must be kept clean and hygienic.
5. Spittoons: Spittoons must be provided at convenient places and they must be regularly cleaned.
6. Overcrowding: The factory premises must not be overcrowded. There must be sufficient space for workers to move around freely.
7. Lighting: Adequate lighting must be provided for workers. This is necessary to prevent eye strain and accidents.
8. Temperature and humidity: The temperature and humidity inside the factory must be maintained at comfortable levels. This is necessary to prevent heat stroke and other health problems.
9. First aid: Adequate provisions must be made for first aid in case of accidents or emergencies.
10. Medical examination: Every worker must be medically examined at least once in every 12 months by a qualified medical practitioner. The medical examination must include a general physical examination as well as a special examination if the worker is exposed to any hazardous substance or process.

The provisions related to health in the Factories Act, 1948 are aimed at ensuring the safety and well-being of workers in factories. These provisions are enforced by the factory inspectorate in each state. The factory inspectorate is responsible for conducting inspections and ensuring compliance with the provisions of the Act. Any violations can lead to penalties and legal action.