



# **SNS COLLEGE OF ENGINEERING**

**Kurumbapalayam (Po), Coimbatore - 641 107**

**An Autonomous Institution**

**Accredited by NBA - AICTE and Accredited by NAAC - UGC  
with 'A' Grade**

**Approved by AICTE, New Delhi & Affiliated to Anna  
University, Chennai**

**DEPARTMENT OF MANAGEMENT STUDIES**

**COURSE NAME : 19BA316 INDUSTRIAL RELATIONS & LABOUR WELFARE**

**II YEAR /III SEMESTER**

**Unit II - INDUSTRIAL CONFLICTS**

**Topic 3: Industrial Peace & Government Machinery**





# SEVEN AUTHORITIES FOR THE SETTLEMENT OF DISPUTES

## Authorities

## Mode of resolution

Works Committee (sec.3)	conciliation
Conciliation officers (sec.4)	conciliation
Board of conciliation(sec.5)	conciliation
Court of inquiry (sec.6)	arbitration
Labour courts (sec.7)	adjudication
Industrial tribunals (sec 7-a)	adjudication
National tribunals (sec 7-b)	adjudication



## WORKS COMMITTEE (SEC 3)

- It necessary to have work committee in every establishment which employees 100 or more workers employed on any day preceding 12 months
- The committee shall consist of representatives of employers and workers engaged in the establishment
- The number of the workmen on the committee shall not be less than the number of representative of the employer
- The representatives must not exceed 20

### **OBJECT:**

- To secure industrial harmony
- To maintain good relations between the employer and the workmen.
- The committees are normally concerned with the problems arising in day-to-day working of a concern.



# CONCILIATION

- Conciliation is settlement of disputes through third party intervention
- It is an attempt to reconcile the views of disputants to bring them to an agreement
- It is a friendly intervention which helps to solve the disputes peacefully
- It aims in bringing about the speedy settlements of disputes without resorting to strikes, lock-outs and hasten the termination of work stoppages
- The conciliator need not follow the same path in each case
- It is flexibility and informality
- Methods of Conciliation are: Works Committee, Conciliation Officer, Board of conciliation



## CONCILIATION OFFICERS (SEC 4)

### **Appointment :**

- The government is empowered to appoint desired number of conciliation officers by notification in the Official Gazette
- Number of conciliation officers is determined by the government
- A conciliation officer can be appointed for a specified area or for specified industries or for one or more specified industries
- A conciliation officer can be appointed either permanently or temporarily
- He is not an adjudicating body but merely is a suggesting body



CONTD...



**Duties:**

- To hold conciliation proceedings
- To investigate the dispute without delay, but has no authority to take final decision
- If settlement is arrived in course of conciliation proceedings, the conciliation officer should send report within 14 days
- To send a report & memorandum of settlement to appropriate government
- If not settlement is arrived at, the conciliation officer is required to immediately to send to full facts to the government
- Reference is made to the labour tribunal, national tribunal, court of enquiry



## CONTD....

### **POWERS:**

- Conciliation officer may for the purpose of inquiry into any existing or apprehended industrial dispute, after reasonable notice
- Power to inspect any document relevant to dispute

### **ADVANTAGES:**

- Saves time & expense
- Solutions quickly
- Each party has the satisfaction



## BOARDS OF CONCILIATION (SEC5)

### **Appointment & Constitution:**

- The Government by notification in official Gazette, constitute a board of conciliation
- The board shall consist of a chairman and 2 or 4 other members as Government thinks fit.
- It not a permanent institution like conciliation officer
- The Board of conciliation rarely appointed by government

### **Duties :**

- To bring about a settlement of dispute
- To send a report and memorandum of settlement to the appropriate government
- To submit report within 2 months
- Report must be in writing and to be signed and by its parties
- If no settlement is arrived it must be reported to the appropriate government with the reasons





# COURTS OF INQUIRY (SEC6)

## **Appointment & constitution:**

- By notification in the official gazette constitute a court of inquiry
- Deals with matters relevant to the industrial dispute
- Consists of one independent person which the appropriate government thinks fit.
- Two or more members appointed, one of them shall be appointed as chairman.

## **Duties:**

- Inquire into the matters referred to the industries
- Should submit within a period of 6 months from commencement of inquiry
- The report shall be in writing
- And it must be signed by all members of the court



## POWERS (SEC 11)

POWER TO ENTER PREMISES

POWER OF CIVIL COURT

- (a) enforcing the attendance of any person and examining him
- (b) compelling the production of documents and objects.
- (c) issuing commissions for the examination of witness
- (d) power to appoint assessors who have special knowledge and experts.



# ARBITRATION

Arbitration is a means of securing an award of a conflict issue by reference to a third party.

It is a process in which a dispute is submitted to an impartial outsider who makes a decision which is usually binding on both the parities.

## APPOINTMENT OF ARBITRATORS

An arbitrator may be appointed from amongst the Presiding Officers of Labour Courts, Tribunals or National Tribunals.



## TYPES OF ARBITRATION

Arbitration may be voluntary or compulsory.

- Voluntary arbitration implies that the two contending parties, unable to compose their differences by themselves or with the help of the mediator or conciliator, agree to submit the conflict / dispute to an impartial authority, whose decision they are ready to accept.
- Voluntary arbitration, the parties to the dispute can and do themselves refer voluntary any dispute to arbitration before it is referred for adjudication.



# QUALIFICATION OF ARBITRATORS

- Understanding of the complexities
  - Knowledge of collective bargaining
  - High integrity
  - Labour-management relationship
  - Must be acceptable to parties
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- DUTIES
  - The arbitrator shall investigate the dispute and submit to the appropriate Government the arbitration award signed by the arbitrator/s.



# PROCEDURE FOR INVESTIGATION

- Fair hearing
- Principle of natural justice
- Free to give any evidence
- Should not rely on non-submitted documents



# ADJUDICATION

- The ultimate authority for the settlement of an unresolved dispute
- Compulsory arbitration
- It is third party intervention who is appointed by the government
- On getting a report for the failure, the government has to decide whether would be appropriate to refer the dispute to adjudication



# LABOUR COURTS

## **Appointment & constitution:**

- The government may by notification in the official gazette constitute one or more labour courts.
- Deals with the disputes relating to the industries disputes

## **Qualifications:**

- A Judge of high court
- Must have a period of experience not less than 3 years as a District judge or Additional Judge or
- Has held any judicial official in India for not less than 7 years or
- He has been the presiding officer of a labour court constituted under Act or state Act for not less than 5yrs.





# INDUSTRIAL TRIBUNAL

## **Appointment & constitution:**

- Notification in the official gazette appoint one or more industrial tribunals.
- Deals with the matters relating to industries disputes (wages, mode of payment, hours of work, leave with wages, bonus)

## **Tribunal for limited period:**

- ✓ The government constitute a tribunal for a limited specified period only
- ✓ If tribunals fails to dispose the matters before expiry date, government can constitute a new tribunal
- ✓ The new tribunal has the discretion either to continue with where it left off or to hear the whole dispute.



# NATIONAL TRIBUNAL

## **Appointment:**

- The central Government in the official gazette may appoint one or more national tribunals.
- It consists of one person only, who is independent person and below 65 years
- The Central Government may if think appoint two person as assessors to advice

## **Duties:**

- To hold the proceedings and submit the award to the government



**RECAP**

**QUESTIONS???**

**THANK YOU**