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Bachelor of Business Administration (BBA)

Management of Industrial Relations
DSE-I (H)

Block

5 GRIEVANCE, DISCIPLINE AND DISPUTE RESOLUTION

Unit-1
Grievance

Unit-2
Discipline

Unit-3
Dispute Resolution

DSE – I (H)
Block -5

1st Edition – 2021

Course Writer : Dr. Girish Balasubramanian
Indian Institute of Management
Lucknow

Course Editor : Dr Madhumala Pathy
Lecturer, Department of Commerce
Ravenshaw University, Cuttack

Programme Coordinator : Dr. Ansuman Jena
Academic Consultant (Management)
Odisha State Open University
Sambalpur

Formatting : Lipina Sahoo
Jr. Executive (Non-Academic)
Odisha State Open University
Sambalpur

Material Production

Dr. Manas Ranjan Pujari
Registrar
Odisha State Open University
Sambalpur

Farell (Farell, 1983)[2]Form the basis for the response of the individual. These theories posit that employees faced with discontent, an employee either chooses to exit the firm or decides to voice their discontent. This action of exiting or raising a voice depends on the level of loyalty that the individual employee has towards the firm. Owing to the discontent, the employee may choose to neglect primary responsibilities or develop an apathetic attitude towards work, such as increased absence at work, unruly behavior resulting in disciplinary issues, which will be dealt with in the subsequent unit (unit 2). The employee, however, may also choose to express concern, discontent in a positive way. Feeling of dissatisfaction may be expressed informally or orally, or individuals may also choose not to express it. Feelings of discontent/dissatisfaction at work affect the employees' performance, morale and also compromise their commitment levels and therefore indirectly also is likely to affect the performance of the firm. Grievance redressal, therefore, is a critical activity in any organization. Management of Grievance is also one of the key determinants of employee relations in the firm.

1.3 Definition of Grievance

The dictionary meaning of a Grievance is, "*An official statement of a complaint about something believed to be unfair or wrong.*". The International Labor Organization (ILO), in their resolution R130 – Examination of Grievances Recommendation, 1967 (No. 130), have defined Grievance under general principles as "*any measure or situation which concerns the relations between employer and worker or which affects or may affect the conditions of employment of one or several workers in the undertaking when that measure or situation appears contrary to provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations or to the custom or usage of the occupation, branch of economic activity or country, regard being had to principles of good faith.*"[3]. The Indian Labor Conference and the Report of the First National Labor Commission have adopted the definition on similar lines. Grievance is "*Complaints affecting one or more individual workers in respect of their wage payments, overtime, leave, transfer, promotions, seniority, work assignments, working conditions, and interpretation of service agreement, dismissal, and discharges."* [4]. It is evident that Grievance can be raised by an individual employee or a group of employees. Administrative processes and procedures adopted by employers to resolve these complaints, therefore, fall under the Grievance Procedures.

1.4 Nature, Cause, and effect of Grievance

It is important to note that Grievance for an employee should be associated with aspects of work or employment. The discontent arising out of any personal or family problems

[2]Farrell, D. (1983). Exit, voice, loyalty, and neglect as responses to job dissatisfaction: A multidimensional scaling study. Academy of management journal, 26(4), 596-607.
[3]https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R130, accessed on 27th October 2021
[4] Srivastava, S C, 2012, Industrial Relations and Labor Laws (6th Edition), pg. 275

is not classified under Grievance. It is also important to note that the discontent needs to manifest in some form for it to be classified as a grievance. Grievance thus has a very narrow connotation within the work setting. As evident from the definition of 'Grievance' – formal complaint about work could fall under any of the categories:

- Economic
  - Wages
  - Overtime payments
  - Bonus or incentive payments
- Working conditions
  - Improper physical conditions of work
  - Hazardous physical conditions of work – for instance, lack of proper personnel protective equipment/safety shoes or hard-hats
- Employees/Supervisors/Co-workers
  - Harassment or bullying by supervisors or co-workers
  - Threatening words or actions by supervisors or co-workers
- Conditions of Service
  - Leave related
  - Policies on promotions or transfers
  - Medical facilities
  - Disciplinary rules
  - Codes of conduct

The effect of Grievance can be divided into three categories, namely effect on employee, effect on employers/supervisors, and effect on the organization.

- Effect on employees
  - Low morale and motivation
  - Increase in aggressive behavior or violence
  - Reduced levels of commitment and work engagement
  - Possible stress and burnout
  - Increased rates of turnover/exit from the organization
- Effect on employers/supervisors
  - Increased cases of indiscipline
  - Undue stress on employers/supervisors
  - Strained relations with workers/employees
- Effect of Grievance on Organization
  - Possible Industrial Relations Problems/Labor Unrest, as a result, reduced industrial peace.
  - Loss of productivity
  - The increased cost of production of product/service
  - Increased wastage of materials
  - Compromise in quality of product/service
  - Possible loss of brand/reputation and trust amongst the employees and prospective employees

1.5 Grievance Procedures and Legal framework

It is necessary to have appropriate grievance handling procedures to effectively handle employee grievances. The primary objective of an effective grievance handling procedure is to nip the discontent in the bud itself and ensure that the Grievance does not manifest itself into a major industrial dispute. Most large firms and corporations have formal grievance handling procedures. The First National Labor Commission set up in 1969 in their recommendations suggested a three-step grievance redressal procedure as shown in figure 1. The first step is that the aggrieved employee raises a formal complaint with their immediate supervisor/manager. The supervisor/manager tries to address the Grievance within a suitable time. If the aggrieved employee is not satisfied then, there is a provision for appeal to the Department Head, and if the employee is still dissatisfied with the solution provided, then they can finally appeal to the Grievance Redressal Committee. The Sixteenth Session of the Indian Labor Conference in 1958 adopted the Voluntary Code of Discipline, which provided for a mutually agreed upon grievance procedure between employees/their representatives (trade unions) and management/employers for speedy grievance redressal.

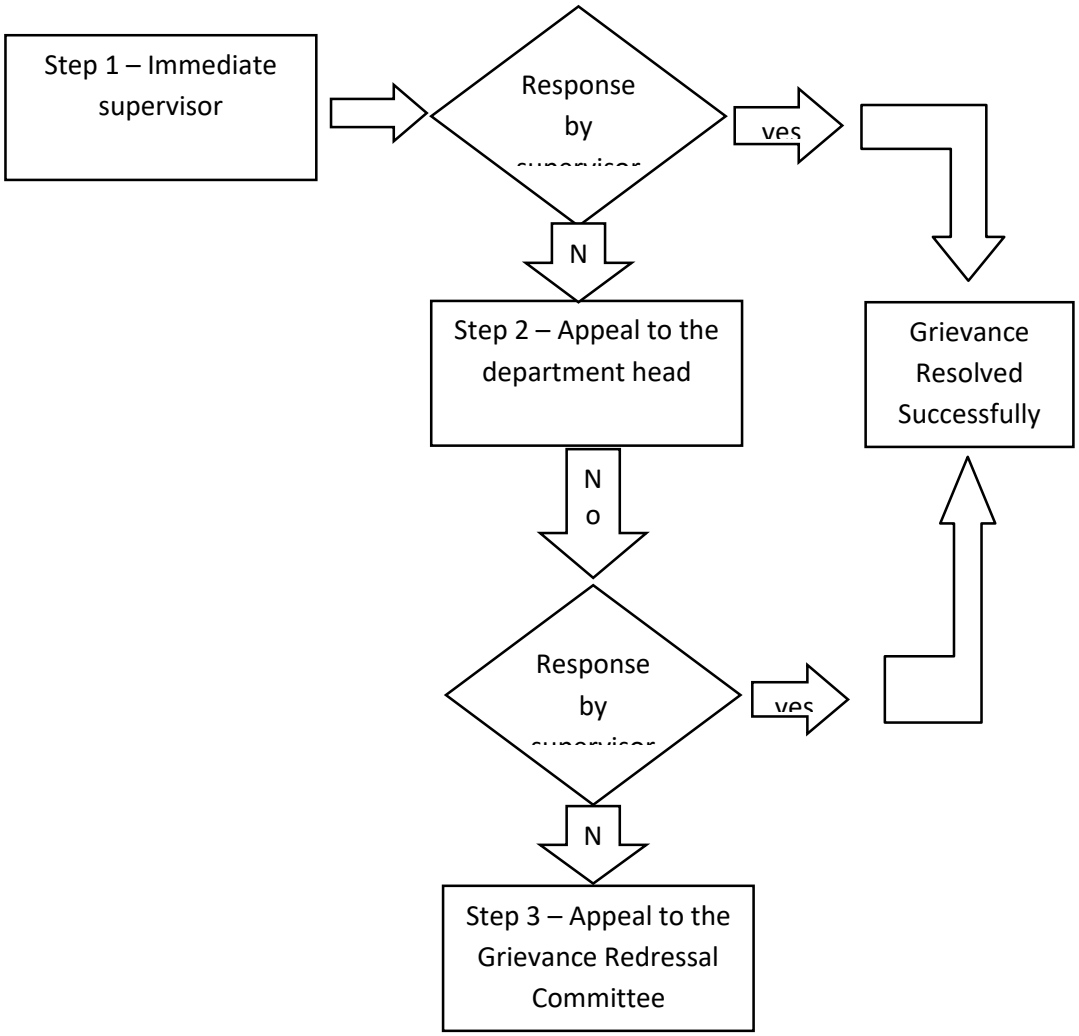

Figure 1: Legal Framework in India for handling Grievance

Figure 1 presents an outline of key legislations and legal frameworks with respect to Grievance Procedures. The Industrial Employment Standing Orders (IESO) (Central Rules), 1946, and the Industrial Disputes Act, 1947 inform the legal framework for grievance procedures in India. Clause 15 of the IESO, 1946 (Central Rules) has a provision for submitting complaints to the immediate supervisor or manager with a further provision of appeals. Further, the Factories Act, 1948 has mandated the appointment of a welfare officer for settlement of Grievance. Owing to lack of adequate legislation for grievance redressal, in 1982 Industrial Disputes Act, 1947, under Section 9C, introduced with a provision for setting up a grievance settlement authority in an industrial establishment that employed 50 or more workmen. As per the 2010 amendment of the Industrial Disputes Act, 1948 – Section 9C has provisions for the formation of a committee. Constitution of grievance redressal committee has to be constituted by an industrial establishment employing 20 or more employees. The committee shall consist of an equal number of representatives of employers and employees not exceeding six members, and the chairperson of the committee would alternate every year between the representative of employer and employee. The amendment also has provisions for proportionate representation of women in the Grievance Redressal Committee. The amendment also has provided a time of 30 days to the committee for resolution of the Grievance.

1.6 Contemporary perspectives and practices

The strict adherence to grievance procedures often leads to undue delay, which might impact the swift redressal, which may prolong frustration amongst the aggrieved employees. Therefore, the whole objective of the grievance handling procedure is likely to get compromised due to a lack of speedy redressal. Legislations on their part have provisions of time limits within which the redressal needs to be carried out. However, there is no extreme repercussion of undue delay. Prolonged grievance handling often leads to loss of interest amongst the committee members to arrive at a solution, ego tussles amongst the members, and exploration of extra organizational methods by aggrieved employees for speedy redressal. The flip side is that it might eventually lead to an Industrial Dispute also. The pandemic has accelerated the adoption of technology by firms in their daily activities. Many of the activities have transitioned online. Grievance procedures also have transitioned online owing to the connected nature of work. Many firms have dedicated e-mail ids and Enterprise Resource Planning (ERP)

systems for addressing the Grievance raised by the employees – thereby ensuring immediacy of action. The additional advantage is that both organization and employees are able to keep track of the procedures. The organizations are also able to build a repository of data to understand the nature of Grievance. It is also important to note that with changing times and increased awareness, employers though do not entertain dissatisfaction of employees on a personal front such as domestic problems or coping with the loss of a loved one under the domain of grievance redressal, but at the same time many firms do provide suitable professional counseling/help to the employees.

Management of firms has transitioned by leaps and bounds in the last couple of decades. Many of the management praxis, which was reactive earlier, have slowly transitioned into proactive measures. Using some of the concepts of positive psychology such as commitment (Mowday et al., 1979)[5], Engagement (Bakker and Demerouti, 2008)[6], Satisfaction (Locke, 1969)[7], Happiness (Fisher, 2010)[8]– organizations regularly check the pulse of the employees through engagement and commitment surveys. There are dedicated and validated instruments available to carry out the engagement and commitment surveys. Leading consulting firms prepare their assessment and findings of the engagement levels and commitment levels of the workforce. Figure 2 presents a contemporary, alternative approach to the bureaucratic approach to handling grievance.

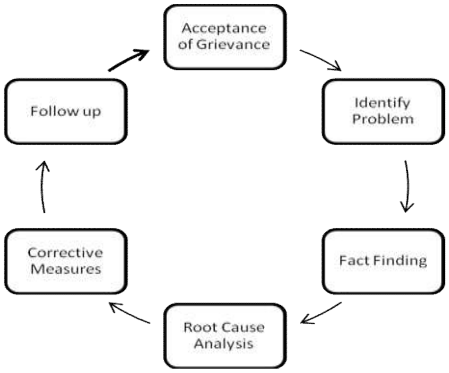

Figure 2: Alternative method to handling grievance - Source - Adapted from Ratnam & Dhal, 2017

Aggrieved employees often would present their Grievance to their immediate supervisors and managers. Therefore, the role of immediate supervisor/managers becomes crucial for effective grievance handling, and it is imperative to train them in grievance handling. Acceptance of grievance signals to the employees is that the supervisors/managers are at least willing to look into the issue objectively. It also signals their concern towards the employees, which is a positive sign. Problem identification is an important second step because Grievance often is likely to have

[5]Mowday, R. T., Steers, R. M., & Porter, L. W. (1979). The measurement of organizational commitment. *Journal of vocational behavior*, *14*(2), 224-247.
[6]Bakker, A. B., & Demerouti, E. (2008). Towards a model of work engagement. *Career development international*.
[7]Locke, E. A. (1969). What is job satisfaction?. *Organizational behavior and human performance*, *4*(4), 309-336.
[8]Fisher, C. D. (2010). Happiness at work. *International journal of management reviews*, *12*(4), 384-412.

emotional overtones – which may lead to exaggerating the problem. Problem identification is followed by an objective recording of the facts related to the Grievance. Fact-finding enables to separate emotions, feelings, and opinions out of the Grievance. It also makes it relatively easy to carry out the root cause analysis leading to the Grievance. The root cause analysis includes the frequency of occurrence, similar issues faced by other employees, some possible attitudinal or behavioral problems leading to the Grievance or the nature of the job itself, which might cause Grievance. The root cause analysis also pinpoints the reason for the Grievance, thereby making it easy to take corrective steps and measures. It is related to the nature of the job or enacting adequate policy interventions to ensure that the same grievance issue is not repeated. This approach also helps to avoid re-inventing the wheel – where similar grievances can be sorted out. The decision arrived at must be communicated to the aggrieved employee as well as corrective steps, if any, must be immediately implemented to bolster the confidence of the aggrieved employees. If possible, the decisions must also have been followed up at appropriate intervals to check if Grievance has been addressed or whether it has led to some other unexpected development or Grievance. Effective handling of Grievance not only leads to better morale and commitment from employees but also leads to lesser incidences of negative manifestations such as absenteeism, turnover, or non-punitive activities.

1.7 Summary of key points regarding Grievance and Grievance Procedures

To summarize our discussions :

- Grievance has a narrower perspective within organizations. It arises because of a mismatch in the expectations of employees from the employer. A formal expression in the form of a complaint gives rise to the Grievance. Informal expressions are not considered under the ambit of Grievance.
- It is largely about discontent/dissatisfaction with respect to economic aspects of work, conditions of service, related to immediate supervisor/manager, or some policy intervention adversely affecting the aggrieved employee. A grievance can arise from the discontent of unwritten or intangible aspects of employment. Discontent due to personal factors/reasons are not considered under the purview of Grievance.
- A grievance can be both felt at an individual employee or collectively by a group of employees. Most contemporary organizations have formal grievance redressal procedures. As per legislation, any organization employing 20 or more employees needs to have a provision for a grievance redressal committee. Legislations also have made provisions for adequate representation of women in the grievance redressal committee.
- Model Grievance Procedure suggests a multi-step approach to handle Grievance, beginning with immediate supervisor, followed by department Head, and finally appealing to the committee.

- The Industrial Employment Standing Orders, 1946 (Central Rules) and the Industrial Disputes Act, 1947 – Section 9C are the main legislations informing the legal framework for Grievance handling in India.
- Often due to prolonged redressal procedures, the levels of frustration are likely to arise – therefore, legislations have provided a time limit of 30 days to the Grievance Resolution Committee to address the Grievance.
- Grievance Redressal Committee or procedures do not take away the right of the individual or the collective to raise a dispute if necessary.
- Contemporary management techniques apply proactive techniques for grievance handling. The tremendous penetration of technology has aided the firms to suitably address Grievance. Technology has also enabled the firms to maintain a repository of Grievances and take suitable actions on them.

1.8 Check your progress

- What do you mean by Grievance?
- What are the causes of Grievance?
- What are the possible effects of Grievance?
- What procedures have been outlined for effective redressal of Grievance?
- Are there any alternative methods to address Grievance?
- Why is it important to address Grievance swiftly? Who plays a relatively important role in grievance redressal?
- Which legislation provides the legal framework for grievance redressal?
- As per which legislation, what is the limit of the number of employees to set up a Grievance Redressal Committee?
- What are the guidelines on the formation of the Grievance Redressal Committee, including the representation of women and its duration?
- Explain if Grievance can be individual or collective? What are the broad categories into which it can be classified? Can Grievance be related to personal issues?

1.9 Key Terms

- Dispute
- Grievance
- Redressal
- Complaint
- Discontent
- Code of conduct
- Disciplinary rules
- Commitment
- Turnover
- Industrial peace

1.10 Further Readings / References

- Industrial Relations and Labor Laws, S C Srivastava, 2018. Vikas Publishing House
- Industrial Relations, C S Venkat Ratnam and Manoranjan Dhal, 2017. Oxford Publishing House
- Taxmann's Labor Laws – 2021
- Labor Laws by PK Padhi, 2017, PHI Publications
- Report of First National Labor Commission, 1969
- Report of Second National Labor Commission, 2002

1.11 Model Questions

- Briefly discuss the contemporary perspectives and practices followed for speedy redressal of grievances.
- What are the alternative methods available for effective grievance redressal system?
- Discuss about the legal framework adopted in India with respect to grievance procedures.
- Briefly explain the three steps grievance redressal procedure as recommended by First National Labor Commission

Unit-2
Discipline

Structure :

2.1 Learning Objectives

The aim of this unit is to provide a basic understanding of the need to maintain and enforce Discipline at work. In this unit, we will:

- Understand and define Discipline
- Need and Purpose of Disciplinary Action in Industry
- Approaches to Disciplinary Actions
- The linkage between Grievance and Discipline
- The legal framework in India for Enforcing Discipline at work

2.2 Definition of Discipline

The Oxford English Dictionary gives the meaning of Discipline as "*the practice of training people to obey rules or a code of behavior, using punishment to correct disobedience.*"[9]. There is no formal or statutory definition of Discipline. It is used to connote a sense that individuals are expected to conform to certain behaviors. Failing to do so may attract penalties or punishment. For instance, it is expected that students come to a class on time – failing to do so would be considered indisciplined, and to correct such behavior, suitable penalties are imposed. Similarly, at the workplace, organizations have set rules and expected behaviors. Deviation from the set rules or expected behaviors is when it is considered a lapse of Discipline. Discipline can have both positive and negative connotations. In its positive sense, Discipline denotes that the individual consciously regulates their behavior as per the prescribed rules and regulations. The negative connotation of Discipline denotes the aspect of control and

[9]https://www.google.com/search?q=Discipline+meaning&oq=Discipline+meaning&aqs=chrome..69i57j0i271l3.3815j0j7&sourceid=chrome&ie=UTF-8 accessed on 27th October 2021

enforcement of certain rules by some authorities. The Reinforcement Theory given by Ivan Pavlov and BF Skinner has contributed towards our understanding of positive and negative reinforcements to elicit required behaviors. The core dimensions of Discipline are obedience to rules and cooperation. The implied outcome of a disciplined workforce is increased efficiency at work, reduced accidents, and better quality services/products.

The now outdated concept of the master-servant relationship is at the core of the concepts of Discipline, albeit it does not include a total surrender of the employee to the whims and fancies of the employer. The economic arrangement is such that the employee willingly foregoes some amount of autonomy and surrenders to the control of the employer in return for the wages and the benefits provided. Thus enforcement of Discipline at the workplace is a crucial activity to ensure smooth operations, better productivity, and a safe working environment. Thus lack of Discipline at the workplace is characterized as misconduct, and organizations often tend to impose strict penalties and punishments to ensure Discipline amongst the employees. We can draw parallels between Grievance and Discipline. A grievance is formally expressed by the employee to their immediate supervisor/manager, whereas the employer lays out expected behavior, rules, and regulations, and expected conduct – as a part of the Discipline. Violations of any of these at the workplace are then formally taken up under the relevant aspects of disciplinary proceedings, and corrective actions are expected.

2.3 Approaches to Discipline

reinforcement theory The informs our approaches to Discipline. Drawing an analogy from the positive and negative reinforcements, there are two broad approaches to Discipline, as shown in figure 3. The aim is to elicit some expected behaviors. This can be elicited either by imposing strict punishments or by creating conditions such that individual employees naturally gravitate towards the expected behaviors.

A punitive approach is a traditional approach. It is anchored in coercion and threatening. The punitive approach rests on the assumption that fear can induce coercion and submission to rules, and required behavior can be elicited. On the face of it, a punitive approach may work, but it only ends up creating discontent and discomfort and possibly leading to Grievance. Besides, the threat of punishment often does not create a positive working environment, thereby compromising on other aspects like efficiency and job satisfaction. All the productive energies of the employees are likely to be focused on avoiding punishments, or nullifying the threat, or worse still, subverting the system to avoid punishments. It has also been observed that the intended behavioral change often is not achieved.

Figure 3: Approaches to Discipline - Source prepared by the Author

Drawing from the positive reinforcements perspective, the reformative approach, on the other hand, adopts a more training and development-oriented approach. This approach is premised on the basis that Discipline at the workplace is also a function of proper awareness and training. Thus the approach is rather than treating the symptoms; the root causes are treated. Punitive actions often are only symptomatic treatments. The reformative approach looks to address the root cause of the problem and the Discipline at hand. It is also premised on the fact that suitable training and education can act as interventions to instill Discipline amongst the employees. The other advantage of adopting a reformative approach is that a positive working environment is created, which creates a positive impact on the productivity and satisfaction levels of the employees. Intuitively employees enjoy Discipline, and hardworking and mostly disciplined – coercive techniques are likely to create mental barriers and resistance amongst the employees.

2.4 The legal framework of India for Discipline

Discipline is not defined in any of the statutes/legislations. Industrial Employment (Standing Orders), 1946 provides a major framework for enforcing Discipline at the workplace. The schedule to the Industrial Employment (Standing Orders), Act 1946 contains the details of mattes to be provided within the standing orders of a firm. Among other things, it is necessary for the organization to intimate the employee about the conditions of service, termination, provisions of leave, working in shifts, reporting authorities, specific acts classified as misconducts, and their penalties. There are Model Standing Orders as well - which serve as a guideline for the organization to create their customized standing orders. A firm employing 100 or more employees is required to adhere to the provisions of this legislation. Any act of employee which is against the prescribed rules and standing orders or improper discharge of duties is classified as misconduct. Some of the examples of misconduct are insubordination, disobedience of orders, neglect of work. Punitive actions are often taken to rectify the behaviors of the employees against such acts of indiscipline. A consequence of such punitive actions varies from a warning to censure to imposing fines or even leading to discharge or dismissal from service. The decision to discharge or dismiss cannot be taken at the whims and fancies of the employer, but a proper domestic inquiry has to be conducted.

Depending on the seriousness of the indiscipline or the misconduct, employers may decide to impose a fine, issue a warning or a memo, or termination from employment

(which includes both discharge and dismissal). Each of these actions/punishments for indiscipline are covered under separate legislation. The rules and some details of conditions of service are as per the certified standing orders, which is governed by Industrial Employment (Standing Orders), 1946. The provisions for imposing a monetary fine/penalty and methods of deduction of the same from the wages or salaries are under the purview of the Payment of Wages Act, 1936 – under Section 7 (2)– Deduction from wages which can be in the form of fines, absence from duty, a deduction for damage of goods or loss of property. The deductions mentioned here are likely to emanate from an act of indiscipline. The other major punishment meted out to enforce Discipline is the termination of the employment or the suspension of the employee – both of these are covered under the Industrial Disputes Act, 1947. Suspension of an employee is the temporary cessation of employee-employer relation, while discharge or dismissal of the employee is the permanent cessation of the employee-employer relationship. Retrenchment is another form of temporary cessation of employment owing to the reduced workload or demand with the employer. It is important to note that as per Section 2A of the ID Act, 1947 – discharge, dismissal, termination, or suspension gives rise to a dispute automatically - the resolution of which is subject to relevant provisions to be covered in the subsequent section. It is also important to remember that any form of punishment that is decided to be meted out has to follow the principles of natural justice, and the employee has to be given an adequate chance to explain themselves. Figure 5summarizes the various possibilities for termination of employment owing to misconduct. As per the relevant legislation and provisions, the following needs to be ensured for the different types of termination resulting from misconduct:

- Suspension or Suspension pending Enquiry – Enquiry proceedings need to be carried out
    - Proceedings need to be completed within ten days as per model standing orders.
    - If the employee is kept suspended beyond 30 days and inquiry proceedings are delayed, then subsistence allowance is to be paid at the rate of $3/4^{th}$ of the wages.
    - If enquiry proceedings are delayed because of the employee, then subsistence allowance is to be reduced to $1/4^{th}$ of the wages.
    - The subsistence allowance is to be paid subject to the condition that the employee does not take alternate employment.
- Discharge Simplicitor
    - This is a technical term for honorable discharge from the services or discharge without stigma. The employer decides to terminate the employment as per the relevant provisions in the employment contract or the pre-agreed upon terms and conditions.
- Dismissal

- This is the termination of employment with stigma. Depending on the seriousness of the misconduct, dismissal is an issue. In certain cases, the benefits also tend to be compromised.

In addition, retrenchment and layoff are special cases of termination of employment. However, they are not related to the disciplinary proceedings; as a result, these have not been covered here.

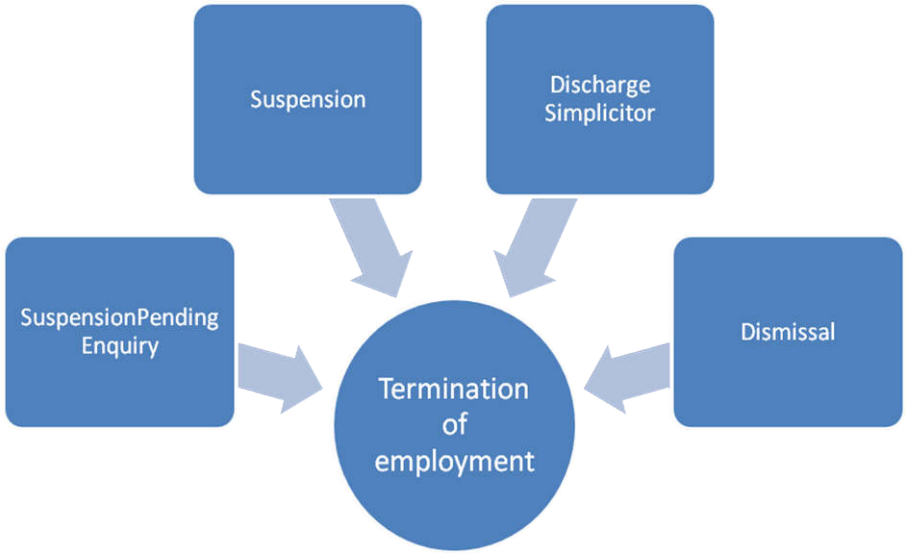

Figure 4: Figure showing the various forms of termination

2.5 Some Basics of Domestic Enquiry

Grievance resolution has dedicated procedures. On similar lines, Domestic Enquiry is the necessary procedure to take care of disciplinary proceedings. Principles of Natural Justice form the basis for the Disciplinary Proceedings and Domestic Enquiry. Figure 6 presents a flow of the conduct of domestic enquiry. It also introduces some key terms with respect to a domestic enquiry in a disciplinary proceeding.

- Misconduct

The misconduct or allegation of misconduct forms the basis for the disciplinary proceedings. Misconduct is any activity that is in contravention of the existing regulations, code of conduct. Unlike an unknown error or a mistake, misconduct is intentional wrongdoing. The conditions of service must be made clear to the employees before they accept employment. Any change in rules or code of conduct should be informed to the employees before enforcing them in the form of a discipline/rules.

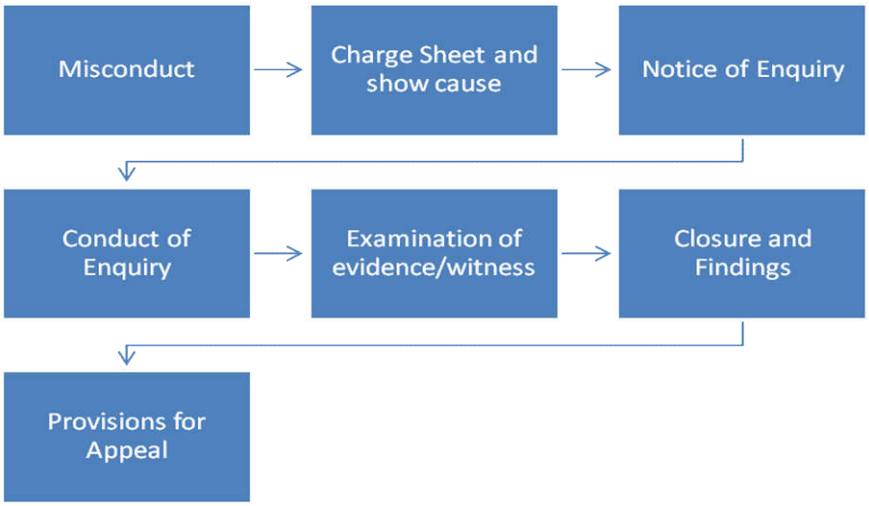

Figure 5: Flow of conduct of Domestic Enquiry – Source Prepared by the Author on the basis of Venkat Ratnam, & Dhal (2018)

- Charge-sheet and show cause : It is a formal communication to the employee about the alleged misconduct. The charge sheet should be specific about the violations alleged to be committed by the employee. The charge sheet should also mention the details of violations of the nature of the indiscipline. The charge sheet should have neutral language rather than accusatory or making conclusive statements. The charge sheet essentially outlines the nature of the misconduct and, therefore, a fair opportunity provided to the employee to explain themselves. The disciplinary authority may also choose to condone the misconduct taking into consideration the gravity of the alleged misconduct, the past record of the employee. For the minor nature of the misconduct, the disciplinary authority also may choose to provide a warning or impose a penalty or a fine under the relevant provision of the Payment of Wages Act, 1936. For the more serious nature of misconduct and indiscipline, the formal and proper enquiry needs to be conducted before reaching any conclusion.
- Notice of enquiry : The process of a formal enquiry begins with a notice of enquiry. It is expected to provide sufficient notice (usually about 2-3 days). The date, time and venue are also communicated in the notice of enquiry. The notice usually also mentions that employees would be provided with sufficient opportunity to present their side as well as present and examine witnesses, if any – which is similar to any judicial proceedings.
- Conduct of Enquiry : The date, time, and place for enquiry are chosen. Additionally, an enquiry officer, a presenting officer are appointed. The employee who has been charge-sheeted is allowed to defend themselves or any other employee or trade union representative willing to defend them.
- Examination of evidence/witnesses : The examination takes place in the presence of an Enquiry officer – appointed by the management and the presenting officer – who presents the details. Usually, to maintain fairness, the presenting officer and the enquiry officers are separate. Witnesses are examined and re-examined if

necessary, but care is exercised that they are individually examined. The charge-sheeted employee also is provided with the opportunity to present their witness who can be examined by the management.

- Closure and Findings : Closure usually begins with a summation of arguments by presenting officer, followed by arguments made by the charge-sheeted employee. After adequate examination of witnesses and necessary evidence, the enquiry officer documents the facts and tries to arrive at a conclusion based on the salient arguments presented by each side. The conclusion also should be well documented along with the findings reached and the necessary punishment that is being awarded. The findings of the Enquiry Officer must be presented in the form of a report clearly indicating if the employee has been found guilty of the alleged misconduct or not. Suppose found guilty then the necessary punishment.
- Appeal : The employee may not be in agreement with the findings and the consequent punishment. Reasonable time should be provided to the employee to appeal against the decision of the enquiry committee and their findings.

2.6 Some forms of punishments

Depending on the seriousness of the indiscipline committed, the employers can issue a warning or a memo, or impose a penalty or a fine, or can also suspend, dismiss or terminate from the employment. Some of the other accepted forms of punishment are also to withhold increments, demotion to a lower grade, or forfeiting the incentives of benefits. Each of the actions decided by the firm is covered under separate legislation.

However, it is to be noted that the principles of natural justice have to be adhered to before the employee can be punished for indiscipline. The principles of natural justice entail that the employee is given a fair chance to submit their reasons for the Cause of indiscipline. Normally the show cause notice issued by the employer is the chance provided to the employee to explain their misconduct. The reformative approach advocated providing adequate training to the employees to better discipline them and ensure that they are more disciplined at work. Drawing parallels between Discipline and Grievance, it is possible that employees collectively resort to certain actions, which then fall under the purview of concerted action and take the form of a collective dispute, and falls within the purview of Industrial Relations/Employment Relations. Conducting a disciplinary proceeding cannot be carried out in absentia of the employee alleged of the indiscipline/misconduct. This aspect can lead to the employee trying to stall the enquiry proceedings or buying time.

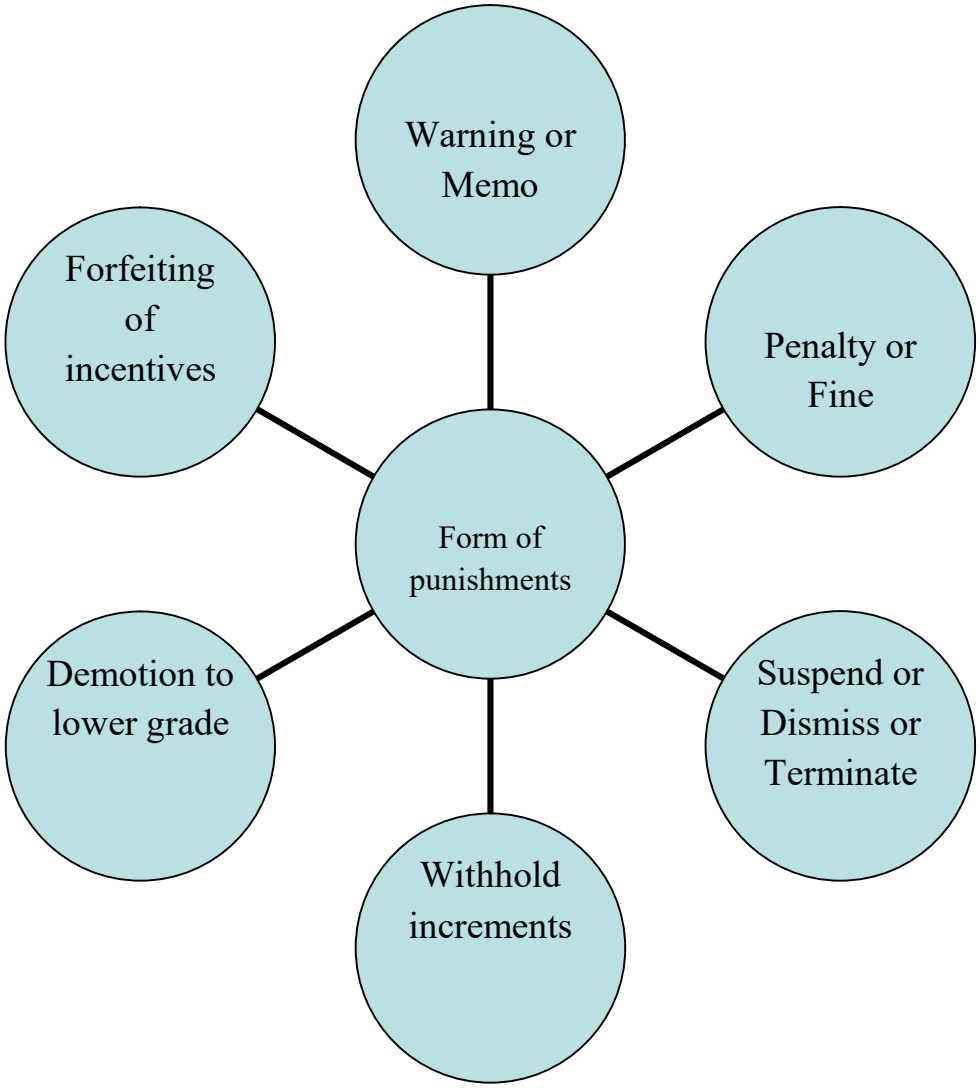

Figure 6 : Forms of punishments-By the Author

2.7 Summary of Key Points Discussed

Key points discussed in this module can be summarized as follows:

- Discipline is the adherence to prescribed rules and regulations and expected conduct for smooth operations at the workplace. It is necessary for increased efficiency, satisfaction levels of work, and reduced incidences of accidents. Enforcement of Discipline at the workplace is the prerogative of the firm.
- Lack of Discipline at the workplace is often under the domain of misconduct. Some examples include late coming to work, indulging in alcohol abuse during work hours, violent behavior at the workplace, threatening the co-workers or the supervisors, theft of materials, neglecting work, refusal to obey orders, etc.
- The punitive approach and the Reformative approach are the two major approaches for enforcing Discipline in organizations. The punitive approach rests on the

negative reinforcements to ensure that the required behavior is solicited or the problematic behavior is reduced. The reformative approach rests on the premise of positive reinforcements in which the expected behaviors are incentivized. The reformative approach also looks at disciplinary issues through the prism of training and development.

- Depending on the seriousness of the disciplinary issues, a penalty in the form of issuing a warning, condoning, issuing a memo, imposing a fine, or suspension or dismissal is decided. Suspension or dismissal are considered more serious forms of penalty, and it is expected that due processes of enquiry are followed.
- Industrial Employment (Standing Orders)Act, 1946, Industrial Disputes Act, 1947, and Payment of Wages Act, 1936 is the relevant legislation that provides the required framework for Discipline and misconduct at the workplace. Within the purview of disciplinary proceedings, suspension, suspension pending enquiry, discharge Simplicitor, and dismissal are the major forms of punitive actions. Any form of termination is deemed to be an industrial dispute as per Section 2A of ID Act, 1947.
- Principles of Natural Justice have to be adhered to for the conduct of a disciplinary proceeding before coming out to a conclusion and deciding on the punishment for the alleged indiscipline or misconduct.
- The various steps in a disciplinary proceeding are:
    - Allegation of misconduct
    - Charge Sheet and Show Cause
    - Notice of Enquiry
    - Conduct of Enquiry
    - Examination of evidence and witnesses
    - Closure and Findings
    - Provisions for Appeal
- We can draw parallels between Grievance and disciplinary proceedings. Both are formal processes and need to be expressed formally in the organizations. A grievance is usually raised by the employee against some form of dissatisfaction, whereas a disciplinary issue is generally raided by the employer/management/supervisor against an employee for violating certain rules/regulations or code of conduct. Disciplinary proceedings are similar to grievance procedures.

2.8 Check your progress

1) What is Discipline, and why is it necessary at the workplace?
2) What are the approaches to Discipline?
3) Which are the specific legal provisions for the disciplinary proceedings?
4) What is the premise of Disciplinary Proceedings at the workplace?
5) What are the specific steps in a disciplinary proceeding?

6) Can Enquiry Officer for Disciplinary Proceedings be the Presenting Officer? Can Disciplinary Proceedings be conducted in the absence of the employee accused of misconduct/indiscipline?
7) What are the possible forms of punishments given out by employees to the erring employees?
8) If you were to adopt the reformative approach to Discipline, what sort of interventions would be suited to handle disciplinary issues at work?
9) What is the similarity between Discipline and Grievance?

2.9 Key Terms

- Discipline
- Discharge Simplicitor
- Reinforcements
- punitive approach
- coercion
- Reformative approach
- Retrenchment

2.10 Further Readings/References

- Skinner, B. F. (2014). Contingencies of reinforcement: A theoretical analysis (Vol. 3). BF Skinner Foundation.
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- Industrial Relations, C S Venkat Ratnam and Manoranjan Dhal, 2017. Oxford Publishing House
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- Labor Laws by PK Padhi, 2017, PHI Publications
- Report of First National Labor Commission, 1969
- Report of Second National Labor Commission, 2002

2.11 Model Questions

1) Briefly explain the various kinds of punishments for controlling of misconduct.
2) Briefly Explain the disciplinary proceedings of Domestic Enquiry with the flow-chart Diagram.
3) Discuss the major legal framework for enforcing discipline at the work place.
4) What are the various forms of Termination resulting from misconduct?
5) What are the two broad approaches to Discipline derived from reinforcement theory

Unit-3
Dispute Resolution

Structure :

3.1 Learning Objectives

This unit aims to explain the scope and purview of disputes and the various dispute resolution mechanisms at the workplace provided within the Industrial Disputes Act, 1947. At the end of this unit, students would be able to :

- Understand and define a Dispute
- Understand the types of disputes at the workplace
- Understand the legal framework for dispute resolution in India
- Link the Grievance, Discipline and dispute resolution

3.2 Definition of Dispute

The Oxford English dictionary defines a dispute as "*a disagreement or an argument* (about something)." In the context of this module, we understand the term dispute as a dispute at the workplace or an industrial dispute. The term is defined in Trade Unions Act, 1926 as "*trade dispute*" and Industrial Disputes Act, 1947 as "*industrial dispute*." It means, "*any dispute or difference between 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 with the conditions of labor, of any person*" (Section 2 (k), ID Act, 1947 – Taxmann's Labor Laws, pg. 292). Trade Dispute is defined in the Trade Unions Act, 1926 on similar lines, with the only semantic difference being the word '*trade'* is used instead of 'industrial.' Based on the definition of 'industrial dispute'/'trade dispute,' the main characteristics are some differences/argument, connected directly to the employment or terms of employment and between two or more actors involved in the employment. The term '*any person* towards the last part of the definition has a narrower meaning and connotes the person or persons involved in the dispute must have direct or substantial interest with the nature

of dispute involved or raise. Figure 7 provides a concise summary of the linkage between dispute grievance and Discipline.

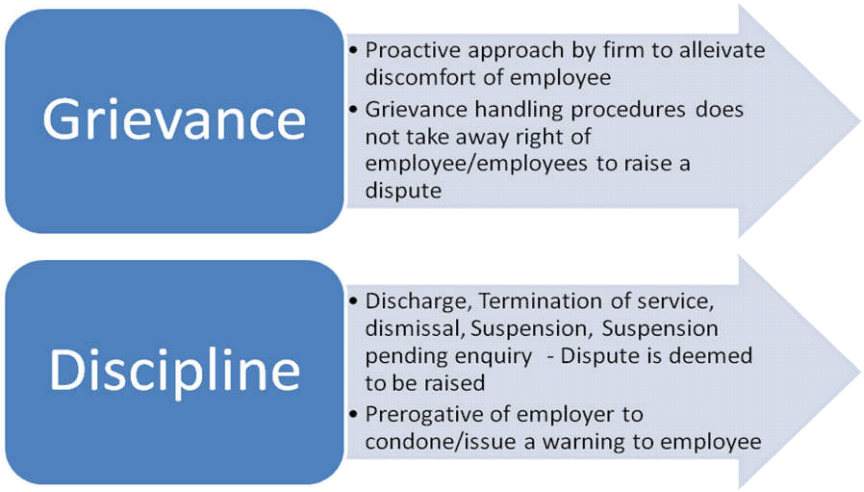

Figure 7: Figure explaining the linkage between dispute, Grievance, and Discipline. Source Prepared by the Author

A grievance is a formal expression of discontent by an employee against some aspects related to the employment or the conditions of employment, and redressal is a proactive method to try and reach a solution rather than it being escalated and intervention of appropriate authorities. Similarly, employers are allowed to enforce Discipline at the workplace to ensure better productivity. However, certain forms of punishments meted out as an outcome of enforcing Discipline are treated as a dispute in which the intervention of appropriate authorities might be needed. Discipline is also a proactive approach in which there is limited necessity to escalate matters to a level of dispute except if the disciplining is related to the termination or some forms of suspension. On the lines of a grievance, the dispute can be raised by an individual employee or a group or a collective of employees – usually, the trade union representing the workers.

3.3 The Legal Framework of India for Dispute Resolution

The Industrial Disputes Act, 1947, is the sole legislation in India as far as dispute resolution provisions are concerned. Figure 8 shows the flowchart for dispute resolution provisions as per ID Act, 1947. In the earlier subsection, the industrial/trade dispute is explained. It has to be understood with another term, '*settlement'* defined in Section 2(p) as '*settlement'* includes any agreement reached during the conciliation proceedings or a written agreement reached by the employer and employee. Other relevant sections of the ID Act, 1947 include Sections 2A, Sections 10, 10A, 12, 18, and 33 A. As pointed out in the earlier unit on disciplinary proceedings, Section 2A provisions deem discharge, dismissal, or termination to be an industrial dispute.

Section 18 provides the framework for the types of settlements under the ID Act, 1947. Whenever a difference or misunderstanding arises with respect to things associated with the nature of employment or the conditions of service, the intuitive approach is to sort these out by mutual discussion and reach an agreement. This agreement is referred to as the collective bargaining agreement, and the process is called collective bargaining.

Usually, this is an effective technique for a collective grievance or a dispute – for individual dispute/grievance, this method may not be effective. The applicability of such an agreement also is limited only to those employees who are party to the talks and agreement. The outcome referred to as an agreement is covered by the provisions of section 18 (1) of the ID Act, 1947. However, the collective bargaining talks are likely to remain inconclusive, in the case where there are provisions for conciliation by the conciliation officer. The agreement reached in the presence of a conciliation officer is applicable to all the employees. Since the unit is focusing on Grievance and disciplinary aspects, we will not delve into the role and modalities of conciliation officer and conciliation proceedings. The conciliation proceedings also may fail, and it is mandatory for the conciliation officer to send a failure report to the appropriate government for further action. The appropriate government may further refer it to arbitration. The employee and employer also have a provision for voluntary arbitration under Section 10 A. The outcome achieved in either the arbitration or the voluntary arbitration is referred to as an award. The award is applicable to all employees. There are other methods/mechanisms such as a court of inquiry, adjudication, in addition to arbitration, voluntary arbitration, conciliation, which are applicable in the context of an industrial dispute. Discipline or Grievance has a very narrow definition, and some issues or aspects might be covered under the provision of these. It is also to be mentioned that with the pendency of a dispute, the employer cannot change/alter the conditions of service, else that also would raise a separate dispute.

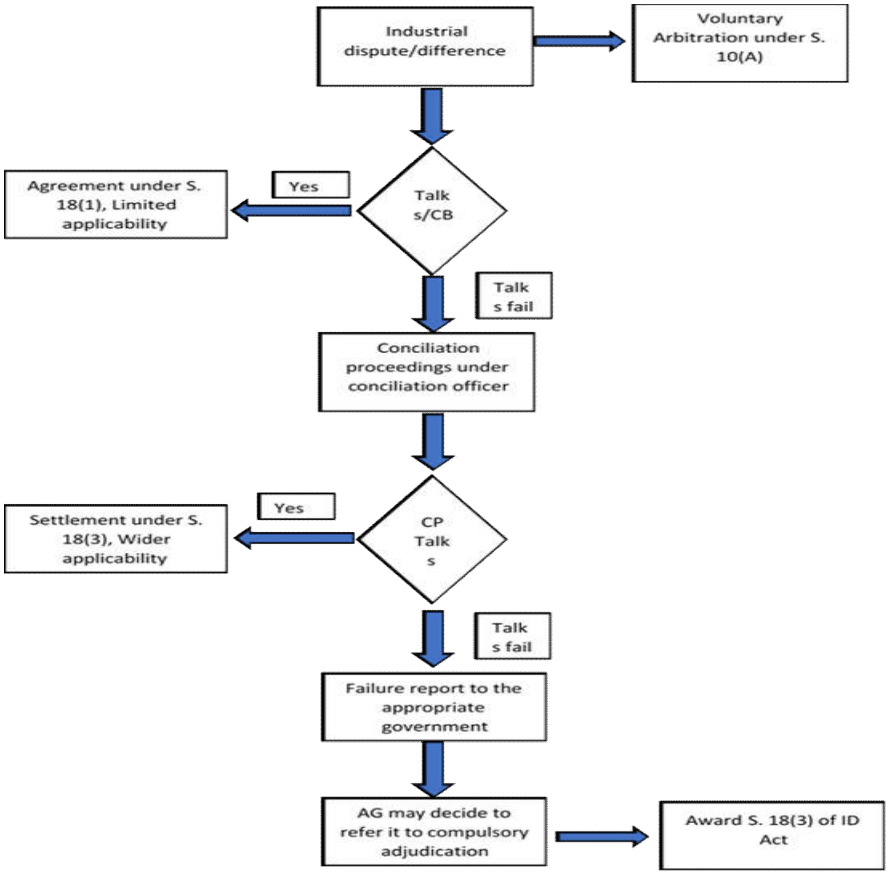

Figure 8: Flowchart of dispute resolution - taken from Balasubramanian and Jena, 2021

3.4 Different Approaches to the Dispute Resolution

3.4.1 Statutory method

This section mentions an indicative list of the statutory methods mentioned for dispute resolution. These methods are other than the provision under the ID Act, 1947. The philosophy of these methods is to adopt a more proactive approach to grievance handling and dispute resolution to limit or reduce the intervention of appropriate government or judiciary. Figure 9 presents a flow of statutory methods for dispute resolution.

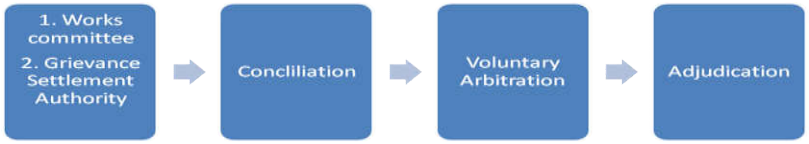

Figure 9: Figure summarizing the flow of the statutory methods of dispute resolution Source Prepared by the Author based on Srivastava, 2018

– Works Committee

In addition to the specific processes mentioned above, there is a provision under Section 3, as per ID Act, 1947, for the constitution of a works committee in industrial establishments employing 100 or more employees. The works committee consists of representatives of employers as well as representatives of employees. The aim of the works committee is to promote and maintain cordial relations between employees and employers. They are allowed to comment upon matters of common interest or concern to both employees and employers. While there is agreement that the works committee is not to do away with the trade unions or their role in the collective bargaining, the language can be interpreted as a more proactive step to ensure smooth employee relations. The matters under the purview of the works committee are more on the day-to-day operations and not aspects that are linked with conditions of service. To that extent, the works committee can also take a look at aspects of Grievance of the employee or the disciplinary aspects (those which are not deemed to be serious). The decision of the Works committee is not binding or enforceable – they are only of advisory nature. However, assessment of the efficacy of the works committee is not encouraging. There is a general agreement amongst trade unionists, managers, and academics about the dismal record of the works committee. The main reasons for the non-performance of the Works Committee seem to be understood as lack of clarity on the scope of the committee, trade unions feeling threatened by the committees, and the advisory nature of the committee. First National Labor Commission had suggested some measures such as responsive attitude from management, support from trade unions, well-defined scope, and proper adherence to the recommendations of the works committee.

3.4.2 Grievance Settlement Authorities

Model Standing Orders has a provision for the constitution of a Grievance Settlement Authority. Factories Act, 1948 also requires the appointment of a welfare officer to take care of grievances of employees. The ID Act, 1947 Section 9 C further provides such authorities which can deal with day-to-day grievances of employees rather than relying on the tedious procedures of raising disputes or the long-drawn process of collective bargaining. The Grievance Settlement Authority and its provisions are dealt with in detail in unit 1 on Grievance.

- ***Conciliation :*** The conciliation process is a third-party mediated process for faster settlement of disputes. Under the relevant provisions of the ID Act, 1947 – the appropriate government makes provisions for mediating the dispute resolution between employees and employers. ID Act, 1947 stipulates the appointment of conciliation officers and boards of conciliation. There is a separate Central Industrial Relations Machinery (CIRM) that actively pursues conciliation in troubled industries. The legislations also are such that conciliation is invoked in public sector industries if there is a strike or a lock-out notice. Such an overarching power for the appropriate government is to ensure that industrial peace necessary for economic development is maintained. Figure 8 gives a brief outline of the involvement of conciliation machinery during dispute resolution. It is possible that conciliation talks might fail, in which situation the conciliation officer is supposed to send a failure report to the appropriate government. The statuette also provides for a time-bound conciliation of disputes. It is to be noted that the conciliation officers are such that they can only make a conducive environment for amicable settlement of industrial dispute but cannot adjudicate or be given an award in favor of either the employee or the employer. For complex disputes, the appropriate government is also empowered to set up a conciliation board. The board consists of a chairperson and about a couple of nominees of employers and employees (equal numbers). It is expected that the chairperson of the board should be an independent person (someone not directly related to the nature of the dispute or not directly related to the industry in which the dispute is there). The conciliation officers and the boards are empowered to conduct their investigation akin to an enquiry to find out facts and reach a suitable conclusion. It is also to be noted that during the pendency of the conciliation proceedings, industrial actions such as strikes and lock-outs are prohibited as per the legislation (Srivastava, 2018).

- **Arbitration :** There is a provision for voluntary arbitration as per the ID Act, 1947. It is an effective method as the arbitrator is able to effectively mediate, try and break the impasse. The arbitrator is expected to try and arrive at a compromise such that all the parties involved feel that they have gained. Voluntary arbitration supposedly promotes mutual trust and is premised on the basis of voluntarism. It also promotes collective bargaining. However, the arbitrators have limited powers under the ID Act, 1947; therefore, this route might not be a preferred method. There are some conditions precedent to such as the nature of the dispute, concerns about the dispute, or the timing of referring to the dispute. It has to be referred to the arbitration before the dispute is referred to the court or the tribunal. The concerned employers and employees need to select and appoint arbitrators, including a unanimously nominated chairperson. The arbitrator then arrives at some written agreement between employers and employees. The written agreement, with consent and signatures of all concerned, is then submitted to the appropriate government. The appropriate government then publishes the same. The major shortcoming, though, is that there is no upper time limit prescribed by the legislation to arrive at a decision or arbitration. A more detailed and elaborate discussion on each of the provisions and powers can be found in the bare statute of ID Act, 1947.
- **Adjudication** : Adjudication is the final stage of dispute resolution after all possible statutory mechanisms are exhausted. The recommendation of a dispute for adjudication is generally based on the failure report of the conciliation officer by the appropriate government. It needs to be pointed out that the appropriate government does not have a time limit to recommend a dispute for adjudication. Besides, the appropriate government also can exercise discretion over the recommendation of a dispute for adjudication. Adjudicating authorities are generally labor courts, national and industrial tribunals. The scope of adjudication covers conditions of service, economic aspects such as wages, bonuses, and incentives, and matters related to leaving. This has increased reliance on adjudication rather than encouraging collective bargaining amongst the employers and employees. Consequently, the trade union movement has weakened. The long-drawn process of adjudication goes against the basic premise of swift and speedy grievance redressal, disciplinary proceedings, and dispute resolution. Adjudication is the last step in dispute resolution. The outcome of adjudication is an award under Section 18 (2) of the ID Act, 1947. However, the provision of appeal against the award is always open to either the employee or the employer. The ID Act, 1947 provides for a multitier adjudication comprising of labor courts, industrial tribunals, and national tribunals. The ID Act, 1947 also has provisions for the appointment of presiding officers, the jurisdiction of labor courts, powers and functions of labor courts.

3.5 Non-Statutory Method for Dispute Resolution

Some indicative non-statutory methods for dispute resolution are discussed below. Collective bargaining forms a major part of the non-statutory nature of dispute resolution, which is discussed in the next section.

- ***Joint Management Council (JMC) :*** The socialist philosophies underlying the formation of the country and the constitution are the basis for the joint management councils. It is premised on the importance of being one of the vital cogs in the larger development of the economy and the country. As a result, adequate consultations need to be carried out with labor at regular intervals. This was incorporated in the government industrial policy resolution of 1956. This was subsequently also incorporated in the Second Fiver Year Plan. The JMX was promoted to ensure a cordial relationship between the employers and employees. The council consists of equal representatives of employers and employees with a maximum of 12 members. The organizations having a registered trade union can nominate one member, and there is a provision of 25% of the council representation from outside members representing employees. The scope of the council includes consultation on matters of administration, retrenchment, rationalization of the workforce, and closure of operations. Matters pertaining to collective bargainings such as wages, bonuses, and incentives were kept out of the scope of the JMC. Despite best of intentions, JMCs have not been successful because of junior and inexperienced representatives nominated by employers, irregular meetings, extreme focus on grievance redressal, overlapping nature of scope with statutory provisions, lack of faith on the part of employers, and lack of proper communication amongst the employers and employees (Srivastava, 2018).
- ***Code of Discipline :*** The code of Discipline is also a purely voluntary initiative started in 1958 after the 16th Indian Labor Conference. The majority of private and public sector firms have accepted the code except for defense, railways ports, and docks. As per the code, the employer/management should refrain from taking and implementing unilateral decisions, swift resolution of disputes within the available mechanisms, proceeding on a strike or a lock-out after giving notice, primacy to negotiations and talks to settle disputes, Grievance, and disciplinary aspects. The code also expects the employees and employers to avoid confrontational approaches as much as possible, promote an environment of cooperation and industrial peace and educate and train each other about their mutual obligations. The management/employers are also expected to adhere to a fair amount of workloads, avoid unfair labor practices, expedite the Grievance of employees, and enforce Discipline in an acceptable way and recognize a trade union if it is present. The employees and trade unions, on the other hand, adhere to refrain from coercion or physical harm, violence, maintain a peaceful working environment, avoid negligence during work, avoid unfair labor practice and take necessary steps voluntarily against office bearers or members going against the code (Srivastava, 2018). Regretfully the code is also not effectively implemented. The reasons can be attributed to the overlapping nature of functions with already present statutory bodies, macroeconomic effects affecting productivity and work, the politicization of labor and trade unions, and conflicting provisions between code and legislations. Owing to these confusions, the Second National Labor Commission has suggested removing the conflicting parts from the code and formalizing them into proper legislation (Srivastava, 2018).

3.6 Linkage of Collective Bargaining and Dispute Resolution

Statutory provisions apart, the collective bargaining institutions and mechanisms play an important role in the proactive resolution of Grievance, Discipline, or any dispute at

the workplace. The collective bargaining is premised on the pluralistic framework, which accepts that conflict might be there between two major actors, namely the employee and the employer (See Dunlop's Framework for IR – Venkat Ratnam and Dhal, 2017), but it needs to be resolved through dialogues, rather than adopting the conflicting approach. The collective bargaining approach is also imported from European countries. The premise is that both employees and employers are equal stakeholders in the operations and have to be treated as equal partners and have an equal say in important matters, especially those related to productivity, wages, and conditions of work and service. To facilitate collective bargaining, the government has made provisions in the ID Act, 1947, Section 33 for the concept of a protected workman – under which those employees who are members of the office bearers of trade unions in that specific establishment. Besides, the governments have also come up with a list of unfair labor practices, and failure to engage in collective bargaining is listed as one of them. While the Trade Union Act, 1926 has provisions for the registration of the trade union, but it is silent on the recognition of the trade union, except the state of Maharashtra under the Bombay Industrial Disputes Act. This provision of non recognition of the trade union is acting as a major stumbling block for developing collective bargaining in India. Besides, the trade unions are also not united on the method to be adopted for the recognition of a trade union. The problem becomes more complicated due to the multiplicity of trade unions. Some states have made notable advances by coming up with provisions for recognizing trade unions as the sole bargaining agent if they have a majority and in the absence of a clear majority constituting a collective bargaining council consisting of representation from all trade unions. Another stumbling block is the limited applicability of the agreement reached under the collective bargaining only to the parties involved (under Section 18 (1) of ID Act, 1947). This also acts as a disincentive for the employers to engage in collective bargaining meaningfully. With a strong collective bargaining process, many such Grievance and discipline-related issues are likely to be handled before they blow into a dispute and put undue pressure on the dispute resolution machinery. Both the employers and employees need to be treated as mature parties who can find out the solution for their disputes through dialogues to promote collective bargaining, rather than being overprotective or extreme government interference in dispute resolution.

3.7 Summary of Key Points Discussed

Summary of key points discussed in this unit are :

- A dispute is defined as Industrial Dispute in ID Act, 1947, and as Trade Dispute in the Trade Unions Act, 1926. The three major characteristics for a dispute are:
    - It should be directly related to the conditions of work
    - There should be some disagreement/discontent with aspects directly related to work

  - It should be between two or more parties directly related to the work (either between employer and employee, or employee and employee or employer and employer)
- ID Act, 1947 is the single legislation that contains the mechanisms for dispute resolution in India. Dispute Resolution has to be understood within the provisions of Section 2(k), Sections 2A, 33A, 10, 10A, 12, and 18.
- Section 18 talks about the settlements and different categories of settlements that arrived at the end of a dispute. The different categories of a settlement are agreement - limited applicability between those party to agreement and award – wider applicability.
- Other statutory approaches to dispute resolution include works committee, grievance settlement authorities, conciliation, voluntary arbitration, and adjudication. The outcome of conciliation, voluntary arbitration, and adjudication is an award.
- To reduce pressure on the judiciary, the labor conference and First National Labor Commission also suggested adopting certain non-statutory methods of dispute resolution, such as the joint management council and the code of Discipline.
- Collective bargaining between the employer and employee is also envisaged as an important mechanism and institution to swiftly and effectively handle a dispute. There are certain provisions that encourage collective bargaining, such as the concept of the protected workman.
- There are, however, other provisions that disincentivize the collective bargaining, such as the limited applicability of the collective bargaining agreement, the lack of provision for recognizing a trade union, lack of unanimity in the process adopted for recognition of a trade union for collective bargaining.
- Some of the states have made some provisions for setting up/deciding a sole bargaining agent or a collective bargaining council depending on the representation of the employees by trade unions.

3.8 Key Terms

- Dispute
- Settlement
- Collective bargaining
- Arbitration
- Conciliation
- Adjudication
- Code of discipline
- Trade dispute

3.9 Check Your Progress

- Which are the characteristics of an industrial/trade dispute?

- For dispute resolution, which are the specific provisions that need to be referred to?
- Which are the alternate statutory methods of dispute resolution as per relevant provisions?
- Which are the different non-statutory methods of dispute resolution for dispute resolution?
- Are statutory methods of dispute resolution open to provisions of appeal?
- What is the general hierarchy of dispute resolution through the statutory approach?
- Why does the non-statutory technique for dispute resolution exist?
- What is the advantage of collective bargaining?
- What are the specific provisions which aid in collective bargaining?
- What are the specific provisions which disincentivize collective bargaining?

3.10 Further Readings/References

- Industrial Relations and Labor Laws, S C Srivastava, 2018. Vikas Publishing House
- Industrial Relations, C S Venkat Ratnam and Manoranjan Dhal, 2017. Oxford Publishing House
- Taxmann's Labor Laws – 2021
- Labor Laws by PK Padhi, 2017, PHI Publications
- Report of First National Labor Commission, 1969
- Report of Second National Labor Commission, 2002

3.11 Model Questions

- Discuss about the legal framework for dispute resolution in India.
- Briefly Explain the steps followed for dispute resolution.
- What are the different statutory and non-statutory methods used for dispute resolution?
- Discuss the importance of collective bargaining mechanism in the proactive resolution of grievance.

Concluding Comments

In this block, we have gained a brief understanding of grievance and grievance handling procedures, Discipline and enforcement of Discipline – in case of indiscipline or misconduct – carry out domestic enquiry proceedings and dispute resolution mechanisms which include the disputes raised because of a grievance or disciplinary proceedings. Based on the report of the Second National Labor Commission, the government also has plans of rationalizing the existing labor laws into four codes. While, in principle, there is agreement about rationalizing the multiplicity of legislations, there still is quite a lot of groundwork left before the changes can see the

light of the day. The proposed codes have been passed in both houses of parliament but are yet to be notified. The government also has not framed adequate rules for each of the codes. The nature and scope of work also have undergone massive change, for instance, the proliferation of platform economy or the coming of the gig economy and gig workers. The new codes also propose to include these new forms of economic arrangements. The proposed codes also have provisions for a speedy resolution and enhanced provisions for fines in case of certain offenses.

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