

BBA 8344
Industrial Relations
Study Module

স্কুল অব বিজনেস
SCHOOL OF BUSINESS



বাংলাদেশ উন্মুক্ত বিশ্ববিদ্যালয়
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BBA 8344
Industrial Relations

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Introduction to Industrial Relations

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Unit Highlights

- Lesson - 1: Introduction to Industrial Relations
- Lesson - 2: Variables, Approaches, Causes of Poor IR and Successful requirements if IR.
- Lesson - 3: Aspects, Benefit, features legal framework and challenges of IR

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

Industrial relations involve the interactions between employers, employees, and the state to determine wages, working conditions, and the overall employment relationship, focusing on balancing conflict and cooperation through collective bargaining and fair labor practices. Key actors include the state, capital (employers/managers), and labor (employees/unions), while core topics cover trade unions, collective agreements, and conflict resolution. Effective industrial relations foster organizational harmony, productivity, and worker well-being by promoting mutual respect and fair treatment, aiming for a stable, cooperative work environment.

Lesson - 1: Introduction to Industrial Relations

Objectives of this lesson

After reading this lesson, you will be able to:

- Define industry, industrial work and industrial relations.
- Understand the nature of industrial relations.
- Explain the objectives of industrial relations.
- Identify the factors that influence industrial relations.

Introduction

Industrial Relation (IR) has traditionally been a fire – fighting function in our country. The IR man comes into full play only after crisis erupts. The relationship between the employer and the employee is usually referred to as industrial relations. The labour – management relationship is a highly sensitive and complex aspect influenced by a variety of factors. The nature of the industrial relationship in an organisation is determined by factors such as the organisational culture, the attitude of the management, employees and unions, the conditions of employment, the existence of a grievance handling system and dispute settlement procedures, and the efficacy of rules and regulations. As a separate field of study, it is basically concerned with the systematic study of the various aspects of the labour management relationship. An industrial relationship arises out of the continuous interaction between the employers and the unions, which represent the employees. Thus the chief actor in industrial relations is the employers and the unions and their main relationship is through collective bargaining. Compensation- related issues, workload problems, retrenchment, layoffs and similar issues can determine the degree of cordiality in the industrial relationship collectively and individually.

Industry

Traditionally, industrial workplaces are defined as those where goods are manufactured, often in factories with assembly line environments. In modern economic models that break industry into five sectors – primary, secondary, tertiary, quaternary and quinary – industry work and workplaces fall into the secondary sector, where raw materials are turned into manufactured goods.

Industry refers to the production of goods or services within an economy, encompassing various sectors such as manufacturing, agriculture, and services. Industrial work involves the activities and processes associated with these sectors, focusing on the creation, processing, and distribution of products.

Key Components of Industry

Manufacturing: Involves transforming raw materials into finished products, such as automobiles or electronics.

Construction: Encompasses building infrastructure, including residential, commercial, and industrial structures.

Agriculture: Focuses on the cultivation of crops and livestock production.

Services: Includes sectors like healthcare, finance, and education that provide intangible goods. Etc.

Types of Industrial Worker

Skilled Labor: Requires specialized training or education, such as engineers or technicians.

Unskilled Labor: Involves tasks that do not require specific skills, often seen in assembly lines or basic service roles.

Management: Involves overseeing operations, ensuring efficiency, and managing resources.

Economic Impact

- Industry plays a crucial role in economic development, job creation, and technological advancement.
- It contributes significantly to GDP and trade balances in many countries.

Trends in Industry

- Increasing automation and digitalization are transforming traditional industrial work.
- Sustainability and environmental considerations are becoming more prominent in industrial practices.

Understanding these aspects provides insight into how industries operate and the nature of industrial work within the economy.

Industrial Work

Industrial work involves activities related to the production and manufacturing of goods. It encompasses a wide range of sectors and job roles.

Key Areas of Industrial Work

Manufacturing: Involves the creation of products using machinery, tools, and labor. This includes assembly lines, fabrication, and quality control.

Construction: Focuses on building infrastructure such as roads, bridges, and buildings. It includes various trades like carpentry, plumbing, and electrical work.

Logistics and Supply Chain: Involves the management of the flow of goods from suppliers to consumers, including warehousing, transportation, and inventory management.

Maintenance and Repair: Ensures that machinery and equipment operate efficiently. This includes routine maintenance, troubleshooting, and repairs.

Work Environment

- Industrial work typically takes place in factories, construction sites, warehouses, and other specialized facilities.
- Safety protocols and regulations are crucial due to the potential hazards associated with machinery and heavy equipment.

Skills Required:

- Technical skills related to specific machinery or processes.
- Problem-solving abilities to address issues that arise during production.
- Teamwork and communication skills for collaboration with colleagues.

Employment Opportunities:

- Positions range from entry-level roles to skilled trades and management positions.
- Industries include automotive, aerospace, electronics, food processing, and more.

Overall, industrial work plays a vital role in the economy by producing goods and services that meet consumer demands.

Meaning and Definition of Industrial Relations

Industrial relations mean the relationship between employers and employees in industrial organisations. According to Dale Yoder, the term industrial relations refers to the whole field of relationship among people, human relationships that exist because of the necessary collaboration of men and women in employment process of modern industry.

In the broad sense, the term industrial relations also includes the relations between the various unions between the state and the unions as well as those between the employers and the government. Relations of all these associated in industry may be called industrial relations. The subject, therefore includes individual relations and joint consultation between employers and workers at the place of work, collective relations between employers and their organisations and trade unions and the part played by the state in regulating these relations. Industrial relations involve the study of how people get on together at their work, what difficulties arise between them, how relations among them are regulated and what organisations are set up to protect different interests.

According to ILO, industrial relations comprise relationship between the state on the one hand & the employers & employees organisation on the other hand & the relationship among the occupational organisations themselves. The ILO uses the term to denote such matters as freedom of association & the protection of the right to organise, the right to collective bargaining, collective agreements, conciliation & arbitration & the occupational organisations at various levels of economy.

According to Micheal Armstrong, “Industrial relations is concerned with the systems, rules & procedures, used by unions & employers to determine the reward for effort & other conditions of employment to protect the interest of the employed & their employers & to regulate the ways in which employers treat their employees.”

According to Ordway Tead & Henry.C. Metcalf, “Industrial relation is defined as the composite result of the attitudes & approaches of the employers & employees toward each other with regard to planning, supervision, direction & coordination of the activities of an organisation with a minimum of human efforts & frictions with an animating spirit of cooperation & with proper regard for the genuine well being of all members of the organisation.”

According to C. Von Otter, “The Study of labour management relations (LMR) refers to the rules & policies which govern & organize employment, how these are established & implemented & how they affect the needs & interest of employees & employers.”

Characteristics of Industrial Relations

The foregoing definitions reveal the following key characteristics about industrial relations

1. Industrial relations are the outcome of the employment relationship in industry. These relations cannot exist without the two parties – employer and employees.

2. Industrial relations include both individual relations as well as collective relations. Individual relations imply relations between employer and employees. Collective relations mean relations between employer's associations and trade unions as well as the role of the state are regulating these relations.
3. The concept of industrial relations is complex and multi dimensional. The concept is not limited to relations between trade unions and employer but also extends to the general web of relationship between employers, employees and the government.
4. Industrial relations is a dynamic and developing concept. It undergoes change with changing structure and environment of industry.
5. Strictly speaking a distinction can be made between human resource management and industrial relations. Human resource management deals mainly with executive policies and activities regarding the human resource aspects of the enterprise while industrial relations is mainly concerned with employers-employees relationship.
6. Industrial relations do not function in a vacuum. These are rather the composite result of the attitude and approaches of employers and employees towards each other. Industrial relations are an integral part of social relations.
7. Several parties are involved, in the industrial relations system. The main parties are employees & their associations, employees and their unions and the government. These three groups interact within the economic and social environment to shape the industrial relations system.
8. The main purpose of industrial relations is to maintain harmonious relationship between management and labour. The focus in these relationships is on accommodation. These parties involved develop skills and methods of adjusting to or cooperating with each other. They also attempt to solve their problems through collective bargaining.
9. The Central and state government evolve, influence and regulate industrial relations through laws, rules, agreements, awards of courts, executive and financial machinery. The government has played an increasing role in industrial relation in part by becoming the biggest employer and partly by regulating working conditions in the private sector.

Nature of Industrial Relations

- IR is concerned with the relationship of management and workers.
- To protect the interests of employees concerned with systems, rules and procedures used by unions and employees.
- Role of regulatory mechanism in resolving any industrial disputes. IR is multidisciplinary in nature. The study of Industrial Relations has also drawn from the fields of psychology, sociology, communication, technology etc. and is now in the process of establishing its own field of study.

Scope of Industrial Relations

The scope of industrial relations is quite wide. The main issues involved here are:

- (a) Grievances & their redressal
- (b) Worker's participation in management

- (c) Ethical code & discipline
- (d) Collective bargaining
- (e) Standing order
- (f) Machinery for the settlement of industrial disputes.

Objectives of Industrial Relations

The main objectives of industrial relations are:

1. To develop and maintain harmonious relations between management and labour so essential for higher productivity of labour and industrial progress in the country.
2. To safeguard the interests of labour as well as management by securing the highest level of mutual understanding and goodwill between all sections in industry.
3. To establish and maintain industrial democracy based on the participation of labour in the management and gains of industry, so that the personality of every individual is fully recognized and developed.
4. To avoid all forms of industrial conflict so as to ensure industrial peace by providing better working and living standard of workers.
5. To rise productivity in an era of full employment by reducing the tendency of higher labour turnover and absenteeism.
6. To bring about government control over such industrial units which are running at losses for protecting employment or where production needs to be regulated in public interest.
7. To ensure a healthy and balanced social order through recognition of human rights in industry and adaption of complex social relationships to the advancement of technology.

Factors influencing on industrial relations

Industrial relations are influenced by various factors that shape the dynamics between employers, employees, and trade unions. Key factors include:

Economic Factors: Economic conditions, such as inflation and unemployment rates, impact wage negotiations and job security. Globalization affects competition and labor standards.

Legal Framework: Labor laws and regulations govern the rights and responsibilities of employers and employees. Collective bargaining agreements set specific terms for employment conditions.

Social Factors: Cultural attitudes towards work and labor rights influence employee expectations and union activities. Demographic changes, such as age and diversity, affect workforce composition and relations.

Political Environment: Government policies and political stability can either support or hinder industrial relations. Trade union strength and political affiliations play a significant role in negotiations.

Technological Changes: Advances in technology can lead to job displacement or the creation of new roles, impacting labor relations. Automation may shift the balance of power between employers and employees.

Organizational Factors: Company culture and management practices influence employee morale and engagement. Internal communication and conflict resolution mechanisms affect workplace harmony.

External Influences: Economic globalization and international labor standards can pressure local labor practices. Social movements and public opinion can shape labor policies and practices.

These factors interact in complex ways, affecting the overall landscape of industrial relations in any given context.

Discussion Questions

1. What is industry? Explain components, types and economic role of industry.
2. What is industrial work? Explain its key areas, work environment and skill.
3. What do you mean by industrial relations? Explain the key characteristics of industrial relations.
4. Explain the nature and scope of industrial relation.
5. Describe the objectives of industrial relation.
6. Discuss the influential factors of industrial relations.

Lesson - 2: Variables, Approaches, Causes of Poor IR and Successful requirements if IR.

Objectives of this lesson

After reading this lesson, you will be able to:

- Identify the variables or parties involve in industrial relations.
- Evaluate the approaches of industrial relations.
- Understand the essentials of sound industrial relations.
- Explain the importance of industrial relations.
- Examine the overall causes of poor industrial relations program.
- Identify the causes of poor industrial relations program in Bangladesh.
- Explain the impact of poor industrial relations program.

Variables/Parties Involve in Industrial Relations.

Employees:

Employees are the main party of industrial relation as there is a huge majority of employees working in organised and un-organised sector in our country. Therefore, it is useful to make certain circumstances:

Commitment to Industry: Labour is committed to industrial setting, thus contribution to stable workforce as most of the employees belong to villages but due to work they are force to stay in city with his spouse & children, which make the job stability more prior, if industry want to maintain there relations.

Protective legislation: From time to time, the government has enacted a variety of labour acts. Perhaps, ours is the only country in the world which has so many acts to protect worker's interest. Thanks to the enormous protective legislation, wages, benefits & working conditions, safety & health of workers have improved considerably.

Status of the workers: The economic & social status of today's workers is vastly improved. Industrial employment is no longer the undesirable alternative left for those driven out from villages. Improved skills contents of the jobs & increased emoluments have made industrial employment the first attraction among young job aspirants.

Employment Pattern: Another feature noticed in the industrial labour is the change that has come about in the employment pattern owing to change in industrial activity, which has tremendously expanded & diversified, & has undergone a technical transformation. In the early days, unskilled work predominated in industrial employment, so long as traditional industries like textiles & mining were in the forefront.

Trade Union:

Unions have a crucial role to play in industrial relations. Unions have broad objectives which are:

1. to reduce the bargaining advantage of the individual worker vis-à-vis the individual employers, by substituting joint or collective actions for individual action
2. to secure improved terms & conditions of employment for their members & the maximum degree of security to enjoy these terms & conditions.
3. to obtain improved status for the worker in his or her work, and

4. to increase the extent to which unions can exercise democratic control over decisions that affect their interests by power sharing at the national, corporate & plant levels

The union power is exerted primarily at two levels- at the industry level, to establish joint regulations at on basic wages & hours with an employer's association or its equivalent; & at the plant level where the organisation exercise joint control over some aspects of the organisation of the work & terms & conditions of employment.

Employers:

Employers, too are directly involved in any dispute between them and the employees. Employers are endowed with certain inalienable right vis-à-vis labour. The management has the right to hire & fire any worker, notwithstanding union restrictions. It is not just firing a worker here or there, but the management's ability to control the economic destiny of the workers that matters. The management has the right to relocate, close, merge, takeover or sell a particular plant, these actions affect worker's interests. The management has another powerful weapon i.e, introducing or threatening to the technological change. Technological change can displace labour or annihilate skills.

In general, managers tend to see employee relations in term of the following activities:

1. Creating & maintaining employee motivation
2. Obtaining commitment from the work force.
3. Establishing mutually beneficial channels of communication throughout the organisation
4. Achieving high levels of efficiency
5. Negotiating terms & conditions of employment with employee representation
6. Sharing decision making with employees.
7. Engaging in a power structure with trade unions.

Employer's Association:

Employers associations operate at national and local, industry & all over the country. The federation of the employers of the Bangladesh such as FBCCI, BEF, BGMEA, BTMEA, MKMEA etc a powerful body at the national level which is doing an admirable job in protecting & promoting the legitimate interests of the owners of industries.

The major objectives of employer's association include:

1. Representing employers in collective bargaining
2. Developing machinery for avoidance of disputes.
3. Providing information on employee relation & to give advice.
4. Representing members on national issues.

Role of Government:

In a sense, government intervention in industrial relation is as old as the industry itself. However, till the 19th century, governments everywhere followed the Laissez faire policy – they left IR to the managers & workers who were required to solve the problems themselves. Towards the end of the of the 19th century, the attitude of the government changed, & intervention became a reality. The state, as of today, regulates the relationship between the management & the labour & seeks to protect the interests of the both the groups.

Judiciary & Employee Relations:

The powers of the judiciary are of dual type:

1. The authority of the courts to settle legal disputes
2. Judicial review- the authority of the courts to rule on the constitutionality of legislation.

It is the power of the judiciary to settle legal disputes, referred to them, that affect IR considerably. The judicial pronouncements will have a far reaching impact because (i) judicial errors do occur, through infrequent, (ii) possibility of wrong assessment of penalty, "Judges notoriously vary in the security of punishment inflicted. (iii) judges are known for pronouncing conflicting verdicts on the same or similar disputes, and (iv) confusion in terms.

Approaches to Study of Industrial Relations:

Since the employers & the employees have conflicting interests over the organisational resources, industrial relations remain a complex & sensitive issue. On the one hand, the employers in business aim at making more profits & faster growth by reducing cost. On the other hand, the employees seek to enhance their income & social status by demanding more compensation from the employers, and this will obviously push up the cost of production. The interests of the employers & those of the employees often remain irreconcilable & their stand remains mutually antagonistic. These approaches are: (i) the unitary approach; (ii) the pluralist approach; (iii) the system approach; (iv) the social action approach; (v) the Marxist approach; (vi) the human relations approach; (vii) the industrial sociology approach and (viii) the Oxford school approach.

(i) The Unitary Approach:

This approach characterized by a form of administration in which power is vested with a single authority. In the case of the unitary approach to industrial relations, the authority rests solely with the management with no right to anyone to challenge its decision. According to the proponents of this approach, its basic assumption is that the common values & objectives unite & bind both the management & the workers. The use of power in this approach is only for the common good & interest. The management, this approach believes, must deal strongly with the perceived challenges born out of the irrational beliefs, the short term preoccupations & the narrow perspectives that develop from the ignorance of the challengers to its authority & to the overall system.

(ii) The Pluralist Approach:

Unlike the unitary approach, the pluralist approach believes in basic ground rules, negotiated settlements & mutual compromises for solving the industrial conflicts. The basic assumption of this approach is that the disagreements between the parties to the industrial relations on important issues are not unbridgeable by compromises & the collaborations can continue at all stages. In the pluralist approach, the power is not vested with anyone group; rather a balance of power is maintained between the parties to the industrial relations.

(iii) The System Approach:

This approach was developed by J.P. Dunlop of Howard University in 1958. According to this approach, individual are part of an ongoing but independent social system. The

behaviour, actions & role of the individuals are shaped by the cultures of the society. The three elements of the system approach are input, process & output. Society provides the cue (signal) to the individuals about how one should act in a situation. The institutions, the value system & other characteristics of the society influence the process & determine the outcome or response of the individuals.

(iv) The Social Action Approach:

It is a variant of the system approach. In the system approach, society plays a dominant role, while the actors such as employers, employees & their representatives keep a low profile & play a passive role in the process. On the contrary, the social action approach assigns an active role to the actors of the industrial relations. The actor understands of the work situation become more important than the social factors & their independent views gain a greater weightage in deciding their behaviour towards industrial relations.

(v) The Marxist Approach:

According to this approach, industrial conflicts are the central reality of industrial relations, but open conflicts are uncommon. The Marxist approach views industrial disputes as a class struggle & industrial relations as a politicized concept & an element of the class struggle. As per the Marxist approach, the understanding of industrial relations requires an understanding of the capitalized society, the social relation of production & the mechanism of capital accumulation.

(vi) The Human Relations Approach:

According to this approach, an organisation is nothing but a set of human relations and these human relations are central to how an organisation functions. As per this approach, organisations are made up of people & the success of the management lies in its dealings with these people and their relationship to one another. The goals of the human relation approach are: (i) getting people to work; (ii) cooperating through mutuality of interests & (iii) deriving satisfaction from the achieved relationship.

(vii) Industrial Sociology Approach:

The aim of the industrial sociology approach is to investigate the underlying trends & patterns in the cause & effect of industrial disputes both intended & unintended. Unlike the most other approaches which focus only on the resolution of conflict as a means of achieving industrial relations, the industrial sociology approach focuses on the prevention of industrial conflict by tracing the cause of the disputes & then avoiding it.

(viii) Oxford School Approach:

According to this approach, the conflict between the interests of employers & employees is inherent, but this interest can be adjusted in order that a common way, which can satisfy both the parties, can be found out, however difficult it may be. Productivity bargaining is a classic example of this approach. According to this approach, it is highly essential for the parties to the industrial relations to get the facts right & avoid institutional & other biases. The Oxford school approach can be expressed through the following equations $r = f(b) \text{ or } f(c)$

where r = rules governing industrial relations; b means collective bargaining & c refers to conflict resolution.

Essential Requirements of Successful Industrial Relations Programs

The basic requirements on which a **successful industrial relations programme** is based are:

Top Management Support: Since industrial relations is a functional staff service, it must necessarily derive its authority from the line organization. This is ensured by providing that the industrial relations director should report to a top line authority to the president, chairman or vice president of an organization.

Sound Personnel Policies: These constitute the business philosophy of an organization and guide it in arriving at its human relations decisions. The purpose of such policies is to decide, before any emergency arises, what shall be done about the large number of problems which crop up every day during the working of an organization. Policies can be successful only when they are followed at all the level of an enterprise, from top to bottom.

Adequate Practices should be developed by professionals: In the field to assist in the implementation of the policies of an organization. A system of procedures is essential if intention is to be properly translated into action. The procedures and practices of an industrial relations department are the “tool of management” which enables a supervisor to keep ahead of his job that of the time-keeper, rate adjuster, grievance reporter and merit rater.

Detailed Supervisory Training : To ensure the organizational policies and practices are properly implemented and carried into effect by the industrial relations staff, job supervisors should be trained thoroughly, so that they may convey to the employees the significance of those policies and practices. They should, moreover, be trained in leadership and in communications.

Follow-up of Results: Follow-up of Result: A constant review of an industrial relations program is essential, so that existing practices may be properly evaluated and a check may be exercised on certain undesirable tendencies, should they manifest themselves. A follow up of turnover, absenteeism, departmental morale, employee grievances and suggestions; wage administration, etc., should be supplemented by continuous research to ensure that the policies.

An industrial relations system consists of the whole gamut of relationships between employees and employees and employers which are managed by the means of conflict and cooperation.

Importance of Industrial Relations

In any modern economy, *industrial relations* play a pivotal role in fostering a harmonious relationship between employers, employees, and trade unions. A healthy industrial relations framework is crucial for creating a productive, balanced, and peaceful work environment. The importance of industrial relations, examining how they impact workplace dynamics, employee satisfaction, productivity, and business success. Proper industrial relations imply harmonious and peaceful relations between labour and management. Following benefits accrue from such a productive relationship:

Establishing a sound industrial environment: Unilateral action disappears; both parties consult each before initiating any action; they primarily focus on goals that realizable without overstepping their territories. This leads to peaceful co-existence.

Ensuring industrial democracy: The process of joint consultation paves the way for industrial democracy. This motivates workers.

Bringing social peace: It helps minimizing corruption, injustice and militancy within industries and thereby the dream for social peace becomes a reality.

Improve productivity: Cordial relations between labour and management ensure uninterrupted production it becomes improve productivity.

Benefits to worker: The Company would be in a position to offer fair economic and non-economic incentives to its employee.

Helps industrial development: Industrial development can be augmented through maintains good industrial relations since the production operation will go unhindered.

Causes of Poor Industrial Relations

Poor industrial relations often stem from a variety of factors that can create tension between employers and employees. Key causes include:

Economic Causes: Poor wages & poor working conditions are the main reason for unhealthy relations among managements and labour. Unauthorized deduction from wages, lack of fringe benefits, absence of promotional opportunities; dissatisfaction with job evaluation & performance appraisal methods, faulty incentive schemes are other economic causes.

Organisational Causes: Faulty communication system, dilution of supervision and command, non-recognition of trade unions, unfair practices, violation of collective agreements and standing orders & labour laws are the organisational causes of poor relations industry.

Social Causes: Uninteresting nature of work is the main social cause. Factory system & specialization have made worker a subordinate to the machine. Workers has lost sense of pride & satisfaction.

Psychological causes: Lack of job security, poor organisational culture, non-recognition of merit & performance, authoritative administration & poor interpersonal relations are the psychological reason for unsatisfactory employer-employee relations

Political Causes: Political nature of trade unions, multiple unions & interunion rivalry weaken trade union movement. In the absence of strong & responsible trade unions, collective bargaining becomes ineffective. The union's status is reduced to a mere strike committee.

Management Style:

- Authoritarian or micromanaging leadership can create a hostile work environment.
- Lack of transparency in decision-making processes can erode trust.
- Addressing these issues requires proactive strategies, including improved communication, fair treatment, and a focus on employee well-being.
- Tendency to exploit workers by the employers.

- Inefficient management.
- Uncompromising attitude of management towards the grievances of workers.

Global Factors: These factors include global differences, international relations, economic- political principles, functions of ILO, foreign trade agreements and relations, economic and trading policies of power blocks, global culture environment, international labour agreements, etc.

Causes of Poor Industrial Relations in Bangladesh

Government action in support of globalization has to rely on policy planning and delivery services provided by the public sector. This sector has to be restructured to meet the demands of, or overcome problems arising from, globalization (eg, demands from MNC's and domestic firms for less "red tape"; and the problem of enterprises having to rely on inefficient public enterprises for provision of basic services). In this regard, Ministries of Labour often have a narrow and reactive role. Given the importance of industrial relations to economic development, they should be working more actively with planning and finance Ministries to generate development options, create more coherent and coordinated strategies and, generally, improve public sector efficiency. There is also a need for governments to include trade unions in any public sector reform process and take account of their major concerns.

Finally, governments should continue to promote bipartite and tripartite institutions and processes to establish appropriate labour policy and standards. Inputs from all relevant parties should be considered. Not only will this limit potential conflict in the future, but (particularly where major business and investment interests - including those of MNC's - are involved) it should establish a sound basis for investment and economic and employment growth. Poor industrial relations in Bangladesh stem from several interrelated factors:

Labor Rights Issues: Frequent violations of labor rights, including inadequate wages and unsafe working conditions. In the working place Limited enforcement of labor laws and regulations.

Union Challenges: Weak trade unions that struggle to represent workers effectively. Government restrictions on union activities and formation are usual.

Management Practices: Authoritarian management styles that discourage open communication. Lack of implementation of grievance mechanisms for workers to voice concerns.

Economic Factors: High levels of unemployment and underemployment, leading to a surplus of labor. Economic pressures on businesses that prioritize profit over employee welfare.

Political Environment: Political instability and corruption that affect labor policies and negotiations. Influence of political parties on labor movements, often leading to conflicts.

Cultural Factors: Societal norms that may undervalue workers' rights and collective bargaining. Limited awareness among workers about their rights and available support.

These factors contribute to ongoing tensions between workers and employers, impacting overall industrial relations in the country.

The Impact of Poor Industrial Relations

While strong industrial relations bring numerous benefits, poor industrial relations can have detrimental effects on an organization. These may include:

Decreased employee morale: When industrial relations are strained, employees may feel undervalued, leading to dissatisfaction and disengagement.

Reduced productivity: Conflicts and disputes can disrupt the workflow, causing delays, inefficiencies, and a drop in output.

Increased turnover: Poor industrial relations may lead to higher employee turnover, as workers seek better opportunities in more supportive environments.

Legal consequences: Failure to comply with labor laws due to poor industrial relations can result in costly legal battles, fines, or sanctions.

Review Questions

1. What are the variables or parties involved in industrial relations? Explain.
2. Discuss the approaches of industrial relations.
3. State the essentials of sound industrial relations.
4. Explain the importance of industrial relations.
5. Describe in brief the overall causes of poor industrial relations.
6. What are the causes of poor industrial relations in Bangladesh? Explain.
7. Explain the impact of poor industrial relations.

Lesson - 3: Aspects, Benefit, features legal framework and challenges of IR

Objectives of this lesson

After reading this lesson, you will be able to:

- Identify the aspects of industrial relations.
- Understand the key benefits of strong industrial relations.
- Understand how to improve industrial relations in the workplace.
- Identify the features of industrial relations in developed countries.
- Identify the features of industrial relations in under developed countries.
- Explain the impact of poor industrial relations programs.
- Understand the historical overview of industrial relations in Bangladesh.
- Identify the key framework governing industrial relations,
- Analyze the challenges of today's industrial relations.
- Find out the best practices for fostering industrial relations in Bangladesh.

Aspects of Industrial Relations

Industrial life creates a series of social relationships, which have an impact not only on the relations between employers and employees but also on the industry as a whole and on the community at large. Industrial relations are, therefore, an inherent aspect of industrial life, and may be classified under the following categories:

1. **Development of Healthy Labour-Management Relations:** The promotion of healthy labour-management relations presupposes:
 - (a) The existence of strong, well-organized, democratic and responsible trade unions and associations employers in an industry.
 - (b) Collective bargaining and a willingness to accept voluntary arbitration.
 - (c) The welfare work undertaken by the government, the trade unions and employers creates and maintains good and healthy labour-management relations.
2. **Maintenance of Industrial Peace:** Industrial harmony and peace can be established if:
 - (a) Machinery for the prevention and settlement of industrial disputes is provided in the form of legislative enactment and administrative action; works committees and joint management councils etc.
 - (b) The government has armed itself with appropriate powers to refer disputes when the situation gets out of control and the industry is faced with economic collapse because of strikes, or when it is urgent and in the public interest to so refer disputes for adjudication.
 - (c) The government has the power to maintain the status quo, and exercises it when it discovers that, after a dispute has been referred to adjudicator, a strike or lockout continues, and that strike or lockout is likely to adversely affect the economic life of the community.
 - (d) There is provision for bipartite and tripartite forms of the settlement of disputes, which operate on the basis of the Code of Discipline in Industry.
 - (e) Implementation and Evaluation Committees are created and maintained for the specific purposes of ensuring the implementation of agreements, settlements and

awards, and of looking into any violations of statutory provisions of the various labour laws.

3. **Industrial Democracy:** An industrial democracy can be established in a country if:
 - (a) There are Joint Management Councils which endeavor to improve the working and living conditions of employees, to step up their productivity, to encourage suggestions from workers, to assist in the administration of labour laws and agreements.
 - (b) There is a recognition of human rights in an industry- a recognition of the fact that “labour is no longer an article or a commodity of commerce” which can be bought and disposed of at the whims and caprices of an employer.
 - (c) There is increased labour productivity. The factors which contribute to higher productivity are: improvement in the efforts and skill of the workers, improvements in the production design and the layout and methods of work etc.

There is suitable material and social environment to which workers may adjust and adapt themselves while they are at work in an organization, for it is this environment which would stimulate or depress them.

The Benefits of Strong Industrial Relations

1. **Improved Employee Morale and Satisfaction:** When industrial relations are well-managed, employees feel valued, respected, and heard. A positive work environment, characterized by fair wages, recognition, and opportunities for growth, leads to increased job satisfaction. Employees who are satisfied with their work conditions are more likely to remain motivated and loyal to the organization, resulting in reduced turnover rates and a stable workforce.
2. **Enhanced Productivity and Efficiency:** Strong industrial relations foster collaboration between employees and management, leading to greater teamwork and a more efficient work process. When both parties work together to resolve issues and improve work conditions, productivity tends to rise. In a well-established industrial relations environment, employees are more likely to feel invested in their work, and employers benefit from higher output levels, reduced absenteeism, and fewer workplace disputes.
3. **Conflict Prevention and Resolution:** A major part of industrial relations is the ability to address and resolve conflicts before they escalate. In organizations where industrial relations practices are strong, there are clear mechanisms for handling grievances, disputes, and issues related to working conditions. This proactive approach to conflict resolution helps maintain a peaceful and productive work environment. When employees feel that their concerns will be addressed fairly, they are less likely to resort to strikes or work stoppages, minimizing disruptions in business operations.
4. **Legal Compliance and Risk Management:** Companies must comply with labor laws and regulations related to working hours, wages, and other employment terms. Effective industrial relations ensure that businesses stay updated on labor laws and avoid legal issues. A company with solid industrial relations practices is less likely to face legal battles or penalties, as it proactively addresses potential legal risks and maintains fair practices for employees.

5. Fostering Fairness and Equality in the Workplace: Industrial relations also play a critical role in promoting fairness and equality in the workplace. By addressing issues such as equal pay for equal work, fair treatment, and protection against discrimination, industrial relations ensure that all employees are treated with respect. Organizations with well-established industrial relations practices create a more inclusive work environment, which can enhance their reputation and attract top talent.

How to Improve Industrial Relations in the Workplace

- 1. Open Communication Channels:** Clear and consistent communication is the foundation of effective industrial relations. Employers should establish open communication channels to ensure employees can voice their concerns and provide feedback. Regular meetings and discussions between management and workers help build trust and transparency.
- 2. Establish Fair and Transparent Policies:** Creating and maintaining fair policies regarding wages, promotions, and work conditions is essential for fostering positive industrial relations. Employees need to feel that they are treated fairly, and management should be transparent about decisions that affect workers.
- 3. Provide Training for Managers:** Training managers and supervisors in conflict resolution and communication skills can significantly improve industrial relations. Managers who are skilled in handling employee concerns and mediating disputes can prevent potential conflicts and maintain a positive work environment.
- 4. Implement Employee Welfare Programs:** Investing in employee welfare programs that focus on work-life balance, health benefits, and career development can strengthen industrial relations. When employees feel that their well-being is a priority, they are more likely to remain loyal to the company and contribute positively to the organization's success.

Features of Industrial Relations in Developed Countries

Industrial relations in developed countries exhibit several distinct features that shape the dynamics between employers, employees, and trade unions.

Strong Trade Union Presence: Trade unions play a significant role in representing workers' interests. Collective bargaining is common, leading to negotiated agreements on wages and working conditions.

Legal Framework: Comprehensive labor laws govern employment relationships. Regulations cover minimum wage, working hours, health and safety, and anti-discrimination.

Social Dialogue: Regular communication occurs between government, employers, and unions. Tripartite structures often exist to facilitate discussions on labor policies.

Focus on Employee Rights: Emphasis on protecting workers' rights and promoting fair treatment. Mechanisms for grievance resolution are typically established.

Diverse Workforce: Developed countries often have a multicultural workforce. Policies promote diversity and inclusion in the workplace.

Technological Integration: Increased use of technology impacts job roles and labor relations. Automation and digitalization raise new challenges and opportunities for workers.

Globalization Effects: International competition influences local labor markets. Companies may relocate operations, affecting job security and labor relations.

Work-Life Balance Initiatives: Many organizations implement policies to support work-life balance. Flexible working arrangements are becoming more common.

These features reflect the complexities of industrial relations in developed nations, influenced by economic, social, and political factors.

Features of Industrial Relation in Under Developed Countries

Industrial relations in developing countries exhibit distinct features shaped by economic, social, and political factors. Key characteristics include:

Informal Sector Dominance: A significant portion of the workforce operates in the informal sector, which often lacks formal labor protections and regulations.

Weak Trade Unions: Trade unions may be less organized and face challenges such as limited membership, government restrictions, and lack of resources.

Labor Market Flexibility: Employers often have greater flexibility in hiring and firing, leading to job insecurity for workers.

Government Intervention: Governments may play a strong role in regulating labor relations, sometimes prioritizing economic growth over workers' rights.

Low Wages and Poor Working Conditions: Many workers experience low wages and inadequate working conditions, which can lead to labor unrest.

Cultural Factors: Cultural attitudes towards work and authority can influence labor relations, affecting negotiation styles and conflict resolution.

Industrial Relations in Bangladesh: An Overview

Democracy in the larger society is a prime and essential condition for the development of industrial relations. In Bangladesh, the extent of democracy is very poor. It is surprising to note that after independence the frequent changes in government and emergence of military rules during 1975-79 and 1982-1990 hampered the democratic environment for industrial relations in general and trade unionism in particular. In Bangladesh, industrial relations are guided by a series of labor laws designed to balance the interests of employers and employees while ensuring a stable and productive workplace. These laws set the standards for wages, working conditions, dispute resolution, and worker protections. Businesses that adhere to these regulations are more likely to avoid conflicts and foster positive relationships with their workforce. The evolution of industrial relations in Bangladesh reflects significant changes influenced by historical, economic, and political factors.

Early Developments (Pre-1971): The roots of industrial relations in Bangladesh trace back to the British colonial period, where labor movements began to emerge. Post-World War II, labor unions formed to address workers' rights and conditions, leading to the establishment of various labor laws.

Post-Independence Era (1971-1980s): After gaining independence in 1971, Bangladesh faced economic challenges, prompting the government to nationalize many industries. Labor relations were heavily influenced by state control, with limited scope for private sector growth and union activities.

Liberalization and Growth (1990s-2000s) : The 1990s marked a shift towards economic liberalization, encouraging foreign investment and the growth of the garment industry. This period saw a rise in labor activism, with unions advocating for better wages and working conditions, leading to significant strikes and protests.

Legislative Changes: The Bangladesh Labor Act of 2006 consolidated previous labor laws, aiming to improve workers' rights and streamline union registration processes. Subsequent amendments have focused on enhancing workplace safety and addressing issues like child labor.

Current Trends: Industrial relations today involve ongoing negotiations between labor unions, employers, and the government. Issues such as wage disputes, working conditions, and labor rights remain central to the discourse, particularly in the garment sector.

Challenges: Despite progress, challenges persist, including enforcement of labor laws, workplace safety, and the need for stronger union representation. Global scrutiny, especially after incidents like the Rana Plaza collapse in 2013, has prompted reforms but also highlighted ongoing vulnerabilities in labor relations.

The focus on industrial relations in Bangladesh is crucial for the nation's growth, especially in industries such as textiles, manufacturing, and service sectors, where labor plays a critical role.

Key Legal Frameworks Governing Industrial Relations

The key legislation governing industrial relations in Bangladesh includes the **Bangladesh Labor Act 2006** and the **Bangladesh Labor Rules 2015**. These legal documents outline the rights and responsibilities of both employers and employees. There are some key elements of these regulations:

1. **Employment Contracts and Wages:** The Bangladesh Labor Act mandates that every employer provides written employment contracts detailing the terms and conditions of employment, including wages, working hours, and benefits. This is an essential aspect of industrial relations as it sets the foundation for clear expectations and minimizes disputes.
2. **Trade Unions and Collective Bargaining:** The right to form trade unions is protected under the Labor Act. Trade unions play a critical role in industrial relations in Bangladesh by providing workers with a platform to collectively negotiate wages, benefits, and working conditions. This helps balance the power dynamic between employers and employees, promoting fairness and equality in the workplace.
3. **Workplace Dispute Resolution:** Disputes between employers and employees can arise for a variety of reasons, including unfair dismissal, wage disputes, or unsafe working conditions. The Bangladesh Labor Act provides mechanisms for dispute resolution, including mediation, arbitration, and labor courts. Understanding these processes is vital for maintaining healthy industrial relations in Bangladesh.

4. **Health and Safety Regulations:** Ensuring a safe workplace is a fundamental component of industrial relations in Bangladesh. The Labor Act outlines the responsibilities of employers to provide a safe working environment, including proper equipment, training, and measures to prevent accidents and occupational diseases. Non-compliance with these regulations can lead to disputes and legal action.

5. **Termination of Employment:** The termination of employment, whether due to redundancy, misconduct, or mutual agreement, is another critical area of industrial relations. The Labor Act outlines specific procedures that must be followed, including providing notice, severance pay, and opportunities for employees to contest their termination through legal channels.

Challenges in Industrial Relations in Bangladesh

While Bangladesh has a robust legal framework for industrial relations, there are several challenges that businesses and workers face:

1. **Lack of Awareness and Enforcement:** Many workers and employers in Bangladesh are unaware of their rights and obligations. This lack of awareness can lead to violations, disputes, and exploitation. Moreover, weak enforcement of labor laws by government agencies further complicates the industrial relations landscape.

2. **Informal Sector Employment:** A significant portion of the Bangladeshi workforce is employed in the informal sector, where labor laws are often not followed. Workers in this sector are particularly vulnerable to exploitation, unsafe working conditions, and wage theft, making it difficult to establish sound industrial relations.

3. **Labor Strikes and Protests:** Labor strikes and protests are common in industries like textiles, where workers demand better wages, safer working conditions, and compliance with labor laws. These actions can disrupt business operations and damage employer-employee relations. Strikes also highlight the ongoing challenges in balancing the needs of workers with the demands of the economy.

4. **Gender Inequality and Discrimination:** Gender inequality remains a significant issue in the Bangladeshi labor market. Women workers often face discrimination in terms of wages, working conditions, and opportunities for advancement. Addressing these inequalities is crucial for improving industrial relations in Bangladesh and ensuring a fair and inclusive workplace.

Best Practices for Fostering Positive Industrial Relations in Bangladesh

1. **Compliance with Labor Laws:** One of the most effective ways to improve industrial relations in Bangladesh is by ensuring full compliance with labor laws. Employers should stay informed about the latest legal developments, provide written contracts, adhere to minimum wage requirements, and ensure safe working conditions. Compliance reduces the risk of disputes and builds trust between employers and employees.

2. **Effective Communication:** Open and transparent communication is key to maintaining positive industrial relations. Employers should foster a culture of dialogue where workers feel comfortable expressing their concerns and ideas. Regular meetings, feedback sessions, and grievance mechanisms can help address issues before they escalate into conflicts.

3. **Fair Treatment of Workers:** Treating workers with respect and fairness is essential for healthy industrial relations. Employers should ensure that workers are paid fairly, provided with safe working conditions, and given opportunities for growth and development. Addressing issues like gender discrimination and workplace harassment is also vital for creating a positive work environment.

4. **Engagement with Trade Unions:** Trade unions are a critical part of the industrial relations landscape in Bangladesh. Employers should engage with unions in a constructive manner, recognizing their role in representing workers' interests. Through collective bargaining and negotiations, both employers and unions can work towards mutually beneficial outcomes.

5. **Dispute Resolution Mechanisms:** Establishing clear procedures for resolving workplace disputes is essential for maintaining industrial relations in Bangladesh. Employers should provide workers with access to mediation, arbitration, and legal remedies. Early intervention in disputes can prevent them from escalating into strikes or legal battles.

Review Questions

1. Discuss the aspects of industrial relations.
2. What are the key benefits of strong industrial relations? Explain
3. How to improve industrial relations in the workplace?
4. Explain the features of industrial relations in develop countries.
5. State the features of industrial relations in under develop countries.
6. Discuss the historical overview of industrial relations in Bangladesh.
7. Elaborate the key framework governing industrial relations.
8. Describe the challenges of today's industrial relations.
9. Explain the best practices for fostering industrial relations in Bangladesh.

Comparative Industrial Relations

2

Unit Highlights

- Lesson - 1: Industrial Relations in Japan and Germany
- Lesson - 2: Industrial Relations in the Developed Countries

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

Comparative industrial relations reveal a global divergence: some nations, like US, UK, Australia, Germany and China show strong, institutionally robust systems with high union density and collective bargaining, leading to better social indicators, while others, particularly some newer EU members, Asian and African countries, face weakened industrial relations and increasing inequality due to global economic pressures, shifts to flexible production, and underdeveloped industrial infrastructures. Key differences emerge in the role of the state, the organization of unions (e.g., industrial vs. enterprise unions), and the varying autonomy and engagement of social partners, which collectively shape economic outcomes and social stability.

Lesson - 1: Industrial Relations in Japan and Germany

Objectives of this lesson

After reading this lesson, you will be able to:

- Describe the industrial relations scenarios in Japan.
- Discuss the industrial relations scenarios in Germany.

Introduction:

Comparative industrial relations may be defined as identifying and interpreting similarities and differences among the actors of industrial relations and their interactions in various countries. It helps a manager to solve the problems related to labor management issues arising out of terms and conditions of employment.

In the modern world, the state's role in industrial relations is inevitable. In most cases, such role takes the form of interferences in various degrees. The State is entrusted with the responsibility to safeguard the interests of the people of the society and also to maintain a balance of relationship between the employers and the employees. The state may also act as employer both in the manufacturing and service sectors.

The industrial relations systems of Japan, USA, UK, China, Germany and Australia are discussed in this Unit.

Industrial Relations in Japan

The central features of the Japanese industrial relations system include workplace focused enterprise unions, lifetime employment systems, board based training, and seniority based wages. Another outcome of the Japanese IR system, when examined in conjunction with related to Japanese institutions such as Keiretsu system and the system of production organization (subcontracting and quality-focused, team-based work) is the simultaneous achievement of stability in labor market terms and considerable functional flexibility in workplace-level industrial relations through the development of internal labor markets.

The Japanese follow permanent employment system, decision making and patriotic leadership. The Japanese respect the senior and the senior behaves just like a guardian, not like a boss. Management treats all employee as team members, whether executives or workers. They emphasize on continuous customer focus, improvement in quality, and total involvement.

Trade Union, CBA and Industrial Dispute in Japan

- There is a rule to have a minimum of one or a maximum of two trade unions in one enterprise of Japan as required by the workers.
- The trade union activities are free from party politics.
- CBA office remains closed during office hours. There is a suggestion box system to collect the criticisms of the workers. After office hours the CBA authority opens the box in presence of all the members.
- Industrial dispute is a rare case. But it is settled quickly as much as possible, if there is any.
- The government doesn't interfere in industrial dispute. However for neutralization, the government may interfere.
- The working class is very hard working because of its patriotism.

Recommendations for Industrial Issues in Japan

The following recommendations have been advocated by the Graduate School of Business Administration of Kobe University, Rokko, Kobe, Japan.

- Promotion of education in information Technology (IT)
- Recruit education for knowledge workers.
- Utilization of labor-management consultation for sharing information
- Labor mobility without employment
- Legal protection of intellectual property.

Factors Influencing Industrial Relations of Japan

Economic Factors

These factors include economic organizations, like capitalist, communist, and mixed, the structure of labor force, demand and supply of labor force, etc. In Japan, capitalistic economic organizations greatly affect the industrial relations of Japan. Their structure of labor force is designed to make the workforce more effective and efficient in their working floor and this structure depends on the demand and supply of labor force.

Technological Factors

These factors include computerization, mechanization, automation, and rationalization. They affect the industrial relations of Japan.

Industrial Factors

These factors include government policy, labor legislation, labor courts, collective agreements employers' federations; social institutions like community, system of beliefs and attitude of workers, system of power, status, etc. Japan has friendly government policy, collective agreements and strong labor legislation. Social institutions like community, system of beliefs, attitudes of workers, system of power, status, etc. are positively influencing the industrial relations in Japan.

Recent Changes in Industrial Relations of Japan

In the 1990s, there has been an acceleration in the change already underway, as well as changes in other practices that constitute the core of the Japanese (IR) system. This had been due in large part to the effect of the recession of the 1990s. As Berggren argues, it has been the deepest one since the 2nd World War. Thus, in the 1990s, there was a significant questioning of the lifetime employment concept, with severe declines in job security on an unprecedented scale, changes in hiring practices from schools and universities, a dramatic increase in outsourcing strategies, the introduction of limited term employment contracts for some occupations, increased wage flexibility, and some degree of union restructuring, along with evidence of breaking up of some of the Keiretsus. By themselves, any one of these changes might suggest a gradual adaptation to new economic circumstances, but all of these happenings together in the 1990s suggest the critical importance of the 1990s recession in forcing employers to question the existing practices and act to change them.

These changes came as a movement towards transformation of the industrial relations system given that the evidence, suggests changes in most aspects of employment relations in Japan, such as job security, hiring, corporate governance, wages and wage flexibility and the role of seniority, as well as union structure, and would seemingly consist of a

significant erosion of the “three pillars” and a move toward a more individual based system such as in the United States (Brown, Nakata, Riech and Ulman, 1997). There is also some evidence that the Keiretsu system is breaking down after the crisis, possibly as a result of firms’ capital requirements, and thus one major source of the “Stickiness” seems to be weakening.

Industrial Relations in Germany

Features of IR in Germany

The German industrial relations system is characterized by the following features:

1. For the majority of employees, collective bargaining takes place in autonomous negotiations between industrial union and employers’ federation on the level of an industry or on a branch level. Such negotiations produce collective bargaining agreements which are applicable to all companies in the region which are affiliated to the employers’ federation and where workers are affiliated with the respective union.
2. At firms with more than four workers, works councils at the plant level form an important part of a system of co-determination.
3. In large companies with more than 500 employees a second and additional form of co-determination comes into play: the representation of workers’ representatives at the supervisory board.
4. Unions and employers’ federation play an important role in the design and revision of labor laws and in labor jurisdiction;
5. More recently, the government has started high-level talks with trade unions and employers’ federations under the umbrella of an “Alliance for Jobs and Qualification” in order to reestablish a basis of trust and consensus for creating job opportunities and for reducing structural unemployment.

Challenges of IR in Germany

The German industrial relations system has been called “social partnership model” of the cooperative style and the strong consensus orientation. Because of the economic success of Germany in the post-war period there have been considerable interests in the benefits and costs of the German industrial relations approach. With the low growth of the German economy and high unemployment rates in the eighties and nineties, there have been intense debates in the last years about the pros and cons of the German industrial relations system and the need for reforms. Proponents and opponents of the system both agree that the system faces serious challenges because of:

1. **Globalization:** Globalization brings tremendous pressure to adjust local conditions to internationally agreed-upon standards and procedures. Competitive pressure has increased dramatically.
2. **European Integration:** The integration process in Europe with its mechanisms to harmonize institutional arrangements and establish a large internal market without borders works in the same direction. The cross border investments of German companies in other European countries have increased dramatically, while collective bargaining is still confined in most cases to the national level.

3. **Structural Change:** There has been a continuing structural change towards more employment in the information technology-sector and the service industries, with more jobs in smaller companies, with a larger percentage of start-ups, with a higher rate of organizational change and the “in formalization” of employment conditions.

4. **Organizational Flexibility:** There has been an increasing need for higher flexibility in the corporate sector’s response to changes in the business environment, which has substantial implications for the practice of industrial relations.

5. **Reunification of Germany:** The reunification process presented German actors in industrial relations with numerous challenges: Developing institutional bodies, introducing established mechanisms into a new arena and finding appropriate solutions in a highly complex political and economic environment. Especially for the trade unions it had meant high financial inputs to build up organizational structures without corresponding income because of declining membership mainly due to growing unemployment.

6. **Changing values:** There has been a profound transformation of values, preferences, attitudes and perspectives in recent years. There is a strong tendency in society, especially among the young generation towards individuals of lifestyles. This brings about a growing distrust towards “mass organizations” like political parties, churches or trade unions. And unions do have difficulties to organize white collar workers and workers with high skill levels. Unions face problems with an increasing number of people who do not have continuous employment, who have so-called “patchwork careers”.

Collective Bargaining in Germany

For the majority of employees in German companies, collective bargaining takes place between trade unions, which are organized on an industrial or sectoral level, and employers’ federations which are organized economic and social conditions, collective bargaining takes place not on the industry level but rather based on a subgroup of the respective industry (for example: in the case of the metal industry, the metal workers union and the metal employers’ federation build subgroup for ‘steel’, ‘metal and electric’, ‘small scale enterprises’ etc) Agreements negotiated between the employers’ federations and the union would apply then to enterprise belonging to these sub-groupings, which to some extent are equivalent to branches. The autonomy of employer’ federations and trade unions in the conclusion of collective agreements are constitutionally guaranteed, and especially excludes the state from intervening in the bargaining process.

Agreements negotiated by the regional association of employers and trade unions are applicable for regions or areas: Such agreements are called “Flachentarifvertrag” or “association collective agreement” (in the case of the metal sector. Germany is separated into such areas). While this system allows for different agreements and working conditions in the different areas/regions, the agreements are virtually the same, with the only exception being East Germany. In the construction industry and the public sector, collective bargaining is conducted not at the regional but at the national level.

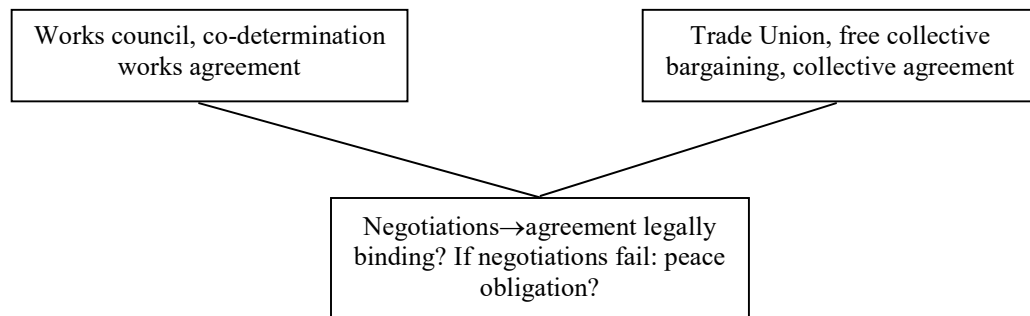
Collective agreements include wage and salary agreements, general agreement and skeleton agreements. The agreements are applicable to all companies of the respective industry or branch in the respective region affiliated to the employers’ federation and where workers are represented by the respective trade union which signed the collective bargaining agreement. In practice, agreements apply not only to those workers belonging

to the union but a non-union members as well. Currently there are more than 30,000 collective agreements in place; every year more than 9,000 collective agreements are negotiated. There are basically two alternatives to the regionally applicable wage agreements or “association collective agreement (Flachentarifvertrag)” signed between the employers’ federation and the industrial union: Company-based agreements and individual employment contracts.

Actors and System of German Industrial Relations

- The union density is about 25% with around 8 million workers unionized.
- The major trade union confederation is the DGB which has 6 affiliated unions (6.6 millions members)
- The largest unions are Ver. di (public and private sector workers), IG metall (Metal workers Union), and IG BCE (chemical industry focused).
- Sharp division between East and West Germany and big corporations and SME

Co-Determination or Collective Bargaining in Germany



There are two distinct levels of co-determination. There are:

- At floor level on the works council.
- At enterprise level on the supervisory board of companies

Works council: Rights and Subjects

- As soon as a company has five or more employees, the employees have the right to form a works council.
- The works council must be informed about personnel planning (hiring and firing) technical and organizational changes. In these areas, the works council also has consultation rights.
- In some cases the works council even has the right to object to certain actions (e.g., personnel disputes)
- The main fields of responsibility are work time (length, time of day, breaks, vacation etc.) and work environment.

Trade Union in Germany

- Collective bargaining is still a monopoly of the unions in Germany.
- Only unions do have the right for industrial action.
- Almost every employee benefits from collective bargaining agreements regardless of union affiliation.
- Usually a union representative is a member of the supervisory board of the enterprise.

Recent Developments

- Development of industrial action because of restructuring being allowed (Federal Labor Court 2007)
- Opting out increase – Companies are leaving Employers' Association to escape collective agreements and undermine collective agreements.
- Concession bargaining grows.

Workers' Participation

- Works councils at factor, national and European level, have boosted considerably the workers' participation in Germany and the European Union.
- Workers' participation guarantees access to crucial information for the collective bargaining process as well as the possibility for company focused negotiation and actions.
- Works councils do have almost no access to small companies with less than ten employees. The reform of Works Constitution Act couldn't improve this situation.

Discussion Questions

1. Describe the industrial relations scenarios in Japan.
2. Discuss the industrial relations scenarios in Germany.

Lesson - 2: Industrial Relations in the Developed Countries

Objectives of this lesson

After reading this lesson, you will be able to:

- Describe the industrial relations system in United State in America (USA).
- Discuss the industrial relations system in United Kingdom (UK).
- Explain the industrial relations system in Australia.
- Explain the industrial relations system in China.
- Find out the lesson for Bangladesh.

The Industrial Relations System of the United State of America (USA)

Features of Industrial Relations in the USA

- In the USA, there are only two federations of trade unions. They are American Federation of Labor (AFL) and Congress of International Organizations (CIO).
- Industrial dispute such as pen down strike, token strike, etc. occurred rarely.
- Industrial Tribunal Court and Summary Court both are involved to trade-off.
- Eight conventions of International Labor Standards (ILS) are followed by the American trade unions.
- There has been no state intervention. But state works to neutralize the process of industrial dispute settlement.
- Working class is very much responsible and satisfied in their jobs.
- Unions strictly follow the American Labor Code (ALC)
- There is favorable political stability in the USA.

The Fair Labor Standards Act and Collective Bargaining

Working time in the United States is shaped mainly by federal legislation, primarily the Fair Labor Standards Act (FLSA) of 1938, as well as collective bargaining. The FLSA established 40 hours as a normal working week for nonsupervisory, employees, and made time-and-a-half the standard hourly rate of pay for those hours worked over the 40-hour standard.

The FLSA, however, does not mandate and paid holidays or paid sick days. These benefits remain “matters of agreement between employer influences of collective bargaining on working hours had declined steadily over the last several decades, which as clearly affected the capacity of workers to shape agreements with employers on paid holidays and sick day. Therefore, the weakening of collective bargaining and the lack of any legal entitlement to paid holidays and sick days are two important features of the work time environment in the U. S. Today only 12% of workers are covered by collective agreements and just 7% in the private sector. In 1983, about 1 in 5 workers in the United States was a member of a union. By 2006, only 1 in 8 workers was a union member. In 1983, about 1 in 6 private sector workers was in a union. In 2006 the share had fallen about 1 in 14.

It is worth nothing, however, that nations in the U.S have not made the reduction of working hours a priority. This is particularly true of the last 25 years when unions have generally been preoccupied with defending what they have won at the bargaining table, but it was also true during the early postwar period when unions were in an altogether stronger bargaining position. There is still a “union differential” in the sense that union members

generally get more paid sick days and vacations than nonunion employees, but this differential is perhaps not as evident regarding the actual numbers of hours worked. Still, according to the BLS's National Compensation Survey, 60% of union members had short-term disability insurance through their employers in 2006, as compared to only 35% of nonunion workers – meaning that union members are more likely to be compensated while unable to work through illness or injury, or on family leave following the birth or adoption of a child.

Unions, Public Policy Groups and Grassroots Organizations

For unions and various organizations that advocate for working families, U.S. business is making record profits on the backs of overworked and stressed out employees who are all too often unable to miss work through illness, in many instances have little or no vacation, and are increasingly required to work hours that are simply not conducive to healthy family life or child rearing.

Flexible work schedules exist, both formal and individually negotiated, but they mainly benefit higher-income white collar professionals. Paid sick leave is rare for low paid workers in particular, and too many workers must risk dismissal or a serious loss of income if they take time off to take care of children, relatives, or their own health.

Unions are playing an active role in changing this situation. Understanding that what can not presently be won at the bargaining table might be won in the political arena, unions have been quite engaged in reform efforts, particularly at the state level. In this effort, unions have committed resources and helped provide a broader reach to a network of nonprofit advocacy groups across this country.

Industrial Relations in the United Kingdom (UK)

The Role of Law and the State of the United Kingdom

Industrial relations in the U.K are based on the principle of free collective bargaining between workers or their representatives and employers. The role of the state in industrial relations is primarily one of facilitating the relationship between trade unions and employers by providing the legislative framework within which trade unions and the machinery to assist the parties in dispute settlement can operate smoothly.

Features of Industrial Relations of the United Kingdom

The main features of Industrial Relations of the United Kingdom are:

- There are two forms of trade unions, one is the Basic Trade Union and the other is Industrial Trade Union.
- Types of employers are:
 - (i) Blue color: It refers to those employees who are directly involved with the production department of a factory.
 - (ii) White color: It refers to those employees who are not directly engaged with production but are related to management of the organization.
- There is the existence of the craft union. In the craft union, each one is a specialist and skilled in his/her own working arena.
- There are nine (9) National Federations working in the United Kingdom.

- The National Federations act as the apex organizations of the Trade Union Structure
- There is no political affiliation of the Trade Unions and government does not interfere in the Trade Union activities even in the process of settlement of any industrial dispute.
- The Trade Unions are working for increasing the productivity and for creating healthy working environment and better work place.

Unions and Employment Growth in the United Kingdom

The effects of unions of workplace-level employment in Britain illustrate two things. First, although changes in workplace employment have features in the Workplace Industrial Relations Survey (WIRS) sourcebook reported a ‘preponderance of establishments with declining employment numbers’ over the recession period (1980-84) – analyze of this issue have largely occurred in academic papers. The impact of current recession (of 2009-10) is yet being assessed.

Second, it illustrates the way in which WIRS can help us understand IR not simply through the ‘mapping’ of the terrain but the trying to understand the relationship between key variables in the data.

The Workplace Industrial Relations Survey (WIRS) literature on unions’ employment effects has focused on changes in workplace employment levels. Early studies used retrospective data from managers on employment levels in earlier years to estimate union effects on employment change. More recent studies have begun to use the Workplace Industrial Relations (WIRS) panel data, thus obtaining more accurate information (Workplace Industrial Relations in Britain, 1980-2004; David G. Blanchflower Bruce V. Rauner)

Practices of Industrial Relations Management Theories in Australia

Development of industrial relations in Australia has a history. The development practices and patterns of labor relations sometime affect the economy and also the labor market. In Australia the later half of the nineteenth century economic growth was strong and provided opportunities for increasing wages for the workers-it was economically favourable but there were recessions. The trade unions were rapidly covering skilled workers after 1850s. In the nineteenth century the employer’s organization were there. But their job was limited to protect trade and control prices only. Here both the employer and the trade unions tried to impose unilateral control of wage and employment conditions.

Union would often present claims beyond standard rates of pay and these would be accepted or modified by the employer without any negotiation. During this time in Australia there was limited and weak development of collective bargaining by a variety of attempts at unilateral regulation (Gardner & Palmer, 1992). Here the state also intervened in labor relations with introducing acts like Master and Servant Acts, Indentured Immigrants Acts and so on providing the employers with extensive controls over the worker discipline, mobility and wages (Quinlan, 1986)

The second part of labor relations practices in Australia is marked by the development of arbitral model. Federal and state arbitration system encouraged confederation in unions and employers, union organization proceeded to expand rapidly and employer associations took active part on industrial focus. But support for arbitration was not universal among the unions or the employers group. There was internal dissension over attitude to arbitration, action and union co-operation. After a long attitude in 1927 Australian

Congress of Trade Union (ACTU) was formed to coordinate national union action. But then also labor relations were unstable and strikes were often lengthy. The key feature of this period was increasing interdependence of the union and the arbitral tribunals, centralized minimum standards and principles governing wage and employment conditions etc. (Gardner & Palmer, 1992).

The war years and the following two decades were the time for industrial and enterprise development. At that time employer association's policy of trade union, trends in wages and policy changed dramatically. The ability of the trade union and the employers to take coordinated national policy decision and action increased during this period. In the 1980s the predominant pattern of industrial relations changed at the national level. Arbitration remained central and key instrument of implementation of national industrial relations policy. Other changes like decline in the union membership and low level of industrial conflicts occurred in the eighties. But in the nineties the reform of the accord came increasingly to focus on change at the workplaces. During 1975 to 1990s Australian industrial relations can be explained by greater integration of the union and the government policy and government social economic policy.

At present most of the industrial workplace in Australia have multiple unions. For example, 80 percent of the workplace has employees in two or more unions; more than one third of workplaces have more than six unions-some upto twenty unions. Less has provided evidence of the importance of informal workplace bargaining. From her survey in Coat industry of Australia, she found that bonus payment is wholly negotiated by employee representatives and management (Deery and Plowman, 1991).

Feature of Industrial Relations in Australia

Industrial relations in Australia involve the relationship between employers, employees, and their representatives, primarily focusing on workplace rights, conditions, and negotiations.

Key Frameworks:

- **Fair Work Act 2009:** This legislation governs employment standards, including minimum wages, working hours, and unfair dismissal protections.
- **Fair Work Commission:** An independent body that oversees workplace relations, including resolving disputes and setting awards.

Key Players:

- **Unions:** Represent workers' interests, negotiate collective agreements, and advocate for employee rights.
- **Employers:** Organizations that hire workers and negotiate terms of employment.
- **Government:** Sets the legal framework and policies that govern industrial relations.

Collective Bargaining:

- Employees can negotiate terms through collective agreements, which must meet or exceed the minimum standards set by the Fair Work Act.
- Agreements are typically negotiated between unions and employers.

Dispute Resolution:

- The Fair Work Commission provides mechanisms for resolving disputes, including mediation and arbitration.

- Employees can also seek remedies for unfair dismissal or workplace grievances.

Current Trends:

- Increasing focus on mental health and well-being in the workplace.
- Ongoing discussions about wage growth and job security, particularly in the context of economic changes.

Challenges:

- Balancing employer flexibility with employee rights.
- Addressing the gig economy and its implications for traditional employment models.

For more detailed information, refer to the Fair Work Commission's official website and relevant government resources.

Industrial Relations in China

China's industrial relations system must be understood in terms of its economic and political organizations. Although the all-China Federation of Trade Unions was set up as early as in 1925, its incorporation into the Chinese Communist Party (O'Leary, 1994) defined the labor movement's role within a state-dominated, import substitution industrialization policy in a centrally planned closed economy. The trade union constitution's preamble states the role of the union rather clearly. "The Trade Unions of China are the mass organizations of the working class led by the party and are the transmission belts between the party and the masses".

Therefore, although the unions played a variety of economic and political roles, the role of transmission belt (communication between the party and workers) was the most central. The transmission belt ostensibly contributed to the development of the state's industrial, employment, and welfare goals. The main characteristics of the system included state ownership of industrial enterprises, the implicit guarantee of employment for workers, an administrated allocation of labor irrespective of the price mechanism, centralized state planning of production and distribution, centralized wage setting and HR policy determination, a rigid labor market with little inter-enterprise or inter-regional mobility, and the absence of price-or-efficiently-driven controls over industry. Although the emphasis varied over time, the board industrial policy followed was a mixture of heavy industrialization in the core sectors of the economy, coupled with both import substitution industries and small scale industrialization to promote economic growth in the rural sector.

The administrative bureaucracy at central and regional levels governed industry, while the party and the trade unions developed parallel bureaucracies. In industrial relations terms, however, the workplace (specifically, the work unit) was most important. The term "iron rice bowl" is used to describe this inclusive IR system. Note also the often heard quotation that the Chinese industrial enterprise was not organized to make profits, but to fulfill the economic and social policy of the state. Within this system, industrial relations consisted of dualistic structure of codetermination. Warner (1987) provides an analysis of IR in the Chinese factory. The Chinese trade union focused on day-to-day shop floor problems, but walked a fine line between its responsibilities of educating the workers, ensuring the success of the enterprise, and ensuring that the management of the enterprise did not exploit workers. They dealt with matters such as grievances and decisions regarding social activities. Workers congresses met about four times a year and had responsibility for strategic issues, such as the scrutiny of plans and budgets, decisions on enterprise funds for

welfare activities, changes in organization structure and payment systems, and election of the enterprise director and other key management personnel.

The combination of administrative labor allocation and the iron rice bowl produced a rigid and inflexible system within the enterprise, and outside as well. The absence of numerical flexibility was further reinforcing by the absence of labor mobility given the household registration system. This had been cited as the “greatest institutional barrier to free labor mobility”. Thus, the objectives of industrial relations policy was in some sense to support the economic and social structure that communism built. Note, however, that there were numerous differences under different regimes and across different industries in how workers’ congresses and trade unions operated. For instance, trade unions’ right and roles were banned during the Cultural Revolution and there was some degree of loosening in industrial relations as Deng sought to give enterprise greater control over their management after 1978.

Recent Changes in China’s Industrial Relations

The Chinese industrial relations system has been in considerable ferment since the opening up of the Chinese economy during post- 1978, and in particular post – 1983. There is a lot of research on the change in economic development strategy, and will not revisit that research here. But the change in economic policy brought about a greater decentralization in the SOE’s (State Owned Enterprise), which were allowed to manage themselves more independently, and an increase in the number of FIE’s (Foreign Investment Enterprise), foreign-owned joint venture firms in export and special economic zones all over the country. Decentralization in the state sector implied changes in industrial relations and human resource practices, with new practices that are increasingly focused on getting a higher degree of numerical and functional flexibility.

In terms of industrial relations legislation, the government’s focus in foreign investment sector is to keep basic labor protection and welfare laws as similar as possible to the state-owned sector. Thus, in joint venture firms there are detailed rules regarding industrial relations and human resource practices. There is a ceiling regarding wage payment, and an effect a legislated system regarding employee benefits that parallels the state-provided benefits. Every enterprise must have a union, which can attend the board meetings of the companies, and which get a company supported office, 2 percent of the wage bill, and the salaries of union reps, paid by the company. The purposes of unions here are the same, to ensure the success of the enterprise, while there is also a strong emphasis on ensuring that workers do not get exploited and that their basic rights are protected.

However, workplace Industrial Relations and Human Resource practices in the FIE sector show considerable variety, often affected by country of origin. Thus, Western multinational have a very different reputation as employers than Korean and Taiwanese companies. Variation is facilitated by weak and haphazard enforcement of labor legislation. Wage setting is determined by the enterprise. On an average, in 1995 wages in the FIE sector were about 1.45 times the wages in the state-owned sector. Other employment practices are completely within the discretion of the employer, subject to the basic standards legislation. Despite the ACFTU directive to organize every workplace only 36 percent of workplace have been organized so far, with the labor movement showing little ability, or interest, in speeding up the organization rate and as several observers have noted, have little resources with which to do so. Most importantly, there is little evidence of guaranteed

lifetime employment in this sector, beyond the possibility of renewal of short term contracts. Employment contracts are short term highly specific, impose restrictions on their employees, can be unilaterally changed by the employer, and in several cases, no contracts are signed at all.

The labor movement in China has been slow to adapt to these changes. On the one hand, the numerical flexibility enhancing strategies followed by state owned enterprise have hindered union membership. In addition, decentralization of decision making down to the enterprise level has not been matched by adequate autonomy for unions or the right or strike. On the other hand, although there is state support for the extension of collective bargaining, the ACFTU has been very slow to organize as well have already seen. The labor movement has limited funds, limited organizers, and tends to view new organization as a bureaucratic exercise. In the FIE sector many labor regulations are not enforced given that provincial governments believe that enforcing such laws may drive off foreign investment. Thus, the power of the labor movement has been weakened by the changes.

The net effect of the changes in economic policy and the changes in labor law have been an increase in the diversity of industrial relations and human resource practices in China, diversity within state enterprise and between state enterprises and FIE's. In effect, there is a clear transition from centralized IR and a highly welfares (iron rice bowl) and rigid system to a more profit-driven, flexibility-oriented IR and HR system. There is tremendous variation in IR reform and differential progress across industries and sectors, but the trend is fairly clear: the focus is on increased numerical, functional, and wage flexibility.

Features of Industrial Relations in China

Industrial relations in China involve the dynamics between employers, employees, and the government, shaped by the country's unique political and economic context.

Legal Framework: The Labor Law of 1995 and the Labor Contract Law of 2008 govern employment relations. These laws establish workers' rights, including contracts, wages, and working conditions.

Trade Unions: The All-China Federation of Trade Unions (ACFTU) is the only legal trade union organization. Unions primarily focus on maintaining stability and supporting government policies rather than advocating for workers' rights.

Collective Bargaining: Collective bargaining exists but is often limited in scope. Many enterprises engage in informal negotiations rather than formal collective agreements.

Labor Disputes: Labor disputes are common, often arising from wage issues, working conditions, and layoffs. The government encourages mediation and arbitration to resolve conflicts, with courts also playing a role.

Recent Trends: There is a growing trend of labor activism, with workers increasingly organizing protests and strikes. The government responds with a mix of repression and attempts to address some worker grievances.

Challenges: Issues such as income inequality, migrant worker rights, and job security remain significant challenges. The balance between economic growth and labor rights continues to be a contentious issue.

International Influence: Globalization and foreign investment impact labor relations, with multinational companies often facing different expectations regarding labor practices.

This overview reflects the current state of industrial relations in China, which is subject to change as economic and political conditions evolve.

Lessons for Bangladesh

The environment for industrial relations in Bangladesh is not conducive to the development of industrial sector which ultimately leads to the slow growth of economic development in the country. Hence, in order to get the best possible results in the field of industrialization vis-a-vis industrial relations, the policy makers of our country may gain knowledge from a closer look of the different aspects of industrial relations of Japan, Australia, Germany, USA, U.K. and China. The main lessons for Bangladesh may be summarized as follow:

- i. The level of organizational commitment among the workers and employees should be increased;
- ii. Improving social and working relations within plants particularly by involving employers/workers more in decision making and developing the leadership skills of managers;
- iii. Pay and allowances of the workers/employees is wholly negotiated by enterprise based bargaining between the worker/employee representatives and the management.
- iv. Flexibility and adaptability have become key managerial objectives which help the manager to improve their skill, work design and to take efficient decisions;
- v. Organizational policies and strategies should be formulated and also implement through general consensus between the workers/employees and the employers;
- vi. Human resources should be treated as organization's assets rather than a money making machine;
- vii. Management of conflict and employee grievances should be handled effectively which ultimately would lead to innovation and productivity improvement of a concerned organization;
- viii. During selection and promotion of candidates (employees) a human resource manager should follow a standard method and all candidates can get equal treatment without bias, and
- ix. The activities of industrial relations in Bangladesh should be free from the influence of party policies.

Review Questions

1. Describe the industrial relations system in United State in America (USA).
2. Discuss the industrial relations system in United Kingdom (UK).
3. Explain the industrial relations system in Australia.
4. Explain the industrial relations system in China.
5. What should be the lessons for the development of industrial relations in Bangladesh?

Trade Union

3

Unit Highlights

- Lesson - 1: Introduction to Trade Union
- Lesson - 2: Trade Union Structure and Leadership
- Lesson - 3: Trade Union Movement in Bangladesh
- Lesson - 4: Trade Union Related Laws

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

Trade unions are worker organizations that aim to balance power with employers, negotiating collectively for better wages, benefits, safety, and working conditions on behalf of their members. Industrial relations encompass the broader system of interactions between workers, employers, and government institutions, with trade unions being a key component focused on protecting employee interests through continuous association and bargaining. Unions are categorized by their structure (craft, general, industrial) and play a crucial role in collective bargaining and promoting social activities within the workplace and community.

Lesson - 1: Introduction to Trade Union

Objectives of this lesson

After reading this lesson, you will be able to:

- Define trade union.
- Describe the characteristics and nature of trade union.
- Discuss the objectives of trade union.
- Why do workers join a trade union?

Introduction:

The trade union is the product of the modern factory system, which is the result of rapid industrialization. Trade Unions exert powerful influence on production of goods and services, their distribution, the extent of employment and the nature of economic-social organizations.

Generally trade union is an organization of workers. It is formed with a view to improve the condition of workers in the organization and in society and also for collective bargaining with management. A trade union bridges the relationship between workers and workers and also between workers and employers.

Definitions of Trade Union

Trade Union is a monopolistic combination of wage earners who stand to the employers in a relation of dependence for the sale of their labour and even for the production, and that the general purpose of the association in view of that dependence is to strengthen their power to bargain with the employers. – **Cunnison**.

Trade union is a monopolistic combination of wage earners who as individual producers are complementary to one another but who stand to employers in a relation of dependence for the sale of their labour and production and that the general purpose of association is in view of that dependence to strengthen their power to bargain with the employers or bargaining collectively.” – **S.D Punekar**.

According to **Edwin B. Flipp**, “Trade union is an organization of workers formed to promote, protect, and improve through collective action, the social, economic and political interests of its members.”

Sydney and Beatrice define a trade union as” Continuous or improving the conditions of their working lives.

According to section 2(xxvi) of the Industrial Ordinance, 1969, it is defined as “Trade Union” means any combination of workmen or employees formed primarily for the purpose of regulating the relationship between workmen and employers or workmen and workmen or employers and employers, or for imposing restrictive conditions on the conduct of any trade or business and includes a federation of two or more trade unions.

It is an association of workers engaged in securing economic benefits for its member’s. Trade union formed in accordance with the law of their country shall have the privileges given by the law of trade union.

Characteristics of Trade Union

Association of employees: A trade union is essentially an association of employees belonging to a particular class of employment, profession, trade or industry. For example, there are unions for teachers, doctors, film, artistes, weavers, mine workers and so on.

Voluntary Association: An employee joins the trade union out of his free will. A person cannot be compelled to join a union.

Permanent Body: A trade union is usually a permanent body. Members may come and go but the trade union remains.

Common Interest: The members of a trade union have certain matters of common interest—job security, better pay and working conditions and so on, which bring them together.

Collective Action: Even when an individual employee has any grievance over certain management decisions, the matter is sorted out by the intervention of the trade union. Employees are able to initiate collective action to solve any problem concerning any particular employee or all the employees.

Rapport with the Management: The trade union seeks to improve relations between the employees and employers. The officials of the trade union hold talks with the members of the management concerning the problems of the employees in order to find an amicable solution. It is thus possible for the employees to have better rapport with the management.

Nature of Trade Unions in Bangladesh

As has already been said, trade union is an organization of workers. The objectives of trade unions all over the globe are the same. But the nature of trade union varies from country to country because the philosophy, mentality, political situation, ideology of trade union leaders and workers etc. vary widely. In that sense, the nature of trade unions of Bangladesh is also unique with the following features:

1. Trade unions are subdivided into different parts. Their internal collision forbids them to unite and be stronger.
2. The trade unions of Bangladesh are highly politicized. They are subordinated to different political parties.
3. Trade unions in Bangladesh are structurally very weak.
4. Trade unions take part in different job related movements as well as political movements not related to their jobs.
5. The leaders of trade unions are very much concerned about their own selfish interests rather than the interests of their followers.
6. Our trade unions are financially and structurally very weak to face the united strength of their employers.
7. The leaders of trade unions are autocratic in their behavior. Hardly have they wanted to listen to the genuine grievances of workers.
8. There is a dearth of knowledgeable union leaders. Lack of proper knowledge about labour laws makes the leaders ineffective to safeguard the interests of workers vis-à-vis employers.
9. The general workers have little faith in the integrity of trade union leaders.

Objectives of Trade Union

Trade unions serve as the collective voice of workers, striving to achieve a set of objectives that ensure their members' rights are protected and enhanced. Understanding these objectives sheds light on the vital role trade unions play in the labor landscape.

1. **Protection of Workers' Rights:** At the core of their objectives, trade unions aim to **protect workers' rights**. They work tirelessly to ensure fair wages, reasonable working hours, safe working conditions, and protection against any form of exploitation or discrimination.
2. **Collective Bargaining Power:** One of the primary goals of trade unions is to enhance the collective bargaining power of workers. By negotiating as a unified entity, trade unions can secure better wages, benefits, and working conditions for their members than individuals negotiating on their own.
3. **Improved Working Conditions:** Trade unions strive to create improved working conditions for their members. This includes advocating for factors such as appropriate rest breaks, reasonable workload, access to necessary resources, and a supportive work environment.
4. **Job Security:** Trade unions work to ensure job security for their members. They advocate against unjust layoffs, arbitrary terminations, and any actions that may compromise employees' livelihoods without valid reasons.
5. **Fair Compensation:** Ensuring that workers receive fair compensation for their efforts is a fundamental objective of trade unions. They seek to eliminate wage disparities, ensure timely payment, and prevent wage discrimination based on factors such as gender, race, or age.
6. **Skill Development and Training:** Trade unions recognize the importance of skill development and training. They aim to provide opportunities for members to enhance their skills, acquire new knowledge, and stay updated in an ever-evolving job market.
7. **Social Welfare:** Trade unions often extend their efforts beyond the workplace to address broader social welfare issues. This includes advocating for improved healthcare, education, and overall quality of life for workers and their families.
8. **Legal Protection:** Trade unions play a crucial role in providing legal protection to workers. They ensure that members are aware of their legal rights, support them in cases of workplace disputes, and advocate for labor laws that are favorable to workers.
9. **Fostering Unity:** A prime objective of trade unions is to foster a sense of unity among workers. By bringing individuals together under a common cause, trade unions create a strong network that can effectively address various workplace and societal challenges.

Trade unions are driven by a set of objectives that revolve around protecting workers' rights, improving their working conditions, and advocating for their overall well-being. These objectives reflect the essence of trade unions as advocates for fairness, equality, and justice in the world of labor.

Why do workers join a Trade Union?

The fundamental objective of trade unions is the deliberate regulation of the conditions of employment in such a way as to protect the interests of workers. They join trade union because of:

1. To ensure standard wage rate for workers.
2. To help determine proper working conditions like working hours, leave, social security, etc. for members.
3. To ensure job security of the workers.
4. To protect the interests of the workers vis-a-vis the interests of the society.
5. To reduce conflicts between workers and management of the organization.
6. To ensure participation of workers in the profit of the organization.
7. To improve job status of the workers.
8. To increase self-confidence and class consciousness of the workers so that they can work with dignity and avoid being exploited.
9. To bargain with management through CBA for different issues involving workers' interests.
10. To ensure participation of workers in decision making with management in the organization.
11. To remove the financial insecurity of the workers and to protect them from autocratic mentality of management.
12. Worker's earnest desires that assignment of job, transfers, promotions lay-off, maintenance of discipline, rewards and punishments should be on the principle of previously decided policy.
13. Protection from economic hazards such as illness, accident, death, disability, unemployment and old age;
14. To communicate their views, aims, feelings and frustration to the management through an organized trade union.

Discussion Questions

1. What do you mean by trade union?
2. Describe the characteristics and nature of a trade union.
3. Discuss the objectives of a trade union.
4. Why do workers join a trade union?

Lesson - 2: Trade Union Structure and Leadership

Objectives of this lesson

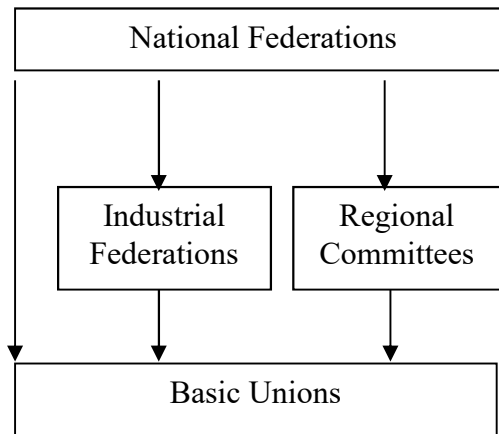
After reading this lesson, you will be able to:

- Explain the trade union structure in Bangladesh.
- Describe the advantages and disadvantages of trade union.
- Discuss the trade union leadership with advantages and disadvantages.
- Identify the preconditions for success insider leader.

Trade Union Structure in Bangladesh

The trade union structure of Bangladesh is composed of the following three components:

1. Basic Unions
2. Industrial Federations
3. National Federations



Each of these components is discussed below.

1. **Basic Unions:**

In the structure of trade unions, basic unions are in the grass root level. They are directly related to the general workers. The leaders of such trade unions are elected by the direct vote of the workers. There are more than four thousand registered basic trade unions in Bangladesh. Basic trade unions are of different types. These are discussed below:

- 1.1. **General trade union:** The members of this type of unions are not required to be specialized workers. Any worker or employee of the respective enterprise, regardless of the job, can be a member of this type of trade union.
- 1.2. **Industrial union:** This kind of trade union is formed by the workers of an enterprise belonging to a particular industry like jute industry, footwear industry, garment industry, etc.
- 1.3. **Craft union:** This kind of union is formed by the skilled workers of different jobs of different industries. Each member is skilled in one profession.

- 1.4. **Blue collar union:** A blue collar union is formed with those workers who are directly related to production. This type of union keeps a decisive role in labor movement.
- 1.5. **White collar union:** This sort of union is formed with the employees/staffs of an enterprise that are not directly related to productions.
- 1.6. **Mixed union:** This kind of union is formed with blue collar and white collar employees together. That means, the members of such unions are both production workers and office employees of the same organization. The total number of members of such union is usually very big.
- 1.7. **CBA union:** Such unions are bargaining agents of workers. They are elected by workers for a definite period. They come to power to bargain with management for different job related issues of the workers.

2. Industrial Federation:

Industrial federations are formed with the affiliation of different basic unions belonging to a particular industry. In Bangladesh, garments, workers' federation, sugar mills workers' federation etc. are the examples of industrial federation. At present in Bangladesh there are more than 90 registered industrial federations. Industrial federations help solve job related issues of the workers through discussion with the management. Moreover, this kind of federation determines the different action plans, and policies of its affiliated unions so that they can organize workers effectively. These kind of federations of unions can be members of different national and international federations.

3. National Federation:

This type of federations stands in the apex position of the trade union structure. National federations act as coordinators and controllers of affiliated basic unions and industrial federations. In some countries there is only one national federation at the national level. For example in UK, the Trade Union Congress is the apex body of the trade union structure of the said country. In Bangladesh, however, there are 23 registered national federations. Basic unions and industrial federations can join any of the national federations according to their choice or they can even form new national federations if they so desire. At present many national federations are united under one banner, called SKOP (Sramik Karmachari Oikko Porishad). But many federations have political affiliations for which the labour movement cannot reach the desired goal.

Advantages of Trade Unions

Generally it can be said that a trade union is formed basically for the welfare of the workers so that they can be united and get the power to bargain with the management to preserve and protect their interest regarding job. It is easy for the workers to dictate the terms and conditions of their job to management, when they are united rather than being isolated. So their main advantages of trade unions go to the workers themselves. The several advantages that have been sought from trade unions are discussed below:

1. **Increase in bargaining power:** Trade union is a legal organization of the workers. Through this organization they can present their demands to the management, determine their terms and conditions of employment etc. which are not possible by a single worker. Trade union gives them strength to bargain with employers.
2. **Ensuring job security:** Trade unions help to secure the job of the workers. The employer can not sack a worker illegally from his job if he is a member of a registered trade union. So it helps the workers to secure their job.
3. **Enhancement of wages:** United strength of workers through trade unions helps them enhance wages and also bonus, gratuity, overtime allowance, etc.
4. **Implementation of labour laws properly:** The employers try to avoid labor laws so that they can be financially gainer, but it naturally goes against the workers. Trade unions help the workers to implement these laws properly so that the workers can maintain and improve their position, at least financially.
5. **Opportunity to raise voice to employers:** The industrial workers can place their grievances to management through their trade union.
6. **Recognition of workers' participation:** Workers can participate in the policy formulation of the organization through their unions.
7. **Ensuring industrial peace:** One important objective of trade union is to create healthy relationship between workers and management and thereby bringing industrial peace.
8. **Protection against exploitation:** Workers are always neglected, deprived of their rights through exploitation by the owners. Trade union is a weapon of workers to check this exploitation and to protect their rights.
9. **Creating harmonious relationship between employers and workers:** The main purpose of trade union is to create harmonious relationship between the workers and employers. This will help to increase friendly relations between the two parties.

Disadvantages of Trade Unions

Although trade unions are indispensable in industries, they render some disservices also.

1. **Corruption of trade union leaders:** The trade unions are very much criticized for their involvement in corruption. Many trade union leaders are used to unethical activities, thereby causing great harm to society.
2. **Affiliation with party politics:** Trade unions are more or less affiliated with party politics and that leads to political divisions among workers.
3. **Decrease in productivity:** By using trade union the workers frequently involve in different types of movements like strike, go slow, gherao etc. Though these are legal rights they tend to reduce productivity of the organization.
4. **Misuse of rights:** Trade unions may use their legal rights of strikes, movements etc. illogically and create disturbances in industrial area. Trade unions enjoy the power to bargain with the owners. So, it reduces the control of the owners on their enterprises. Even sometimes, the management is constrained to take any decision without concern of the trade union leaders.
5. **Increase in managerial complexity:** Though trade union is helpful for the workers, the employers do not accept them as essential partners in the industrial process to achieve goals. This tends to increase managerial complexity and inefficiency in operations.

Trade Union Leadership

The basic functions of trade union leaders are to protect workers' interests and to maintain harmonious relation among workers and also between workers and employers Leadership is the crucial factor in the trade union organization and movement. In a trade union there can be leaders from the workers, working in the organization to which the trade union belongs. They are called insiders. Again their can be leaders from outside the organization, who are called outsiders.

Trade Union Leadership by Outsiders:

Leaders, not from among the workers of the respective organization are called outsider leaders. Though they are not members of the organization, they play a crucial role for protecting the rights of both workers and employers. Advantages and disadvantages that emerge from their leadership are detailed below:

Advantages of outsider leadership

Outsider leadership occurs for several reasons. **First**, most of the workers are illiterate and unorganized and thus the necessity of leadership from outsiders in trade unions cannot be underestimated. **Second**, management is more powerful than workers in all perspectives. So, unions often search for persons who can lead and guide them. **Third**, the outside leaders are experienced, skilled and educated. **Fourth**, the outside leaders are not afraid of losing their job and thus they can play an effective role in trade union movement. **Fifth**, the outsiders can not only help the unions to fight for their causes but can also safeguard the workers from tyrannies of management.

Disadvantages of outsider leadership

In many cases, trade union leadership by outsiders suffers from certain drawbacks. **First**, it leads to political unionism, which, in turn, leads to the multiplicity of unions and to intra-union rivalry. **Second**, leaders from outside are more concerned with maximizing their self or political interest rather than maximizing welfare and well-being of workers. **Third**, they may also create vested interests in the internal affairs of trade unions. **Fourth**, the outsiders are not from among the workers and so they are not directly committed to workers. **Fifth**, opportunistic leaders can sometimes appear in leadership from outside and thus the workers may not have trust over the leaders who are outsiders. Sometimes the workers assume them to be agents of owners or the government.

Trade Union Leadership by Insiders:

Insider leadership i.e. leadership by existing fellow workers in trade unionism, is desirable for a healthy growth of trade union movement. Insiders can effectively meet the needs and expectations of rank-and-file members. But in some cases workers are not happy with their worker-leaders because, in most cases, they betray the causes of their fellow workers in order to achieve their own selfish interests.

Advantages of insider leadership

Insider leadership comes from among workers themselves and it enjoys some advantages. **First**, it is related to the needs and aspirations of trade union members. **Second**, such leadership can realize the problems and needs of the workers and take necessary steps easily. **Third**, insiders being workers themselves are sometimes more experienced in trade

union affairs than the outsiders. **Fourth**, they are elected by direct poll of workers and are dedicated to trade union members.

Disadvantages of outsider leadership

Insider leadership suffers from certain drawbacks. **First**, a leader should have adequate knowledge and experience but sometimes insiders are not so much experienced, skilled and educated. **Second**, insiders are overwhelmed by nepotism and regionalism and they act to satisfy their personal interests. **Third** these categories are often not experienced and educated and as a result they fail in collective bargaining with owners. **Fourth**, such leaders, being influenced by political parties, often act for the sake of the political parties rather than pursuing the interests of general workers.

Pre-Conditions for Success of Insider Leadership

1. **Workers should have sufficient knowledge about their rights and claims:** Workers should have adequate knowledge about the existing labor laws. They should have awareness about their rights and claims regarding payment of wages, compensation, working hours etc. They also should know about the terms and conditions of a trade union and trade union leadership. The workers should be organized and united. Then the insider leadership is supposed to be effective.
2. **Leaders must be trained-up:** Leaders should be given need-based training on matters related to their leadership. They are to be well versed in relevant laws and policies and are to be competent in dealing with management.
3. **Existence of team-spirit within unions:** Trade union leaders and workers should work as a team for the establishment of their rights. When working as a team, intimate relationship grows between leaders and workers and leaders become more concerned about the welfare of workers.
4. **Trade unions should be free from party politics:** Trade union leaders should not be leaders or active members of political parties. Trade unions and trade union leadership must be free from political interferences.
5. **Workers and leaders of trade unions should have commitment to the organization and to the country:** Both the workers and trade union leaders should be concerned for the sake of the industry and also of the country. They should be responsible and honest regarding their duties and responsibilities.
6. **Development of democratic values and tolerance:** There should be fair practices of democracy among workers and leaders. They should have open-mindedness and patience.
7. **Governmental support:** The government should act as a facilitator regarding trade unions and trade union leadership. It should provide necessary help and support so that trade unions can grow as true representatives of workers and can help management to enforce discipline and improve efficiency.

Review Question

1. Explain the trade union structure in Bangladesh.
2. Describe the advantages and disadvantages of trade union.
3. Discuss the trade union leadership with its advantages and disadvantages.
4. State the preconditions for the success of insider leadership.

Lesson - 3: Trade Union Movement in Bangladesh

Objectives of this lesson

After reading this lesson, you will be able to:

- Explain the trade union movement in Bangladesh.
- Describe the weaknesses of trade union in Bangladesh.
- Assess the problems and prospects of trade union in Bangladesh.
- Explain the essentials of trade union in Bangladesh.

Trade Union Movement in Bangladesh

Trade Union movement organised activities of workers to improve their working conditions. In the early stage of industrial development when there were personal contacts between employers (master) and workers (employee), there was no need for any organisation to determine relations between the two. But under the modern factory system, the personal touch is absent and the relations between the employer and the worker have come under strain. The conflict of interests between buyer and seller of labour power has become conspicuous and this has led to the rise of trade union movement throughout the world. The tradition of the parallel development of the nationalist and the trade union movement, which had originated in British India continued through the Pakistan period down to the birth of Bangladesh.

For the first time in India the Bombay Mill Hands Association was formed on 24 April 1890. This gave impetus to the trade union movement in British India. The establishment of ILO in 1919 provided a source of inspiration for the workers to organise themselves and shape their destiny. India's membership of the same exerted great influence in the formation of a central organisation of workers called 'All India Trade Union Congress' (AITUC) in 1920 for the purpose of conducting and co-ordinating the activities of the labour organisations.

The period from 1924 to 1935 may be considered as the era of revolutionary trade union movement. MN Roy, Muzaffer Ahmed, SA Dange and Shawkat Osmani led the trade union movements and as a result the political consciousness among industrial workers increased. To control the movement, the British government adopted ruthless measures (eg, Kanpore Conspiracy Case and Meerat Conspiracy Case) against the militant workers and trade union leaders, but no strategy could suppress the trade union movement; rather the colonial resistance invigorated the movement against the colonial power. Later, the trade union movement was closely linked with nationalist movements and the working class started vigorous struggle for emancipation from extreme repression and economic exploitation by the colonial regime.

At the time of Partition of Bengal (1947), most trade union leaders were Hindus and when they migrated to India, a void was created in leadership in the trade union movement of Pakistan, especially in its eastern wing. Moreover, the institutions to advance workers' interest were mostly situated in areas outside Pakistan. There were barely 75 registered trade unions in the whole of Pakistan, compared to 1987 in undivided India in 1946. Of this small number of trade unions, the larger share fell to West Pakistan, leaving only a very few for the eastern wing, where there were only 141 factories with 28,000 workers and 30 unions in all with a total of 20,000 members.

During the Pakistan period most trade union leaders held conflicting views and the trade unions were fragmented and weakened. As a result, the trade union movement met a setback and the trade union activities passed into the hands of petty bourgeoisie leadership. Moreover, the trade union movement in Pakistan was characterised by fragmentation of unions, prolonged strikes, retaliatory lockouts and picketing which sometimes led to violence.

As the trade union movement in Bangladesh originated in British India and Pakistan, it naturally retained its old character of working more as a nationalist force against colonial domination than as a class force vis-a-vis capitalist exploitation. As a result, the trade union movement of the region that had gained momentum in the hands of political leaders stood divided along the political and/or ideological lines in independent Bangladesh.

During this period, the trade union movement was marked by direct interference by the government and the ruling party in its internal affairs. In many industrial belts terrorism was let loose by the men of the labour front of the then ruling party and tried to drive out the honest trade unionists from the leadership of the unions. Moreover, the barring of outsiders from trade union leadership at the basic union level made the process of union hijacking very easy and turned the workers into a very weak and defenseless community.

In the early 1980s, the military government of Bangladesh banned all trade union activities in the country. Then an alliance of the National Federation of Trade Unions (NFTUs) emerged in the name of Sramik Karmachari Oikya Parishad (SKOP) to establish the democratic rights of workers as well as to fulfil their economic demands. Most NFTUs were in SKOP and since 1983, most trade union movements in Bangladesh have been organised under the leadership of SKOP.

The opportunism and lenient attitude of the trade union leaders including SKOP gave the ruling regimes a chance to disregard the agreements signed between the government and the trade union leaders. At present, the leaders of nineteen of the twenty three NFTUs are included in the SKOP. After its formation, SKOP submitted a 5-point charter of demands for establishing their democratic rights and higher wages through rallies, torch processions, demonstrations, strikes, hartals blockades etc.

Ironically, SKOP failed to yield any tangible results for the working class people of the country. The effectiveness of the trade union movement under the leadership of SKOP gradually weakened because most SKOP leaders have political affiliations and therefore, cannot escape the influence of their respective political parties. Moreover, lack of active support by the major political parties to SKOP's programmes, excessive pressures on government by the private employers and donor agencies to disregard SKOP's demands using repressive measures to disrupt the trade union movement, forcible occupation of unions, bribing of trade union leaders, opportunistic and compromising attitude of the union leadership rendered the SKOP demands ineffective. In fact, SKOP has become a moribund forum of the working class with little to offer to the country's future trade union movements (Khan and Taher,2011).

Weaknesses of Trade Union Movement in Bangladesh

The major weaknesses of trade union movements are discussed below:

1. Trade unions are unable to enforce their rights due to absence of appropriate democratic environment. Moreover, powerful trade unions are controlled and utilized by almost every govt. in several ways.
2. The uncompromising attitude of employers and the absence of a large working class are considered as big problems of our trade union movement.
3. Due to political division among workers the employers are getting the opportunity to exploit them and avoid paying any attention to their demands.
4. Socio-economic weaknesses and illiteracy of workers are also great barriers for commencing effective trade union movement.
5. The organizational structure of trade unions is weak and for that it is difficult for them to realize the rights and claims of members.
6. The working class of Bangladesh is snowed under nepotism, regionalism and absenteeism which hamper the development of trade union movement.
7. The attitude of our managers is autocratic and bureaucratic and they act for the interests of the owners. As a result the real trade union leaders are facing antagonism. This is hindering the trade union movement and also healthy industrial relation in Bangladesh.
8. Most of the trade unions are affiliated with political parties. As a result they give more preference to the interests of the political parties than the interests of the workers.
9. The union leaders must possess adequate knowledge of existing labour laws for proper maintenance of trade union movement. But in practice most of our trade union leaders do not have enough knowledge of labour laws.

Problems and Prospects of Trade Union in Bangladesh

Trade unions in Bangladesh face several challenges while also holding significant potential for improving workers' rights and conditions.

Current Problems:

- **Weak Legal Framework:** The existing labor laws are often inadequate, leading to limited protection for workers and difficulties in union registration.
- **Government Interference:** There is frequent government intervention in union activities, which can undermine their independence and effectiveness.
- **Violence and Intimidation:** Union leaders and members often face threats, violence, and harassment from employers and sometimes from political groups.
- **Low Membership Rates:** Many workers remain unaware of their rights or fear repercussions, resulting in low union membership and participation.
- **Economic Pressures:** The informal sector dominates the labor market, making it challenging for unions to organize and advocate effectively.

Prospects for Trade Unions:

- **Growing Awareness:** Increased awareness of labor rights among workers can lead to higher union membership and stronger collective bargaining.
- **International Support:** Global labor organizations and NGOs are increasingly supporting Bangladeshi unions, providing resources and advocacy.

- **Legislative Reforms:** Ongoing discussions about labor law reforms may improve the legal environment for unions, enhancing their ability to operate.
- **Youth Engagement:** Younger workers are more likely to engage in union activities, potentially revitalizing the movement.
- **Focus on Sustainability:** As industries shift towards sustainable practices, unions can play a crucial role in advocating for fair labor standards.

Trade unions in Bangladesh are at a crossroads, facing significant challenges but also holding the potential for meaningful change in the labor landscape.

Essentials of a Successful Trade Union

A trade union can be successful on the basis of the following factors:

1. It should be able to guide and direct the trade union movement properly. An honest leadership is required to protect and promote the interest of the workers without any prejudice;
2. It should establish a strong footing enough in understanding to attain success of its objectives;
3. There should be clearly defined objectives with consistent well-planned policy for the success of the organization. It should think of itself as a business organization which needs vigilant planning and reliable organizational methods for its success;
4. It should demonstrate honesty and uprightness both in should be able to extend relationship with employers with regard to formation of its policies and evaluation of its performance;
5. Sense of responsibility is necessary;
6. It should carefully and with responsibility utilize financial matters, and it should have exact idea of the present realities to avail opportunities for improving the living conditions of its members;
7. It should be strong internally for preserving the interest of the workers; and
8. It should have representative and popular characteristics.

Review Question

1. Explain the trade union movement in Bangladesh.
2. Describe the weaknesses of trade union movement in Bangladesh.
3. Discuss the problems and prospects of trade union in Bangladesh.
4. Explain the essentials for the success of trade union in Bangladesh.

Lesson - 4: Trade Union Related Laws

Objectives of this lesson

After reading this lesson, you will be able to:

- Explain the formation of trade unions of workers and employer according to The Bangladesh Labour Act 2006.
- Describe the requirements of application and registration according to The Bangladesh Labour Act 2006.
- Discuss the registration process of a trade union according to The Bangladesh Labour Act 2006.
- Explain the process of cancellation of registration process of a trade union according to The Bangladesh Labour Act 2006.
- Explain the unfair labour practice by union and unfair labour practice by management according to The Bangladesh Labour Act 2006.

The Bangladesh Labour Act 2006 regulates labor rights and workplace conditions in Bangladesh. It aims to ensure fair treatment of workers and establish a framework for labor relations. On 2 November 2023, the Bangladesh Parliament last approved amendments to the Bangladesh Labour Act, 2006, aligning it more closely with the International Labor Organization.

Trade unions of workers and employers

Subject to the provisions of this Chapter-

- (a) Workers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulating the relations between workers and employers or workers and workers and , subject to the constitution of the union concerned, to joint trade union of their own choosing;
- (b) Employers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulation the relations between employers and workers or employers and employers and subject to the constitution of the union concerned, to join trade union of their own choosing; and
- (c) Trade unions of workers and employers shall have the right to form and join federations and any such union and federation shall have the right to affiliate with any international organisation and confederation of worker's or employers organisations.
- (d) Trade unions and employers' associations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

According to the Bangladesh labour Act. 2006, Section: 177

Application for registration: Any trade union, may under the signatures of its president and secretary, apply for registration of the trade union to the Trade unions of the concerned area under this Chapter.

Requirements for Application of Trade Union

According to The Bangladesh labour Act. 2006, Section: 178, the requirements of application are as follow:

- (1) An application for registration of a trade union shall be made to the Director of Labour or to the Officer authorised in this behalf
- (2) The application shall be accompanied by –
 - (i) the name of the trade union and the address of its head office;
 - (ii) date of formation of the union;
 - (iii) the names, ages, addresses, occupations and the posts in the union of the officers of the trade union;
 - (iv) statement of total paid membership;
 - (v) the name of the establishment to which the trade union relates and the total number of workers employed or engaged therein;
 - (vi) in case of a federation of trade unions, the names, addresses and registration numbers of member-unions;
 - (b) three copies of the constitution of the trade union together with a copy of the resolution by the members of the trade union adopting such constitution bearing the signature of the Chairman of the meeting;
 - (c) a copy of the resolution of trade members of the trade union authorizing its President and Secretary to apply for its registration; and
 - (d) in case of a federation of trade unions a copy of the resolution from each of the constituent unions agreeing to become a member of the federation.
- (3) The Director of Labour or the officer authorized in this behalf shall, on receipt of an application under sub-section (1), forthwith send a copy thereof along with the list of officers of the union to the employer concerned for information.

Provided that in case where the applicant is a federation of trade unions, a public notice showing the names of the officers of the union shall be published at the expenses of the applicant.

Requirements for Registration of Trade Union:

According to The Bangladesh labour Act. 2006, Section: 179, the requirements registration are as follow:

- (1) A trade union shall not be entitled to registration under this Chapter unless the constitution thereof provides for the following matters, namely;
 - (a) the name and address of the trade union;
 - (b) the objects for which the trade union has been formed;
 - (c) the manner in which a worker may become a member of the trade union specifying therein that no worker shall be enrolled as its member unless he applies in the form set out in the constitution declaring that he is not a member of any other trade union;
 - (d) the sources of the fund of the trade union and statement of the purposes for which such fund shall be applicable;

- (e) the conditions under which a member shall be entitled to any benefit assured by the constitution of the trade union and under which any fine or forfeiture may be imposed on him;
 - (f) the maintenance of a list of the member of the trade union and of adequate facilities for the inspection thereof by the officers and members of the trade union;
 - (g) the manner in which the constitution shall be amended, varied or rescinded;
 - (h) the safe custody of the funds of trade union, its annual, audit, the manner of audit and adequate facilities for inspection of the books of account by the officers and members of trade union;
 - (i) the manner in which the trade union may be dissolved;
 - (j) the manner of election of officers by the general body of the trade union and the term, not less than two years and not exceeding three years, for which an officer may hold office;
 - (k) the number of members of the executive which shall not be less than five and more than thirty five as may be prescribed by rules;
 - (l) the procedure for expressing want of confidence in any officer of the trade union; and
 - (m) the meetings of the executive and of the general body of the trade union, so that the executive shall meet at least once in every three months and the general body at least once every year.
- (2) A trade union of workers shall not be entitled to registration under this Chapter unless it has a minimum employed in the establishment in which it is formed; Provided that more than one establishments under the same employer, which are allied to and connected with the another for the purpose of carrying out the same industry irrespective of their place of situation, shall be deemed to be one establishment for the purpose of this sub-section.
- (3) Where any doubt or dispute arises as to whether any two or more establishments are under the same employer or whether they are allied to or connected with one another for the purpose of carrying on the same industry the matter may be referred to the Director of Labour for decision.
- (4) Any person aggrieved by a decision of the Director of Labour under sub-section (3) may, within thirty days of the decision, prefer an appeal to the Labour Court; and the decision of the Labour Court shall be final.
- (5) Not more than three trade union shall be registered in any establishment.

Disqualification for being an officer or a member of a Trade Union

According to the Bangladesh Labour Act 2006, Section: 180, the disqualifications of the member of trade union are as follow:

- (1) Notwithstanding anything contained in the constitution of a trade union, a person shall not be entitled to be, or to be elected as a member or an officer of a trade union if-
 - (a) he has been convicted of an offence involving moral turpitude or an offence under section 196(2) (d) or section 298 and unless two years have elapsed form the date of his release;

- (b) he is not employed or engaged in that establishments in which the trade union is formed;
- (2) Nothing in sub-section (1) (b) shall apply to any federation of trade unions.

According to The Bangladesh Labour Act 2006, Section: 181

Every registered trade union shall maintain the following registers and books in such form as may be prescribed:

- (a) a register of members showing particulars of subscriptions paid by each member;
- (b) and accounts book showing receipts and expenditures and
- (c) a minute book for recording the proceedings of meetings.

Registration Process of Trade Union

According to The Bangladesh labour Act, 2006, Section: 182, the process of trade union registration are as follow:

- (1) The Director of Labour, on being satisfied that a trade union has complied with all the requirements of this Chapter, shall register the trade union in a prescribed register and issue a registration certificate in the prescribed form within a period of sixty days from the date of receipt of the application for registration.
- (2) If the Director of Labour finds the application to be deficient in any material respect, he shall communicate in writing his objection to the trade union within a period of fifteen days from the receipt of the application and the trade union shall reply thereto within a period of fifteen days from the receipt of the objection.
- (3) When the objection raised by the Director of Labour has been satisfactorily met, 'the Director of Labour shall register the trade union as provided in sub-section (1) and if the objection is not met satisfactorily he shall reject the application.
- (4) When the application has been rejected or the Director of Labour has, after settlement of the objection delayed disposal of the application beyond the period of sixty days provided in sub-section (1), the trade union may, within a period of thirty days from the date of such rejection or the date of expiry of such period, whichever is earlier, appeal to the Labour Court.
- (5) The Labour Court, after hearing the appeal, for reasons to be stated in its judgment, may pass an order directing the Director of Labour to register the trade union and to issue a certificate of registration within a period of seven days from the date of order or may dismiss the appeal.
- (6) Any party aggrieved by the judgment passed by the Labour Court under sub-section (5) may prefer appeal to the Labour Appellate Tribunal within 30 (thirty) days from the date of receipt of the order of the Labour Court.

Cancellation of Registration of Trade Union

According to The Bangladesh labour Act 2006, Section: 190, the registration of trade union may be cancelled in the following circumstances:

- (1) Subject to the other provisions of this section, the registration of a trade union may be cancelled by the Director of Labour if the trade union has-
 - (a) applied for cancellation of registration;
 - (b) ceased to exist;

- (c) obtained registration by fraud or by misrepresentation of facts;
 - (d) contravened any of the basic provisions of its constitution;
 - (e) committed any unfair labour practice;
 - (f) a membership which has fallen short of the number of membership required under this Chapter; and
 - (g) contravened any of the provisions of this Chapter or the Rules.
- (2) Where the Director of Labour is satisfied on enquiry that the registration of a trade union should be cancelled, he shall submit an application to the Labour Court praying for permission to cancel such registration.
 - (3) The Director of Labour shall cancel the registration of a trade union within thirty days from the date of receipt of a permission from the Labour Court.
 - (4) The registration of a trade union shall not be cancelled on the ground mentioned in sub-section (1) (e) if the unfair labour practice is not committed within three months prior to the date of submission of the application to the Labour Court.

Unfair Labour Practices on the Part of Employers

No employer or trade union of employers and no person action on their behalf shall (According to The Bangladesh labour Act, 2006, Section: 195)

- (a) impose any condition in a contract of employment seeking to restrain the right of a person who is a party to such contract to join a trade union or continue his membership of a trade union; or
- (b) refuse of employ or refuse to continue to employ any person on the ground that such person is or is not a member or officer of a trade union; or
- (c) discriminate against any person in regard to any employment, promotion, condition of employment or working condition on the ground that such person is, or is not a member or officer of a trade union; or
- (d) dismiss, discharge, remove from employment or threaten to dismiss, discharge or remove from employment a worker or threaten to injure his in respect of his employment by reason that the worker is or proposes to become, or seeks to persuade any other person to become a member or officer of a trade union, or participates in the promotion, formation or activities of a trade union;
- (e) induce any person to refrain from becoming, or to cease to be a member or officer of a trade union, by conferring or offering to confer any advantage on, or by procuring or offering to procure any advantage for such person or any other person;
- (e) induce any person to refrain from becoming, or to cease to be a member or officer of a trade union, by conferring or offering to confer any advantage on, or by procuring or offering to procure any advantage for such person or any other person;
- (f) compel or attempt to compel any officer of the collective bargaining agent to sign a memorandum of settlement or arrive at a settlement, by using intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of water, power and telephone facilities and such other methods;
- (g) interfere with, or in any way influence the election provided for in section 202;
- (h) recruit any new worker during the period of strike under section 211 or during the currency of a strike which is not illegal, except where the Conciliator has, being satisfied that complete cessation of work is likely to cause serious damage to the

- machinery or installation, permitted temporary employment or a limited number of workers, in the section where the damage is likely to occur;
- (i) deliberately fails to take measures recommended by the Participation Committee;
 - (j) fails to give reply to any communications made by the collective bargaining agent in respect of any industrial dispute;
 - (k) transfer the President, General Secretary, Organising Secretary or Treasurer of any registered trade union in contravention of section 187.
 - (l) commence, continue, instigate or incite others to take part in an illegal lockout.

Unfair Labour Practices on the Part of Workers

According to The Bangladesh labour Act, 2006, Section: 196, the unfair labor practices of workers are as follow:

- (1) No worker shall engage himself in any trade union activities during his office hours without the permission of his employer:
Provided that nothing in this sub-section shall apply to the trade union activities of the President or the General Secretary of a trade union which is the collective bargaining agent for the establishment, if such activities relate to the participation in any committee, negotiation, conciliation, arbitration or proceedings under this Act, and the employer has been duly informed of such activities.
- (2) No worker or trade union of workers and no person acting on behalf of such trade union shall-
 - (a) Intimidate any person to become, or refrain from becoming or to continue to be, or to cease to be a member or officer of a trade union; or
 - (b) induce any person to refrain from becoming or cease to be a member or officer of a trade union, by conferring or offering to confer any advantage on, or by procuring or offering to procure any advantage for, such person or any other person; or
 - (c) compel or attempt to compel any worker to pay, or refrain from paying, any subscription towards the fund or any trade union by using intimidation coercion, pressure, threat, confinement to a place, physical injury, disconnection of telephone, water or power facilities or such other methods; or
 - (d) compel or attempt to compel the employer to sign a memorandum of settlement or to accept or agree to any demand by using intimidation, coercion, pressure, threat, confinement to or ouster from a place, dispossession, assault, physical injury, disconnection of telephone, water or power facilities or such other methods; or
 - (e) commence, continue an illegal strike or a go-slow; or instigate or incite others to take part in an illegal strike or a go-slow; or
 - (f) resort to gherao, obstruction to transport or communications system or destruction of any property in furtherance of any demand or object of a trade union.
- (3) it shall be an unfair practice for a trade union to interfere with a ballot held under section 202 by the exercise of undue influence, intimidation, impersonation or bribery through its executive or through any other person acting on its behalf.

Review Questions

1. Explain the formation of trade unions of workers and employer according to The Bangladesh Labour Act 2006.
2. Describe the requirements of application and registration according to The Bangladesh Labour Act 2006.
3. Discuss the registration process of a trade union according to The Bangladesh Labour Act 2006.
4. Explain the cancellation of registration process of a trade union according to The Bangladesh Labour Act 2006.
5. Explain the unfair labour practice by union and unfair labour practice by management according to The Bangladesh Labour Act 2006.

State and Industrial Relations

4

Unit Highlights

- Lesson 1: Introduction to State
- Lesson 2: Role of the State on Industrial Relations

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

State and industrial relations describes the complex interaction between the government, employers, and employees, with the state acting as a crucial regulator, employer, policymaker, and welfare provider. The state sets the legal framework for collective bargaining, influences power dynamics between capital and labor, and intervenes to ensure industrial peace and economic growth. The nature of this intervention can range from highly statist control to more liberal, neoliberal approaches, depending on the specific political and economic context of a society.

Lesson 1: Introduction to State

Objectives of this lesson

After reading this lesson, you will be able to:

- Define the term state and explain the key characteristics of state.
- Describe the nature of the state.
- Show the types of state.
- Discuss the organs of the state.

Introduction:

A state is a political entity characterized by a defined territory, a permanent population, a government, and the capacity to enter into relations with other states.

Key Characteristics of State:

- **Defined Territory:** A state has specific geographical boundaries recognized by other states.
- **Permanent Population:** It consists of people who reside within its territory on a continuous basis.
- **Government:** A state has an organized political structure that exercises authority and enforces laws.
- **Sovereignty:** It possesses the ultimate authority over its affairs, free from external interference.

Nature of the State:

In simple language state indicates a certain territory which enjoys sovereignty and is administered under law. Different scholars have defined it in different ways. According to W. Wilson, "State is a people organized for law within a definite territory." In the words of Ralph Miliband, "State includes the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies." Someone also views state as a neutral machine between the workers and employers.

Generally, there are three approaches to the study of state:

1. Pluralist Approach
2. Marxist Approach
3. New-Marxist Approach

According to pluralists the state has to act in such a way that different parties related to industrial relations maintain a harmonious relationship in order to keep the wheels of production running. State in fact, acts as arbitrator in the complex and conflicting relationship among several related parties. Marxists believe and preach that the state is a capitalist machine that always takes side with the employers in the name of protection of capital. Marxists believe in class struggle and sympathize with the working class. They are of the conviction that the capitalists revive and flourish as a result of exploitation of labour with support from state. New-Marxists are of the opinion that the state provides a structure to protect the long cherished selfish desire of the powerful actions of the society. So we can summarize in by following:

Political Organization: The state is a formal organization that governs a community and provides order.

Legal Framework: It operates under a system of laws that regulate behavior and maintain social order.

Social Contract: The state often arises from a social contract, where individuals consent to form a society and abide by its rules for mutual benefit.

Recognition: A state is recognized by other states and international organizations, which is crucial for its legitimacy and ability to engage in diplomacy.

Types of States:

Nation State: A state where the political boundaries coincide with cultural or national boundaries.

Federal State: A state that divides power between a central government and regional entities.

Unitary State: A state that is governed as a single entity, with central authority.

The concept of the state is foundational in political science and international relations, influencing governance, law, and global interactions.

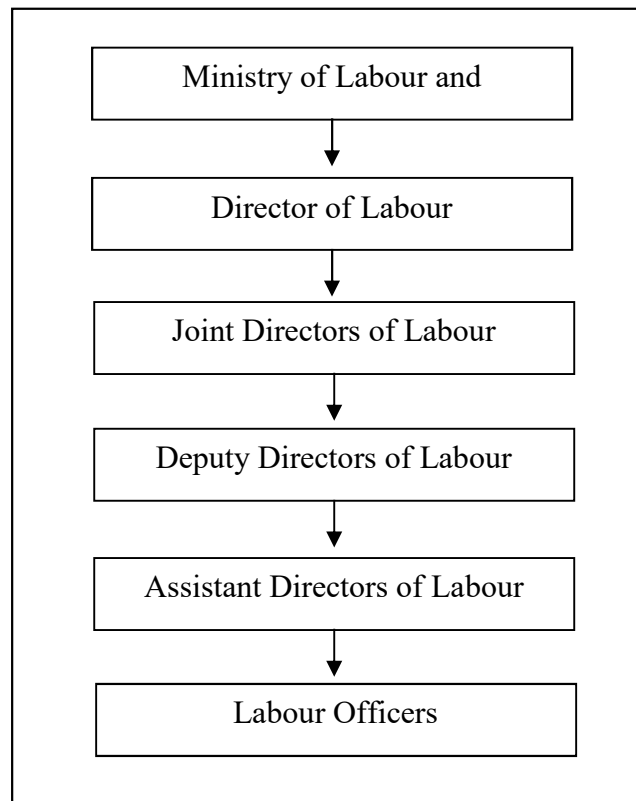
Organs of the State

There are three organs of a state, each performing functions clearly defined for the purpose of maintaining autonomy and discipline within a particular territory. The organs are:

1. The Legislature
2. The Executive
3. The Judiciary

1. **The Legislature:** The legislature formulates laws and basic policies of the state to which the people living within are subservient. The members of the legislature/ parliament are elected by direct vote of the adult citizens of the country. Laws and policies regarding industrial relations are also formulated and passed by the parliament. Amendments required, from time to time, are also done by it through a democratic process.

2. **The Executive:** Different divisions/departments of the government comprise the executive organ of the state. The primary responsibility of this organ is to implement the laws and policies passed by the legislative organ (i.e. parliament) in order to ensure protection of the rights of people and also to bring to book the wrong doers for the sake of ensuring peace within the state. Under the parliamentary system, the Prime Minister is the head of this organ. On the other hand, under the Presidential system the President is the head of the executive organ. Different ministries work under the head of the government (chief executive) and take care of the respective administrative divisions/ departments so that they work efficiently and effectively for public welfare. In our country, we are now under the parliamentary system and the Prime Minister acts as the chief executive. There is a ministry for labour and manpower which takes care of matters related to industrial relations and trade unions within the country. The structure of administration that is followed down to the grass root level is as under:



3. **The Judiciary:** The judiciary is entrusted with the responsibility of ensuring justice in accordance with the rules framed by the parliament i.e. the legislative organ. This organ can act freely if it is kept, in practice, free from the interference of the executive organ. In Bangladesh, this organ is composed of the Supreme Court, the High Court, District Judge Courts, Additional District Judge Courts, etc. For the adjudication of labour law cases there are also Labour Courts and Labour Appellate Tribunal (LAT). The parties to industrial relations, especially the workers may expect to get justice against any oppression, if the judiciary is allowed to act freely.

Review Questions

1. Define term state and explain the key characteristics of state.
2. Describe the nature of the state.
3. Show the types of state.
4. Discuss the organs of the state.

Lesson 2: Role of the State on Industrial Relations

Objectives of this lesson

After reading this lesson, you will be able to:

- Identify the functions or responsibilities of the state in industrial relations.
- Describe the role of state in industrial relations.
- Discuss the role of government in industrial relation in Bangladesh.

The Functions/ Responsibilities of State in Industrial Relations

The State and Industrial Relations It is incontestable that state performs specific functions in any industrial system, but the question is in whose interest are the functions performed? Functionalists and Marxists will certainly differ on this because of their peculiar ideological leanings. But for the purpose of analysis, a look at the roles of the state as itemized by Williams and Adam-Smith (2006) will be helpful. According to them, state performs the following functions in industrial relations:

- (a) It is the single largest employer of labour;
- (b) It makes legislations in the area employment relations;
- (c) It mediates conflicts between the different parties in an industrial dispute by way of arbitration and conciliation - for instance, by instituting industrial courts (emphasis added) and;
- (d) State policies also have implications for industrial relations. These functions as itemized by Williams and Adam-Smith raise certain questions which will be examined in subsequent headings.

The state, through its organs as stated above is entrusted with the responsibilities to perform the following functions in order to ensure proper industrial relations within the country.

1. **Enacting proper labour laws, policies etc:** Labour laws and policies are enacted by the legislative organ of the state. In the absence of proper laws and policies related to labour, industrial relations cannot be ensured to be led in the desired direction.
2. **Establishment of democratic rights of workers:** Workers are individually very weak vis-a-vis employers. If they are allowed to exercise their rights to organize in trade unions and bargain collectively with employers, they become competent to establish their rights effectively.
3. **Ensuring fair wages to workers:** Workers are to be paid their due share in the industrial process. They have to be compensated for the labour given by them for the employers. The state can enact laws to ensure payment of a minimum wage to labour.
4. **Providing social security:** It is an usual feature of western societies to provide social security to their citizen. Whenever a worker is out of job s/he would be provided with social security, thereby protecting her/ him from utter helplessness.
5. **Maintaining a balance of power between the employees and the employers:** The state acts as an umpire in most cases in between the employer and the employed. It also allows the parties to meet together on equal footing to solve disputes through bi-partite negotiations.

6. **Adjudicating industrial conflicts:** In case a conflict cannot be solved through bi-partite negotiation and conciliation, it may be referred for adjudication to Labour Court. If necessary, from Labour Court to Labour Appellate Tribunal and even to High Court.
7. **Ensuring industrial growth:** The state can ensure industrial growth through the provision of various incentive measures like tax holiday, exemption from import and export duties, provision of loan, etc.
8. **Solving unemployment problem:** The state has a sacred duty to solve unemployment problem by creating employment opportunities through industrialization. This will help create a sizable working class.
9. **Maintaining law and order situation within and outside industries:** Law and order situation has to be maintained by the state. All the organs of the state have their respective parts to play for maintaining law and order both within and outside industries. This will help develop industrial peace.

Role of State in Industrial Relations

State industrial relations involve the management of relationships between employers, employees, and the government within a specific state. This framework is crucial for maintaining workplace harmony and ensuring compliance with labor laws. In the modern world state's role in industrial relations is inevitable. In most cases such role takes the form of interferences in various degrees. The nature of the state helps determine the extent and direction of such interferences.

1. The process of industrialization, development of working force, trade unionism – all depend upon the role played by the state.
2. The state provides legal framework to regulate the activities of the two antagonistic parties to industrial relations.
3. A dynamic conflict situation is usual in industrial relations.
4. States in developed societies are well managed and are democratic by nature.
5. Management in underdeveloped societies is inefficient and intolerant towards the working class.

The Role of Government in Maintaining Industrial Relations in Bangladesh

The government of Bangladesh plays a significant role in shaping industrial relations through legislation, regulation, and mediation.

1. Legislation and Framework

- The Labor Act of 2006 establishes the legal framework for labor rights, including the formation of trade unions and collective bargaining.
- The government sets minimum wage standards and regulates working conditions to protect workers' rights.

2. Regulatory Bodies

- The Ministry of Labor and Employment oversees labor policies and enforces compliance with labor laws.
- The Department of Labor conducts inspections and addresses grievances related to labor disputes.

3. Dispute Resolution

- The government facilitates dispute resolution through mediation and arbitration services to resolve conflicts between employers and employees.
- Labor courts handle legal disputes arising from industrial relations.

4. Social Dialogue

- The government promotes social dialogue among stakeholders, including employers, employees, and trade unions, to foster cooperation and address labor issues.

5. International Commitments

- Bangladesh is a signatory to various international labor conventions, which influence domestic labor policies and practices.

6. Challenges

- Despite these frameworks, challenges persist, including enforcement issues, worker exploitation, and limited union representation in some sectors.

The effectiveness of the government's role in industrial relations continues to evolve, influenced by economic conditions and social dynamics.

Discussion Questions

1. Explain the functions or responsibilities of the state on industrial relations.
2. Describe the role of state on industrial relations.
3. Discuss the role of government in maintaining good industrial relations in Bangladesh.

Industrial Disputes

5

Unit Highlights

- Lesson 1: Introduction to State
- Lesson 2: Types, Unfair Labour Practices and Settlement of Industrial Disputes

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

Industrial disputes are conflicts in the workplace over issues like wages, working conditions, and job security, arising from clashes between employers and employees or their representatives. These disputes can lead to actions like strikes or lockouts, disrupting production, and require resolution through methods such as negotiation, mediation, conciliation, and arbitration to maintain industrial harmony and protect workers' and employers' interests.

Lesson 1: Introduction to State

Objectives of this lesson

After reading this lesson, you will be able to:

- Definitions of industrial disputes
- Identify the characteristics of industrial disputes
- Understand the forms of industrial disputes
- Find out the causes of industrial disputes

Definition of Industrial Disputes

Industrial dispute refers to dispute between the employers and workers. It refers to industrial unrest and conflicts. Any controversy between employers and workers is called industrial dispute.

However, it is the narrow meaning of industrial dispute. In today's industrial milieu, the term industrial dispute has a wider connotation.

In the wider sense, industrial dispute means any kind of dispute or differences between the employers and employers; workers and employers; workers and workers. These differences or controversies may be on account of employment, conditions of work and matters concerning labour.

Indian Industrial Disputes Act 1947 Sec. 21(K), "Any dispute or difference between the 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 conditions of labour of any person."

According to The Bangladesh Labour Act 2006 Sec 2 (62), "industrial dispute" means any dispute or difference of opinion between employers and employers, between employers and workers or between workers and workers in respect of appointment or conditions of service or conditions of work or environment of work of any person".

In the words of V.P. Arya, "The term Industrial Disputes ordinarily refers to disagreements between workmen and employers relating to conditions of employment of workmen or to their non-employment."

According to Kurt Bran, "Industrial Dispute includes differences of opinion between employers and employees or between employers and unions or between unions."

In the words of Patterson, "Industrial disputes constitute militant and organised protest against existing industrial conditions. They are symptoms of industrial unrest in the same way that boils are symptoms of a disordered body."

Industrial disputes may turn into industrial conflicts which constitute militant and organized protests against existing industrial conditions. They are symptoms of industrial unrest. The Industrial Disputes Act defines industrial disputes as, "any dispute or difference between employees and employees, or between employees and employers, or between employers and employers which is connected with the employment, or non-employment, or the terms of employment or with the conditions of work of any Peron." Thus, the term industrial disputes is characterized by the following factors:

- a. There should be a difference or dispute. For example, labour demands something, management does not grant the same.
- b. The dispute could be between employer-employer, employee-employee or employer-employee.
- c. The dispute must pertain to some work-related issues.
- d. Dispute between one or two workmen and their employers is not an industrial dispute; instead, it must be raised by a group or class of workmen.

Characteristics of Industrial Disputes

An industrial dispute must have the following characteristics:

1. Real and substantial difference:

The term industrial dispute indicates a real and substantial difference having some element of persistency and continuity till it is resolved. If it is not resolved, it may endanger the industrial peak of the undertaking or the community. When parties are at difference and the dispute is connected with employment or non-employment or the terms of employment or with the conditions of labor, there comes into existence an industrial dispute.

2. Connection with Employment or Non-employment:

Every difference between an employer and his workmen which is connected with their employment or non-employment, or with the terms and conditions of their employment is an 'industrial dispute'. The definition encompasses every dispute between the employer and his workmen, which is connected with the service of workmen or with the benefits and privileges incidental to that service.

3. Parties to the Dispute must have direct interest:

The person regarding whom the dispute is raised must be one in whose employment, non-employment, terms of employment, or conditions of labor, as the case may be the parties to the dispute have a direct or substantial interest.

Even when the persons regarding whose employment a dispute is raised are not 'workmen', the dispute is an 'industrial dispute', if it is raised by the workmen or the employer and they as a class have a direct or substantial interest in the persons about whose employment the dispute is raised.

4. Dispute may relate to production and distribution of material goods and services:

Primarily industrial disputes occur when the operation undertaken rests upon co-operation between employers and employees with a view to production and distribution of material goods, but they may arise also in cases where the co-operation is to produce material services.

The term 'material service' is interpreted as those which involve an activity carried on through co-operation between the employers and employees to provide the community with the use of something such as electric power, water, transportation, mail delivery, telephone and the like. It also includes production and/or distribution of goods and services calculated to satisfied human wants and wishes inclusive of material things or services geared to celestial bliss.

Forms of Industrial Disputes

The various forms of industrial disputes may be stated as under:

1. Strikes

A strike is a spontaneous and concerted withdrawal of labour from production process temporarily. It is a collective stoppage of work by a group of workers for pressuring their employers to accept certain demands. It may be defined as “a withdrawal of work by a body of persons employed in industry acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment.” Strikes are of several types.

- i. **General strike:** It is a strike by all or most of the unions in an industry or a region.
- ii. **Sympathy strike:** When a strike is undertaken to show sympathy with workers in other industries, it is called a sympathy strike.
- iii. **Sectional strike:** It is the refusal by a section of a given class of workers to perform their normal duties.
- iv. **Unofficial strike:** It is a strike undertaken without the consent of the unions.
- v. **Sit down strike (also called stay-in, tool down, pen down strike):** It is a strike in which workers cease to perform their duties but do not leave the place of work.
- vi. **Bumper strike:** It is a strike when the unions plan to paralyze the industry, firm by firm, the order being chosen by the union. Such strikes are supported by the contributions of those who are still in work.
- vii. **Slow-down strike:** Known as a ‘go-slow’ tactic, the workers do not stop working but put breaks to the normal way of doing things.
- viii. **Hunger strike:** To gain sympathy from the public and get noticed by the employer, workers may decide to forego food for a specified period. Small batches of workers may also go on a relay hunger strike in a sequential order. Such non-violent protests generally bring moral pressure on employers to iron out the differences with labour quickly.
- ix. **Lightning strike:** Out of provocation, workers may go on strike without notice or at very short notice. There is an element of surprise in such cat-call strikes.

2. Lock-outs

Lock-out is the counterpart of strike. It is the weapon available to the employer to close down the factory till the workers agree to resume work on the conditions laid down by the employer. It may be defined as “the closing of a place of an employment, or the suspension of work or the refusal of an employer to continue to employ any number of persons employed by him.” If it is impossible to meet the demands of the workers, employers may decide to go for lock-out. He may also draw the shutters down so as to bring psychological pressure on the workers to agree to his conditions or face closure of the unit.

3. Gheraos

Gherao means to surround. In this method a group of workers initiate collective action aimed at preventing members of the management from leaving the office. This can happen outside the factory premises too. The persons who are ‘gheraoed’ are not allowed to move for a long time, sometimes even without food or water.

Causes of Industrial Disputes

There are a number of causes for industrial disputes which can be classified into three categories as follows:

1. Economic causes,
2. Managerial causes or management's attitude to Labour,
3. Government machinery.

1. Economic Causes:

Really, the most common causes of industrial disputes are economic causes. These are as follows:

(a) Wages:

The demand for wage increase is the prime- most cause of the industrial disputes. A large number of strikes are being organised to raise a voice against the rise in prices and cost of living. The real wages of the workers decline faster with the increase in price level and they feel dissatisfied with their present emoluments and struggle for the improvement in wages.

By having a cursory glance on the history of industrial disputes, it becomes clear that cause of most of the industrial disputes was wages. The Indian employer have no clear-cut and enlightened wage policy. Most of the industrial disputes were the result of a demand for higher wages.

(b) High Industrial Profits:

During and after the world wars, prices of the commodities went up and the industrialists earned huge profits. In order to get share in the prosperity of the industry, it naturally led to the resentment on their part. The increased profits also led to the demands of higher wages and bonus. Now in the changing world, concept of labour has changed considerably. They think themselves as a partner of the industry and demand their share in the profits.

(c) Dearness Allowance and Bonus:

Increase in cost of living was the main cause of the demand of dearness allowance by the workers to equate their wages with the rise in prices. Bonus also play an important role as a cause of industrial dispute. It is interesting to note that in 1966, 49 percent of the disputes were related to wages and bonus.

Both the quantum and the method of bonus payment has led to a number of disputes. There is an increasing feeling among the workers that they should have, a greater share in the profits of the concern and this fact has not been recognised by the employees and non-acceptance of this fact has been a source of friction among employers and employees.

(d) Modernization and Automation of Plant and Machinery:

The attempt at modernization and introduction of automatic machinery to replace labour has been the major cause of disputes in India. Workers go on strike, off and on, to resist rationalization and automation. A strike in cotton textile industry in Kanpur in 1955 is an example of such disputes. Workers in Life Insurance Corporation went on strike recently against introducing computers in the corporation.

(e) Working Condition and Working Hours:

The working conditions in Indian industries are not hygienic. There is not ample provision of water, heating, lighting, safety etc. Working hours are also greater. The demand of palatable working conditions and shorter hours of work are also responsible for labour disputes.

(f) Demand for Other Facilities:

Demand for other facilities for meeting out their basic needs such as medical, education, housing, etc., encourage the workers to resort to direct action because such facilities were denied by the employers.

2. Managerial Causes:

These causes include autocratic managerial attitude and defective labour policies etc.

(a) Denial of Recognition to Trade Unions:

Failure on the part of the employer to recognise the trade unions or to recognise the rival union for representation, insult of trade union leaders by the employers are some of the examples of autocratic managerial attitude worth mentioning as the causes of industrial disputes. The attitude of employers towards the labour associations had never been sympathetic. They want to divide them and rule.

Moreover, the management is generally not willing to talk over the dispute with the workers or workers' representatives or refer it to 'arbitration', even when the workers are willing to do so.

(b) Defective Recruitment Policies:

The recruitment practices in Indian industries are defective. Recruitment is generally made by the contractors who exploit the workers and suppress their individuality. The defective promotion, demotion, transfer and placement policies encourage dissatisfaction among workers.

(c) Irregular Lay-off and Retrenchment:

Lay-off and retrenchment are reasons to be mentioned for encouraging industrial disputes. Indian employers follow the policy of 'Hire and Fire'. As a matter of practice, workers are not made permanent for a pretty long time to deprive them of their legitimate rights.

(d) Defiance of Agreements and Codes:

The employers regularly defy the provisions of collective bargaining agreements and code of conduct and code of discipline with a view to harass or exploit the employees and just encourage strife.

(e) Defective Leadership:

Inefficient leadership is also one of the causes of disputes. Leadership from the management and from the workers are quite incompetent to induce the workers to get them worked. The employers' representatives are not delegated sufficient authority to negotiate with the workers. They are not in a position to commit anything to workers on behalf of the management. Defective management leadership ignored the labour

problems and inefficient labour leadership could not coordinate the efforts of their fellow members, so disputes arise.

3. Government Machinery:

Government measures to prevent and machinery to settle the disputes are not much effective.

There are two examples:

(i) Enactments are Ineffective:

Though there is a plethora of enactments for promotion of harmonious industrial relations, yet it is ineffective and unsatisfactory in most cases due to:

- (a) The irrelevancy in the context of the challenges of present industrial climate/culture, as many have not been convinced of their utility satisfactorily;
- (b) Improper and inadequate implementation by many employers;
- (c) Incapability of understanding and answering imperatives of development.

(ii) Little Confidence over Settlement Machinery:

Both employers and employees have little confidence over the Conciliation Machinery as it could succeed in settling a very negligible number of disputes so far. Both employers and employees are litigation-minded. Moreover, the settlement machinery is quite inadequate because, it has to see whether labour laws are properly being implemented or not.

Review Questions

1. What do you mean by of industrial disputes?
2. Explain the characteristics of industrial disputes.
3. Describe the forms of industrial disputes.
4. Elaborate the causes of industrial disputes.

Lesson 2: Types, Unfair Labour Practices and Settlement of Industrial Disputes

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the types of industrial disputes
- Explain unfair labour practices by trade union and management.
- Analyze the methods of building union management cooperation in the context of industrial disputes.
- Examine the regulation strategies or settlement of industrial disputes.
- Understand the settlement of industrial disputes according the Bangladesh Labour Act 2006.
- Describe the challenges and management strategies of disputes in Bangladesh.

Introduction

Industrial disputes are an inevitable part of the workplace dynamics, particularly when the interests of employers and employees are not aligned. These disputes can arise from various causes, and understanding the different types of industrial conflicts can help organizations manage and resolve them effectively.

Types of Industrial Disputes

The UK's Code of Industrial Relations of 1972 recognizes two types of disputes, namely a dispute of right and a dispute of interest

1. **Disputes of Right:** A dispute of right arises from the application or interpretation of an existing agreement or contract.
2. **Dispute of interest:** A dispute of interest is one that is not anticipated by law but which arises out of determination of new terms and conditions of employment either according to claims made by employees or proposals made by employers.

Industrial dispute in accordance with the provision of the Industrial Relations Ordinance, 1969 in Bangladesh refers to three classes of disputes connected with

1. Employment or non-employment
2. Terms of employment and
3. Conditions of work.

Classification of Industrial Disputes in Bangladesh

Industrial disputes in Bangladesh are categorized into several classes based on their nature and the parties involved. The main classes include:

1. Individual Disputes

- Arise between a single employee and employer.
- Often involve issues like wage disputes, termination, or working conditions.

2. Collective Disputes

- Involve groups of employees, typically represented by trade unions.
- Commonly relate to collective bargaining agreements, wage negotiations, or working conditions.

3. Economic Disputes

- Focus on financial aspects such as wages, bonuses, and benefits.
- Can occur during negotiations for pay raises or changes in compensation structures.

4. Non-Economic Disputes

- Concern issues other than financial matters, such as working conditions, job security, or workplace policies.
- May involve grievances related to harassment or discrimination.

5. Interest Disputes

- Arise when parties disagree on the terms of employment or working conditions.
- Often lead to negotiations or strikes.

6. Rights Disputes

- Concern the interpretation of existing contracts or agreements.
- Typically involve disputes over entitlements or compliance with labor laws.

These classifications help in understanding the nature of disputes and the appropriate mechanisms for resolution, such as mediation, arbitration, or legal proceedings.

How can we categorize the industrial disputes depending upon its purpose?

Based on the objective behind an industrial dispute, we can distinguish it into the following four broad categories:



Source: <https://theinvestorsbook.com/industrial-disputes.html>

1. Interest Disputes

The interest here refers to gains. Therefore, the conflicts concerning the economic or non-economic interests of the employees, such as increasing the remuneration, working conditions, job security and other benefits are called interest disputes.

2. Recognition Disputes

The trade unions often enter into a dispute with the management during negotiation or collective bargaining for the benefit of their member employees. Sometimes, for these negotiations, the management denies recognizing the trade unions. Even when there are many trade unions in an organization, each one of them struggles to get recognized by the management.

3. **Grievance Disputes or Rights Disputes**

The conflicts concerning the employee's rights and legal issues with the management are termed as grievance disputes. It includes promotions, work duration, leaves allowed, over time, fringe benefits, safety and security.

4. **Unfair Labour Practices Disputes**

The disputes over the unethical treatment of the management towards the labour such as discriminating them for holding membership of trade union, restricting communication, employing new workers during strikes and denial to bargain are called unfair labour practices disputes.

Unfair Labor Practices by Management and Trade Union

The relationship between employers and employees is fundamental to the functioning of any industrialized society. This relationship is governed by a complex set of laws and regulations designed to ensure fairness, protect workers' rights and promote industrial harmony. One of the most significant areas of concern within labour law is the concept of unfair labour practices, which can be perpetrated by both employers and employees. These practices are actions that violate the principles of fairness and equity that underpin labour relations and are strictly regulated by laws such as The Bangladesh Labour Act 2006.

Unfair Labor Practices by Management

Unfair labor practices on the part of members of management are to:

1. **Interfere**, restrain, or coerce employees who desire to act collectively or refrain from such activities.
2. **Dominate** or interfere with the formation or administration of any labor organization by contributing money or other support to it.
3. **Discriminate** against anyone in hiring, stability of employment, or any other condition of employment because of union activity or lack of involvement.
4. **Discharge**, discipline, or otherwise discriminate against employees who have exercised their rights under law.
5. **Refuse** to bargain in good faith with employee representatives.

Unfair Labor Practices by Trade Unions

Unfair practices for unions are to:

1. **Restrain** or coerce employees or employers in the exercise of their legal rights.
2. **Force** an employer to discriminate against an employee because of that employee's membership or non-membership in the union.
3. **Refuse** to bargain with an employer in good faith.
4. **Engage** in strikes or threats to force members of management to join a union (usually to collect large initiation fees) or to force an employer to cease doing business with another employer.
5. **Require** an employer to bargain with a union other than the one employee have selected.
6. **Demand** excessive or discriminatory initiation fees.

7. **Picket** an employer to force it to recognize the union as the employees' representative without requesting a government election within a reasonable time period.

Methods of Building Union-Management Co-operation

Managers and personnel specialists can build cooperation between the employer and the union through:

1. **Prior consultation** with union leaders to defuse problems before they become formal grievances.
2. **Sincere concern** for employee problems and welfare even when management is not obligated to do so by the labor agreement.
3. **Training programs** that objectively communicate the intent of union and management bargainers and reduce biases and misunderstandings.
4. **Joint study committees** that allow management and union officials to find solutions to common problems.
5. **Third parties** who can provide guidance and programs that bring union leaders and managers closer together to pursue common objectives.

Resolution Strategies or Settlement of Industrial Disputes

The need to contain industrial strife has led to many means for resolving disputes, all of which fall into one of three classifications which are elaborated below:

- Labour Administration by the state
- Statutory measures
- Non-statutory measures

Labour Administration

The state usually provides the machinery by which disputes may be resolved. The Labour Ministry or Department in some of the Asian countries lays down policy guidelines on labour matters. The government passes laws enabling government machinery to intervene in labour disputes. In some countries, provincial governments also have the power to enact legislation in respect of labour matters in their jurisdictional areas such as states in India.

In the US, the National Labour Relations Board (NLRB) administers the law and regulations in the private and third sectors. Many States also have state boards to administer state labour laws. A key point here, as with Canada, is that of the level of government that constitutionally has responsibility for labour relations. In Canada, it is principally with the provinces, except for federal workers. In Canada, the federal labour law is administered by the Canada Labour Relations Board for the private and third

Sectors. The public sector body is the Public Service Staff Relations Board. The provinces and territories have Labour Relations Boards.

As far as the US and Canada are concerned, labour relations administrators have two major duties:

- To supervise representation elections and certify unions as bargaining agents
- To hear appeals of alleged violations of the laws

Although it is widely believed that the boards do a satisfactory job, there has been criticism that they place too high a priority on maintaining stability and predictability in collective

bargaining at the expense of union democracy, employee free choice and representational effectiveness.

The Asian labour administrative context is different in view of a different social and legal regime. The state machinery ensures the implementation of the country's (or state's) laws and intervenes to settle disputes.

Statutory Measures

Most countries also set up statutory bodies to deal with the settlement of disputes. These are somewhat different from government labour administration agencies such as departments or ministries of labour or manpower. A few examples are Works Committees, Conciliation officers, Boards of Conciliation, Mediation Boards, Labour courts, Industrial tribunals as seen in India and Sri Lanka. These have authority, conferred by labour laws, to settle disputes. In some disputes the labour department or ministry may appear before court as a facilitator. Laws affecting collective bargaining in the US are complicated. The important items of legislation in this regard are the National Labour Relations Act (Wagner Act), the Labour-Management Relations Act of 1947 (Taft-Hartley Act) and the Landrum-Griffin Act of 1959. These acts cover many aspects of labour relations, including the procedure by which unions come to represent employees in the private sector. In India & Sri Lanka the principal enactment is the Industrial Disputes Act of each country. In Sri Lanka however, numerous other laws have added to statutory measures in the settlement of disputes. Some of them are:

- **Industrial Courts**
- **Labour Tribunals**
- **Arbitration (both voluntary and compulsory)**

What is to be noted is the nature and scope of statutory measures in the western world in comparison to those in India/Asia. While in the west statutory measures relate to the process of collective bargaining between employers and unions, on the Indian subcontinent statutory measures are much wider in scope and provide for much more than collective bargaining.

Non-statutory Measures

Most disputes can be resolved short of going before a legally constituted body such as the labour tribunal or industrial courts. Voluntary arbitration, workers' participation in management and collective bargaining are some of the key measures in this regard. One of the chief measures in this area in India is the Code of Discipline formulated by the Indian Labour Conference in New Delhi in 1957 for Indian Industries. This code was developed for the purpose of maintaining discipline both in public and private sector industries. Managements and unions are mutually agreeing to abide by certain actions, such as unions agreeing not to strike or stage a lockout without due notice and managements agreeing not to increase workload unilaterally. There are other areas in which the two parties agree to maintain harmony. There is also tripartite machinery in place, such as the Indian Labour Conference (ILC) and the Standing Labour Committee (SLC) among others to contribute to the settlement of disputes. Worker participation in management and collective bargaining are the other measures available in India. In the West, where the focus is on the

broadly established practice of collective bargaining, importance is placed in that process with all other initiatives being subservient to it.

Procedure of Settlement of Industrial Disputes in Bangladesh

According to The Bangladesh Labour Act 2006, Sec. 210 -211, The following procedure is observed in the settlement of industrial disputes in Bangladesh.

Whenever any dispute arises in a firm, a charter of demand is raised in written form to the managerial authority of the firm. Then management representatives and representatives of the Collective Bargaining Agent (CBA) sit together in a bipartite negotiation to solve the problem [Sec. 210 (2) Bangladesh Labour Law, 2006]

If a solution is found out at this stage, then the dispute is dropped after signing a Memorandum of Agreement (MOA) and sending a copy there of each to the secretary, Ministry of Labor and Manpower and the conciliator [Sec. 210 (3) Bangladesh Labour Law, 2006]

However, if no solution is found out, any of the aggrieved parties may go to a third party call Conciliator for Tripartite Negotiations. The government of the country, for the respective area, appoints a Conciliator. This process is called conciliation. [Sec. 210 (4) Bangladesh Labour Law, 2006]

On being approached by any of the parties in dispute, the conciliator will start the conciliation process within 10 days of approach and arrange a meeting with the concerned parties. [Sec. 210 (6) Bangladesh Labour Law, 2006]

If they find a solution, the concerned parties will sign a Memorandum of settlement (MOS). The conciliator will send a copy of the MOS to the secretary. Ministry of Labor and Manpower informing how the dispute is being settled. [Sec. 210 (8) Bangladesh Labour Law, 2006]

On the other hand, if the conciliator fails to settle the dispute within 30 days, the conciliation will be considered as being failed. However, if both the parties agree in writing, the process may be continued further. [Sec. 210 (9) Bangladesh Labour Law, 2006]

However, if neither of the parties have the desire to continue with the conciliation proceedings. The conciliator will issue a certificate indicating that conciliation has failed. [Sec. 210 (11) Bangladesh Labour Law, 2006]

The dispute may also be referred to an Arbitrator on the suggestion of the conciliator. But if the disputant parties agree the case may be referred to the concerned labor court for adjudication. [Sec. 210 (12) Bangladesh Labour Law, 2006]

The Arbitrator has to give his decision within 30 days. He will give notice to the concerned parties and send a copy to government. His decision will be final and no appeal can be filed against it. This decision will be valid for not less than 2 years. [Sec. 210 (14-17) Bangladesh Labour Law, 2006]

If the party who raised the dispute does not agree to refer the case to the labour court, may call strike or lockout as the case may be within minimum seven days or maximum 14 days after the issuance of the failure certificate by the conciliator or also may file a suit in the labour court. The total time limit for the disposal of a case in labor court is 60 days and an

award of the labor court remains valid up to 2 years. [Sec. 211 (11) Bangladesh Labour Law, 2006]

The government also enjoys the authority to prohibit a strike or lockout if it continues for a period of more than 30 days and refer the dispute forthwith to the labor court for adjudication. [Sec. 211 (3) Bangladesh Labour Law, 2006]

If either party is not satisfied with the verdict of labour court the aggrieved party can prefer an appeal to Labor Appellate Tribunal (LAT) within 60 days of the delivery of such verdict and in such case the decision which is mad by LAT is final. [Sec. 217 Bangladesh Labour Law, 2006]

The verdict of the labor court, under complaint case and legal right case is final.

Industrial Disputes and Challenges to Management in Bangladesh

Industrial disputes in Bangladesh present several challenges to management, impacting operations and employee relations.

High Frequency of Strikes

- Frequent strikes disrupt production schedules and lead to financial losses.
- Workers often resort to strikes due to unmet demands for wages and working conditions.

Legal and Regulatory Framework

- Complex labor laws can complicate dispute resolution.
- Management must navigate legal requirements while addressing employee grievances.

Employee Relations

- Poor communication between management and employees can escalate disputes.
- Lack of trust may lead to increased tensions and a hostile work environment.

Economic Impact

- Disputes can harm the overall economy, affecting investor confidence.
- Prolonged disputes may lead to job losses and reduced economic growth.

Reputation Management

- Industrial disputes can damage a company's reputation, affecting customer loyalty and brand image.
- Negative publicity from disputes can deter potential investors.

Workforce Stability

- High turnover rates can result from unresolved disputes, leading to a loss of skilled labor.
- Management faces challenges in maintaining a stable and motivated workforce.

Negotiation Challenges

- Effective negotiation requires skilled mediators, which may be lacking.
- Management often struggles to balance organizational goals with employee demands.

These challenges necessitate proactive management strategies to foster better labor relations and minimize the impact of disputes

Strategies of Managing Challenges of Industrial Dispute in Bangladesh

Effective strategies for managing industrial disputes in Bangladesh focus on proactive communication, legal compliance, and fostering a positive workplace culture.

Proactive Communication

- Establish open lines of communication between management and employees.
- Conduct regular meetings to discuss concerns and grievances.
- Implement suggestion boxes or anonymous feedback systems to encourage employee input.

Legal Compliance

- Stay informed about labor laws and regulations in Bangladesh.
- Ensure all employment contracts comply with local labor standards.
- Engage legal counsel to navigate complex disputes and avoid litigation.

Conflict Resolution Mechanisms

- Train managers in conflict resolution and negotiation skills.
- Create a formal grievance handling process that is transparent and accessible.
- Consider mediation or arbitration as alternatives to litigation.

Employee Engagement

- Foster a positive workplace culture through team-building activities.
- Recognize and reward employee contributions to enhance morale.
- Involve employees in decision-making processes to increase their investment in the organization.

Training and Development

- Provide training programs that focus on skills development and career advancement.
- Encourage continuous learning to adapt to industry changes and improve job satisfaction.

Monitoring and Evaluation

- Regularly assess workplace conditions and employee satisfaction through surveys.
- Analyze dispute patterns to identify underlying issues and address them proactively.

These strategies can help management effectively navigate industrial disputes, promoting a more harmonious work environment in Bangladesh.

Review Question

1. Describe the types of industrial disputes
2. Explain unfair labour practice by trade union and management.
3. Discuss the method of building union management cooperation the forms of industrial disputes.
4. Elaborate the regulation strategies or settlement of industrial disputes.
5. Define the settlement of industrial disputes according the Bangladesh labour Act 2006.
6. Describe the challenges and mitigation strategies of disputes in Bangladesh.

Employee Grievances

6

Unit Highlights

- Lesson 1: Introduction to Employee Grievances
- Lesson 2: Causes and Effects of Employee Grievances
- Lesson 3: Measures of Employee Grievances

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

An employee grievance is a formal complaint from an employee, often in writing, about a workplace issue they perceive as unfair, unjust, or a violation of policies or rights. In industrial relations, effective grievance handling procedures are crucial for resolving workplace disputes, maintaining positive employee-management relations, preventing escalation into formal industrial action like strikes, and fostering a productive, trusting, and fair work environment.

Lesson 1: Introduction to Employee Grievances

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the concept of grievances.
- Explain the definition and types of employee grievance
- Describe the approaches of employee grievance

Introduction

A grievance, in an employment context, is a formal complaint made by an employee about a perceived injustice or dissatisfaction related to their work. This can stem from various issues, including wages, working conditions, management practices, or disciplinary actions. The purpose of a grievance procedure is to provide a structured and accessible way for employees to raise these concerns and seek resolution.

Definition of Grievance

A grievance is a work-related complaint brought by an employee. Grievances should be used to bring issues to the employer's attention for the matter to be investigated and resolved fairly.

Examples of reasons for making a work-related grievance can include health and safety concerns, harassment from another member of staff, the behaviour of a line manager, or worries over changes in work conditions.

William B. Werther and Keith Davis (1996). A grievance is defined as any real or imagined feeling of personal injustice that an employee has about the employment relations. Stated that Grievance is a written complaint filed by an employee and claiming unfair treatment, Yoder (1972).

According to, International Labour Organization (ILO). Grievance is a complaint of one or more workers in respect of wages, allowances, conditions of work and interpretation of service stipulations, covering such areas as overtime, leave, transfer, promotion, seniority, job assignment and termination of service.

On an analysis of these various definitions, it may be noted that:

- (i) Grievance is word which covers dissatisfaction and which has one or more of the following characteristics:
 - (a) It may be unvoiced or expressly stated by an employee;
 - (b) It may be written or verbal;
 - (c) It may be valid and legitimate, untrue or completely false, or ridiculous; and
 - (d) It may arise out of something connected with the organisation or work.
- (ii) An employee feels that an injustice has been done to him.

What is Employee Grievance?

Employees are generally expected to raise any workplace concerns informally, usually to their line manager or supervisor. In most cases, the issue will be satisfactorily resolved. Where the employee is not satisfied that the issue has been addressed, they have the right to bring a formal complaint ('grievance'). The employer must then respond to the complaint and by following a fair and lawful grievance procedure.

An employee grievance is a formal complaint an employee raises against their employer due to dissatisfaction with one or more aspects of their employment. This complaint typically concerns issues the employee feels are unfair, unjust, or that deviate from company policies or their employment contract.

Grievances should be addressed through a structured process that allows employees to voice their concerns clearly and seek resolution.

Types of Employee Grievances

Employee grievances can be categorized into several types based on their nature and the issues they address. Here are the primary types:



- **Work Conditions:** These relate to the physical conditions of the workplace, including safety standards, equipment quality, workspace environment, and compliance with health and safety regulations.
- **Compensation and Benefits:** These grievances involve disputes over earnings, salary adjustments, overtime pay, bonuses, and other compensation issues, as well as benefits like health insurance, retirement plans, and vacation entitlements.
- **Discrimination and Harassment:** Complaints related to unfair treatment based on gender, race, age, religion, sexual orientation, disability, or any other protected characteristic fall into this category. It also includes all forms of harassment, whether sexual, verbal, or psychological.
- **Work-life Balance:** This category involves concerns over excessive overtime, inflexible work schedules, insufficient breaks, and anything else that affects an employee's ability to balance work with personal life.

- **Management and Supervision:** Concerns related to management practices, including lack of communication, poor management style, favoritism, lack of support, or abuse of authority.
- **Interpersonal Conflicts:** Problems between colleagues or employees and management that affect the working environment. This can include personality clashes, communication problems, or disputes over responsibilities.

Approaches of Employee Grievances

Employee grievance approaches involve identifying, investigating, and resolving workplace issues fairly and efficiently. This typically includes informal and formal procedures, such as open communication, mediation, and formal grievance hearings, all aimed at ensuring a fair process and addressing employee concerns.

Here's a more detailed breakdown of common approaches:

1. Informal Approaches:

Open Door Policy: Encourages employees to approach management directly with concerns.

Gripe Box/Suggestion System: Provides a platform for anonymous feedback and suggestions.

Early Intervention: Addressing potential issues before they escalate into formal grievances.

Direct Communication: Encouraging open and honest communication between employees and their supervisors.

2. Formal Grievance Procedures:

Step-by-Step Process: A structured process for escalating grievances, often involving multiple stages like:

Initial Discussion: Employee discusses the issue with their supervisor.

Formal Written Grievance: If the issue isn't resolved, a formal written complaint is filed.

Investigation: A thorough investigation is conducted by HR or a designated investigator.

Mediation/Arbitration: If needed, a neutral third party can help resolve the issue.

Appeal Process: Employees can appeal decisions if they are not satisfied.

3. **Documentation:** All steps of the formal process are documented for transparency and accountability.

4. **Fairness and Impartiality:** Ensuring a fair and impartial process for all parties involved.

Review Questions

1. What do you mean by grievances?
2. Explain the definition and types of employee grievance
3. Describe the approaches of employee grievance

Lesson 2: Causes and Effects of Employee Grievances

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the various causes of employee grievances.
- Explain the effects of employee grievance.

Courses of Employee Grievances

Employee grievances stem from a variety of workplace issues including unfair treatment, inadequate compensation, poor working conditions, and ineffective communication. These can manifest as complaints about pay, benefits, workload, management practices, interpersonal conflicts, and violations of company policies.

Here's a more detailed look at the causes:

(a) General Viewpoint:

1. Unfair Treatment and Discrimination:

Pay disparities: Unequal pay for similar work, delayed or withheld bonuses, or unfair distribution of overtime pay.

Favoritism and Bias: Perceived favoritism towards certain employees in promotions, assignments, or performance evaluations.

Discrimination: Unequal treatment based on factors like race, gender, age, religion, or other protected characteristics.

Unfair Disciplinary Action: Inconsistent or unjust disciplinary actions taken against employees.

2. Compensation and Benefits Issues:

Insufficient wages or salaries: Employees may feel their pay does not reflect their skills, experience, or contributions.

Inadequate benefits: Dissatisfaction with healthcare, retirement plans, or other benefits offered by the company.

Lack of transparency in compensation practices: Unclear or inconsistent salary structures.

Delays in payments: Problems with timely payment of wages or other compensation.

3. Working Conditions and Health/Safety Concerns:

Unsafe or unhealthy work environment: Lack of proper safety equipment, hazardous materials, or inadequate ventilation.

Excessive workload and stress: Overly demanding work schedules, unrealistic deadlines, or insufficient resources.

Poorly maintained equipment or facilities: Outdated or malfunctioning equipment, inadequate workspace, or lack of proper maintenance.

Lack of proper training or support: Inadequate training on new equipment, software, or procedures, leading to frustration and errors.

4. Communication and Management Issues:

Poor communication from management: Lack of transparency, unclear expectations, or lack of feedback.

Lack of recognition or appreciation: Feeling undervalued or ignored despite good performance.

Ineffective leadership or management styles: Micromanaging, lack of support, or inconsistent leadership.

Lack of opportunities for growth and development: Limited opportunities for training, promotion, or career advancement.

Poor interpersonal relationships: Conflicts with colleagues or managers.

5. **Organizational Policies and Practices:**

Inconsistent application of policies: When company policies are not applied consistently across all employees.

Lack of clarity or ambiguity in policies: When policies are vague or open to interpretation.

Lack of transparency in decision-making: When decisions are made without employee input or explanation.

6. **Other Factors:**

Bullying or Harassment: Verbal, physical, or psychological abuse in the workplace.

Lack of job security: Fear of layoffs, downsizing, or contract termination.

Changes in company policies or procedures: Resistance to new policies or procedures, or perceived unfairness in their implementation.

(b) Practical Viewpoint:

From a practical point of view, it is probably easier to list those items that don't precipitate grievances than to list the ones that do. Just about any factor involving wages, hours or conditions of employment has and can be used as the basis of grievance.

An employee is dissatisfied and harbors a grievance when he feels that there has been an infringement of his rights, that his interests have been jeopardised. This sense of grievance generally arises out of misinterpretation or misapplication of company policies and practices.

Calhoun observes: "Grievances exist in the minds of individuals, are produced and dissipated by situations, are fostered or healed by group pressures, are adjusted or made worse by supervisors, and are nourished or dissolved by the climate in the organization which is affected by all the above factors and by the management."

Bethel and others have given typical examples of workers' grievances. These are:

(i) Concerning Wages

- (a) Demand for individual adjustment; the worker feels that he is underpaid;
- (b) Complaints about incentives; piece rates are too low or too complicated;
- (c) Mistakes in calculating the wages of a worker;

(ii) Concerning Supervision

- (a) Complaints against discipline; the foreman picks on him; inadequate instructions given for job performance;
- (b) Objection to having a particular foreman; the foreman is playing favourites; the foreman ignores complaints;

- (c) Objections to the manner in which the general methods of supervision are used: there are too many rules; regulations are not clearly posted; supervisors indulge in a great deal of snooping.

(iii) Concerning Individual Advancement

- (a) Complaint that the employee's record of continuous service has been unfairly broken;
- (b) Complaint that the claims of senior persons have been ignored; that seriously has been wrongly determined; that younger workers have been promoted ahead of older and more experienced employee;
- (c) Charges are made that disciplinary discharge or lay-off has been unfair; that the penalty is too severe for the offence that is supposed to have been committed, that the company wanted to get rid of the employee; hence the charges against him.

(iv) General Working Conditions

- (a) Complaints about toilet facilities being inadequate; about inadequate and/or dirty lunch rooms;
- (b) Complaints about working conditions; dampness, noise, fumes and other unpleasant or unsafe conditions, which can be easily corrected; overtime is unnecessary; an employee loses too much time because materials are not supplied to him in time.

(v) Collective Bargaining

- (a) The company is attempting to undermine the trade union and the workers who belong to that union; the contract with labour has been violated; the company does not deal effectively or expeditiously with union grievances;
- (b) The company does not allow the supervisors to deal with, and settle, the grievances of the employees;
- (c) The company disregards precedents and agreements already arrived at with the workers and/or their trade union.

Knowing or Understanding Employee Grievances

Understanding employee grievances is crucial for a healthy workplace. Grievances, which are formal or informal complaints, can stem from various issues like unfair treatment, contractual violations, or interpersonal conflicts. Employers should have clear procedures for addressing these grievances to ensure fairness, prevent escalation, and identify potential issues early on.

Why is Understanding Grievances Important?

Employee well-being: Addressing grievances promptly and fairly can improve employee morale, reduce stress, and foster a positive work environment.

Preventing escalation: Early identification and resolution of grievances can prevent minor issues from escalating into major conflicts or legal disputes.

Identifying systemic problems: Grievances can highlight broader issues within the organization, such as unfair policies, poor management practices, or communication breakdowns.

Legal compliance: Having a clear and fair grievance procedure can help employers comply with labor laws and avoid potential legal challenges,

Effect of Employee Grievances

Employee grievances, if unaddressed, can significantly harm an organization, leading to decreased productivity, low morale, and increased turnover. They can also erode trust in leadership, disrupt team dynamics, and even result in legal disputes. Conversely, a well-managed grievance process can improve employee morale, increase productivity, and foster a more positive work environment.

Negative Impacts of Unaddressed Grievances:

- **Reduced Productivity:** Employees preoccupied with grievances may be less focused on their work, leading to decreased output and efficiency.
- **Lower Morale and Engagement:** When employees feel their concerns are ignored, they may become disengaged and lose interest in their work, leading to decreased morale.
- **Increased Turnover:** Persistent grievances can push employees to seek better opportunities elsewhere, resulting in higher turnover rates and associated costs.
- **Erosion of Trust:** Ignoring grievances can damage employee trust in management and leadership, creating a sense of distrust and resentment.
- **Negative Organizational Culture:** A pattern of unresolved grievances can contribute to a negative and toxic work environment.
- **Increased Absenteeism:** Employees experiencing stress and dissatisfaction due to unresolved grievances may be more likely to take time off work.
- **Legal Disputes:** In extreme cases, unresolved grievances can escalate into legal battles, damaging the organization's reputation and incurring significant costs.
- **Strain on Relationships:** Grievances, especially those involving interpersonal conflicts, can strain relationships between colleagues, impacting team dynamics.

Positive Impacts of Effective Grievance Management:

- **Improved Morale and Engagement:** When grievances are addressed promptly and fairly, employees feel valued and respected, leading to improved morale and engagement.
- **Increased Productivity:** A supportive and responsive environment fosters a more positive and productive workforce.
- **Reduced Turnover:** Employees who feel heard and valued are less likely to seek employment elsewhere.
- **Stronger Relationships:** A fair and transparent grievance process can help resolve conflicts and improve relationships between employees.
- **Positive Organizational Culture:** Effective grievance management contributes to a more positive and healthy work environment.
- **Cost Savings:** By resolving issues internally, organizations can avoid the costs associated with legal battles and high turnover.

Review Questions

1. Understand the various causes of employee grievances.
2. Explain the effects of employee grievance.

Lesson 3: Measures of Employee Grievances

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the redressal machinery of employee grievances.
- Explain the process of employee grievance.
- Describe the levels of handling grievance
- Discuss the steps in grievance handling.
- Explain the grievance handling practices in Bangladesh.
- Identify dos and don'ts of grievance handling.

Grievance Redressal Machinery

A grievance procedure is a formal process which is preliminary to an arbitration, which enables the parties involved to attempt to resolve their differences in a peaceful, orderly and expeditious manner. It enables the company and the trade union to investigate and discuss the problem at issue without in any way interrupting the peaceful and orderly conduct of business. When the grievance redressal machinery works effectively, it satisfactorily resolves most of the disputes between labour and management.

The details of the grievance procedure vary from industry to industry and from trade union to trade union because of the variations in the size of organisations, in trade union strength, in the management philosophy, in the company traditions, in industrial practices and in the cost factor. The procedure may have as few as two steps or as many as ten, depending on the size of an organisation. In some small plants, it may involve no more than three steps. In medium and large organisations there may be five or six steps, with minor variations. Although all the grievances must necessarily be processed step by step, some formal steps may, in special circumstances, be skipped with a view to settling the grievance in an expeditious manner. "The handling of special grievances may involve special steps as well as, or in place of, skipping certain steps within normal grievance channels."

The grievance procedure may be of an open-door type or of a stepladder type. In an *open-door policy* the management asserts that no employee is prevented from going to it directly with his grievance, and even meet the head of the firm in an effort to have his grievance properly attended to. This kind of open-door policy may be useful in the case of small units. In a large Organisation, however, this would not be possible, for the top man may not have the time to attend to each grievance at a personal level. That is why most companies prefer the step-ladder type of procedure for an expeditious processing of the grievances of their employees. (See Charts 1, 2, and 3).

Chart 1

Three-step Grievance Procedure

<i>Step</i>	<i>Labour Representative</i>	<i>Management Representative</i>
1	Shop steward and aggrieved employee	Foreman
2	Shop committee	General Manager
3	Arbitration by an impartial third party	

Chart 2

Four-Step Grievance Procedure

1	Steward and aggrieved employee	Foreman
2	Shop committee	Personnel Manager
3	Local union officers	President
4	Arbitration by an impartial third party	

Chart 3

Five-Step Grievance Procedure

1.	Union steward or employee	Employee's immediate supervisor
2.	Chief steward or business agent	Superintendent or Industrial Relations Officer
3.	Company grievance committee	Industrial Relations Director / or Plant Manager
4.	Regional or district Representatives of the union	top corporate management
5.	Arbitration by an impartial third party	

Time Limit: There are always time limits between different steps of the grievance procedure. Additional steps are taken within a grievance system when labour is dissatisfied with the solution put forward by the lower line management.²² Both employees and management are required to arrive at a decision in regard to a grievance within a specified time limit. For a foreman, this limit is between one and three days. At higher steps, it may be from one to three weeks. An arbitrator is generally allowed a time limit of between two weeks and four weeks, within which he has to give his decision.

Processing of Grievances

An effective grievance handling system will have well designed procedure, simple, fair, easy to understand, communicated to all, prompt and speedy, accepted by employees, designated authorities to handle grievance and must ensure natural justice to the aggrieved person. In this respect, there exists a conventional procedure to deal with grievances of employees that involves with the following steps:

1) Receiving the grievance: The aggrieved employee shall give in writing to the authorized person about his/her grievance. He/she may give it personally to the head or may give through registered post or through e-mail to the authorized person. The authorized competent person may be head of the respective section/department in which the aggrieved employee is working or head of the human resource department or head of the institution which is mentioned in the grievance handling procedure of the organization. This grievance may be received in writing or in oral presentation but it is better to receive grievance in writing.

If the grievance is related to any working condition, then the head will settle it by taking appropriate action. Then, other steps are dropped. But if the grievance is caused by the action of other employee, then the next steps will be followed.

- 2) Issuing show cause to the parties to explain his/her position in person / in writing:** The involved parties will be issued a show cause notice to explain their position in person or in writing. The oral explanation will be recorded in writing.
- 3) Giving personal hearing:** The head will take personal hearing of both the parties and therefore, he/she will give a specific venue, date and time to the parties to this effect. The personal hearing will be recorded. The involved parties will provide their arguments and records in their favour. The witnesses, if any, shall be examined. If necessary, they will be cross examined.
- 4) Examining the personal records of the employee:** At this stage, personal records of the parties will be examined to verify their past activities. This will give an insight about the behavioural pattern of the employees involved with the given situation. This will help the head to understand the situation and the persons and to take appropriate corrective actions.
- 5) Consulting organizational and legal provisions:** Human resource manager shall search organizational practices, legal provisions and court verdicts related to settle the concern grievance. We shall keep in mind that organisation shall maintain consistency in actions so far taken and conventionalized in the organisation over the years to avoid any further grievance.
- 6) Taking appropriate action.** After careful consideration of nature of grievance, evidences, testimonies, organizational practices, and legal provisions, human resource manager /authorized person will take most appropriate action to settle the grievance. There shall be no discrimination in actions and shall maintain equity and consistency in action to make the person satisfied and to keep the organisation fair.

Levels of Handling Grievances

- 1. Primary Level:** The best opportunity to redress a grievance is to resolve it at the level at which it occurs. The immediate boss, the first line supervisor, should resolve a worker's grievance. The higher the discontent rise through the hierarchy, the more difficult it is to resolve. Bypassing the supervisor would erode his authority. When the process moves to a higher stage, the aggrieved employee and the supervisor concerned many shift their focus to save face by providing the other wrong. The substantive aspect of any of the grievances may thus be relegated and dysfunctional aspects come to the fore, thus making it more difficult to settle the issue.
- 2. Intermediate Level:** If the dispute is not redressed at the supervisor's level, it will usually be referred to the head of the concerned department. It is important that the line management assumes prime responsibility for the settlement of grievance. Any direct involvement by personnel department may upset the balance in line-staff relations. At the intermediate level, grievance can be settled without union involvement. Excessive reliance on superior at this stage can jeopardize the interest of the employee and affect the credibility of the procedure.
- 3. Organizational Level:** If a grievance is not settled even at the intermediate level, it will be referred to the top management. Usually a person of a level not less than General Manager, designated for the purpose, will directly handle the issue. By now the grievance may acquire some political importance and the top leadership of the union may also step

in formally if the procedure provides for it and informally, if the procedure prohibits. At this level it is very difficult to reconcile the divergent interests.

4. Third Party Intervention: If the grievances have not been settled bilaterally within the organization it goes to a third party for mediation. It could be conciliation, arbitration or adjudication or the matter may even be referred to a labour court. At this stage, the parties concerned lose control over the way the grievance is settled. In case of mediation the mediator has no authority to decide, but in case of labour court or an adjudicator, the decision will be binding on the parties, subject to statutory provisions for appeal to higher courts.

Effective Steps to Handle Employee Grievances Most Effectively

1. Create the system:

The first thing is to set up the grievance redressal system for your companies to help your employees lodge complaints and grievances so that you can resolve them. Something that you must consider here is-

- The grievance procedure must be added to the employee handbook's content so that all can easily access it.
- Someone must take responsibility for grievance receipts. You must ensure the employees that their complaints are placed in confidence. Generally, it should be someone from the Human Resources Department.
- The place of receiving the complaints must be within reach to all. That is, it should be located centrally. If you use a grievance box, it should be in the area of common accessibility.
- As it might involve personal matters, it is essential to focus on confidentiality while dealing with employees' grievances. Involving the least number of people prevents the issue from being widespread.
- The complaints put forwards must be followed up timely. That is, no issue should be on hold for a long time. It should follow a schedule to expect a certain level of responsiveness within a specified period.

2. Acknowledge the grievance:

It would help if you listened more than you talk while dealing with employee grievances. When your employees come to you lamenting over an issue, lend them your ear.

That doesn't mean that you should resolve it immediately but so that your employees know that their complaint is acknowledged. Let your employees know that you have received their report and are willing to do something about it.

3. Investigate:

Not all issues qualify for a hearing. Generally, it is essential to review whether the grievance is valid or not. Inquire about the incidents or situations and gather any relevant information. It may not always be necessary but if the matter involves other staff, they will need to be informed and given a chance to explain themselves and put forward their own shreds of evidence.

Once the investigation is over, you can arrange a formal meeting.

4. Hold the formal meeting:

The employee with the grievance and all the relevant parties should be called to be present in the formal hearing. The employee can put forward any evidence that backs up the complaint and explain how they would like the problem to be resolved. Later on, you can circulate the minutes of the meeting notes.

5. Take the decision and act accordingly:

This is the decision making phase. Once you have collected all the required information and closely examined the situation, you should decide.

You might decide to accept the grievance in whole or part or reject it altogether. It would help if you let the employee know in writing about the actions that you will take. At the same time, you can advise the employee on how they should deal with similar situations.

6. Appeal process:

Your employee might not accept your decision and has the right to an appeal. Here again, your grievance policy should outline the terms and conditions of the appeal process.

It should start with an appeal letter written by the employees, informing them why they want the decision to be reconsidered. To ensure impartiality, the appeal should be heard by another manager or supervisor who was not a part of the first meeting.

An appeal hearing with new evidence should follow this. The decision of the same should be informed to the employee in writing. If your employee is still not satisfied, it can either be mediated or escalated to the employment tribunal.

7. Review the situation:

It's always healthy to have an objective look back at your decisions. If the employee is happy with the resolution, you were good at settling the issue. In fact, it can prove significant to your company culture.

If the prevailing policy ensures justice, it can foster a sense of pride and accountability in the employees' work. That's the benefit of implementing a fast and effective grievance procedure.

8. Uproot the main cause of grievance:

Your aim is to go for a long-lasting solution. That is, a formal complaint should be addressed once and for all. This prevents your employees from coming back again and again with the same issue.

The key solution here lies in identifying the root cause of the problem and making sure to solve the problem completely, with the scope of adjustments, if necessary

Grievance Handling Practices in Bangladesh

The Bangladesh Labour Code 2006 has prescribed a grievance handling procedure in its Section 33 (Grievance procedure). The Section says that:

- 1) An worker including such worker whose employment came to an end on account of being laid off, discharged, dismissed, terminated or for any other reason, who has grievance about any matter under this chapter and if he desires to get any relief regarding that matter under this section, he shall submit his grievance in writing to

his employer within thirty days from the date of being informed of the cause of the grievance by registered post: provide that the submitting of the grievance not by registered post shall also suffice if the appointing authority acknowledges directly in writing the receipt of the grievance.

- 2) The employer shall inquire into the grievance and by giving the worker concerned a chance of being heard inform him of his decision about the matter within 15(fifteen) days from the date of the receipt of the grievance.
- 3) If the employer fails to give a decision under sub-section (2) or if the worker is dissatisfied with such decision, he may lodge a complaint with the Labour Court within 30 (thirty) days from the date of the expiry of the time allowed under sub-section (2) or within thirty days as the case may be, from the date of the employer's decision.
- 4) The Labour Court, after receiving the grievance, by serving notice upon both the parties shall hear them about the grievance and give such decision as it deems fit and proper in the circumstances as per its discretion.
- 5) The Court by its order passed under sub-section (4) may, amongst other relief's, give direction to reinstate the complainant with or without back wages and transform the order of dismissal, termination or discharge into minor punishment as provided for in section 23(2).
- 6) Any worker aggrieved by the order of the Labour Court may prefer an appeal before the tribunal within 30 (thirty) days from the date of the order and the decision given on the appeal shall be final.
- 7) No court-fee is payable for lodging any complaint or appeal under this section.
- 8) Any complaint under this section shall not be treated as a criminal prosecution under this Act.
- 9) Notwithstanding anything provided for in this section, no complaint can be lodged against the order of termination given under section 26, unless the order of termination is given on account of the worker's trade union activities or complaint is made to the effect that the impugned order was given being actuated by motivation or unless he is deprived of the benefits which he is entitled under that section.

Some Guidelines: Do's and don'ts of Grievance Handling

Dessler (2001, p. 576) presents a set of guidelines to managers in handling grievances. He says, "As a manager, your behaviour in handling grievances is crucial. You are on the firing line and must, therefore, steer a course between treating employees fairly and maintaining management's rights and prerogatives." He quotes Walter Baer (1970) who has developed a list of do's and don'ts as a useful guide in handling grievances. Some of the most critical ones are presented here.

Do's

- Investigate and handle each and every case as though it may eventually result in an arbitration hearing.
- Talk with the employee about his/her grievance. Give the person a good and full hearing.

- Require the union to identify specific contractual provisions that have been allegedly violated.
- Comply with the contractual time limits of the company for handling the grievance.
- Visit the work area of the grievance.
- Determine whether there were any witnesses.
- Examine the grievant's personnel record.
- Fully examine prior grievance records.
- Treat the union representative as your equal.
- Hold your grievance discussions privately.
- Fully inform your own supervisor of grievance matters.

Don'ts

- Discuss the case with the union representative alone. The grievant should definitely be there.
- Make arrangements (that are inconsistent with the labour agreement) with individual employees.
- Hold back the remedy if the company is wrong.
- Admit to the binding effect of a past practice.
- Relinquish to the union your rights as a manager.
- Settle grievances on the basis of what is "fair". Instead, stick to the labour agreement which should be your only standard.
- Bargain over items that are not covered by the contract.
- Treat as subject to arbitration claims demanding the discipline or discharge of managers.
- Give long written grievance answers.
- Trade a grievance settlement for a grievance withdrawal (or try to make up for a bad decision in one grievance by bending over backward in another).
- Deny grievances on the premise that your "hands have been tied by management".
- Agree to informal amendments in the contract.

Review Questions

1. Understand the redressal machinery of employee grievances.
2. Explain the process of employee grievance.
3. Describe the levels of handling grievance
4. Discuss the steps in grievance handling.
5. Explain the grievance handling practices according to The Bangladesh Labour Act 2006.
6. Identify dos and don'ts of grievance handling.

Collective Bargaining

7

Unit Highlights

- Lesson 1: Introduction to Collective Bargaining
- Lesson 2: Collective Bargaining Process, Importance, Impact and Issues
- Lesson 3: Collective Bargaining Types, levels, Prerequisites, Tactics and CB Related Laws

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

Collective bargaining is the formal negotiation process between employer and employee representatives (unions) to establish a collective agreement, which outlines terms and conditions of employment, and the rights and responsibilities of all parties. As a fundamental right recognized by the Bangladesh Labour Act 2006 and International Labour Organization (ILO), it serves as a mechanism to resolve industrial disputes, achieve fair working conditions, and reduce inequality by giving workers a voice in workplace decisions. Key topics include wages, working hours, health and safety, and training, with the ultimate goal of fostering sound labor relations and achieving industrial democracy.

Lesson 1: Introduction to Collective Bargaining

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the concept of Collective Bargaining.
- Explain the objectives of collective bargaining.
- Discuss the advantages of collective bargaining.
- Identify the activities of collective bargaining.
- Describe the characteristics of collective bargaining.

Introduction

Collective bargaining is the process where a labor union and an employer negotiate the terms and conditions of employment for a group of employees. It's a way for workers to have a stronger voice in their workplace by negotiating as a group rather than individually. The result of successful negotiations is often a collective bargaining agreement, which is a legally binding contract.

The union may negotiate with a single employer (who is typically representing a company's shareholders) or may negotiate with a group of businesses, depending on the country, to reach an industry-wide agreement. Collective bargaining consists of the process of negotiation between representatives of a union and employers (generally represented by management, or, in some countries such as Austria, Sweden, Belgium, and the Netherlands, by an employers' organization) in respect of the terms and conditions of employment of employees, such as wages, hours of work, working conditions, grievance procedures, and about the rights and responsibilities of trade unions. The parties often refer to the result of the negotiation as a collective bargaining agreement (CBA) or as a collective employment agreement (CEA).

Definition of Collective Bargaining

The term collective bargaining typically refers to the negotiation, administration, and interpretation of a written agreement between two parties that covers a specific period of time. The concept of collective bargaining is the result of industrial disputes and the rise of trade union movement.

Collective Bargaining (CB) is the negotiation between representatives of management and workers to produce a written agreement covering terms and conditions of employment.

Collective Bargaining is defined in the Encyclopedia of Social Science, “ a process discussion and negotiation between two parties, one or both of them are a group of persons acting in concert. The resulting bargaining is an understanding as to terms and conditions under which continuing service is to be performed. More specifically, collective bargaining is a procedure by which employers and a group of employees agree upon the conditions of work.”

The Industrial Relation Ordinance, 1969 provides the use of “Collective Bargaining Agent”. According to section 2(v) of the ordinance, “Collective bargaining agent in relation to establishment or industry, means the trade union of workmen in the establishment, as the case may be, industry in the matter of collective bargaining”. In collective bargaining, a give-and-take principle is invariably involved.

According to ILO, “Collective Bargaining is a fundamental right. The right to Collective Bargaining forms an integral part of the ILO declaration on fundamental Principles (1998).”

Objectives of Collective Bargaining

The main objectives of collective bargaining in industrial relations are to establish and maintain harmonious relations between employers and employees, ensure fair terms and conditions of employment, and promote industrial democracy. This process involves negotiations between employer representatives and labor unions to reach agreements on issues like wages, working conditions, and job security. Ultimately, collective bargaining aims to create a more stable and productive work environment for both employers and employees.

Here's a more detailed breakdown of the objectives:

1. **Establishing and Maintaining Harmonious Relations:** Collective bargaining fosters a cooperative environment where both employers and employees can voice their concerns and work towards mutually beneficial solutions. By providing a structured platform for negotiation, it can help prevent and resolve disputes, reducing the likelihood of strikes or other disruptive actions.
2. **Ensuring Fair Terms and Conditions of Employment:** A key objective is to negotiate wages, benefits, working hours, and other employment terms that are fair and equitable for employees. This includes addressing issues like job security, health and safety standards, and grievance procedures.
3. **Promoting Industrial Democracy:** Collective bargaining empowers employees by giving them a voice in workplace decisions. Through negotiation, employees can influence the establishment of workplace rules and policies, leading to greater participation and autonomy. It fosters a sense of shared responsibility and ownership in the workplace.
4. **Resolving Disputes and Preventing Future Conflicts:** Collective bargaining provides a mechanism for resolving conflicts between employers and employees through negotiation and compromise. By addressing the root causes of disputes, it can help prevent future conflicts and promote a more stable and productive work environment.
5. **Protecting Employee Rights:** Collective bargaining ensures that employees' rights, such as the right to organize, bargain collectively, and engage in other concerted activities, are protected. It helps establish a framework for fair treatment and prevents exploitation or discrimination.

In essence, collective bargaining is a powerful tool for creating a more balanced and productive relationship between employers and employees, promoting fairness, and fostering a more democratic workplace.

Advantages of Collective Bargaining

- (i) Collective bargaining is a form of participation because it involves a sharing of rule making power between rule making power between employers and unions in the

areas which in earlier times were regarded as management prerogative e.g. transfer, promotion, redundancy.

- (ii) Collective bargaining agreements often institutionalize settlement through dialogue. For instance, a collective agreement may provide for methods by which disputes between the parties will be settled. In that event parties know beforehand that if they are in disagreement there is an agreed method by which such disagreement may be resolved.
- (iii) Collective bargaining has the advantage of settlement through dialogue and consensus rather than through conflict and confrontation. Agreement resulting from collective bargaining usually represents the choice or compromise of the parties themselves.
- (iv) Collective bargaining agreements sometimes renounce or limit the settlement of disputes through trade union action.
- (v) Collective bargaining is an essential feature in the concept of social partnership towards which labor relations should strive. Social partnership in this context may be described as a partnership between organized employer institutions and organized labor institutions designed to maintain non-confrontational process in the settlement of disputes which may arise between employers and employees.
- (vi) In societies where there is a multiplicity of unions and shifting union loyalties, collective bargaining a consequent agreements tend to stabilize union membership.
- (vii) Collective bargaining is the most important and effective in improving industrial relations.
- (viii) Collective bargaining has a valuable by-products relevant to the relationship between the two parties.

Activities in Collective Bargaining

Major activities of collective bargaining are:

Negotiation: This is the core activity where both sides meet to discuss their demands, positions, and make concessions to reach a mutually acceptable agreement.

Information Sharing and Consultation: Before formal negotiations, parties may engage in information exchange and consultations to understand each other's perspectives and priorities.

Dispute Resolution: Collective bargaining agreements often include procedures for resolving disputes that may arise during the agreement's term, such as grievance procedures.

Implementation and Monitoring: Once an agreement is reached, it needs to be implemented and monitored to ensure compliance by both employers and employees.

Review and Renegotiation: Collective agreements typically have a defined lifespan, and the process of review and potential renegotiation is also a key activity.

Extending the Scope of Bargaining: In some cases, collective bargaining can extend beyond traditional terms and conditions of employment to include issues like work organization, safety and health, and even specific categories of workers.

Bargaining for Social Justice: Collective bargaining can be a tool for promoting social justice by addressing issues like inequality and ensuring fair treatment of workers.

Characteristics of Collective Bargaining

The important characteristics of collective bargaining are:

1. **Equality in Strength:** Across the table, both parties bargain from a position of equal strength. In collective bargaining, the bargaining strength of both parties is equal. It is industrial democracy at work.
2. **Voluntary endeavor:** Both workers and management come to the negotiating table voluntarily in order to have a meaningful dialogue on various troubling issues. They try to probe each other's views thoroughly before arriving at an acceptable solution. The implementation of the agreement reached is also a voluntary process.
3. **Flexibility:** It is a group action where representatives of employers and workers expend energies in order to arrive at a consensus. It has sufficient flexibility, since no party can afford to be inflexible and rigid in such situations.
4. **Joint and amicable settlement:** It is collective in two ways. One is that all the workers collectively bargain for their common interests and benefits. The other is that workers and management jointly arrive at an amicable solution through negotiations.
5. **Continuous affair:** collective bargaining is a continuous affair. It does not commence simply with negotiations and end with an agreement. The agreement is only a beginning of collective bargaining. It is continuous and includes implementation of the agreement and also further negotiations.
6. **Dynamic process:** Collective bargaining is a dynamic process because the way agreements are arrived at, the way they are implemented, the mental make-up of parties involved, keep changing. So, the effort itself changes, grows and expands over time.
7. **Power relations:** workers want to gain the maximum from management, and management wants to extract the maximum from workers by offering as little as possible.
8. **Bipartite process:** The employers and the employees negotiate the issues directly, face to face across the table. There is no third party intervention. Any settlement of dispute in this method ensures harmonious relations between the parties concerned.

Review Questions

1. Understand the concept of Collective Bargaining.
2. Explain the objectives of collective bargaining.
3. Discuss the advantages of collective bargaining.
4. Identify the activities of collective bargaining.
5. Describe the characteristics of collective bargaining.

Lesson 2: Collective Bargaining Process, Importance, Impact and Issues

Objectives of this lesson

After reading this lesson, you will be able to:

- Analyze the collective bargaining process.
- Explain the importance of collective bargaining.
- Discuss the impact of collective bargaining.
- Identify the issues of collective bargaining.

Collective Bargaining Process

Collective Bargaining is in reality a compromise and balancing of opposing pressures of two social groups who have considerable mutual interest to work together. New situation not specifically spelled out, may always arise. This requires union representatives and managers to sit together to thrash out differences. From behavioral point of view collective bargaining is a continuing process.

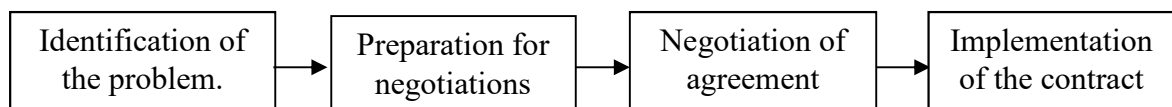


Figure: Collective Bargaining Process.

1. **Identification of the Problem:** Problem identification influences the whole process. Whether the problem is very important that is to be discussed immediately or it can be postponed for some other convenient time or whether the problem is a minor one so that it can be solved with the other party's acceptance on its presentation and does not require following the long process of collective bargaining, etc. It also influences the selection of representatives, their size, period of negotiations and period of agreement that is reached ultimately. As such it is important for both the parties to be clear about the problem before entering into the negotiations.
2. **Preparing for Negotiations:** If collective bargaining is deemed essential, both the parties prepare themselves for negotiations. The preparation starts with selection of representatives. Such representatives should be selected who can carry out negotiations with patience, and sincerity and can present their views effectively. After selection they should be educated about the complete problem and its pros and cons. Their power and authority during negotiations also should be clearly spelt out. Other preparations include fixing up time for negotiations, period of negotiations, etc. But once the parties enter into negotiations the period of negotiations may vary depending upon circumstances.
3. **Negotiation of Agreement:** Negotiation usually begins with the union delivering to management a long list of demands. By initiating with extreme demands, the union creates significant room for trade off in the later stages of the negotiation. It also disguises the union's real position leaving it to management to try to figure out which demands are adamantly sought, which are moderately sought and which the union is prepared to quickly abandon.
4. **Implementation of the Contract:** Once a contract is agreed upon and ratified, it then must be implemented. The agreement can be made on a temporary basis. In such cases,

before its expiry both parties consult each other and can terminate or renew the agreement depending upon the circumstances. The union may always demand the renewal of such agreements which benefit workers before their expiry. Management, on the other hand, may reject this demand taking the financial position of the organization into consideration. As a result, this may again lead to negotiations. As such, collective bargaining is not a temporary accommodation but is a continuous process.

Importance of Collective Bargaining

Now let's learn about the importance of collective bargaining in industrial relations. Collective bargaining fosters collaboration and ensures workplace harmony. It helps to reduce conflicts and contributes to overall success of an industry/organization.

Industrial relations is an essential component of labor administration and involves procedures, attitudes, and behavior which underpins how employers, unions, employees interact with each other at the workplace to affect the eventual outcome. There are countable importance in various segments as:

1. For Employees:

Improved Wages and Benefits: Collective bargaining allows employees to negotiate for better pay, benefits packages, and other financial terms of employment, which can significantly improve their standard of living.

Enhanced Working Conditions: It provides a platform for employees to address issues related to workplace safety, work-life balance, and other aspects of their working environment, leading to a more positive and productive atmosphere.

Stronger Voice and Representation: Collective bargaining gives employees a collective voice to express their concerns and negotiate for their rights, ensuring that their interests are represented in workplace decisions.

Job Security: Agreements reached through collective bargaining can include provisions that protect employees from arbitrary dismissal or unfair termination, providing a greater sense of job security.

Reduced Workplace Conflict: By providing a structured and fair process for negotiation and dispute resolution, collective bargaining can help minimize workplace conflicts and strikes.

2. For Employers:

Increased Productivity and Morale: When employees feel valued and their concerns are addressed, they tend to be more motivated and productive.

Reduced Turnover: Improved working conditions and benefits can lead to lower employee turnover, saving the company time and resources in recruitment and training.

Improved Labor Relations: Collective bargaining can foster a more collaborative and respectful relationship between employers and employees, leading to a more positive and productive work environment.

Greater Stability: By establishing clear terms and conditions of employment, collective bargaining can create a more stable and predictable work environment, reducing the likelihood of disputes and disruptions.

Impact of Collective Bargaining

1. Loss of unilateral discretion on personnel matters. Discretion of management in decision making about pay, promotion, transfer, dismissal, etc. is often curtailed under a collective bargaining agreement. Management right is one of the most controversial issues in labour management relations.
2. Greater uniformity in personnel practices is achieved by collective bargaining agreement with standardization of wages, hours of work and working conditions. The company is forced to improve the way in which it administers its personnel function which raises employee morale and productivity.
3. Employers fear that collective bargaining agreement may put them in competitive disadvantage in facing its non-unionized competitors. Employers fear increase of labour costs which may force them to raise product price or cut profit. Price raise may result in loss of customers.
4. Employers are also afraid that collective bargaining agreement may hamper R & D efforts and prohibit taking advantage of technological advances. Unions have been noticed to disfavour merit pay plans, individual and group incentive and output based performance appraisal, Unions are inclined towards joint control, safety and health programmes, plant closing decisions, quality of work life schemes, employee benefits, salary administration and employee discipline.
5. Favouritism, nepotism and uncertainty regarding pay, hours and poor working conditions are reduced. Uniform compensation and employee benefit packages and a set of work rules leave less room for misunderstanding between employers and employees.
6. Collective bargaining reduces fear of capricious and unfair treatment and dismissed employees are assured of due processes and equal protections in the workplace as collective bargaining agreement lays down sensible grievance handling procedure to which employers are contract bound. However, the chance of incompetent or troublesome employees taking shelter behind the protective shield of the union, is there.
7. Collective bargaining reflects “united we stand and divided we fall” theme. Employers are financially and organizationally stronger. They may hire things to destroy worker unity and police help favours employers in most cases.
8. Collective bargaining implies “one for all and all for one”. This philosophy treats superior and moderate employees at par. Talented employees cannot demonstrate initiative and better performance.

Bargainable Issues in Collective Bargaining

In collective bargaining, various issues are up for negotiation between employers and unions, categorized as mandatory, permissive, or illegal. Mandatory issues include wages, working conditions, and benefits, while permissive issues are those not required but can be discussed if both parties agree. Illegal issues are those that violate laws or public policy and cannot be bargained, according to business resources. However, in recent times, the scope of bargaining has extended to almost any area of labour-management relations. Some of the important areas are:

Wages and Benefits: This includes base pay, overtime pay, bonuses, raises, health insurance, retirement plans, and other financial compensation.

Working Conditions: This encompasses hours of work, shift schedules, rest periods, safety standards, and the overall work environment.

Employment Terms: This includes job security, layoff procedures, promotion policies, and dispute resolution mechanisms.

Management Rights: While management retains certain rights, some aspects, like the introduction of new technology or changes to production methods, can be subject to negotiation, particularly concerning their impact on employees.

Union Security: Issues like union recognition, dues check-off, and the scope of union representation can be negotiated.

Training and Development: Negotiations can cover training programs, skill development opportunities, and career advancement pathways.

Workplace Policies: Issues like dress codes, substance abuse policies, and attendance policies can be subject to bargaining.

Grievance Procedures: Establishing clear and fair procedures for addressing employee complaints and disputes is a key area of negotiation.

Dispute Resolution: Negotiations can cover mechanisms for resolving conflicts, including mediation, arbitration, or other methods.

Productivity and Efficiency: While not always a direct subject, negotiations can indirectly address productivity by considering issues like workload, work organization, and the introduction of new technologies.

Equal Treatment and Non-Discrimination: Ensuring fair treatment for all employees, regardless of race, gender, religion, or other protected characteristics, is a crucial aspect of collective bargaining.

Review Questions

1. Analyze the collective bargaining process.
2. Explain the importance of collective bargaining.
3. Discuss the impact of collective bargaining.
4. Identify the issues of collective bargaining.

Lesson 3: Collective Bargaining Types, levels, Pre-requisites, Tactics and CB Related Laws

Objectives of this lesson

After reading this lesson, you will be able to:

- Analyze the types collective bargaining.
- Explain the Level of collective bargaining.
- Discuss the tactics to be followed in collective bargaining.
- Identify the pre-requisites for successful collective bargaining.
- Identify the relevant laws regarding collective bargaining.

Types of Employee Group Bargaining

Collective bargaining in industrial relations can be categorized into several types, each with its own approach and objectives. These include distributive bargaining, integrative bargaining, concessionary bargaining, productivity bargaining, and composite bargaining. Additionally, bargaining can occur at different levels, such as single plant, multiple plant, or industry level.

Here's a breakdown of the main types:

1. **Distributive Bargaining:** This type of bargaining focuses on dividing a fixed set of resources, often leading to a "win-lose" scenario where one party's gain is the other's loss. Examples include wage negotiations, where one side seeks higher pay and the other tries to minimize labor costs.
2. **Integrative Bargaining:** In contrast to distributive bargaining, integrative bargaining aims for a "win-win" outcome by expanding the resources available. It emphasizes collaboration, problem-solving, and finding mutually beneficial solutions that address the needs of both parties.
3. **Concessionary Bargaining:** This type involves a union agreeing to give back some previously gained benefits or concessions to the employer, often in exchange for other considerations. It might happen during difficult economic times or when the company is facing financial hardship.
4. **Productivity Bargaining:** Here, the employer offers employees better working conditions or additional benefits in exchange for increased productivity or efficiency. The focus is on enhancing the organization's overall performance.
5. **Composite Bargaining:** This type of bargaining is often seen when employees are concerned about their working conditions and policies, and they collectively bargain to create a safer and healthier workplace.

Levels of Collective Bargaining

Collective bargaining is generally structured and conducted at three levels: (i) plant level; (ii) industry level; and (iii) national level.

1. **Plant Level:** This is the basic or micro level unit, where negotiations are conducted between the management of the plant concerned and the CBA union of the same plant. Generally, the unions are centred around the plant, with little or no involvement in other bodies, although having political connections. There are many plant level agreements but the pioneers, in this field, are the agreements concluded in the public sector.

2. **Industry Level:** Employers of several units in the same industry band together and form an association, which negotiates with a federation of trade unions, usually called craft federation, having a similar status. The agreements are somewhat broader in scope and delineation than the plant level settlements which are very specific. The craft federations working in jute industry, for example, bargaining with representatives of employers' association in the jute industry, are doing industry level bargaining.
3. **National Level:** Here the terms of reference and shape are much wider though such agreements are not so common in Bangladesh. The representatives of the trade unions and of the employers at the national level negotiate and arrive at a settlement. The formation of the SKOP in early eighties has given impetus to bargaining at this level with the government. The 1984 agreement is a historic one.

Tactics to be followed in Collective Bargaining

There may be several tactics that are used by bargainers to improve their bargaining. Six tactics are typical.

1. **Counter Proposal:** Counter proposal is used in an effort to get two sides closer together. A counter proposal is an offer suggested as an alternative to previous proposal in the hope that both the parties may think over.
2. **Trade-off:** Another tactic is trade-off which is an offer to give up one issue in exchanges for winning another, e.g., getting paid holiday for flexibility in work rules. Counter proposal gradually moves that parties together; trade-off expedites resolution of differences. One version of trade-off is accepting wage or benefit cut for job loss in case of trade depression and poor general economic condition. This is called concession bargaining.
3. **Recess:** Recess is another important tactic. It is useful when negotiators become fatigued. Members of bargaining committee take a break to discuss some point privately in case of disagreement among themselves. This allows either party to work out the problem in private and then return to the negotiating table.
4. **Wait and See:** Another tactic is wait and see. When some issues are very troublesome for negotiators to reach agreement, they request tabling those issues and postpone decision for a later meeting in the hope that in the meantime situation may change. A sub-committee may also be formed to study the issues in details.
5. **Getting Public Support:** The parties sometimes find it useful to get public opinion. The issue is given publicity in the hope that additional pressure may be exerted on the opponent. Newspaper comment becomes important as also opinions of experts in the media. Sometimes law suits, advertising and street demonstrations are used.
6. **Use of Mediator:** At time, a mediator is brought to the scene by one party or by the government. Mediator is an outside specialist who encourages negotiating parties to come to an agreement. He introduces fresh point of view. He helps in cooling down by use of persuasion for holding down emotionalism. Mediator's role is one of confidential intermediaries carrying messages and viewpoints between the parties. This enables negotiators to sound each other without formal commitment. Two options are there in case mediator fails, one is a strike which is union's tool of work stoppage to pressurize management.

Pre-requisites for the Success in Collective Bargaining

Success in collective bargaining depends upon the fulfillment of the following preconditions:

1. Collective bargaining is a flexible, give-and-take group process. It depends on careful preparation and skillful maneuvering. It does not do good if management takes extreme stand with rigid attitude.
2. Prudent employers try to build constructive attitude so that parties can discuss mutual problems and attempt to obtain agreement.
3. Union leaders should also be trained and exposed to the realities. Stability of the leader and success in the next election depends on their ability, in exacting/extracting more benefits for the workers who constitute their vote box.
4. Militancy and be reduced if political parties do not take side with any party.
5. However, management's bargaining attitude is important. No group should proceed with defensive attitude and challenging mentality.
6. Review of the bargaining processes of the past has indicated that attitude of co-operation and concession is a powerful positive force, although management being more powerful, intelligent and articulate.
7. Bargaining procedures have significant influence on bargaining sessions and so the agreement should be drafted carefully. It should be clear and readily understandable to the parties.
8. Bargaining role of the lawyers in the bargaining table has got to be assessed carefully. The lawyer employed by the management has to consider whether he is a representative of the employer or acting as an advisor. The two roles are different. This is also true for union lawyer.
9. At times, non negotiating observers remain present during the bargaining session. Management and union both may allow observers to keep them informed. Union observers are watchdogs who assure that union leaders do not "sell out" to management.

How a collective bargaining agent will be determined?

In this context, the relevant provision of law under the section 202 of the Labour and Industrial Law, 2006 deals with the following matters:

- (1) Where there is only one trade union in an establishment, that trade union shall, be deemed to be collective bargaining agent for such establishment.
- (2) Where there are more trade unions than one in an establishment, the Director of Labour shall, upon an application made in this behalf by any such trade union or by the employer, hold a secret ballot, within a period of not more than one hundred and twenty days from the date of receipt of such application, to determine as to which one of such trade unions shall be the collective bargaining agent for the establishment.
- (3) Upon receipt of an application under sub-section (2), the Director of Labour shall, by notice in writing call upon every trade union in the establishment to which the application relates to indicate, within such time, not exceeding fifteen days, as may be

specified in the notice, whether it desires to be a contestant in bargaining agent in relation to the establishment.

- (4) If a trade union fails to indicate, within the time specified in the notice, its desire to be a contestant in the secret ballot, shall not be a contestant in such ballot.
- (5) If no trade union indicates, within the time specified in the notice, its desire to be a contestant in the secret ballot, the trade union which has made the application shall be declared to be the collective bargaining agent in relation to the establishment concerned, provided it has as its members not less than one third of the total number of workers employed in the establishment.
- (6) Every employer shall on being so required by the Director of Labour, submit to him a list of all workers employed in the establishment for not less than a period of three months in the establishment excluding those who are casual or badly workers, and the list shall contain the following particulars. Namely:
 - (i) Name of each workers, (ii) Name of Parents etc.

According to Section 203. Federation of trade unions to act as collective bargaining agent in certain cases.-

- (1) Notwithstanding anything contained in this Chapter, a federation of trade unions shall be deemed to be the collective bargaining agent in any establishment or group of establishments, if any of its federated unions in that establishment, by a resolution passed in the meeting of its executive committee, authorizes it to act as the collective bargaining agent in that establishment on its behalf:

Provided that no such authorization shall be permissible, unless the constitutions of the federation and of the federated union provides for such authorization.
- (2) A federation of trade unions shall act as the collective bargaining agent only in the establishment or group of establishments in which any of its federated union is a collective bargaining agent.
- (3) Nothing in this section shall apply in the case of a federation of trade unions on national level formed and registered under section 200(5).

Review Questions

1. Analyze the types collective bargaining.
2. Explain the Level of collective bargaining.
3. Discuss the tactics to be followed in collective bargaining.
4. Identify the pre-requisites for successful collective bargaining.
5. How collective bargaining agent will be determined? Explain with the support of labour Act 2006.
6. “Federation of trade unions to act as collective bargaining agent”. When? Explain.

Labour Court

8

Unit Highlights

- Lesson 1: Introduction to Labour Court in Bangladesh
- Lesson 2: Dealing, Performance, Case, Reasons of Ineffective, Suggestions and Related Laws in Bangladesh

Technologies Used for Content Delivery

- ❖ BOUTUBE
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- ❖ BTV Program
- ❖ Bangladesh Betar Program

A Labour Court is a specialized judicial or tribunal body designed to resolve disputes within industrial relations and protect workers' statutory rights, often acting as a final arbiter after other dispute resolution methods like negotiation and conciliation have failed. These courts issue binding legal decisions or recommendations, with powers to order remedies such as monetary compensation, reinstatement of employment, and penalties for employers, thereby upholding fair labor practices and contributing to a stable industrial environment.

Lesson 1: Introduction to Labour Court in Bangladesh

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the concept of labour court.
- Explain the key functions of labour court.
- Discuss the types of labour court.
- File a labour related case.
- Describe the nature of labour court.

Introduction

In Bangladesh, Labour Courts are specialized tribunals that handle disputes between employers and employees. They aim to provide a relatively quick, fair, and inexpensive means of resolving labor-related issues. These courts deal with matters like non-payment of wages, unfair dismissal, and workplace injuries. There are multiple Labour Courts across the country, with some located in major cities like Dhaka, Chittagong, Rajshahi, and Khulna.

Major Functions of Labor Courts:

- **Dispute Resolution:** The primary function is to address and resolve disputes arising from the employer-employee relationship.
- **Trade Dispute Resolution:** They handle various trade disputes, including those related to wages, benefits, working conditions, and termination of employment.
- **Investigative Powers:** Labor courts have the power to investigate disputes and gather evidence to make informed decisions.
- **Registration and Oversight:** They are involved in registering trade unions and overseeing the implementation of employment agreements.
- **Promoting Industrial Peace:** By resolving disputes and ensuring fair treatment, labor courts contribute to a more stable and productive work environment.

Types of Levels of Labor Courts:

- **Labour Court:** This is the initial level where most labor disputes are filed and addressed.
- **Labor Appellate Tribunal:** An appellate court that hears appeals against decisions made by the Labour Courts.
- **High Court Division:** Further appeals can be made to the High Court Division of the Supreme Court.

Filing a Case:

- **Written Complaint:** A written complaint, detailing the nature of the dispute and including supporting documents, is required to initiate a case.
- **No Court Fee:** There is generally no fee for filing a case in the Labor Court.
- **Informal Proceedings:** The proceedings in Labor Courts are often less formal than in regular courts, which can help expedite the process.

Nature of Labour Court in Bangladesh

In Bangladesh, the Labor Court is the specialized court that handles labor-related disputes. It's designed to be efficient and relatively informal, with a focus on resolving disputes quickly and fairly. The court deals with various issues including wage and benefit disputes, unfair dismissals, and workplace injuries.

Here's a more detailed explanation:

Function: The Labor Court acts as an industrial relations tribunal, aiming to find agreements between employers and employees through a process that is fast, fair, informal, and inexpensive, according to Scribd.

Jurisdiction: It hears cases involving issues like non-payment of wages, unfair dismissal, illegal retrenchment, and compensation for workplace injuries.

Levels of Appeal: Disputes can progress from the Labor Court to the Labor Appellate Tribunal for appeals.

Filing a Complaint: To initiate a case, an aggrieved party (either employer or employee) must file a written complaint with the Labor Court, detailing the dispute and providing supporting documents, according to Jural Acuity.

Legal Basis: The Labor Court system in Bangladesh is established under the Bangladesh Labour Act, 2006, which replaced earlier legislation like the Industrial Relations Ordinance, 1969.

Composition: The court is typically chaired by a district judge and includes members representing employers and workers.

Informal Proceedings: Compared to other courts, the Labor Court proceedings are less formal, and often employers will compromise cases early on, according to Shanjid Siddique & Jurists.

No Court Fee: There is no fee for filing a case in the Labor Court.

Goal: The primary goal is to resolve disputes and reach a mutually agreeable settlement between the parties involved.

Labor court plays a vital role in maintaining and ensuring healthy industrial relations. Generally, they are established as special courts in order to dispose of labor related cases expeditiously. In fact labor courts are not courts of law but courts of social justice. Labor courts provide a mechanism for settling cases related to labor dispute which are not mitigated through the process of collective bargaining and conciliation.

The law of the land provides for an adjudication system composed of Labor Courts, Labor Appellate Tribunal and the High Court. The legal provisions relating to the adjudication by labor courts in Bangladesh need elaboration.

Review Question

1. What do you understand by labour court?
2. Explain the key functions of labour court.
3. Discuss the types of labour court.
4. How will you file a labour related case?
5. Describe the nature of labour court.

Lesson 2: Dealing, Performance, Case, Reasons of Ineffective, Suggestions and Related Laws in Bangladesh

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand how to deal with performance labour court.
- Explain the cases of labour court.
- Discuss the in effectiveness of labour court.
- Draw some suggestions to prevent ineffectiveness.
- Describe the laws of labour court.

Dealings of Labour Court

Basically a labour court deals with two types of disputes-viz. (1) disputes of interest raised by collective bargaining agent (CBA) and referred to by government and (2) disputes of right raised either by CBA or by any aggrieved party. If conciliation fails, either strike or lock-out becomes inevitable. In such a situation, the dispute may be referred to labor court for adjudication. Within 30 days after the date of issuing of the failure certificate by the conciliator, any party may approach to a labor court for adjudication of the dispute. The government also enjoys the authority to prohibit a strike or lock-out if it continues beyond a period of 30 days and may refer the dispute to the labor court for adjudication.

The time limit for the disposal of a case in labor court is 60 (sixty) days. An award of the labor court remains valid for two years. If either party is dissatisfied with the verdict of a labor court, the aggrieved party can prefer an appeal to Labour Appellate Tribunal (LAT) within 30 (thirty) days of the delivery of such verdict and in such a case the decision of LAT is final. The verdict of the labor court under complaint case and legal right case is final. In such a case, writ petition is allowed to challenge the legality of judgment of labour court (verdict) to the High Court as per article 102 of the constitution of the People's Republic of Bangladesh.

Performance of Labor Courts in Bangladesh

Labour courts in Bangladesh, on average, take 10 times longer than the prescribed term to pass a judgement. Even after they do, many employers do not pay reparations properly. To add to that, there is the high cost of prosecution. Most of the cases are settled outside court. For average workers to ask for justice is to ask for more hassle. If this is the state of our labour courts, how can justice be ensured for workers?

Thousands of workers have been waiting for justice from labour courts, where a huge number of cases remain pending – mainly due to slow trial proceedings and negligence in officials' duties. Seven labour courts, and the only labour Appellate Tribunal in the country, are burdened with a backlog of 17,608 cases. Many of the cases have been stuck for over six years, even though labour law states that cases should be disposed of within 60 days.

According to the official count, 10,838 cases have remained pending for over six months; 3,495 for over three months, and 3,275 for more than one month. A total of 1,047 cases remain pending with the Appellate tribunal; 4,576 in Dhaka First Labour Court; 5,263 in Dhaka Second Court; 4,005 in Dhaka Third Court; 1,510 in Chittagong First Court; 578 in Chittagong Second Court; 214 in Khulna Labour Court and 415 in Rajshahi Labour Court

Most of the cases are from the apparel sector and relate to disputes arising out of layoffs, dismissals, retrenchment, non-payment and delayed payment of wages and other benefits, compensation for workplace injuries and violation of trade union rights.

Labor courts try to ensure proper justice in industrial disputes. Cases of disputes are filed with the labour courts under various labour laws. There are mainly five types of cases of industrial disputes and more than one-fifth (i.e. 20.77%) are related to termination, suspension and discharge of workers from employments. More than two-fifths (i.e. 42.02%) are related to financial benefits and more than one-sixth (i.e. 17.86%) to the establishment of legal rights vis-a-vis cancellation of the registration of trade unions. Most of the dispute cases at labour courts relate either to termination, suspension, discharge, dismissal, retrenchment or to the refusal of workers' rights to trade unionism and fair wages by their employers.

Labour courts in our country are not at all efficient. On an average, only about one-fifth of the cases filed in a year can be disposed off. The proportion of pending cases is on the increase.

A survey of performance of Chittagong labour court indicates that no single case was settled within the statutory time limit of two months. The time required for nearly one-sixth (i.e. 30%) of the cases took between 1 year and 3 years; nearly one-fourth (i.e. 24%) of the cases took between 3 years and 5 years and less than one-third (i.e. 30%) of the cases took more than 5 years.

Example

Cases piling up for decades

(<https://www.dhakatribune.com/bangladesh/court/175788/labour-court-over-17-000-cases-pending-in-seven>)

Legal experts said the huge backlog of cases was created due to a shortage of courts. The general practice of labour courts to sit only for an hour every day, allow repeated time petitions and the owners' unwillingness to settle cases – all contribute to the backlog.

The owners' counsels stay absent from most of the hearings, and file repeated unnecessary time petitions, which further delay the decisions and linger the case proceedings. Mina Begum, a former employee at Big Boss Corporation Ltd, resigned from her job on November 15, 2011 – 13 years after she joined the corporation on October 1, 1998. Later, she filed a case against the company with the Dhaka First Labour Court, under section 132 of the Bangladesh Labour Act 2006 in March 2012, seeking Tk. 44,866 in dues from the company. But the case is still pending due to the extremely slow pace of proceedings.

Md. Abul Hashem Mozunder joined the City Bank Ltd on May 14, 1987, as a typist; later, he was promoted to senior computer operator. The bank authorities removed him from the job on May 8, 2013. The city bank employee filed a case against the bank, under section 33 (1) of the Bangladesh Labour Act, 2006, seeking court directives to reinstate him in his post along with all earlier facilities. But the case is yet to be disposed of, although six years have elapsed after the incident.

Just like Mina and Hashem, thousands of workers face sufferings due to delay in disposal of cases at the labour court. Although the country's employed people are over 6 crore, only seven labour courts are now dealing the cases of workers across the country.

According to Law Ministry sources, six labour courts were set up in Dhaka, Chittagong, Khulna and Rajshahi in 1972, while another court was set up in Chittagong in 1994. The only Labour Appellate Tribunal was set up in Dhaka to deal with the cases. If a worker intends to file a case, he or she needs to travel long distances to the nearest court, which is time-consuming and costly, said the sufferers.

Talking to Dhaka Tribune, Garment Workers Trade Union Centre General Secretary, Joly Talukder, said the lengthy legal procedures make it difficult for the workers attend the proceedings of labour courts. She said a worker needs a whole day's leave from the employer to attend a hearing in a labour court, which is not possible most of the time.

Joly urged the government to set up more labour courts and take necessary initiatives for quick disposal of the cases to cut sufferings of workers.

Adhir Chandra Bala, register of Labour Appellate Tribunal said: "We are doing our level best to dispose of the cases quickly."

Source: Dhaka Tribune

A number of reasons account for the late settlement of the dispute cases by labour courts. They are:

1. It is a legal requirement that every member would be present for the court to function. The absence of any member from the court results in the adjournment of the court. It is a severe hindrance in the early settlement of the cases.
2. There is a practice of time-petition from either side – the employers and the employees. The tendency of serving such petition is higher among employers. They try to remove the workers from the game by encouraging lengthy disposal of the cases.
It is possible on the part of employers since they are the owners of capital and are influential in the society.
3. The number of labour courts available in Bangladesh is not adequate as compared to the volume of the cases. This hampers quick disposal of the suits.
4. The labour courts are found to show liberal attitude in observing the rules of procedures. This stands as a bottleneck in the way of mitigating dispute cases in the stipulated time.
5. In our country there is a practice of representing parties to the dispute by lawyers. These lawyers, for the sake of their professional interest, act as an obstacle to the early adjudication of disputes.
6. In most cases labour courts of Bangladesh do not maintain regularity of sessions. As a consequence, justice is delayed.
7. The chairman and members of the court are not provided with reasonable facilities. It demotivates them and ultimately hampers the quality of judgment.

Performance of labour courts in Bangladesh are criticized heavily by different parties interested in their affairs. The workers view the labour court as the court of employers since they do not get satisfactory remedy of their sufferings due to oppressions at the hands of the employers.

The trade union leaders are also of the view that the labour court can be of no help to a worker when he is discharged, dismissed, laid-off or terminated as per provisions of law.

The workers cannot expect to have any concession simply because they represent the weak section of the society.

The members of the labour court admit that most of the litigant parties, especially workers, are frustrated due to frequent shifting of hearing dates. Frequent shifting demotivates them to follow the case up-to the last.

According to the management personnel, labour court is liberal in exercising the power conferred upon it by law and largely ignores the rules of summary procedure.

Thus, a distillation of the performance of labour courts, reasons for delay in the disposal of the cases and problems and weaknesses cited by the stakeholders present a shaky picture of performance of our labour courts.

Suggestions for Ensuring Effectiveness of Labour Courts in Bangladesh

For quick disposal of the labour court cases and to make the labor courts more effective in Bangladesh the following recommendations may be considered:

1. A labour court is to be constituted with the chairman. The presence of the members in the court should be made optional. This is the usual practice in the neighboring countries for ensuring quick disposal of the cases.
2. The present number of labor courts is inadequate compared to the volume of the cases and hence the number of labor courts need be increased.
3. Time petition for shifting of dates by the parties should not be encouraged without reasonable grounds.
4. The members of labour courts should be given full-time appointment in order to ensure their cent percent adherence.
5. The Code of Criminal Procedure, 1898 should be properly executed in order to ensure early disposal of the cases.
6. The yearly minimum number of cases to be disposed of by each labour court should be fixed up.
7. The regular session of the labor courts should be ensured.

Since liberation the performance of labor courts in Bangladesh has not at all been satisfactory, particularly in early disposal of the cases. The recurrence of military regimes with short lived pseudo democratic governments greatly hampered the democratic environment as well as the activities of the labour courts. Hence the future democratic government and its relevant agencies should look into the matter and take necessary steps for making the labor courts more effective. Otherwise it will create frustration and develop hostile relationship among the concerned people. Moreover, it will adversely affect the entire realm of industrial relations in Bangladesh.

The relevant provision of law under the section 213-217 of The Bangladesh Labour Act, 2006 deals with the following matters:

According to Section 213. Application to the Labour Court.

Any collective bargaining agent or any employer or worker may apply to the Labour Court for the enforcement of any right guaranteed or given by or under this Act or any award or settlement or agreement or recognized by any existing custom or notice or order or notification or in any other way.

Section 214. Labour Courts.-

- (1) For the purposes of this Act, the Government may, by notification in the official Gazette, establish as many Labour Courts as it considers necessary.
- (2) Where more than 1 (one) Labour Court is established under sub-section (1), the Government shall specify in the notification the territorial limits within which each of them shall exercise jurisdiction under this Act.
- (3) A Labour Court shall consist of a Chairman and 2 (two) members to advise him, but in case of trial of any offence or disposal of any matter under Chapter X and XII, it shall consist of the Chairman only.
- (3a) The members of a Labour Court may give their opinion, in writing, to the Chairman of the Labour Court, and if the members give any opinion, it must be mentioned in the judgment.
- (4) The Chairman of a Labour Court shall be appointed by the Government from amongst the District Judges or Additional District Judges who are in service.
- (5) The terms and conditions of appointment of the Chairman and of members of a Labour Court shall be determined by the Government.
- (6) One of the two members of the Labour Court shall be the representative of the employers and the other shall be the representative of the workers and they shall be appointed in the manner provided in sub-section (9).
- (7) The Government shall, in the manner prescribed by rules, by notification in the official Gazette, constitute two panels, one of which shall consist of six representatives of the employers and the other of six representatives of the workers.
- (8) The panel of members constituted under sub-section (7) shall be reconstituted after every 2 (two) years, but notwithstanding the expiry of the said period of 2 (two) years, the members shall continue on the panels till the new panel is notified in the official Gazette.
- (9) The Chairman of a Labour Court shall, for hearing or disposal of a case relating to a specific industrial dispute, select one representative from each of the 2(two) panels mentioned in sub-section (7), and the representatives so selected together with the Chairman, shall be deemed to have constituted the Labour Court in respect of the said industrial dispute:
Provided that the Chairman may select any representative from either of the panels as a member of the Labour Court for hearing more than one cases relating to industrial dispute.
- (10) A Labour Court shall have exclusive jurisdiction in the following matters, namely:-
 - (a) to adjudicate and determine any industrial dispute or any other dispute or any question referred to or brought or made before it under this Act;
 - (b) to enquire into, adjudicate and determine any matter relating to the implementation or violation of a settlement referred to by the Government;
 - (c) to try offences under this Act; and
 - (d) to exercise and perform such other powers and functions as are or may be conferred upon or assigned to by or under this Act or any other law.

- (11) If any member of a Labour Court is absent or unable to attend for any reason on the date of hearing of the Court, whether such absence or inability occurs at the beginning of or during the continuance of the hearing thereof, the proceedings of the Court may begin or continue, as the case may be, in his absence and the decision or award of the Court may be given in his absence; and no act, proceedings, decision or award of a Labour Court shall be invalid or be called in question merely on the ground of such absence or on the ground of any vacancy in, or any defect in the constitution of, the Labour Court:

Provided that if any member of the Court informs the Chairman beforehand of his absence, the Chairman shall nominate another member from the panel of the concerned parties:

Provided further that the opinion of the members of both the sides shall be mentioned in the judgment of the case.

- (12) The provisions of Chapter XXXV of the Code of Criminal Procedure shall apply to a Labour Court, and for the purposes of that Chapter, the Labour Court shall be deemed to be a Criminal Court.
- (13) All Labour Courts shall be subordinate to the Tribunal.

Section 215. Powers and Procedure of Labour Courts in trial of offences.-

- (1) Subject to the provisions of this Act, a Labour Court shall, while trying an offence, follow, as far as possible, the summary procedure as prescribed under the Code of Criminal Procedure.
- (2) A Labour Court shall, for the purpose of trying an offence under this Act, have the same powers as are vested in the Court of a Judicial Magistrate of the First Class or Metropolitan Magistrate under the Code of Criminal Procedure.
- (3) Notwithstanding anything contained in sub-section (2), for the purpose of imposing a penalty, a Labour Court shall have the same power as is vested in a Court of Sessions under that Code.
- (4) A Labour Court shall, while trying an offence, hear the case without its members.

Section 216. Powers and procedure of Labour Court in any matter other than trial of offences.-

- (1) A Labour Court shall, for the purposes of adjudicating and determining any matter, question or dispute, other than offences, under this Act, be deemed to be a civil Court and shall have the same powers as are vested in such Court under the Code of Civil Procedure including the following powers, namely:-
- (a) to enforce the attendance of any person, examine him on oath and take evidence;
 - (b) to compel the production of any document or material;
 - (c) to send commissions for the examination of witnesses or documents;
 - (d) to deliver ex-parte decision in the event of failure of any party to appear before the Court;
 - (e) to set aside ex-parte decision;
 - (f) to set aside order of dismissal of a case made for non-appearance of any party;
- and

- (g) in order to prevent the frustration of the purposes of the case, to pass interim order upon any party.
- (2) Subject to this Act, no court-fee shall be payable for filing, exhibiting or recording any application or document in the Labour Court or obtaining any document from it.
 - (3) The Labour Court shall, by notice to be served through process server or special messenger or by registered post or by both methods, direct the opposite party to a case to file written statement or objection, within a period not exceeding 10(ten) days from the date of filing of the case.
 - (4) The Labour Court may, for reasons to be recorded in writing, extend the said period by a further period of not exceeding 7 (seven) days in all.
 - (5) If the opposite party fails to file any written statement or objection within the time specified in the notice or the extended time, the case shall be heard and disposed of ex-parte.
 - (6) The Labour Court shall not grant adjournment of the hearing of a case on the prayer of any party for more than 7 (seven) days in all:
Provided that if both the parties pray for adjournment, the hearing of a case may be adjourned for not exceeding 10 (ten) days in all.
 - (7) If the party filing the case is absent on the date of hearing, the case shall be dismissed for default:
Provided that the Court shall have power to set aside the order of dismissal, if any application is made by the petitioner of the case within 3 (three) months from the date of such order of dismissal.
 - (8) If the opposite party to the case is absent on the date of hearing, the case shall be heard and disposed of ex-parte.
 - (9) A case which is dismissed for default, shall not bar the filing of a fresh case on the same cause of action, unless it is barred by any other reason and is filed after a period of 3 (three) months from the date of dismissal.
 - (10) If any application is filed to the Labour Court by all the parties to a case for withdrawal of a case, the Court may, after hearing both the parties, allow the withdrawal of the case at any stage of the proceedings, if it is satisfied that the dispute has been amicably settled.
 - (11) The judgment, decision or an award of a Labour Court shall be given in writing and delivered in open Court, and a copy thereof shall be given to each party.
 - (12) The judgment, decision or an award of a Labour Court shall, in every case, be delivered, within 60 (sixty) days from the date of filing of the case.
 - (13) Notwithstanding anything contained in sub-section (12), if the judgment, decision or an award cannot be possible to deliver within the specified time-limit of 60 (sixty) days, the court may extend the time-limit to 90 days by recording the reasons.

Section 217. Appeal against judgments, etc. of Labour Courts.- Subject to this Act,

Any party aggrieved by the judgment, decision, award or sentence passed or given by a Labour Court may prefer an appeal to the Tribunal within 60 (sixty) days of the delivery thereof, and the decision of the Tribunal in such appeal shall be final.

Section 218. Labour Appellate Tribunal.-

- (1) For the purposes of this Act, there shall be a Labour Appellate Tribunal in Bangladesh, which shall consist of a Chairman, or if the Government deems fit, a Chairman and such number of other members as the Government may appoint.
- (2) The Chairman and the members, if any, of the Tribunal shall be appointed by the Government, by notification in the official Gazette, and the terms and conditions of their service shall be determined by the Government.
- (3) The Chairman of the Tribunal shall be a person who is or was a judge or an additional judge of the Supreme Court, and a member of the Tribunal shall be a person who is or was a judge or an additional judge of the Supreme Court, or who is or was a District judge for not less than 3 (three) years.
- (4) If the Chairman is absent or unable to discharge his functions for any reason, the senior member of the Tribunal, if any, shall perform the functions of the Chairman.
- (5) Where any member is appointed in the Tribunal, the Chairman may, for the efficient performance of the functions of the Tribunal, constitute as many benches as necessary, and such bench may consist of one or more than one members or the Chairman and one or more members.
- (6) An appeal or any matter before the Tribunal may be heard and disposed of by the Tribunal sitting in full bench or by any bench thereof.
- (7) Subject to this Act, the Tribunal shall follow, as far as possible, such procedure as is prescribed in the Code of Civil Procedure, for hearing of appeal by an appellate Court from original decrees.
- (8) If the members of a bench differ in opinion as to the decision on any point-
 - (a) the matter shall be decided according to the opinion of the majority of members, if any; and
 - (b) if the members of the bench are equally divided, they shall state their opinion on the point on which they differ and shall refer the matter to the Chairman for hearing on such point, the Chairman if, he is not a member of the bench, himself may hear the matter or send the matter for hearing to any other bench consisted of one or more than one members and the matter shall be decided according to the opinion of the Chairman or member or majority of the members of such newly constituted bench.
- (9) Where a bench consists of the Chairman and any member and there is a difference of opinion among the members and the members are equally divided, the decision of the Chairman shall prevail and the decision of the bench shall be expressed in terms of the opinion of the Chairman.
- (10) The Tribunal may, on appeal, confirm, vary, modify or set aside any judgment, decision, award or sentence of a Labour Court or return the case to the Labour Court for re-hearing; and shall, save otherwise provided, exercise all the powers conferred by this Act upon a Labour Court.
- (11) The judgment of the Tribunal shall be delivered within 60 (sixty) days from the date of preferring an appeal.

Notwithstanding anything contained in sub-section (11), if the judgment cannot be possible to deliver within the specified time-limit of 60 (sixty) days, the Tribunal may extend the time-limit to 90 (ninety) days by recording the reasons.

- (12) The Tribunal shall have authority to punish for contempt of it or of any Labour Court, as if it were the High Court Division of the Supreme Court.
- (13) If the Tribunal sentences any person of imprisonment or imposes a fine exceeding two hundred taka under sub-section (12), the convicted person may prefer an appeal to the High Court Division.
- (14) The Tribunal may, on its own or on the application of a party, transfer a case from one Labour Court to another Labour Court.
- (15) The Tribunal shall have superintendence and control over all Labour Courts.

Review Questions

1. Describe how you will deal with labour court.
2. Assess the performance of labour court in Bangladesh.
3. Discuss the reasons behind the ineffectiveness of labour court.
4. Draw some suggestions to overcome ineffectiveness of labor court.
5. Describe the laws related to labour court.

International Labour Organization (ILO)

9

Unit Highlights

- Lesson 1: Introduction to International Labour Organization (ILO)
- Lesson 2: Objectives, Organizational Structure, and Functions of International Labour Organization (ILO)
- Lesson 3: Secretariat of ILO, ILC, Governing Body and Policies of International Labour Organization (ILO)
- Lesson 4: ILS, ILC, Conventions, ILO for IR and ILO for Bangladesh

Technologies Used for Content Delivery

- ❖ BOUTUBE
- ❖ BOU LMS
- ❖ WebTV
- ❖ Web Radio
- ❖ Mobile Technology with MicroSD Card
- ❖ BTV Program
- ❖ Bangladesh Betar Program

The International Labour Organization (ILO) promotes industrial peace and stability by developing and monitoring international labour standards, strengthening social dialogue between governments, employers, and workers (its unique tripartite structure), and providing technical assistance to its member states to improve working conditions and promote decent work through programs like Decent Work Country Programs. Key to its mandate is establishing and enforcing core labour standards, which include fundamental rights such as freedom of association, collective bargaining, and the abolition of forced and child labor etc.

Lesson 1: Introduction to International Labour Organization (ILO)

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the concept of international labour organization.
- Explain the history of the international labour organization.
- Discuss preamble of international labour organization.
- Describe the principle on international labour organization.

Introduction

The International Labour Organization (ILO) plays a significant role in industrial relations by promoting social justice, decent work, and social dialogue among its member states. It achieves this through setting international labor standards, developing policies, and providing technical assistance to improve working conditions and promote harmonious industrial relations.

Concept of International Labor Organization (ILO)

Who tries to try to make sure these things don't happen? The answer is the International Labor Organization (ILO). It was founded to set labor standards, develop policies, and set up programs to ensure decent work for all. The term labor standards refers to the conditions of work, such as the financial benefits (minimum wages, hours of work, and so on), welfare benefits (such as dental and vision benefits), and health and safety standards. The ILO is actually a specialized agency of the United Nations (UN) and was started in 1919.

At the heart of the ILO is social justice, which is the belief that everyone deserves equal economic, political, and social rights. So, let's have a look at what the ILO does to uphold this belief.

Brief History of International Labor Organization (ILO)

The International Labour Organisation (ILO) was established in 1919 after the First World War. This organisation maintains a continuing programme for the improvement of working conditions of labour. It conducts studies and publishes reports on working conditions throughout the world. It holds annual conferences which discuss employment relationship and prepares draft conventions on such subjects as minimum wages and working hours for consideration by the legislative bodies of member nations. Since the formation of the United Nations after the Second World War, the ILO has been associated with the UN as a "specialized agency." Most of its activities are directed from the central office in Geneva, Switzerland, but ILO has smaller branch offices in other countries also.

In order to improve working conditions the ILO has so far adopted 122 Conventions and 192 Recommendations. Each convention is a legal instrument regulating some aspects of labour administration, social welfare or human rights. When the Government of a country ratifies a convention, it accepts the obligation of applying the provisions of the convention under some international supervision. A recommendation is similar to a convention but it is not subject to ratification. Recommendation defines standards and provides a model and stimulus for legislation and practice in member countries.

Major aspects of the ILO's history:

Creation and Early Years: The ILO was established in 1919, following World War I, with the aim of addressing social and economic injustices stemming from industrialization. Its constitution, part of the Treaty of Versailles, outlined principles for fair labor standards and social protection.

Post-WWII Transformation: The ILO transitioned to become a specialized agency of the newly formed United Nations in 1946, solidifying its role in the international system.

Nobel Peace Prize: In recognition of its contributions to social justice and peace, the ILO was awarded the Nobel Peace Prize in 1969.

Focus on Decent Work: The ILO's current agenda centers on promoting "decent work," encompassing fair wages, safe working conditions, social protection, and respect for fundamental principles and rights at work.

Tripartism: A distinctive feature of the ILO is its tripartite structure, bringing together governments, employers, and workers to shape labor standards and policies.

Global Reach: Today, the ILO has 187 member states and continues to play a vital role in setting international labor standards, providing technical assistance, and fostering social dialogue worldwide.

Preamble of ILO Constitution

The preamble of the ILO Constitution emphasizes that lasting peace is founded on social justice and that injustices in labor conditions can lead to unrest that imperils world peace. It highlights the need for improving labor standards, including regulating working hours, wages, and worker protection, as well as promoting principles like freedom of association and vocational education. Furthermore, it recognizes that a nation's failure to adopt humane labor standards can hinder social justice advancements in other countries.

The driving forces for the ILO's creation arose from security, humanitarian, political and economic considerations. The founders of the ILO recognized the importance of social justice in securing peace, against a background of the exploitation of workers in the industrializing nations of that time. There was also increasing understanding of the world's economic interdependence and the need for cooperation to obtain similarity of working conditions in countries competing for markets.

Reflecting these ideas, the Preamble of the ILO Constitution states:

- Whereas universal and lasting peace can be established only if it is based upon social justice;
- And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required;
- Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.

The areas of improvement listed in the Preamble remain relevant today, including the regulation of working time and labour supply, the prevention of unemployment and the provision of an adequate living wage, social protection of workers, children, young persons and women. The Preamble also recognizes a number of key principles, for example equal

remuneration for work of equal value and freedom of association, and highlights, among others, the importance of vocational and technical education.

The Principles of ILO

The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, is an expression of commitment by governments, employers' and workers' organizations to uphold basic human values - values that are vital to our social and economic lives. It affirms the obligations and commitments that are inherent in membership of the ILO, namely:

- freedom of association and the effective recognition of the right to collective bargaining
- the elimination of all forms of forced or compulsory labour
- the effective abolition of child labour
- the elimination of discrimination in respect of employment and occupation
- a safe and healthy working environment

Review Questions

1. What is international labour organization?
2. Explain the history of the international labour organization.
3. Discuss preamble of international labour organization.
4. Describe the principle on international labour organization.

Lesson 2: Objectives, Organizational Structure, and Functions of International Labour Organization (ILO)

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand the objectives of international labour organization.
- Explain the structure of the international labour organization.
- Discuss functions of international labour organization.

The Objectives of ILO

The Declaration of Philadelphia (10 May 1944) restated the traditional objectives of the International Labour Organization and then branched out in two new directions: the centrality of human rights to social policy, and the need for international economic planning. With the end of the world war in sight, it sought to adapt the guiding principles of the ILO "to the new realities and to the new aspirations aroused by the hopes for a better world." It was adopted at the 26th Conference of the ILO in Philadelphia, United States of America.

In 1946, when the ILO's constitution was being revised by the General Conference convened in Montreal, the Declaration of Philadelphia was annexed to the constitution and forms an integral part of it by Article 1. Most of the demands of the declaration were a result of a partnership of American and Western European labor unions and the ILO secretariat.

The Declaration of Philadelphia set forth 8 objectives which the ILO was to further and promote among the nations of the world. The theme underlying these objectives is social justice. the objectives are as follows.

1. Full employment and the raising of standards of living.
2. The employment of workers in the occupation in which they can have the satisfaction of giving the fullest measure of their skill, and make their contribution to the common wel-being.
3. The provision, as a means to the attainment of this end, and under adequate guarantees for all concerned, of facilities for training and the transfer of labour including migration for employment and settlement.
4. Policies in regard to wages and earnings, bonus, and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of protection.
5. The effective recognition of the right of collective bargaining, the cooperation of management and labour in the continued improvement of productive efficiency and the collaboration of workers and employers in social and economic measures.
6. The extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care.
7. Adequate protection for the life and health of workers in all occupations.
8. Provision for child welfare and maternity protection.

As state by one if its director-generals, "the primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of

freedom, equity, security and human dignity.” In working towards this goal, the organization seeks to promote employment creation, strengthen fundamental principles and rights at work – workers’ rights, improve social protection and promote social dialogue as well as provide relevant information, training and technical assistance.

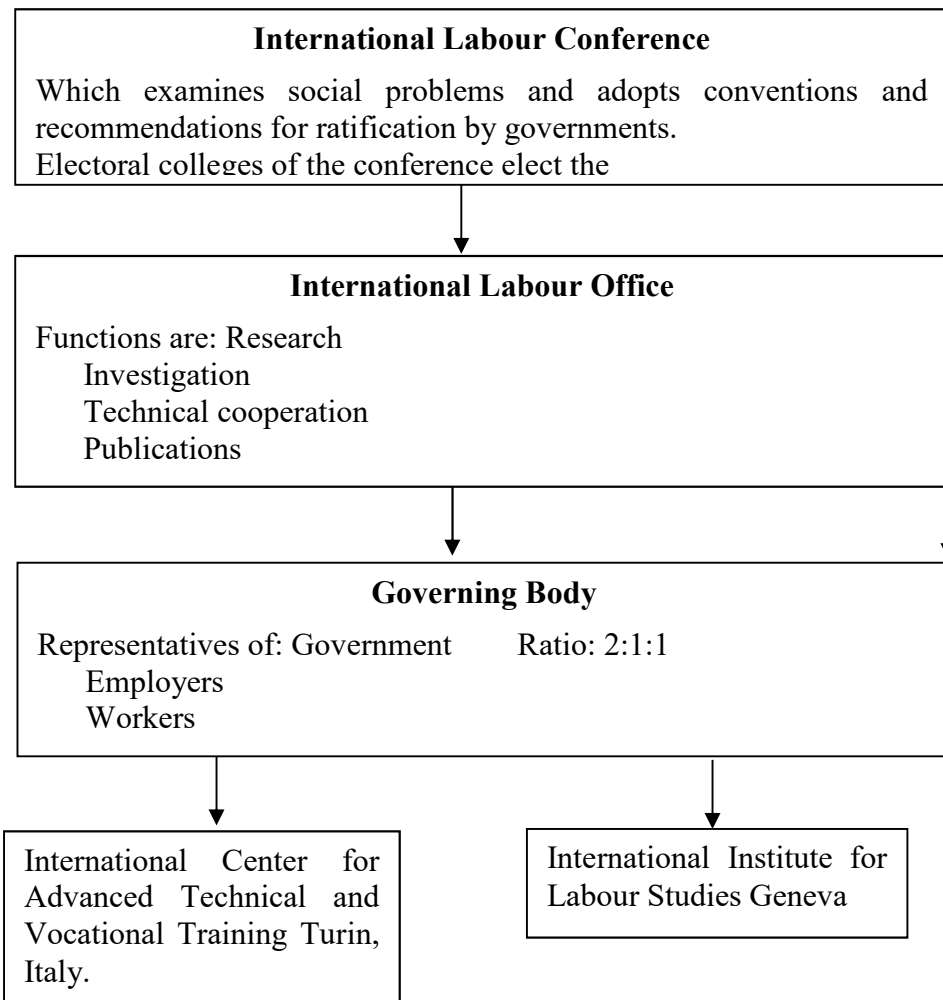
Organizational Structure of ILO

The ILO operates through three main organs. These are:

- (i) The International Labour conference of national tripartite delegations, which meets annually.
- (ii) The Governing Body – a tripartite executive council, and
- (iii) The International Labour Office – permanent secretariat.

The ILO is comprised of an annual assembly called the International Labour Conference, an executive council called the Governing Body and a permanent secretariat. The International Labour Office and also the Conference is the supreme policy making and legislative body, the Governing Body is the executive council and the International Labour Office is the Secretariat, operational headquarters and information center.

The following Figure 01 shows the above mention structures of ILO.



International Labour Conference:

- The progressive policies of the ILO are set by the International Labour Conference.
- The Conference is an annual event, which happens in Geneva, Switzerland. The conference brings together all the representatives of the ILO.
- Function: It is a panel for the review of the important issues regarding labour.

The Conference regulates its own procedure and may appoint committees to consider and report on any matter. It may exercise such powers and discharges such duties it considers desirable for proper functioning of the organization. The International Labour Conference elects the Governing Body; adopts the budget, sets international labour of this body are:

1. Formulates International Labour Standards.
2. Fixes the amount of contributions by the member states.
3. Decides the expenditure budget estimates prepared by the Director General and submitted to the Governing Body.
4. Makes amendments to the constitution subject to subsequent ratification of the amendments by the 2/3rd member states including 5 of the 10 states of industrial importance.
5. Considers the report of the Director General giving labour problems and assists in their solution.
6. It appoints committees to deal with different matters during each session.
7. It is empowered to regulate its own procedures.
8. Selects once in 3 years members of the Governing Body.
9. Elects its Presidents.
10. Seeks advisory opinion from the International Committee of Justice.
11. Confirms the powers, functions and procedures of Regional Conference.

Governing Body:

- The Governing Body is the executive body of the International Labour Organization.
- The governing body meets in Geneva. It meets three times annually.
- The Office is the secretariat of the Organization.
- It is composed of 56 titular members, and 66 deputy members.
- Functions:
- Makes decisions regarding the agenda and the policies of the International Labour Conference.
- It adopts the draft Programme and Budget of the Organization for submission to the Conference.
- Election of the Director-General.

International Labour Office:

- It is the permanent secretariat of the International Labour Organization.
- Functions: It decides the activities for ILO and is supervised by the Governing Body and the Director-General.
- The ILO member States hold periodically regional meetings to discuss the relevant issues of the concerned regions.

Functions of International Labour Organization (ILO)

The ILO plays an important role in the formulation of policies which are focused on solving labour issues. The ILO also has other functions, such as:

- It adopts international labour standards. They are adopted in the form of conventions. It also controls the implementation of its conventions.
- It aids the member states in resolving their social and labour problems.
- It advocates and works for the protection of Human rights.
- It is responsible for the research and publication of information regarding social and labour issues.
- The Trade Unions play a pivotal role in developing policies at the ILO, thus the Bureau for Workers' Activities at the secretariat is dedicated to strengthening independent and democratic trade unions so they can better defend workers' rights and interests.
- The ILO also assumes a supervisory role: It monitors the implementation of ILO conventions ratified by member states.

The implementation is done through the Committee of Experts, the International Labour Conference's Tripartite Committee and the member-states. Member states are obligated to send reports on the development of the implementation of the conventions they have approved.

- **Registration of Complaints:** The ILO registers complaints against entities that are violating international rules.

The ILO, however, does not impose any sanctions on the governments. Complaints can also be filed against member states for not complying with ILO conventions that have been ratified.

- **International Labour Standards:** The ILO is also responsible for setting International Labour Standards. The international labour conventions which are set by the ILO are ratified by the member states. These are mostly non-binding in nature.

But once a member state accepts conventions, it becomes legally binding. The conventions are often used to bring national laws in alignment with international standards.

- **ILO Global Commission on the Future of Work:** The formation of an ILO Global Commission on the Future of Work marks the second stage in the ILO Future of Work Initiative. The Commission outlines a vision for a human-centred agenda that is based on investing in people's capabilities, institutions of work and decent and sustainable work. It also describes the challenges caused by new technology, climate change and demography and appeals for a collective global response to the disturbances being caused in the world of work.

Review Questions

1. Describe the objectives of international labour organization.
2. Explain the structure of the international labour organization.
3. Discuss functions of international labour organization.

Lesson 3: Secretariat of ILO, ILC, Governing Body and Policies of International Labour Organization (ILO)

Objectives of this lesson

After reading this lesson, you will be able to:

- Identify the secretariat of international labour organization.
- Understand the international labour conference of international labour organization.
- Explain the governing body of the international labour organization.
- Discuss policies of international labour organization.

The Secretariat of ILO

The International Labour Organization (ILO) has a permanent secretariat known as the International Labour Office, which is responsible for administering the organization and implementing its activities. It is led by the Director-General, currently Gilbert Hounbo, who was elected by the Governing Body. The secretariat also includes various other departments and units that support the ILO's work in areas like policy development, technical cooperation, and relations with member states.

The International Labour Office, as the secretariat, carries out a range of functions, including:

Administering the Organization:

This involves managing the day-to-day operations of the ILO, including its finances, human resources, and administrative processes.

Implementing ILO Policies and Programs: The secretariat is responsible for translating the decisions of the International Labour Conference and Governing Body into concrete actions and programs, often through Decent Work Country Programmes (DWCPs) in member states.

Providing Technical Expertise and Support: The ILO's various departments and specialists offer technical assistance to member states on issues related to labor standards, social protection, employment promotion, and other areas.

Fostering Social Dialogue: The secretariat facilitates dialogue and cooperation between governments, employers' organizations, and workers' organizations to promote social justice and decent work.

Maintaining Relations with Member States: The secretariat engages with member states to promote ILO standards, facilitate their participation in ILO activities, and support their efforts to achieve decent work goals.

The secretariat is structured into various departments and units, each with specific responsibilities. These include:

The Bureau for Employers' Activities (ACT/EMP): Provides support to employers' organizations in member states.

The Bureau for Workers' Activities (ACTRAV): Supports workers' organizations and their participation in ILO activities.

Regional and Country Offices: These offices implement ILO programs and activities in specific regions and countries.

Specialized Departments: These focus on areas like social protection, employment, international labour standards, and research.

The secretariat's work is funded through a combination of the Regular Budget (assessed contributions from member states), the Regular Budget Supplementary Account (voluntary contributions), and voluntary contributions from various partners.

International Labour Conference Office

Once a year, the ILO organizes the International Labour Conference (ILC) in Geneva to set the broad policies of the ILO, including conventions and recommendations. Also known as the "international parliament of labour", the conference makes decisions about the ILO's general policy, work programme and budget and also elects the Governing Body.

The first conference took place in 1919. Each member state is represented by a delegation composed of two government delegates, an employer delegate, a worker delegate. All of them have individual voting rights and all votes are equal, regardless of the population of the delegate's member State. The employer and worker delegates are normally chosen in agreement with the most representative national organizations of employers and workers. Usually, the workers and employers' delegates coordinate their voting. All delegates have the same rights and are not required to vote in blocs.

Delegates can attend with advisers and substitute delegates, and all have the same rights: they can express themselves freely and vote as they wish. This diversity of viewpoints does not prevent decisions from being adopted by very large majorities or unanimously.

Heads of State and prime ministers also participate in the Conference. International organizations, both governmental and others, also attend but as observers.

The 109th session of the International Labour Conference was delayed from 2020 to May 2021 and was held online because of the COVID-19 pandemic. The first meeting was on 20 May 2021 in Geneva for the election of its officers. Further sittings were held in June, November and December. The 110th session took place from 27 May to 11 June 2022. The 111th session of the International Labour Conference took place in June 2023.

Governing Body of ILO

The Governing Body is the executive body of the International Labour Organization. It meets three times a year, in March, June and November. It takes decisions on ILO policy, decides the agenda of the International Labour Conference, adopts the draft Programme and Budget of the Organization for submission to the Conference, elects the Director-General, requests information from the member states concerning labour matters, appoints commissions of inquiry and supervises the work of the International Labour Office.

The Governing Body is composed of 56 titular members (28 governments, 14 employers and 14 workers) and 66 deputy members (28 governments, 19 employers and 19 workers).

Ten of the titular government seats are permanently held by States of chief industrial importance: Brazil, China, France, Germany, India, Italy, Japan, the Russian Federation, the United Kingdom and the United States. The other Government members are elected by the Conference every three years (the last elections were held in June 2021). The Employer and Worker members are elected in their individual capacity.

Policies of ILO

The Sectoral Policies Department (SECTOR) is responsible for providing support to ILO constituents in addressing employment and labour issues in specific economic and social sectors at the global, regional and national levels. The sectoral approach to decent work cuts across the entire Decent Work Agenda.

The work of the Department includes:

- Promotion of social dialogue for consensus building on sector-specific policies and practices including through global, regional and national tripartite sectoral meetings.
- Promotion of ratification and effective implementation of sectoral and other international labour standards
- Development and dissemination of knowledge and information relating to sector- and/or industry-specific economic and employment trends.
- Policy-oriented research on decent work issues in specific sectors
- Implementation of development cooperation projects as well as the delivery of policy advice and capacity building programmes for tripartite constituents
- Promotion of policy coherence on key sectoral issues through strategic partnerships with other United Nations agencies, with multilateral organizations and with other stakeholders.

Review Questions

1. What is secretariat of international labour organization? Discuss the functions of ILO secretariat.
2. Elaborate the international labour conference of international labour organization.
3. Explain the governing body of the international labour organization.
4. Discuss policies of international labour organization.

Lesson 4: ILS, ILC, Conventions, ILO for IR and ILO for Bangladesh

Objectives of this lesson

After reading this lesson, you will be able to:

- Understand by international labour standard, and its benefits.
- Understand the conventions of international labour organization.
- Explain the international labour organization for industrial relations.
- Discuss international labour organization Bangladesh.

International Labour Standard (ILS)

Since 1919, the International Labour Organization has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. In today's globalised economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all.

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either Conventions or Protocols, which are legally binding international treaties that may be ratified by member states, or Recommendations, which serve as non-binding guidelines.

Benefits of ILS

International labour standards are first and foremost about the development of people as human beings. In the Declaration of Philadelphia (1944), the international community recognized that “labour is not a commodity”. Labour is not an inanimate product, like an apple or a television set, that can be negotiated for the highest profit or the lowest price. Work is part of everyone’s daily life and is crucial to a person’s dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake, but to improve the lives of human beings. International labour standards are there to ensure that it remains focused on improving the life and dignity of men and women.

Conventions of ILO

International Labour Organization Conventions

Through July 2018, the ILO had adopted 189 conventions. If these conventions are ratified by enough governments, they come in force. However, ILO conventions are considered international labour standards regardless of ratification. When a convention comes into force, it creates a legal obligation for ratifying nations to apply its provisions.

Every year the International Labour Conference's Committee on the Application of Standards examines a number of alleged breaches of international labour standards. Governments are required to submit reports detailing their compliance with the obligations of the conventions they have ratified. Conventions that have not been ratified by member states have the same legal force as recommendations.

In 1998, the 86th International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work. This declaration contains four fundamental policies:

- The right of workers to associate freely and bargain collectively
- The end of forced and compulsory labour
- The end of child labour
- The end of unfair discrimination among workers

The ILO asserts that its members have an obligation to work towards fully respecting these principles, embodied in relevant ILO conventions. The ILO conventions that embody the fundamental principles have now been ratified by most member states.

Protocols are always linked to Conventions, even though they are international treaties they do not exist on their own. As with Conventions, Protocols can be ratified.

Recommendations do not have the binding force of conventions and are not subject to ratification. Recommendations may be adopted at the same time as conventions to supplement the latter with additional or more detailed provisions. In other cases recommendations may be adopted separately and may address issues separate from particular conventions.

International Labour Organization for Industrial Relation

Tripartism: The ILO's unique structure, involving governments, employers, and workers, ensures that all perspectives are considered in shaping labor standards and policies.

International Labor Standards: The ILO develops conventions and recommendations that serve as benchmarks for labor practices globally, influencing national laws and regulations.

Social Dialogue: The ILO actively promotes social dialogue, which involves discussions and negotiations between employers, workers, and governments, as a key mechanism for resolving workplace issues and improving industrial relations.

Decent Work Agenda: The ILO's Decent Work agenda focuses on creating opportunities for productive work, ensuring fair wages, safe working conditions, and social protection for all.

Promoting Rights at Work: The ILO works to ensure freedom of association, collective bargaining rights, and the elimination of forced labor and child labor.

Technical Assistance: The ILO provides technical assistance to member states, helping them implement international labor standards and improve their industrial relations systems.

Research and Knowledge Sharing: The ILO conducts research on labor-related issues and disseminates knowledge through publications and online resources, like the Industrial Relations Global Toolkit.

Specific Initiatives: The ILO also undertakes specific projects and initiatives aimed at strengthening industrial relations in particular sectors or countries, such as the Promoting Social Dialogue and Harmonious Industrial Relations in Bangladesh project.

ILO in Bangladesh

The ILO opened its office in Dhaka, Bangladesh on 25 June 1973, and initially started working on expanding income-earning opportunities through labour-based infrastructure development and maintenance.

Bangladesh has been an important and active member State of the ILO since 22 June 1972. To date, Bangladesh has ratified 33 ILO Conventions including seven fundamental Conventions as enshrined in the ILO Declaration. The ILO Office works in close collaboration with its tripartite constituents and social partners towards achieving Bangladesh's decent work objectives.

Bangladesh has ratified 33 conventions. Some of them are related to conditions of work, such as hours of work night work, for women and young persons, weekly rest, minimum age, etc. while others are related to labour inspection, occupational diseases, workmen's compensation, marking of weights, forced labour, equality of treatment regarding accident compensation, social security, etc. The most important category of conventions are those related to rights of the workers including freedom of association, right to organise and tripartite consultation.

Priority Areas in Bangladesh

1. **Working Conditions:** the ILO is working to improve industrial safety, build the capacity of national regulatory bodies, and enhance Occupational Safety and Health in Bangladesh.
2. **Rights at Work:** The ILO works with both workers and employers organisations to promote better compliance and capacity building relating to international labour standards, particularly freedom of association and collective bargaining. Focus is placed on strengthening social dialogue amongst the government, workers and employers to prevent and resolve industrial disputes.
3. **Skills and Employment:** The ILO works to improve the national enabling environment for industry skills development and the increased employability of young and adult women and men, including those with disabilities.
4. **Social Protection:** the ILO strives to ensure protection and decent employment conditions for Bangladeshi migrant workers. Effort is made to eliminate child labour, promote the rights of indigenous and tribal peoples and establish basic social protection benefits. As part of the UN system in Bangladesh, the ILO supports the Government of Bangladesh in implementing its Five Year Plan and in achieving the Sustainable Development Goals (SDGs), particularly SDG 8 to promote sustained and inclusive economic growth, full and productive employment and decent work for all.
5. **Partnerships:** the ILO Country Office for Bangladesh encourages tripartism by promoting social dialogue among the government, employers and workers organizations.

The Ministry of Labour and Employment (MOLE) is ILO's counterpart on labour issues at the country level. In addition, the ILO works closely with the Ministry of Expatriates' Welfare and Overseas Employment with regards to migration and social protection issues as well as the Ministry of Education on skills development. ILO works with employers

through their focal representative body, the Bangladesh Employers' Federation (BEF) and the workers through the National Coordination Committee for Workers' Education (NCCWE) and Industry. ALL Bangladesh Council (IBC). Development partners of the ILO in Bangladesh include Australia, Canada, Denmark, the European Union, Germany, the Netherlands, Sweden, Switzerland, the United Kingdom and USA.

Review Questions

1. What is international labour standard? Explain its benefits?
2. Describe the conventions of international labour organization.
3. Explain the role of international labour organization in maintaining industrial relations.
4. Discuss areas of operations of international labour organization in Bangladesh.

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