

Political Interference

Major trade unions, as was mentioned in the previous chapter, are affiliated to political parties. Political affiliation is not peculiar to our country alone. Even a cursory assessment of labour movements around the world would show that trade unions are, by their very nature, political, and that politicisation of labour is the rule rather than the exception. This is so much the case that Flanders, an acknowledged British expert on IR, remarked:

Everywhere trade unions have been compelled to engage in political action to obtain enough freedom from legal restraint to exercise their main industrial functions. Freedom of association, the right to strike and to picket, the prevention of undue influence in their internal affairs, are familiar objectives which have demanded the use of political methods. Unions have also fought for legislation that would assist them in collective bargaining and the like. Much more could be said about this, but these indications should suffice to show that, as a minimum, trade unions must be involved in politics in order to establish and maintain the legal and economic conditions in which they can flourish ... As regards the term 'non-political union', taken literally, a non-essential description, there is no such animal.²

What happens when unions get politicised? In the first place, distant ideological issues divide and fragment unions on party lines. When unions multiply, inter-union rivalry erupts and the consequences are too obvious. *Second*, inspired by their political ideologies, certain unions refuse to sign an agreement even if it is favourable to all the workers and thus these perpetual dissenters manage to keep the issue alive. The communist led CITU is an example to be quoted.

The CITU follows a pristine model of trade unionism drawn from the theory of class conflict ... The communists love to fight, but hate to win. Victory for them appears to be defeat ... The general secretary of CITU had an answer to the accusation that they never signed a settlement: 'When we start discussions, we know what is a fair settlement. Others may be willing to accept unfair terms, but we cannot. We are also opposed to long-term settlements. Many settlements here are for four years. Anything can happen during this time. The cost of living could triple. Our position is that no settlement should be for more than three years' ... In point of fact, the communists had managed to maintain their lily-white image by refusing to sign any settlement for fifteen long years.³

Third, every political party somehow engineers strikes, *gheraos* and *bandhs* to demonstrate its political strength. Invariably, the political party which is in power favours a union which is affiliated to it, and the result is endless disputes.

Unfair Labour Practices

Majority of disputes are management inspired. The following points⁴ justify the assertion:

1. The management is generally not willing to talk over any disputes with the employees or the representatives, or refer it to 'arbitration' even when trade unions want it so, and this enrages the workers.
2. A management's unwillingness to recognise a particular trade union and the dilatory tactics to which it resorts while verifying the representative character of any trade union have been a source of industrial strife.

3. Even when representative trade unions have been recognised by employers, they do not, in a number of cases, delegate enough authority to their officials to negotiate with their workers, even though the representatives of labour are willing to commit themselves to a particular settlement.
4. When, during negotiations for the settlement of a dispute, the representatives of employers unnecessarily and unjustifiably take the side of the management, tensions are created, which often lead to strikes, go-slows or lockouts.
5. The management's insistence that it alone is responsible for recruitment, promotion, transfer, merit awards, and so forth and that it need not consult employees in regard to any of these matters generally annoys workers, who become uncooperative and unhelpful, and often resort to strikes.
6. The services and benefits offered by the management to its employees promote harmonious employer-worker relations. But a large number of managements have not taken any steps to provide these benefits and services for their workers.

The Industrial Disputes Act, 1947, is more specific about the unfair labour practices. According to the Act, the following constitute unfair labour practices:

1. To interfere with, restrain from or coerce workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say,
 - (i) threatening workmen with discharge or dismissal if they join a trade union;
 - (ii) threatening a lockout or closure, if a trade union is organised; and
 - (iii) granting wage increases to workmen at crucial periods of the trade union organisation, with a view to undermine the efforts of the trade union at organisation.
2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say,
 - (i) an employer taking an active interest in organising a trade union of his or her workmen; and
 - (ii) an employer showing partiality or granting favour to one of several trade unions attempting to organise his or her workmen or to its members, where such a trade union is not a recognised trade union.
3. To establish employer-sponsored trade unions of workmen.
4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say,
 - (i) discharging or dismissing a workman, because he or she urged other workmen to join or organise a trade union;
 - (ii) discharging or dismissing a workman for taking part in any strike (not being a strike which is deemed to be an illegal strike under this Act);
 - (iii) changing seniority rating of workmen because of their trade union activities;
 - (iv) refusing to promote workmen to higher posts on account of their trade union activities;
 - (v) giving unmerited promotions to certain workmen with a view to creating discord amongst the workmen or to undermine the strength of their trade union; and
 - (vi) discharging office-bearers or active members of the trade union on account of their trade union activities.
5. To discharge or dismiss workmen
 - (i) by way of victimisation;
 - (ii) not in good faith, but in the arbitrary exercise of the employer's rights;
 - (iii) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;
 - (iv) for patently false reasons;
 - (v) on untrue or trumped up allegations of absence without leave;