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FEDERATION OF ASSOCIATIONS OF STEVEDORES

Janmabhoomi Chambers, Fort Street, Bombay-I.

Answers to the Questionnaire
issued by the National Commission on Labour

NATIONAL COMMISSION ON LABOUR

NCL Ref. No. MR.VI-61.

Replies received from the Federation of
Association of Stevedores - Bombay.

<u>Sl. No.</u>	<u>Q.No.</u>	<u>Points for Elucidation</u>
1.	3.	Is your plea against 'work to rule' based on your association's experience of difficulties created by workers by working to rule?
2.	49.	What measures will you suggest for eliminating political influence?
3.	50.	What is your criterion of a good outsider?
4.	58.	Who will determine whether the union to be recognised has the right 'character'?
5.	61.	Why is the proviso that you have suggested necessary for accepting the principle of 'secret ballot'?
6.	70.	What steps will you suggest for checking inter-union rivalry?
7.	85.	Will you clarify your reply?
8.	89.	In how many cases have the members of your association jointly approached the adjudicator?
9.	131.	Is it because of the poor bargaining capacity of the workers or because of the poor capacity to pay of these sectors that the wages are low?
10.	137.	Is this not contradictory to the reply you have given to Question No. 132?
11.	144.	Do you mean to suggest 90% neutralisation for all categories of employees?
12.	145.	Should capacity to pay be an important consideration while compensating those drawing minimum wages?
13.	155.	How should consumers interests be protected?
14.	162.	What difficulties have been created by the Minimum Wages Act?
15.	172.	Why absenteeism is high in the Port and Dock Industry?
16.	213.	What particular registers etc. do you consider as superfluous?

The Port & Dock workers are not covered under E.S.I.S. and E.P.F. Act 1952. However it has been stated that the workers enjoy these benefits.

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NATIONAL COMMISSION ON LABOUR

INTRODUCTORY

This Federation represents the stevedoring industry at the major ports of this country. All the Stevedores' Associations at the major ports are members of this Federation. The first decasualization scheme under the Dock Workers (Regulation of Employment) Act, 1948, was introduced at the port of Bombay. It has been the policy of the Government of India to introduce decasualization schemes at various major ports from time to time. At present, stevedore workers are brought under the schemes framed under the Dock Workers (Regulation of Employment) Act, 1948 at the major ports of Bombay, Calcutta, Madras, Cochin, Vizagapatnam and Goa. Almost at all these ports, the Associations of stevedores have been appointed as the 'ADMINISTRATIVE BODY' for running the day to-day administration of the schemes. It may be said that, on the whole, the Associations of Stevedores at these ports have carried out the functions entrusted to them with care and efficiency. Next to the shore labour, the stevedore labour forms an important link in the handling of cargo from ship to shore and vice-versa. The stevedore employers, who have been licenced by the Port Authorities and registered as employers under the various schemes by the Dock Labour Boards carry out the work of loading/unloading of the cargoes as required by the shipowners or consignees of the chartered vessels. Care have to be exercised by the stevedores in connection with loading/unloading operations, so that shipowners get the services in the manner in which they require avoiding damage to cargo, taking minimum space in the holds of the vessels and maintaining safe trim of the ships. The stevedores have to be in constant touch with the Shipowners and/or master of the vessels and make necessary adjustment as the work progresses with a view to avoiding idleness which may occur in the turn round of the vessels. The employment of labour registered with the Dock Labour Boards by the stevedore employers is obligatory under

the schemes and no registered employer can employ any labour that is not registered under the schemes. It is, therefore, to be noted that under the various schemes framed by the Government of India, the stevedores are bound to employ no other labour except the labour allotted to them by the Dock Labour Boards through their Administrative Bodies.

The Port is a transport industry where many agencies are operating. The Port Authorities, who are public sector undertakings, manage the dock area, bringing the vessels inside the docks and despatch the vessels after loading, storage of cargo etc. The private employers are also functioning such as (a) stevedores, who do loading/unloading of the cargoes, (2) Shipping Companies attending the work connected with their vessels, (c) Clearing and Forwarding Agencies and big Consignees and Shippers, who attend to the customs procedures for the movement of cargoes both for import and export, (d) Barge Owners and Launch Owners, (e) The Regional Director (Food), a Government of India Organisation looking after the removal of imported foodgrains and fertilizers from the wharves or docks, (f) Chipping & Painting Employers, (g) Ship Repairing Firms, Oil Companies and numerous other agencies, who perform work incidental to the port operations. In the operation of the Port Industry, if one section of labour resorts to stoppage of work, then the work connected with loading/unloading, movement of cargoes in the port gets affected in varying degrees depending upon the nature of stoppage of work, which, in turn, affects the economy of the country and all industries in the country and vessels which have been dependent on the timely receipt/discharge of cargoes at other ports. It is from this aspect that work involved in the Port & Dock Industry has to be viewed and appreciated.

NATIONAL COMMISSION ON LABOUR

SECTION ONE

QUESTIONNAIRE

1. Name & address of the respondent: THE FEDERATION OF ASSOCIATIONS OF
(Person/undertaking/organisation/state) STEVEDORES,
Jannabhoomi Chambers, Fort Street,
BOMBAY 1.
2. The name of the Central Organi- The Employers' Federation of India,
sation of employers/workers to Army & Navy Building, 148, Mahatma
which you are affiliated. Gandhi Road, Bombay.
3. If Union, please give the number of members, when was the Union formed.
4. If an undertaking/establishment, please give:
- (a) Commodity produced/nature of STEVEDORING INDUSTRY (Major Ports)
activity.
- (b) Number of employees as on 1.1.1967.
- (i) Workers 30,000 approximately.
- (ii) Others 4,000 (supervisory & clerical)
- (c) When was the undertaking This Federation has been formed in
established. the year 1966.

1. Recruitment and Induction.

Recruitment:

1. (a) How is labour recruited at present in industrial establishments. Is recruitment effected through (i) jobbers, (ii) contractors, (iii) advertisements, (iv) introduction by existing employees, (v) employment exchanges or (vi) any other method?

(b) How far are the present recruitment arrangements satisfactory for different types of employees and different levels of skill?

ANS: In so far as the registered stevedore workers are concerned, the Government of India, under the various schemes notified under the Dock Workers (Regulation of Employment) Act, 1948 (which is a Central Act), have provided that recruitment should be through local Employment Exchanges. The initial recruitment took place on the basis of those workers who were working with the stevedores at the time the schemes were notified. Regarding Supervisory and Clerical Staff, stevedore employers recruit them directly. No contractors or middlemen are employed for purpose of recruitment.

2. In what categories of employment is labour in short supply? What steps should be taken to minimise the effects of such shortages?

ANS The Federation has not felt any short supply of labour in any category.

3. Does lack of mobility affect supplies in different categories of labour? If so, what remedial measures would you suggest?

ANS The general experience has been that labour which has been registered in a category is not willing to work in any other category. In our opinion, labour should undertake any work whether in the same category or a category lower than the one in which they are registered. This would minimise the wastage of labour and offer better employment opportunities to them apart from the overall expenses being minimised.

4. To what extent is industrial labour migratory in character? What problems does such labour pose in recruitment and retention?

ANS In stevedoring industry, by the introduction of various benefits to workers by the Dock Labour Boards, this tendency has gradually gone down.

5. How do the existing statutory provisions in regard to employment of women affect recruitment of women labour? Consistent with international conventions on conditions of work for women, what modifications would be necessary in the existing provisions for promoting employment of women?

ANS This does not arise inasmuch as no woman labour is engaged for stevedoring work.

6. What are the advantages and disadvantages of recruitment of casual labour. If employment of casual labour is a disadvantage, what steps should be taken to decasualize such labour?

ANS. Normally, casual labour is engaged on dock work which is of fluctuating nature. The employers are not able to keep more labour at all times to cope up with the requirements. By employment of casual labour, the employers are in a position to carry out the work economically. Steps have, however, been taken to decasualize as large a number of workers as could be possible depending upon the employment potential.

This has been done by the notification of the schemes at major ports and adding various categories to the schedule from time to time. The very nature of port work being fluctuating, the employers at a given time may have 3/4 ships to be attended to and at another time may not have ships at all. They have, therefore, to strike a happy means by employment of casual labour during peak periods. The Government of India have notified schemes for decasualisation of dock labour and have set up various Boards at major ports to add categories which are essential and necessary and also to reduce the casualness of labour.

7. In view of the present unemployment situation what place should be given to the absorption of (physically handicapped) in recruitment policy? Should there be a statutory provision for reserving a portion of the vacancies to physically handicapped persons?

ANS The port & dock industry require able bodied persons to work, as they have to handle heavy cargoes within the holds and on shore. The Dock Labour Boards and the employers, however, view with sympathy those who are injured during the course of loading/unloading process and have been offering light work wherever possible. For this industry, therefore, reservation of certain portion of vacancies for physically handicapped persons is not feasible.

8. In establishments within your knowledge, is there any discrimination in the matter of recruitment on grounds of caste, community, region, language etc? Under what circumstances is such discrimination justified?

ANS The Dock Workers (Regulation of Employment) Schemes at present in operation in all the major ports are a Central Act which provides for recruitment only for Indian Nationals. The Boards accordingly recruit only Indian Nationals without any regard to caste, community, region, language etc. In so far as the supervisory and clerical cadre are concerned, the employers do recruit them provided they are found suitable for work without

regard to ~~caste~~, community, region, language etc.

Induction:

9. Are the existing programmes for 'on-the-job' training of workers adequate? What are the directions in which improvement should be sought?

ANS As for stevedoring work, no training is necessary or essential; initially the workers are recruited at the lowest rung; they work with the experienced workers in the gangs with the result they get the necessary training. Where training is considered necessary, the same is offered to them by the various Dock Labour Boards who are the only authorities competent to recruit such workers. Concerning the supervisory staff, the general practice for the employers is to recruit apprentice on stipend and give them the necessary training on board the ships under the trained staff.

10. What steps should be taken to encourage an employee to avail of the facilities outside the place of work for improving his skill? Is there any system of granting study leave to the employees in your establishment? If yes, please give details.

ANS. The port work is such that there is no facility outside the place of work to be availed of by the workers. The skill for the port work must be learnt while working in the holds of the ships. The question of study leave to the employees, therefore, does not arise.

11.(a) What should be the outline of a rational promotion policy? What place would you assign in this policy to seniority, merit and trade test?

ANS The seniority should not be the criterion; suitability of the persons for carrying out the duty should be guide line. Ordinarily, in posts where skill or technical aspects are involved, seniority-cum-suitability should be the guide line.

11(b) Should recruitment to positions at higher levels be made from among the existing employees only? If so upto what level?

ANS. Recruitment to higher posts should not necessarily be made from among the existing employees in the industry. Director recruitment is preferred for the posts at higher levels to maintain efficiency.

II - CONDITIONS OF WORK

Working conditions:

12 (a) Conditions of work in factories, mines and plantations etc. are presently regulated by the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952 etc. The main provisions of such acts inter alia relate to (i) safety and welfare, (ii) hours of work, rest interval, weekly off, etc. (iii) employment of young persons and women, (iv) annual leave with wages, (v) occupational diseases and (vi) overtime payment. What changes are necessary in these provisions? How should the implementation of these acts be improved? (See also Q.19).

ANS. These do not apply to the employment of workers in the port & docks except that the Factories Act 1948 have application to the employees working in the dry docks. Hence, **no comments** are made by us.

12(b) What other steps are needed to ensure proper working conditions?

ANS. In view of our answer to the above, no further comments are necessary.

13. In the matter of national and festival holidays, what is the extent of difference in the total number of holidays from region to region? Is this difference justified? If not, is it possible to bring about uniformity in the total number of holidays in different regions?

ANS. In so far as the National & Festival Holidays are concerned, the quantum of holidays varies from port to port depending upon the region in which the port is situated and taking into account the importance of observance of the festival holidays. The Federation feels that in the matter of festival holidays, the number should be uniform.

14. What changes are necessary in the existing arrangements for regulating conditions of work in employments other than in factories, mines and plantations?

ANS The conditions of work are regulated by the decisions of the Dock Labour Boards, awards, settlements, rules and also from the schemes. No further steps therefore seem to be necessary.

15. What, in your knowledge, is the extent of prevalence of employment of child labour? In what industries/activities is employment of child labour relatively high? Are you satisfied with the existing statutory provisions about employment of child labour and their implementation?

ANS. The port industry does not engage child labour.

No comments are, therefore, offered.

16. How have the existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors worked? In what directions are improvements necessary (See also Q.209).

ANS. Stevedores working at the major ports do not engage contract labour; the labour force required at these ports have been decasualized under various schemes.

17. What are the statutory benefits/provisions, in the implementation of which trade unions and employers' organisations can jointly play a useful role? How should such arrangements be made effective at the plant level? Should there be any standing arrangements for this purpose?

ANS The Dock Labour Boards are tripartite organisations. Under the schemes, the Boards are responsible for all welfare measures regarding stevedore workers. The Dock Labour Boards have been functioning through their Committees which are also tripartite in nature and hence both employers and employees' representatives play jointly a useful role in the implementation of beneficial provisions concerning workers.

Safety & Health

18. Is the existing rate of accidents high in establishments within your knowledge? What have been the main causes of such accidents?

ANS The rate of accidents in the port & dock industry is not very high. The Indian Dock Labourers Act 1954 and the Indian Dock Labourers Regulations 1948 framed under the

above act are enforced by the Government to ensure safety of workers in the processes of loading/unloading. These regulations have been enforced in the ports under I.L.O. conventions. Under the Regulations, Inspectors, Dock Safety, have been appointed at all the major ports to go into the causes of accidents and also ensure that all work is carried out in terms of the regulations. The Govt. of India have also framed a scheme known as Dock Workers (Safety, Health & Welfare) 1961. These schemes are enforced by the Inspectors, Dock Safety at all the major ports. In some of the ports, Joint Committees have been constituted known as 'Dock Safety Committees' comprising of employers and representatives of workers, with a view to take effective measures for promoting safety of workers. Annual Reports are submitted by the Chief Advisor Factories to the Government in which causes of accidents occurred at major ports are also mentioned.

19. What steps should be taken to establish training programmes which special emphasis on safety for the benefit of new entrants to industrial establishments? Are any refresher courses necessary for those who are already in employment? How should such courses be organised?

ANS. Refresher courses are conducted through the Dock Safety Committees for supervisory personnel with a view to inculcate safety consciousness amongst supervisory personnel who are in charge of the loading/unloading operations.

20. Safety standards in some industries have been evolved by bipartite agreements. How have these agreements worked in practice? How can this bipartite approach be extended to other industries? How should the agreed arrangements be made effective at the plant level?

ANS. In view of the details given in question Nos.18 and 19, evolving bipartite agreements do not seem to be necessary.

21. In view of the anticipated growth of new industries like machine building, chemicals, fertilizers, petro-chemicals etc. requiring stricter safety standards, what steps should be taken to arouse safety consciousness among workers and employers?

ANS. This question does not concern us; since this industry

is concerned with loading/unloading operations. The workers, who handle such cargo are provided with necessary protective equipments approved by the Inspectors, Dock Safety.

22. Against the background of expanding industry and advancing technology involving a faster tempo of production, how should provisions concerning industrial safety (Appendix I) in the Factories Act, 1948, the Mines Act, 1952 etc. be amended?

ANS. The Indian Dock Labourers Regulations 1948 framed under the Indian Dock Labourers Act 1934 and Dock Workers (Safety, Health & Welfare) Scheme 1961, are considered adequate to cope with the advancing technology for loading/unloading process.

23. (a) What are the difficulties experienced in procuring safety equipment for installation in industrial establishments?

ANS. Protective equipments approved by the Inspectors, Dock Safety, are available and where such equipments are not available within the country, same are imported under the Users' Licence and therefore no difficulty has been experienced.

23(b) Is the supply of safety equipment to workers for their personal use adequate? Is there any reluctance on the part of workers to use such equipment? If so, what measures would you suggest to overcome this reluctance?

ANS. The supply of safety equipment is considered adequate; however, on some occasions it has been found that workers are reluctant to use safety equipments. Refusal can be attributed to climatic conditions or whimsical tendency of workers or it may be felt irksome while performing the work.

24. What should be the elements of an 'Industrial Health Services' for introduction in India? How should the introduction of such a service be phased?

ANS. The Dock Labour Boards at various ports are having arrangements for in-door and out-door treatment for their workers. The Medical Staff incharge of the dispensaries is generally aware of the industrial diseases with which workers are likely to be affected and no separate 'Industrial Health Services' is considered necessary.

25. As a corollary to replies to the above, do the provisions for Workmen's Compensation require to be amended? If so, in what manner?

ANS. In view of what have been stated above, the Workmen's Compensation Act need not be amended.

III - TRADE UNIONS AND EMPLOYERS' ORGANISATIONS

Federations of Employers' and Workers' Organisations:

26. What are the factors which have influenced the development and organisational pattern of trade unions/employers' organisations since Independence?

ANS. The Employers' Organisations have been established since Independence in view of the labour enactments and the necessity of enlightened approach to labour matters.

27. What has been the effect of legislative provisions on the growth of trade unions/employers' organisations (see also Q 58).

ANS. The growth of employers' organisations has not been affected due to legislative provisions.

28. Do you think that the modus operandi of trade unions/employers' organisations have changed during the last decade? If so, what are the characteristics of this change?

ANS. The change that has taken place is that employers' organisations and the trade unions have been able to solve many labour problems by direct discussions. As far as stevedoring industry is concerned, the labour and the employers have been brought together under the Dock Labour Boards which are tripartite organisations where all matters are discussed and decisions reached with the help of independent members.

29. Do you think that the attitudes of trade unions and employers' organisations towards (a) each other and (b) Government have undergone any change during the last decade? If so, state the direction of this change?

ANS The Government has also felt the necessity of discussing the problems faced by the industry by calling both the parties for joint discussions. This approach has resulted sometimes in bringing about solutions which otherwise might have threatened the industries.

30. The traditional role of trade unions/employers' organisations has been to secure protection to advance the interests of their members. In view of the national objectives of establishing a socialist society and achieving planned economic development (a) what should be the changes in the nature and scope of activities of the trade unions/employers' organisations? (b) What are the changes needed in their organisational pattern and attitudes?

ANS. An atmosphere of direct discussions for resolving the disputes between the employers and the trade unions should be helped; we do not think that any change should be forced upon the parties in such matters.

30(c) What are the fields of activity in which they have an independent role to play? (d) In what others should they function in cooperation (i) between themselves and (ii) jointly with Government? (see also Q 75).

ANS. The employers organisations can make representations to the Government on matters of economic conditions of the industry, maintenance of productivity, industrial peace and welfare measures.

31. How have trade unions/employers' organisations helped in the evolution of a better society? How do they represent their views and discuss their affairs with Government and other public authorities and agencies? Does this system of communication need improvement? If so, in what direction? (See also Q 124 & 227).

ANS. In the Port & Dock Industry, since the attainment of Independence, conditions of labour have been improving. The Government of India have notified schemes under the Dock Workers (Regulation of Employment) Act 1948 for stevedoring industry. Under these schemes, Dock Labour Boards have been set up and these Boards have been authorized to fix wage and conditions of service for workers. Endeavours are made by these Boards to resolve all problems by discussions as far as possible. On occasions when the Dock Labour Boards are unable to bring about an understanding on the different views, Government, on certain occasions, stepped in to resolve the disputes. It is the view of this Federation that, on such occasions, Dock Labour Boards should refer such matters for arbitration or adjudication under the Industrial Disputes Act 1948 and parties should not resort to direct action. Permanent

Arbitration machinery should be created for expeditious settlement of the disputes arising among the parties and decisions of the arbitrator should be made binding on the parties.

32. How can trade unions/employers' organisations contribute towards maintaining a high level of employment? Or is this solely the concern of Government?

ANS. The level of employment would depend upon the quantum of employment available in the industry; neither the employer nor the Government can artificially create conditions for increasing the employment.

33. Bipartite consultations being one of the effective means of reducing the areas of conflict between employers and their employees, what steps should trade unions/employers' organisations take for promoting such consultations?

ANS. Please refer to reply given to question 31. This Federation is in favour of bipartite consultations between the employers and their employees.

34. What are the existing arrangements for communication between the central organisations of employers and workers and their constituents? How should these arrangements be improved?

ANS. As far as this Federation is concerned, there are no arrangements between the central organisation of employers and workers and their constituents for communication. It is left to the constituent at each port to discuss their problems at the local level.

35. Are there occasions when central organisations of employers and workers refuse to affiliate employing units/unions at the plant level? If so on what grounds?

ANS. So far as this Federation is concerned, this question does not arise.

36. To what extent are the obligations undertaken by the organisations of employers and workers at the national level implemented by their constituents? Are there any effective sanctions for non-compliance with these obligations? How far have they been used in recent years? How could these sanctions be made more effective?

ANS. This Federation has been formed only recently and the obligations undertaken by the organisations of employers at the national level do not arise. However, conclusions reached by the Ministries concerned in the working of ports are implemented.

37. Do difficulties arise in reconciling the actions of the unions/employers at the plant level with national policies evolved jointly by trade unions/employers' organisations? Could you cite instances of such difficulties? How are such difficulties resolved?

ANS. In view of our answer to question 36,

this does not arise.

38. What should be the responsibility of all-India Organisations of employers and workers towards (i) promoting the interest of their constituents in all matters affecting industrial relations (ii) implementation of laws, voluntary agreements, etc. (iii) training of management personnel, (iv) providing guidance to constituent units, (v) settling of industrial disputes in constituent units and (vi) improving the efficiency of industry? (See also Q 166). How should they be equipped for discharging these responsibilities?

ANS. This Federation is of the opinion that the All-India Organisations of employers should ensure through its constituents that industrial harmony is maintained, laws are implemented etc. Regarding management personnel, it is a matter which can best be dealt with at local levels depending upon the requirements of the port to which the employer functions. It is our opinion that guidance should be given to settle industrial disputes as expeditiously as possible, keeping the overall position in view. This Federation also favours that employers and workmen should co-operate in their activities to raise productivity.

Trade Unions- Constitution and Finance:

39 to 48:

ANS. These questions relate to the activities of the Trade Unions and constitution and finance, no comments are, therefore, offered.

Trade Union- Leadership & Multiplicity:

49. What has been the impact of political parties on the pattern of trade union development in India?

ANS. The trade union activities in India have been politically conducted, each union having allegiance to a particular political party with the result, real trade unionism is not conducted.

50. Reference is often made to the influence of outsiders in trade unions. Please define the term 'outsiders' and state what the influence of outsiders has been on trade unions.

ANS. According to the Federation, 'Outsiders' mean those persons who wield political influence on the functions of the trade unions to achieve their political ends, with the result that trade union activities do not function effectively for the benefit of the members of the union.

51. How should internal leadership in a union be built up and strengthened?

ANS. Internal leadership in a union can be built up by persons who are not politically aligned and who are devoted mainly to the cause of trade union activity and preserving the interest of its members.

52. Does the existing legislation encourage multiplicity of trade unions? If so, what are the remedial measures.

ANS. Yes, the remedy lies in recognizing one union for one unit.

53. How far has the Inter-union Code of Conduct (Appendix II) adopted by the four central labour organisations in 1958 been effective in regulating inter-union relations and avoiding inter-union rivalries? How could the Code be made more effective?

ANS. No comments.

Trade Union Recognition:

54. What are the advantages and disadvantages of a union registration. Are there any aspects in which the powers of the Registrar of Trade Unions could be altered or enlarged with advantage?

AIS. The advantages of a union registration under the Trade Unions Act are that such Unions behave in proper and democratic manner. The Union which is not registered cannot represent the case of labour nor can it enter into any settlements or agreements with the employers. It should be the responsibility of the Union that the funds of the union are used for purposes of the trade union activity only and they should not fritter away the money so collected.

55. Has there been a change in the attitude of employers towards trade union, particularly in the matter of recognition of unions? If yes, what have been the contributory factors?

AIS. Generally, the employers are not reluctant to grant recognition to the unions provided their activities are confined to serve their members as well as maintaining industrial peace without undermining the growth of the industry or disrupting the discipline of their members.

56. Has the Code of Discipline in Industry (Appendix III) contributed towards securing recognition for trade unions?

AIS. Generally the organisations of employers follow the practice adopted by the major Port Authorities who have so far not adopted the Code of Discipline in industry. The constituents of the Federation have not also accepted the same so far. The employers have given recognition to the unions who have effective bargaining strength and power.

57. Do the existing provisions under the Code of Discipline in regard to recognition of Unions provide a satisfactory arrangement in this regard? Specially, are the provisions regarding (i) the procedure for verification, (ii) the procedure for grant and withdrawal of recognition, (iii) the period of recognition and (iv) the rights of the recognised unions (Appendix IV) satisfactory? If not, what improvements would you suggest in them? (See also Q.111)

AIS. The employers are generally in favour of accepting

the principles laid down in the Code of Discipline for recognition of the unions. In our opinion, there should be one union which should be recognised. The Federation also agrees that the principle of recognition of one union in an industry having the largest membership be recognised as the sole bargaining agent. However, this should be on a local level, because, the position may vary from port to port. Regarding the procedure for verification and grant of recognition, the Federation agrees that the Regional Labour Commissioner (C) should continue to discharge this functions periodically. As regards withdrawal of recognition, we feel that if the union commits any breach of the discipline, recognition should be withdrawn. Regarding period of recognition, we consider the present practice seems to be adequate.

58. Would you suggest giving effect to the provisions of the Indian Trade Unions Amendment Act 1947 in the matter of recognition of Unions? Or, should provisions similar to the Bombay Industrial Relations Act, 1946 or similar Acts elsewhere in India for recognition of Unions (Appendix V) be written into the Indian Trade Unions Act, 1926? Are there any other suggestions in this regard? (See also Q.27).

ANS. The Federation is the opinion that the Trade Unions Amendment Act 1947 contains certain provisions which are sound in principle, but others are difficult for implementation. It is, therefore, felt that the question of recognition of the Unions should be a matter left to the management having regard to the character of the Union and the local conditions.

59. What are the advantages of industrywise unions: What will be the difficulties in their recognition? How should the subjects to be dealt with by unions at the plant level and by the industry union be demarcated? (See also Q.86)

ANS. Industry-wise union would be an advantage. Fixing standard norms for each industry in a particular region will be easy. The industry-wise union would not be effective unless the industry is also well organized and provided it is recognised. Industry-wise decision at such level would be accepted by all the constituents. This recognition of industrywise basis

should be on a regional basis. For recognition of industrywise unions, the criterial should be that those unions claiming the largest membership should be recognised. Wages, fringe benefits, discipline, production might be dealt with at the plant level.

60. What are the advantages and disadvantages of naming a union as the sole bargaining agent in an industrial unit?

ANS. The advantage of naming a single union as the sole bargaining agent in an industry is that it can provide a single platform to facilitate solution of the problems and may avoid the disputes being carried on by other unions. The disadvantages of naming a single union as the sole agent are that, in the absence of enlightened leadership, the same may act as pressure group and also lead to abuse of trade union rights and strain the industrial relations.

61. For determining the representative character of trade union for purpose of grant of recognition, should the method of election by secret ballot be adopted? If so, explain the details of the method and the administrative arrangements necessary for the purpose. (See also Q.86).

ANS. We agree that, for the purpose of grant of recognition, method of election by secret ballot be adopted, provided the trade union follows the sound principles of trade unionism. The standard practice of results by secret ballot followed in the country for the purpose of general election be adopted to ensure free and fair election among the employees for determination of the representative character of the trade unions.

62. If a union is elected as the sole bargaining agent in an establishment, what should be the rights and responsibilities of other unions in the establishment?

ANS. The other unions who are not recognised may be allowed to continue to function in the industry for representing individual grievances of workers/employees who are their members.

63. Considering that categorieswise unions, particularly of technicians, are assuming greater importance how should their rights and obligations be defined in relation to (a) the employer and (b) unions of other categories of employees?

ANS. The Federation feels that recognition of categorywise unions is likely to create a number of industrial disputes affecting the industry as a whole. It is, therefore, felt that there should be no place for categorywise unions.

64. What facilities should an employer extend at the work-place for the activities of unions?

ANS. The employers can extend facilities to the recognised unions to collect membership fees/subscriptions from the members; notices to be put on the Notice Boards, provided such notices are approved by the employers with a view to ensure that it does not contain any abusive, indecent or inflammatory matters or subversive of discipline.

65. What has been the attitude of the Government as employer towards trade unions?

ANS. This question concerns the attitude of the Government as employer towards trade unions. The trade unions would answer this question as it relates to them.

IV - INDUSTRIAL RELATIONS.

Introductory:

66. What should be the criteria for determining the effectiveness of otherwise of Government's industrial relations policy? In terms of these criteria, give your assessment of the working of the policy since Independence, with special reference to the legislative and other arrangements for prevention and settlement of industrial disputes.

ANS. The criteria for determining the effectiveness or otherwise of Government's industrial relations policy are:-

- (a) increase in industrial production;
- (b) reduction in number of mandays lost due to strike and lock outs or stoppages of work by workers,
- (c) contented, competent and responsible labour force,
- (d) achievement of social and economic justice to labour,
- (e) development of trade union movement on democratic lines, and

- (f) balanced industrial growth with sustaining economy.

Judged by these standards, the various legislative measures taken by the Government in respect of improvement of working conditions, safety regulations, regulation of wages and conditions of service, retirement benefits etc. settlement of industrial disputes and the maintenance of industrial growth and productivity have not been commensurate with the benefits derived by the labour.

67. Are the patterns of industrial conflict changing since independence? In particular, how have the social, economic and political factors affected the intensity of industrial conflict?

ANS. Since Independence, the patterns of industrial conflict have been changing. This has been due to the growth of trade unions in the country who have asserted themselves for improvement in social conditions of workers. However, as mentioned earlier, large number of trade unions are influenced by political organisations with whom they are affiliated and, on many occasions, factors not germane to trade unionism have come to play in creating industrial unrest. Recently, in some part of the country violence and intimidation have been applied to force the employers to concede their demands, instead of resorting to the constitutional methods.

68. Is it possible to pick out some significant factors in units within your knowledge which in recent years have helped in improving industrial relations at the plant level? Will these factors continue to be of significance in future?

ANS. In ports, within our knowledge, there are no significant factors, which have improved the industrial relations at the individual employer level.

69. What have been the causes of industrial unrest since Independence? Have there been any special circumstances which have contributed to industrial unrest? How could their effect be minimised in future?

ANS. The social and economic consciousness amongst the working class and their awareness of rights and privileges without corresponding obligations have been the principal causes

of industrial unrest since Independence. The rise in cost of living year to year has also contributed towards industrial unrest. As stated in the foregoing para, the association of trade unions with political parties have also contributed towards industrial unrest. The effects of industrial unrest can be minimised by stabilising the price level of essential commodities and removal of political influence on the trade unions and forcing them to take recourse to industrial machinery provided in the country by statue and educating the workers to realize their obligations towards employers and Nation.

70. What has been the impact of inter-union rivalry on industrial relations?

ANS. It is the experience of this Federation that the inter-union rivalry in several industries and more particularly in the port & dock industry have caused many an industrial unrest during recent years. This rivalry has disturbed even the existing agreements/settlements arrived at bipartite or tripartite levels resulting in the employers being rendered helpless. The employer in these circumstances is required to carry on fruitless negotiations with the rival unions practically on the same issues which have been settled with the recognised unions. Frequent strikes in ports by sections of labour on account of inter union rivalry has been one of the causes of detention to vessels affecting the economy of the country.

71. What improvements are necessary in the present arrangements for preventing industrial disputes? What would be the role of mediation service in the prevention of disputes?

ANS. The present arrangement, particularly the machinery created for settlement of the industrial disputes hasnot been as effective as have been desired. In the settlement of disputes, longer time than necessary has taken and, during

the intervening period, the process of work remains suspended. The existing services available under the Act are not manned by really competent persons, who are acquainted with the problems faced by the labour and employers in the sphere of the industry in which they are required to deal. They are, under the circumstances, unable to appreciate the circumstances and conditions affecting the industry and labour. The efforts of the Conciliation Officers, by and large, have been to secure settlement even where settlement goes against a particular union on the same issue on which settlement has already been reached. In the judicial sphere, the abolition of the Labour Appellate Tribunal is not warranted. The dispute remain unsolved for years on account of the parties desiring to obtain verdict from the Supreme Court from the awards of the National Tribunals. Solution therefore will have to be found by providing compulsory arbitration by arbitration boards on matters arising out of labour demands etc. Arbitration Boards should comprise of really competent persons drawn from the judiciary who are to be assisted by well conversant persons connected with the trade and also employees.

72. What is the role of fact finding enquiries in improving industrial relations?

ANS. Fact finding enquiries, if appointed, before precipitation of action may play a very important role in not only improving the industrial relations, but also correctly assess the situation for remedial measures. It is our view that fact finding enquiry does not help in the solution of the problems if appointed after the event.

73. How is the state of industrial relations in a unit affected by the existence of trade unions? What difference, if any, exists in the climate of industrial relations where the relevant trade union organisation is (a) strong, (b) weak, (c) non-existent?

ANS. The state of industrial relations in a unit depends upon the outlook of the employer/employee and the receptive attitudes of both parties to reach settlement on an issue. It does not make any difference in the industrial relations on the strength or otherwise of the trade union.

74. What has been the contribution of factors like (a) recognition of union, (see also Q.54 to 65), (b) arrangements for dealing with individual and collective grievances, and (c) strengthening bi-partite consultative arrangements, in promoting industrial harmony?

ANS. All the three factors mentioned above have contributed in promoting industrial harmony.

75. In maintaining and promoting harmonious employer-employee relationship, what should be the respective obligations of (i) Central organisations of employers and workers (ii) local managements, (iii) local union and (iv) the Government-Central or State (See also Q.30).

ANS. In maintaining and promoting harmonious employer/employee relationship, the local management and the local union should ensure that no unilateral action is taken in connection with any industrial matters and that disputes are settled at appropriate levels expeditiously. The central organisations of employers and workers should ensure that their constituents comply with these obligations. The appropriate Government can, under these circumstances, ensure compliance of the obligations by both the sides.

76. What role have labour/personnel officers played in preventing disputes and maintaining harmonious employer-employee relationship? How far have they been effective? Suggest measures to improve their effectiveness?

ANS. The Labour/Personnel Officers have played a useful role in preventing labour disputes and maintaining harmonious labour-employer relationship. Grievances of workers can be discussed and solutions found at the plant level for the maintenance of harmonious relations.

77. What should be the arrangements for proper communications between workers and management at the plant level?

ANS. In the matter of industrial relations at the plant level, communications through labour/personnel officers are adequate.

78. To whom do managements delegate their authority in dealing with employees? To what extent do managements include specialists for dealing with personnel matters?

ANS. As stated above, minor grievances are settled by labour/personnel officers or officers of the management. Under the existing provisions of law, action taken by the management being not liked by the union, the matter is referred to the Conciliation Officer, who deals with the case and submits his report to the Central Government. The Government, on consideration, refers the matter to the Tribunal or shelves the case under the Industrial Disputes Act 1947.

79. To what extent are the standing orders subject to agreements between employees and managements? In how many cases are they drawn up by management alone?

80. To what extent do the Employment Standing Orders Act, 1946 and the Model Standing Orders formulated under that Act serve the purpose for which the Act was framed?

81. What are the disciplinary rules imposed by managements? Do the procedures prescribed under the Model Standing Orders in dealing with disciplinary cases require modification and if so, on what lines?

82. Has the Model Grievance Procedure (Appendix VI) evolved under the Code of Discipline served its purpose? If not, is there need for statutory provision for the formulation of an effective grievance procedure? What should the main elements of such a provision? How would it affect existing bipartite arrangements?

ANS. Standing Orders in the port are normally drawn up by the employers as provided under the Model Standing Orders Act 1946 and submitted to the Certifying Officer, who, in turn, passes on to the trade union for comments, if any. In the light of the comments and subject to agreement on the comments of the union, final standing orders are drawn up and certified by the officer appointed under the Act.

For registered workers at major ports, disciplinary procedures have been laid down under the schemes framed under the Dock Workers (Regulation of Employment) Act, 1948 and for others, who are not covered, Model Standing Orders as certified by the Officer are followed. Grievance procedure has been laid down under the scheme framed under the Dock Workers (Regulation of Employment) Act 1948 both for workers and employers which have been found to be adequate.

83. What is the attitude of trade unions and employers' organisations to the introduction, either by voluntary agreement or statutorily, of a system of grievance arbitration? Would such a system help in improving labour-management relations?

AIS. The employers' organisations have no objection to the introduction of a system of grievance arbitration either by voluntary agreement or statutorily on issues which may arise out of the settlements or the agreements in existence. The Federation is of the opinion that if this system is accepted by both the parties, this would improve labour/management relations without the necessity of resorting to strikes by labour.

84. What are the existing facilities for training management and trade union personnel in industrial relations? To what extent are they used?

AIS. Dock Labour Boards are giving facilities to their employees for undergoing training in the courses organised under the Workers' Education Scheme of the Central Government. The Management also sponsors applications of employees for training on labour welfare courses conducted by the State Governments.

Collective bargaining:

85. What is the extent of prevalence of the system of collective bargaining in this country? How far has it succeeded? What has been the effect of legislation on the growth of collective bargaining? (See also Q.193).

AIS. There has been collective bargaining in the sections of labour employed by the members of the Federation.

It has been the experience of the Federation that the collective bargaining does not produce a negative result unless when there are certain demands which have not been conceded either in whole or in part and accept for reference either to Conciliation, arbitration etc.

The labour does not seem to be in a mood to accept that position with grace, but demands are made to force the issue by strikes. Legislation in this particular sphere have failed to prevent stoppages of work, strikes on such occasions, as no legal actions are imposed on the workers. As such, collective bargaining has been on a limited scale. The legislation has not succeeded in arresting the above acts of workers.

86. If collective bargaining has to be encouraged at the industry level, how should the representative character of the bargaining agent for workers be determined? (See also Q 59 & 61).

ANS. The Port is a transport industry where several units are working. It is possible that each unit in the industry may be controlled by separate unions. In principle, determination of bargaining agent should be to treat the industry as a whole provided all unions are prepared to accept one union, who comes out by a poll as bargaining agent. Other unions who have membership in a particular sectors of the unions should be prepared to accept a minor role and not precipitate any action which may affect the industry,

87. Do you agree with the statement that (a) collective bargaining has its uses when unions have sufficiently built up their strength and even for strengthening unions and (b) adjudication system provides an arrangement by which satisfaction can be given to parties without open industrial conflict as also for protecting the weaker party?

ANS. We agree that it would be a healthy principle for collective bargaining when strong healthy trade unions exist in this country. (b) Adjudication machinery should expedite disposal of references made to it.

88. What should be the role of (a) collective bargaining and (b) adjudication as methods for safeguarding industrial peace in the years to come.

ANS. We agree that matters should be resolved by collective bargaining between employer and union. However, there may be issues, which, in spite of best efforts, cannot be resolved. Such issues would be referred to (a) Conciliation, (b) Arbitration either of individuals or a panel of arbitrators and (c) adjudication. In matters where substantial question of finances are involved, such matters should normally be referred to adjudication so that both parties can have satisfaction.

89. In disputes arising over a charter of demands, is it feasible to separate areas of differences between the employer and the union to those where collective bargaining could exclusively operate and others which could be left to adjudication?

ANS. It would be difficult to clearly differentiate at the outset which issues should be left to collective bargaining and which issues should be referred to adjudication. Normally issues which arise out of implementation of settlements, awards or arising out of implementation of certain laws in force or issues which are covered by settlements or awards which have not been terminated, should be settled by collective bargaining. Demands pertaining to wages, dearness allowances and other fringe benefits involving major financial burdens on the industry, region or country cannot be resolved by collective bargaining. These must be referred to adjudication by joint applications.

90. What should be the limits of collective bargaining under conditions imposed by planned development? (See also Q.195).

ANS. In our view, when the country is making a phased programme of economic development, restraint should be exercised in collective bargaining, keeping the national policies and economy of the country in view as a whole, whatever may be the merits of the demands vis-a-vis the industry.

Joint consultation:

91. Do trade unions, through collective bargaining and joint consultation, provide an effective form of democracy within the enterprise?

AIS. Where healthy trade union exists, collective bargaining and consultation is an effective form in an industry.

92. The Industrial Disputes Act, 1947, provides for the setting up of works committees to promote measures for securing and preserving amity and good relations between the employer and the workmen. Have they been functioning satisfactorily wherever they have been set up? If not what factors have militated against their setting up and proper functioning?

AIS. Works Committee at plant level consisting of equal representatives of the employers and employees (elected by workers) would be of assistance in promoting amity and good relations if they adhere to the functions as laid down by Tripartite Committee on works committee as mentioned in App.VII. In the Dock Labour Boards, which are tripartite in character, although where no works committee have been set up, small Sub-Committees go into the questions or problems arising out of the implementation on welfare of labour and have, on the whole, been satisfactory.

93. To meet the criticism that works committees have been languishing for want of definition of their specific functions, an illustrative list of functions (App VII) of works committee was evolved by the Indian Labour Conference. Assuming that there can be a clash of functions between the trade union and works committee, can this list be the basis for demarcation/definition of works committees' functions?

AIS. The illustrative list of functions (App VII) of works committee evolved by the Indian Labour Conference is satisfactory and if the works committee confine its discussions for solving issues which are within the purview of the works committee, there should be no possibility of clash between them.

94. Suggest measures for improving the utility of the works committee with particular reference to their composition and functions.

AIS. The existing functions should be adequate, provided

parties are willing to agree to work and make works committee a success.

95. Have joint management councils and emergency production committees been successful in achieving the objective of better industrial relations and increasing production/productivity. Have they created a climate of mutual trust between employers and employees? (See Appendix VIII for functions of Joint Management Councils).

ANS. As far as stevedoring industry is concerned, at the top level, we have Dock Labour Boards, which are tripartite in character. There are equal representatives of employers, workers and Government. These Boards have been satisfactorily functioning. They have powers to fix wages and conditions of service and, therefore, in a way, they perform the work of a Joint Management Council. No production committee has been set up in the industry with the object of increasing production. However, if such committees are to be set up with a view to achieving higher production, that would go a long way in the industrial relations as well as quick turn round of vessels.

96. What effects do profit-sharing and co-partnership schemes have on relations between management and employees?

ANS. No comments.

97. (a) Is it feasible to introduce a scheme of workers participation in management by making the workers shareholders?

ANS. No comments.

(b) If it is considered feasible, what steps should be taken to facilitate the introduction of such a scheme?

ANS. No comments.

(c) Does such shareholding give adequate voice to workers in running of the establishment?

ANS. No comments.

(d) Are there any other methods by which workers can participate in management?

ANS. No comments.

Conciliation:

98. To what extent has the conciliation machinery given satisfaction to the parties to a dispute?

ANS. The Conciliation Machinery in general has not functioned effectively in satisfying the parties in the settlement of disputes. In our view, the staff is not adequate and are not trained adequately and there are frequent transfers. Moreover, the conciliation machinery, in our view, has not applied their mind to the proper solution of the problems, but anxious to have an ad-hoc settlement irrespective of the merits of the issues in dispute. Such being the case, the conciliation machinery had only produced statistics of settlements based not on sound principle, but on expediency. This has left behind a large number of disputes unsettled. It has been the experience of the employers that the conciliation machinery is unable to effectively intervene when the workers have resorted to strike, unless the employers have to accede to their demands irrespective of the merits of the issue involved. If the conciliation machinery is to work effectively and purposefully, before resumption of talks, they should bring about resumption of work by restoring the normal conditions, so that issues can be discussed on merits and not under pressure of the circumstances.

100. What changes in the organisation and staffing of the machinery and powers of conciliation officers would you advocate? Please indicate the specific changes/improvements which will make for a more expeditious and effective disposal of conciliation work?

ANS. The Federation is of the opinion that the conciliation machinery should be staffed by persons having respect both from employers and workers, should be adequately paid, should be adequately trained to understand the problems of the industry. They should not be subject to frequent transfers and above all their integrity should be above board. We feel that powers of the

conciliation machinery as provided in the Industrial Disputes Act 1947, are adequate.

101. Should conciliators be named arbitrators in disputes handled by their colleagues?

AIS. We do not agree to the suggestion of conciliators being named arbitrators in disputes handled by their colleagues.

102. What are the criteria for assessing the suitability or otherwise of the present system of adjudication? Do you think the system has played an important role in maintaining industrial peace? Should the system be retained?

AIS. The present system of adjudication proceedings is based on the reference of disputes made to it by the Government after receipt of a failure report from the Regional Labour Commissioner or under a joint application of the parties to the dispute and accepted by the Government. There have been complaints of certain dispute not being referred to adjudication, whereas disputes on which settlements have been reached, have again been referred to adjudication. Certain basic criteria should be laid down by the Government and, on receipt of the failure report from the Regional Labour Commissioner, the dispute must be assessed whether it falls within the criteria laid down by the Government and, if so, should be referred to adjudication. The system of industrial disputes by adjudication should be retained, where disputes cannot be solved by collective bargaining.

103. In case adjudication machinery is retained, what powers should it have in industrial disputes relating to discharge and dismissals?

AIS. Adjudication machinery should normally not deal with cases of discharge and dismissals by the management taken under the Standing Orders, except cases of patent injustice, disregards to well-established procedures, victimisation whether for trade union activities or otherwise provided clear prima-facie evidence is found.

104. Are the existing arrangements for reference of disputes to adjudication satisfactory? If not, how can the arrangements be improved?

AIS. Refer to answers given under Q.102.

105. Should the authority for appointment of industrial tribunals be vested in the Labour Departments? If not, where should it lie?

AIS. We agree that the authority for appointment of tribunals be vested in the Labour Departments.

106. There is a section of opinion that the existing procedures and practices involving different stages like conciliation, adjudication etc. in settlement of disputes take an unduly long time. What measures would you advocate for expeditious settlement of disputes?

AIS. The Federation is of the view that the existing procedures involving different stages like conciliation, adjudication take an unduly long time for the settlement of disputes. It is suggested that where a dispute, having remained unresolved even after discussions by the bargaining union and the employers, may be referred to a Board of arbitrators to be set up for this purpose. Disputes involving financial liability on the industry or matters likely to have repercussions on other industries in the country or region, may be referred to adjudication by joint applications and the Board of arbitrators or adjudicators should give their decisions within a period of six months from the date of reference by Government.

107. Do you think the revival of the Labour Appellate Tribunal would help in the expeditious settlement of disputes?

AIS. Under the present system, all appeals against the awards of the Tribunals lay before the Supreme Court, which takes a few years before the judgments are delivered. It is suggested that Labour Appellate Tribunal may be revived so as to eliminate the long delay experienced by both parties in the adjudication proceedings.

108. How should the cost of adjudication to the parties be reduced?

ANS. For all joint references, the parties should bear the costs equally.

109. What measures should be taken to ensure full and speedy implementation of tribunal awards and agreements?

ANS. In the port & dock industry, generally, awards, settlements or agreements are implemented by the employers.

Code of Discipline:

110. Has the Code of Discipline served its purpose?

111. Which provisions, if any, of the Code of Discipline should be given a legal shape? (See also Q.57).

ANS. The Code of Discipline has not been adopted by the Major Port Authorities. Other individual organisations are awaiting the acceptance by the Major Port Authorities.

Voluntary Arbitration:

112. What is the role of voluntary arbitration in the achievement of good industrial relations? In what way can the Central Organisation of employers and workers promote voluntary arbitration? Should a provision for voluntary arbitration be incorporated in all collective agreements?

113. Please indicate the areas of industrial disputes where voluntary arbitration could be preferred to adjudication.

114. Are you in favour of setting up standing arbitration boards? If so, indicate (a) their composition, (b) procedure for setting up of each boards and (c) subject to be referred to them?

ANS. The Federation generally agrees to promote voluntary arbitration of all disputes except those where fundamental principles of policy or substantial financial commitments are involved. The Central Government should prepare a schedule listing therein matters which should be referred to voluntary arbitration. The balance of the matters should be referred to adjudication unless agreed to by both employers and employees to refer to voluntary arbitration. The Central Government can also assist in preparing a list of arbitrators in consultation with the Employers' and Employees' Organisations for selection of arbitrators to hear disputes at local and/or at national

levels. Whenever a dispute arises which cannot be settled by parties and which falls within the list of voluntary arbitration, the parties should refer such matter to voluntary arbitration and should select the arbitrator from the list of panel already approved. If the various unions of employees and organisations of employers functioning in the port and dock industry accept the above suggested code, there should be an agreement at the central level with parties abjuring resort to strikes or lockouts. Endeavour should be made to resolve all disputes on the basis of the policy enunciated above.

115. What professional group provides the best arbitrators? Civil Servants? Lawyers? Academics? Business-men? Trade Unionists? Technicians? Others?

ANS. The panel of arbitrators should consist of persons of unquestionable integrity, having the knowledge of the industry with which they are to deal and should consist of persons who are known to be independent in their judgement. It is not necessary that the arbitrators should be drawn only from a particular professional group.

116. What should be the arrangements for meeting the expenses of arbitration?

ANS. Arbitration expenditure should be shared equally by the parties agreeing to the appointment of an arbitrator.

Strikes & Lock Outs:

117. Do you consider that the existing restrictions on workers' right to strike and the employers' right to declare a lockout need to be modified in any way? If so, please indicate these modifications together with reasons in support of these modifications.

ANS. This Federation feels that, in view of the enlightened approach to industrial problems faced by the port & dock industry and with a view to mitigate the hardship on several industries and organisations which are dependent upon the efficiency of port working, strikes and lockouts be considered as an out-moded weapon and legislation made accordingly.

118. Do Union rules provide for a procedure to be gone through before giving a call for strike? If so, to what extent is this procedure observed in practice?

ANS. No comments.

119. If a strike is called/lockout is declared, is prior notice always given to the other party? In what cases, if any, no such notice is given.

AIS. As far as the Federation is aware, there has been no occasion for the employers to declare lockouts. In the case, however, of workers, there have been innumerable instances of strikes having been conducted by them without giving necessary notice to the employers.

120. In how many cases within your knowledge have workers been able to secure wages for the strike period when the strike is declared legal? Are there cases where strike pay is given when the strike is illegal?

AIS. As stated above, there have been innumerable cases of strikes in the port & dock industry. No strike has, however, been declared illegal. The employers have been asked to pay wages for the strike period. Normally wages for strikes^{are}/not paid where strike is illegal. There are instances where the period of strike has been treated as period of leave with pay or without pay depending upon the circumstances in which the settlements have been brought about.

121. In what ways do trade unions seek to prevent victimisation of their members? To what extent do they succeed?

AIS. No comments.

122. Are there instances of workers going on strike without sanction of the Union?

AIS. No comments.

123. In what way in practice do trade unions and managements keep in touch with each other during a strike in order to facilitate a settlement? What is the role of Government machinery in such cases? Should Government intervene in cases where a strike is (i) legal, (ii) illegal?

AIS. Efforts are made by the employers and unions through the conciliation machinery with a view to resolving the issues, as far as possible. In the initial stage of the dispute, the Government machinery has been only at the conciliation level and the disputes go to Govt. level when they are not solved. In the view of the Federation, there should be no intervention by the Government unless

public interest is at stake and leave the parties to reach bipartite agreements.

GENERAL

124. What has been the role of tripartite committees like the Indian Labour Conference, Standing Labour Committee, Industrial Committees etc. in evolving through mutual discussions and agreements acceptable arrangements in the various fields of labour relations? (See also Q.31).

ANS. The various committees referred to, have played useful role in bringing about a general understanding between labour, employers and Govt. at the national level on industrial problems with a view to helping the industries.

125. Are you in favour of Central Government being made responsible for industrial relations in public sector undertakings under the control of the Central Govt.

ANS. In the view of the Federation, all public sector undertakings should function in the same manner as any other private sector undertakings in the matter of industrial relations.

126. How should public utilities be defined in the context of a planned economy? Should there be any special provisions for avoiding work stoppages in public utilities?

ANS. Public utilities are such organisations like Ports, Railways, Posts & Telegraphs on whose working the economy of the country depends to a great extent. In our opinion, there should be effective provision for stoppages of work in the public utility concerns.

127. What steps should be taken to minimise industrial conflicts in (a) the public sector, (b) the co-operative sector?

ANS. Steps should be taken to ensure by legislation full and proper compliance of labour laws and other statutory orders by both the management and labour by attaching more responsibilities to both the trade unions and the employers in the matter of arriving ^{at} negotiated settlements between themselves.

128. For the purpose of labour/management relations, is there a case for treating the public/co-operative sector differently from the private sector?

ANS. As stated earlier, there should be no case for treating

public sector from that of the private sector, more particularly in the matter of labour relations. It is felt by the Federation that, if the public sector undertakings are to play their role for the upliftment of the country, they should be given autonomy in their dealings for establishing and continuing better industrial relations without any intervention by Govt.

129. Has collective bargaining been possible in the small-scale sector? To what extent does this sector make use of the industrial relations machinery?

ANS. No comments.

V - WAGES

Introductory:

130. How does the current availability of unskilled labour affect the level of wages?

ANS. The level of wages in the port industry is not affected by current availability of unskilled labour; the wages are either protected by the application of minimum Wages Act or by the introduction of the Dock Labour Boards in the case of stevedore workers. These Boards, which are statutory bodies, have been empowered to fix wages and conditions of service for the labour registered with them. The scheme also restricts that no registered employer can engage labour other than the labour registered by the Boards. The availability of unskilled labour has in no way affected the wage level.

131. What has been the relationship between wages in agriculture and other organised sectors and wages in industry?

ANS. As the workers in agriculture and other unorganised sectors do not possess the scope or capacity for bargaining with their employers in the matter of fixation of wages, their level of wages is generally low.

132. Should wages in agriculture and unorganised industries be allowed to influence wages in industry?

ANS. In the view of the Federation, there should be no disparity in the matter of wages between agriculture and unorganised industries on the one hand and organised sector on the other.

133. To what extent is the existing level of wages a result of the traditional mode of wage settlement, collective bargaining, awards etc?

ANS. The existing level of wages of the employees in the port & dock industry has mostly been the product of settlements, agreements, awards. It may be of interest at this stage to state that the labour unions agitated for the constitution of a Wage Board for port & dock workers which has been constituted by the Ministry. The Wage Board is presently seized of the work of wage fixation for all major ports.

Minimum wage:

134. As set forth in the report of the Commission on Fair Wage, 'The Minimum Wage must provide not merely for the bare sustenance of life, but for the preservation of the health and efficiency of the worker. For this purpose, the minimum wage must also provide for some measure of education, medical requirements and amenities. Should this concept of minimum wage be modified in any way?

ANS. The concept of minimum wage as set forth in the report of the Committee on Fair Wages may seem to be sound in principle, the achievement of which, is difficult in the present economic conditions of the country; this can be taken as a model to be reached slowly and gradually as the economy develops. In the opinion of the Federation, this is not the opportune time for any modification

135. The 15th Session of the Indian Labour Conference accepted certain norms (Appendix IX) in regard to the size of the workers' family and minimum requirements of the family relating to food, clothing, housing and other items of expenditure. Attempts made by some wage fixing authorities to quantify this minimum wage have brought out the difficulties in implementing the formula. In what respects do the standards require reconsideration?

ANS. It should be recognised that in a vast country like India, there exists large variation in the standard of living amongst workers emanating from different places or regions of the country, depending upon their own food habits and other environments. The standards as laid down by the 15th Session of the Indian Labour Conference are, therefore, very difficult for imple-

mentation and achievement. Even eminent jurists have expressed misgivings that standard as envisaged by the conference cannot be achieved within a shortest possible period in view of the stress and strains on the national economy at the present juncture.

136. If it is not feasible to provide the minimum wage referred to above to the working class, is it possible to suggest a phased programme for implementing the need-based minimum as recommended by the Indian Labour Conference?

AIS. The need-based minimum as stated earlier as recommended by the Indian Labour Conference can only be achieved progressively as the economy develops, so that the growth of the economy and the general level of national income are not adversely affected.

137. The Committee on Fair Wages made its recommendations about minimum wage against the back-ground of conditions in the industrial sector. Do these ideas require modifications if they are to be relevant to non-industrial workers who predominate in the country?

AIS. Separate minimum wages may be worked for urban and non-industrial workers as requirements of workers in the urban areas are totally different.

138. If the idea of fixing a National Minimum Wage is to be accepted taking into account the replies to questions 134 to 137 above, how is it to be worked out in practice?

AIS. The Federation feels that it is very difficult to fix a national minimum wage for the entire nation in the light of views expressed by Wage Boards and Pay Commissions all of whom have said that evolving a national minimum is no easy solution.

139. As between different regions in the country it is not only that prices of consumption goods vary, but the content of the minimum needs themselves can be different. How are these variations to be provided for in arriving at the National Minimum?

AIS. Refer answers given in reply to Q.138.

140. Would you favour any change in the definition of 'Minimum', 'Fair', and 'Living' wage given by the Committee on Fair Wages? What in your opinion could have been the concept of 'living wage' referred to in the Constitution? (Appendix X).

AIS. The definitions are model ones, achievement of which, will take a number of decades depending upon the economic conditions obtaining in the country. The same should be

made practical or the definition should be removed and wages fixed by collective bargaining taking into consideration the financial capacity of the industry to pay.

Dearness allowance:

141. Considering the need for protecting real wage, how should one provide for revision of wages/wage rates for changes in price level? Should this be by revision of the wage itself or by a provision of a separate component to absorb price changes?

ANS. The Federation feels that to protect the real wage of the workers, a separate component in the shape of dearness allowance to neutralize the cost of living is a practical and equitable solution. The compensation for rise in the cost of living at the lowest level may be fixed only to the extent of 90% as recommended by Gajendragadkar Commission for Central Government employees.

142. In view of the prevalence of several methods to provide or the payment of a separate allowance to meet changes in cost of living, is it feasible to apply any one system on a uniform basis? Which system would be most appropriate?

ANS. The Federation feels that payment of separate allowance to meet the cost of living is fair and an equitable system; however the grant of dearness allowance should take place once in a year instead of periodically as at present.

143. If a system in which dearness allowance adjusted to changes in cost of living is favoured:- (a) which index No. viz. (i) All India (ii) Regional, or (iii) Local should be preferred? (b) What should the frequency at which revision should be made monthly/quarterly/half-yearly etc.?

ANS. (a) The Federation prefers the All India Index Number. The present system of payment is based on the All India Index Number to the port & dock workers.

(b) There should be no revision for short term fluctuations in the All India price index.

(c) Dearness allowance may be revised only when the cost of living index exceeds 10 points or more provided it continues over a period of 12 months.

144. In determining the quantum of dearness allowance, what should be the principles governing the rate of neutralisation of price rise?

ANS. The Federation feels that, if the health of the economy is to be maintained and the various development programmes are to be pursued and executed with success, wage earners should also share the burdens and hardships to some extent. The wage earners may be paid dearness allowance by fixing the quantum at 90% by way of compensation for the rise in prices.

145. Considering that payment of a cost of living allowance is meant to ensure that real wage of employees is not eroded by price increases, should the capacity to pay of an industry/unit be a relevant consideration in fixing the rate of dearness allowance?

ANS. The capacity of an industry/unit to pay is a relevant factor which should be kept in view, as any artificial increase in wages which the industry cannot bear, would seriously affect its economic working and thereby the industry may be forced to close down its business throwing the employees in the lurch.

146. In areas/activities where part of the wage is in kind, what adjustments should be made in fixing the quantum of dearness allowance?

ANS. In the port & dock industry, workers are paid their wages in cash; the question of making adjustments in fixing the quantum of dearness allowance or payment of wages in kind, does not arise.

Fringe benefits:

147. How should fringe benefits be defined? What should be their scope and content? To what extent do such benefits affect production costs?

ANS. Fringe benefits should be defined as special benefits which are granted to the employees. They receive either in cash or in kind, which nodoubt adds to the total expenditure of the industry. Therefore, in calculating the minimum wage or fair wage, the cost of fringe benefits must also be taken into account.

Port & dock workers are enjoying fringe benefits in the shape of paid leave, holiday wages, attendance allowance, minimum guaranteed wages, medical, canteen at subsidized rates, subsidized housing facilities, provident fund, gratuity, Workmen's Compensation, P.T.O. facilities, Children's Education Allowance and/or Reimbursement of Tuition Fees etc. etc. The benefits naturally add to the cost of production to a considerable extent in the shape of quantum of money-value involved as compared to wage payments. The Federation has been informed that in the stevedoring industry, the employers bear approximately 35/40% of the total wage bill by way of cost of fringe benefits alone.

148. How far can the fringe benefits be a substitute for higher money earnings?

AIS. Fringe benefits, in so far as they save a person from expenses, are certainly a substitute for money earnings and should be counted as earnings.

Wage differentials:

149. Do the existing wage differentials in the plants within your knowledge appropriately reflect the consideration mentioned in the report of the Committee on Fair Wages, viz. degree of skill, strain of work, length of work, training requirements, responsibility undertaken, mental and physical strain, disagreeableness of the task, hazards of work and fatigue?

AIS. As far as stevedoring industry is concerned, the present wages have taken into account the various factors mentioned in the question. Normally the wages in the port industry have been higher than those prevailing in other sectors of industries in the region.

150. What has been the effect of the existing systems of dearness allowance on wage differentials. What steps would you suggest to rationalize present arrangements?

AIS. As far as stevedoring industry is concerned, both the workers and the supervisory and clerical staff are paid dearness allowance on the slabs prescribed by the Commissions for Central Govt. employees. The existing

system, therefore, disturbs the differentials in wages. This can be rectified if dearness allowance is linked to the basic wage on a certain percentage basis.

Methods of Wage fixation:

151. As between different methods of wage fixation obtaining at present, namely, statutory wage fixation, wage fixation through collective bargaining, fixation through wage boards, and wage fixation resulting from adjudication etc. Which method or methods would be more suitable for adoption in future? If one or the other arrangement is needed for different sectors, indicate sector-wise the arrangement needed.

ANS. Normally, the wage fixation should take into account the capacity of the industry to pay and, therefore, the method for fixation of wages should be, as far as possible, on collective bargaining as both sides would be in a position to know the conditions of the industry. Failing, the fixation of wages should be referred to a permanent independent board consisting of persons with knowledge and administrative experience of the industry.

152. In collective bargaining for wage fixation, should the principal emphasis be laid on national agreements? If so, what adjustments should be made to meet local needs?

ANS. Normally, it would be desirable to have wage fixation based on national agreements. However, in view of the various political parties controlling the unions at various ports, national agreements are not practicable. If emphasis is laid on national agreements, then, fixation of wage should take into account the local needs depending upon the cost of living in the regions.

153. Tripartite wage boards came in vogue because it was felt that an arrangement by which parties themselves can have a hand in shaping the wage structure in an industry could be more enduring than the one where an award is handed down by a third party. Has this expectation been fulfilled?

ANS. For the port industry, the Government of India has constituted a wage board only a couple of years ago for the first time. The Board has not yet formulated any plan for the determination of the wage structure for port & dock workers at major ports. In the circumstances, it is premature to express any opinion on the question.

154 (a) In what respects should operation of wage boards be modified to improve their working?

ANS. Please see reply to question No.151.

(b) Should wage board recommendations have legal sanctions?

ANS. The Federation does not favour legal sanctions being given to the recommendations of the wage boards.

Wage Policy:

155 (a) How could the criteria of fairness to labour, development of industry, capital formation, return to entrepreneur, etc. be taken into account in wage fixation?

ANS. All the factors mentioned above must be taken into account for fixation of wage in order to secure fair deal to labour and industry.

155(b) It is said that in the balance between fair wages to workers, fair profits to entrepreneurs and fair returns to treasury, the consumers are often left behind. How far is this criticism valid? How best can the situation be remedied?

ANS. It is true that the interests of consumers have been left behind. The remedy would be that while fixing wage, per capita national income must be kept in view and also when wage boards are constituted, a representative of consumer-interests should have a seat on such a board or in any other wage fixation machinery.

156. In the context of planned development, the question of taking an integrated view of policy in regard to wages, incomes and prices is often emphasised. What should be the objective and scope of such a policy. Indicate the guidelines for such a policy in the light of the perspective for the growth of the economy. Changes in the existing institutional arrangements for implementation of such a policy may also be indicated.

ANS. Per-capita national income should be a guiding line on which wages should be fixed for various categories of labour. These guide lines may be reviewed from time to time depending on the growth of the economy of the country.

157. Do you suggest a policy of 'wage freeze'? If so, how can it be implemented under the existing system? What are the implications of this policy for other incomes?

ANS. Wage freeze is desirable to enable the economy to rehabilitate itself from the doldrums it faces to-day. However this can be accomplished by stabilising the price level of the articles which are commonly used by them by the Government.

158. Is there a need for sectoral balance in wage structure between the public and private sectors? If there is, how should it be achieved?

ANS. In the port & dock industry, there is parity in the wage between the public (Port Trusts) and the private sector (stevedores), who employ labour from the Dock Labour Boards. At present, this is being done by the joint review of wage decision between the port authorities and Dock Labour Boards, who have a common Chairman.

Mode of wage payment:

159. What are the existing practices in regard to payment of wages in kind? Would you suggest its extension to units where it is not obtaining at present?

ANS. In the port & dock industry, payment of wages is made in cash to workmen and not in kind. We do not consider the system of paying in kind to be feasible or practicable.

160. To what extent is the method of paying unskilled workers on time scale of payment common? Would you favour its extension?

ANS. In the port & dock industry, for jobs which cannot be measured in terms of output, time rate scale is common for unskilled labour. The Federation favours substitution of time-scales of pay by payment of results wherever results can be measured in terms of units to avoid elimination of idle time and wastage of productive capacity.

161. Do you favour the suggestion that the total wage packet should consist of three components, namely, the basic wage, the other depending on price changes and the third which takes into account productivity changes? If so, how should this suggestion be made operative?

ANS. The Federation favours the suggestion that the wage packet

should comprise of three components, namely basic, dearness allowance which will depend upon the cost of living and the third element which will depend upon the production. Our present incentive schemes which are operative in some of the ports are based on these three elements.

General

162. How far can the administration of the Minimum Wages Act 1948 be considered to be satisfactory? Outline in detail the difficulties experienced in its implementation. Offer suggestions against each difficulty on how best it could be overcome? (See also Q.210).

ANS. The Federation feels that the Minimum Wages Act 1948 was intended to safeguard the interests of sweated labour. It is not considered necessary to apply Minimum Wages Act to port and dock industry, as bulk of the labour is now drawing wages far in excess of the minimum wages laid down in the Minimum Wages Act 1948. On the contrary, it is felt that introduction of Minimum Wages Act 1948 has created difficulties in the working of the port industry.

163. Is the scheme for payment of annual bonus embodied in the Payment of Bonus Act 1965 satisfactory? If not, what are your suggestions? How does the latest decision of the Supreme Court affect the Scheme of the Act?

164. What should be the place of bonus payments in the future system of remuneration?

~~Under~~

ANS. / the payment of Bonus Act 1965, the Port Authorities and workers registered with the Dock Labour Boards have been exempted. However, in spite of this exemption, labour has been pressing for payment of bonus and ex-gratia payment at the rate of 4% is paid to the labour of the Port Trusts which is not considered satisfactory by them and higher payment is demanded. In the case of registered stevedore workers, the Bonus Commission has laid down a guiding principle that the system of agreements for payment of bonus to stevedore workers at the port of Bombay providing rate of payment on a per ton basis may be followed by other ports where system of payment of bonus does not prevail. Wherever there is a dispute regarding the quantum of bonus, the matter may be referred to adjudication for determination of the quantum. It has

been the experience of the Federation that the unions are not willing to submit to adjudication for the determination of the quantum of bonus and are anxious to resort to direct action to achieve their object by pressurising the employers. If the Government is of the view that bonus should be made applicable to workers working under the Port administration and Dock Labour Boards which are either 'Local Authority' or 'Statutory Bodies', the principles laid down under the Bonus Act 1965, should strictly be made applicable.

The concept of bonus is to fill the gap between the actual wage and fair wage. If in an industry the wage earned by workers is far in excess or beyond the fair wage, then there should be no demand for higher payment of bonus and the Act should be modified accordingly.

VI - INCENTIVE SCHEMES & PRODUCTIVITY

165. What steps should be taken to introduce a system of payment by results in industries/activities where this system would be appropriate?

ANS. In the opinion of the Federation, incentive schemes should be introduced in all the ports on a uniform basis as far as possible. Wage incentive schemes are in operation for loading/unloading of cargoes at various major ports like Bombay, Madras, Cochin and Vizag. In other ports, schemes on similar lines are essential. Incentive schemes provide for fall back wage which is normally 75% of the daily wage which works as a deterrent to work slow or adopt go-slow tactics. The incentive schemes which were introduced sometime ago need modifications from time to time depending upon the import/export pattern of the cargoes for which new norms should be laid down to cater to the needs of the changed pattern of the trade on a scientific basis, giving sufficient scope to workers to earn reasonable amount of incentive for reasonable effort.

As regards supervisory and other clerical staff, no incentive schemes are practicable, these persons should,

therefore, continue to be governed by the time scale of wages as hitherto.

166. Please state your views on the following principles for introduction of incentive schemes.

(a) Employers and workers should formulate a simple incentive system at the unit level and implement it on some agreed basis through collective bargaining. In every case, introduction of incentive schemes should be preceded by an agreement with trade unions.

(b) In evolving wage incentive schemes, it should be ensured that these do not lead to rate-cutting. The worker's normal wages should be protected where it is not possible for him for circumstances beyond his control to earn an incentive.

(c) Individual or group incentives can be framed to cover both direct and indirect groups of workers.

(d) An incentive scheme cannot be evolved without a work study undertaken with the cooperation of workers. Nevertheless, it should always be open to employers and workers to evolve a scheme by agreement or any other acceptable basis.

(e) Efforts should be made to reduce time rated categories to the minimum. This will ensure that all employees have an equal chance to increase their earnings with increase in productivity.

(f) Wage incentives should generally provide extra earnings only after a mutually agreed level of efficiency has been achieved.

(g) To ensure equality of production, incentive payments should be generally allowed only if the output has been approved on inspection by the management.

(h) Incentive earnings should not fluctuate very much. This requires a certain degree of planning so that material delays, machine-breakdown etc. are controlled.

(i) The scheme should itself safeguard adequately the interests of the worker if he is forced to remain idle due to circumstances entirely beyond his control such as non-supply of raw materials, machine breakdowns etc.

(j) Apart from financial incentive, non-financial incentives like better security of employment, job satisfaction, job status, etc. have also a place in increasing productivity.

ANS. The wage incentive scheme evolved by the Labour Appellate Tribunal of India for registered stevedore workers engaged on loading/unloading operations at this port and schemes evolved at other ports conform, more or less, to the principles stated in questions (a) to (j) above.

167. What should be the respective roles of labour, management and Government in raising productivity?

ANS. The labour, management and Government should review the level of production from time to time and examine new methods to be adopted with a view to raising the productivity.

168. How should the gains of productivity be measured? Can they be allocated to different factors of production? How should the gains be shared?

ANS. In loading/unloading operations conducted in the port industry, it would not be very difficult to determine the various factors which would help in the raising of production. If production increases beyond certain norms laid down, the gains of production should also be passed on to labour to increase their wage levels. A Committee of the National Productivity Council has evolved a scheme for sharing the gains of the productivity, which is as follows:-

- (i) Profit bonus to labour 30 to 40% of the cost of productivity.
- (ii) Dividend on capital 20%
- (iii) Capital investment for developments 20 to 30%
- (iv) Rebate to consumers 20%

The Federation feels the above broad principles appear to be reasonable.

169. Have increases in productivity matched with wage increases in the years since Independence? Please give supporting statistics.

ANS. As far as the Federation is aware, increased productivity has brought simultaneously increased wages to labour following introduction of incentive scheme in 1956 at the port of Bombay. Statistics are given showing the increase in productivity vis-a-vis increases in the workers' earnings.

(see statement attached and marked as Appendix I

170. Has any understanding within your knowledge experimented, in recent years, with productivity techniques? How did the employees react to these experiments? Did this result in increasing workload. If so, how was this situation met?

ANS. In the port of Bombay, incentive schemes were introduced in 1956 by an award of the Labour Appellate Tribunal of India, following by introduction of similar schemes at the ports of Madras, Cochin and Vizag. The labour, though, in the beginning was averse to the decision of the Labour Appellate Tribunal, has since reconciled to the working of incentive schemes realising that the efforts put in by them bring substantial gains in the shape of increased earnings. Introduction of such schemes have not resulted in increasing the workload.

171. What place would you assign to suggestion schemes and institution of awards for outstanding work to improve productivity?

ANS. The Federation will always welcome giving financial awards for outstanding work and thereby raising productivity so as to enable the workers to take keen interest.

172. What are the factors contributing to labour turnover and absenteeism? How do they affect improvement in productivity? (See also Q.183)

ANS. The Federation feels that the absenteeism in the port and dock industry is high as compared to other industries. This no doubt affects the productivity, as, on various occasions, labour has been required to work for more than one shift which results in low production.

173. What is the place of the motivation of worker for improving his standard of living in the successful working of incentive schemes?

ANS. Incentive schemes operating in the ports have resulted in better earnings by workers which are sufficient motivation for workers to work hard in order to improve their standard of living.

174. What is the effect of (a) go-slow, (b) work to rule and (c) Unions ban on overtime on creating a climate for improving productivity?

ANS. In the experience of the Federation, wherever incentive schemes are introduced, the workers have not resorted to go-slow, work to rule and ban on overtime.

175. What is the role of rationalisation in improved productivity? The 15th Session of Indian Labour Conference has made some recommendations (Appendix XI) for regulating the process of rationalisation. Have these recommendations helped rationalisation? Do these recommendations still provide a useful frame work for the purpose? If not, what changes would you suggest?

ANS. No rationalisation has been brought about in the port & dock industry for improved productivity. However, mechanical aids such as fork-lifts, platform trucks, mobile cranes etc. have been provided with a view to increasing the output. In advanced countries, mechanisation has been introduced. The Federation feels that Indian Ports should also be mechanized by collective bargaining rather than introducing voluntarily.

176. (a) What should be the place of automation in the perspective of development?
 (b) How would automation affect labour-management relations?
 (c) Should there be a special machinery to study the problem?

ANS. Automation in the port industry will take some time and when automation is to be introduced, our suggestion is that there should be a joint machinery consisting of labour and management to study the problems arising out of automation.

177. How far has the National Productivity Council been effective in generating enthusiasm among employers and workers in increasing productivity?

ANS. No comments can be made by us, as the National Productivity Council has so far confined its activities on certain selective industries.

VII - SOCIAL SECURITY

178. (a) What effect do the social security schemes have on stability of employment and on industrial relations.

(b) Have some of the benefits, based as they are on a qualifying period for entitlement, led to larger labour turnover? If so, what should be the remedial measures?

ANS. (a) The effect of several security schemes introduced by the Dock Labour Boards has been on the whole good; these have secured for the employees a permanent employment and have resulted in the maintenance of cordial relations.

(b) In ^{the} view of the Federation, the qualifying period for entitlement did not lead to larger labour turn-over.

179. The Convention on Minimum Standards of Social Security adopted by the International Labour Organisation refers to the following branches of social security, namely medical care, sickness benefit, unemployment benefit, old age benefit, employment injury benefit, maternity benefit, invalidity benefit and survivor's benefit.

- (a) To what extent is each one of the above benefits available at present?
- (b) What is the cost of existing social security schemes in relation to the total cost of production? How has it varied over the last 15 years?
- (c) Are the scope and coverage of each one of the benefits mentioned above adequate?
- (d) What should be the priority for enlarging the scope and coverage of the various existing benefits?
- (e) How should the programme for introduction of the benefits not currently available be phased?

ANS. (a) & (b): In the port & dock industry, the following benefits are available to workers.

1. Free medical care both indoor and outdoor.
2. Attendance allowance for days when no work is available.
3. Minimum guaranteed wages for 21 days in a month.
4. Contributory provident fund.
5. Gratuity.
6. Compensation for injury or accident under the Workmen's Compensation Act.

The above benefits have been introduced by the various Dock Labour Boards in stages. The cost has been increasing as the scope of the social security schemes are enlarged from year to year. In the initial stages, provident fund was contributed at $6\frac{1}{4}\%$ on the basic wage, whereas now it

it has been increased to 8% on the total **wage** including basic wage, dearness allowance and incentive earnings.

- (c) We consider the scope and coverage to be adequate.
- (d) The existing benefits should not be enlarged in one section of the industry such as the port & dock industry.
- (e) Phased introduction of benefits would depend upon the growth of the economy of the country.

180. The benefits referred to in question No.179 are generally available only to persons who are in wage paid employment; there will still be large numbers of persons like traders, artisans and small shipkeepers who are self-employed and who will remain uncovered by the scheme. What advance steps should be taken to bring these groups within organised social security schemes?

ANS. No comments.

181. The E.S.I.S. Review Committee has made a number of recommendations in its report both for improving the administration of the ESIS and for introducing an integrated social security scheme. As regards the latter, it has recommended that planning should now proceed to evolve a comprehensive social security scheme covering in a single enactment various risks of cessation of income or wage loss to which a wage earner is exposed. Towards this end it has specially suggested

ANS. The Port & Dock workers are not covered by the two schemes namely ESIS and E.P.F. Act 1952, because the employers are registered under the scheme who are obliged to follow the benefits extended by the various Dock Labour Boards. The workers under these Boards enjoy better benefits as compared to those covered under the above two Acts.

181 (i) The Government should in consultation with the Indian Labour Conference set up an expert machinery to evolve a blue print for a comprehensive scheme of social security which should also form a strong financial and administrative base for inclusion of benefits which are at present not available.

ANS. No comments.

181(ii) Action should be initiated forthwith to bring about an administrative merger of the ESI Scheme and the EPF Scheme. Steps should be taken to examine the problem in all its details and to accomplish this with the least delay.

ANS. No comments.

182. Should the provisions for exemption from the ESI scheme be tightened? How should this be achieved?

183. In so far as as the ESI scheme is concerned, there is a view that absenteeism among workers in the factories covered by the scheme has tended to increase consequent upon the introduction of the scheme. No concrete evidence has been forthcoming so far either in support of the above contention or against it. What is the experience in the industrial unit/units within your knowledge? What remedies would you suggest to

minimise such absenteeism? (See also. Q 172).

184. Should the administration of the medical benefits under the ESI Scheme remain the responsibility of State Governments? Or should the Corporation itself take it over? If State Governments are to continue administering medical benefits, what should be done to ensure that a uniform standard of medical benefits is available to insured persons in all States?

ANS. No comments.

185. What should be the respective shares of contribution from employers, workers and Government in any scheme of social security?

ANS. In any scheme of social security, the cost of benefits should equally be shared by workers, employers and Governments.

186. Should the Employees' Provident Fund Scheme be continued as at present or should steps be taken to convert it into either a pension scheme or a provident fund-cum-pension scheme?

187. If it is to continue in the present form, would you suggest any change in the pattern of investments of the funds and in the rate of interest accruing to beneficiaries.

188. Are any changes called for in the Scheme to make the administration more satisfactory?

189. Should a part of the provident fund be set apart for giving insurance cover to the members of the E.P.F. Scheme?

ANS. No comments to offer.

190. What should be the place of gratuity payments in an overall social security programme?

ANS. There should either be a pension scheme or a provident fund-cum-gratuity scheme. It has been the experience that workers do not like pension scheme as they prefer, at the time of retirement, to have sufficient money in their hands to make provisions for their housing or any other investments, to lead a retired life.

191. Would you suggest any changes in the existing provisions relating to lay off and retrenchment provided to employees against the hazards of job insecurity resulting from temporary employment and other fluctuations?

ANS. The existing provisions relating to lay-off and retrenchment as provided under the Industrial Disputes Act 1947 require modifications; the reason being that these benefits have to be made available to the employees at a time when the industry faces financial crisis. Any more burden thrown on the industry creates

further financial problems. In the view of the Federation, these benefits should be the responsibility of the States under all circumstances and the industry should not be asked to bear the burden.

192. Should the administration of some of the social security benefits be handed over to trade unions? What pre-conditions should trade unions satisfy for being eligible to take over such administration?

ANS. The employers, who bear the financial liability for social security benefits, should also administer some of the social security schemes.

VIII - LABOUR LEGISLATION

193. To what extent should labour-management relations in a planned economy be governed by legislation/collective bargaining? (See also Q.85 and 90).

ANS. In the opinion of the Federation, the objectives of development in an industry can best be achieved where labour-management relations are determined by collective bargaining instead of by legislation or any other directive from the Government. Where collective bargaining fails, remedy provided under the Industrial Disputes Act 1947 should be resorted to.

194. What have been the factors that have affected the proper and effective implementation of the various labour laws? (Appendix XII). Have these laws achieved the purpose/objects for which they were enacted? If not, what factors have hindered the achievement of these objectives? (See also Q.12).

ANS. In industries run by the progressive employers, no difficulty has been experienced for effective implementation of various labour laws. In the port & Dock industry, the labour laws, so far as they are applicable, have been fully and properly implemented. The purpose and objectives for which they are enacted have been fully met.

195. (a) How have the existing legislation and other provisions for protecting the interest of labour worked in practice?

(b) To what extent have the above provisions helped to implement the Directive Principles of State Policy on labour matters as embodied in the Constitution?

(c) What changes or further improvements in the existing arrangements would you suggest for fuller realisation of the Directive Principles (Appendix XII) keeping in view of the present state of our economy and the country's development in the foreseeable future?

ANS: (a) The existing legislation and other provisions for protecting the interests of labour working in the ports have worked effectively to the satisfaction of workers.

(b) The Directive Principles of State Policy have been fully implemented in so far as the port & dock industry is concerned.

(c) In view of the replies to (a) and (b) above, this question does not arise.

196. Are the present constitutional arrangements under which labour is a concurrent subject satisfactory, particularly from the point of view of the administration of labour laws? Are any modifications by way of centralization/decentralization of certain activities and functions necessary?

ANS. The port & dock industry is under the control of the Central Government. The existing constitutional arrangements are therefore satisfactory.

197. What has been the influence, direct or indirect, of international labour convention on the progress of labour legislation in India? To what extent has the Constitution helped or hindered such progress?

ANS. In so far as the port & dock industry is concerned, the Central Government have been amending the laws from time to time on the decisions taken by the International Labour Conference and other applicable decisions. This has helped the workers to improve industrial relations and conditions of work.

198. On the basis of the principles evolved out of case law over a number of years, what are your suggestions for reviewing and amending labour legislation in this country?

ANS. It is necessary that decisions given by courts over a period of years and confirmed and re-confirmed in subsequent cases should be incorporated in legislation by amending labour laws.

199. Has there been too much legislation in the field of labour? If so, what are the aspects in regard to which there is over-legislation?

ANS. The Federation feels that there have been too much legislation on labour, such as Shops & Establishment Act, Factories Act, Payment of Wages

Act and Minimum Wages Act etc. These acts provide for various protections, more or less, on identical basis. The employers have therefore to maintain records unnecessarily which can be avoided.

200. Is there need for consolidation and codification of existing labour laws? Please suggest the lines on which codification should be undertaken.

ANS. In view of our reply to question 199, there is considerable scope for consolidation of the above laws, as they seem to overlap one another.

201. Since 1958 the general emphasis in labour policy has been on voluntary approach in preference to legislation. This has resulted in fashioning tripartite instruments like the code of discipline, industrial truce resolution, etc. Has this policy been successful? Should it be continued?

ANS. YES.

202. Please comment on the suitability of (i) labour legislation so far enacted and (ii) voluntary arrangements so far built up.

ANS. Labour legislation as well as voluntary arrangements are concerned, it is the view of the Federation that both have proved their suitability and usefulness in their respective fields.

203. What is the extent of enforcement of labour legislation in public sector? Are exemptions from the applicability of certain provisions of labour laws more common in the public sector? What is the rationale for claiming such exemptions?

ANS. In the port & dock industry, most of the labour legislation has been enforced on the same lines as are enforced on the private undertakings. Exemptions have been sought or granted only in those cases where the relevant benefits to the employees under their own schemes are equal to, if not better than, those provided in the labour laws concerned.

204. Are there instances of political or other rights which are normally available to an individual being denied to employees in the public sector and their dependents? How are such denials justified?

ANS. The political or other rights which are normally available to an individual have not been denied to employees engaged by the constituents of this Federation, as they are all private employers.

IX - RURAL AND UNORGANISED LABOUR

205. Rural labour faces two inter-related problems which demand urgent solution: one is social centering round its low social status in the rural hierarchy and the handicaps resulting therefrom, and the other is economic, resulting from chronic lack of sufficient employment opportunities. What is your assessment of the effectiveness of the remedial steps taken by Government?

206. It is suggested that in countries with vast rural under-employment special emphasis should be placed on a broad-based programme for the promotion of productive employment in rural areas by a combination of technical and institutional measures, relying to the extent possible on the efforts of the people concerned and based on adequate study of the nature, prevalence and regional distribution of rural under-employment. How should such a broad-based programme be framed for implementation?

207. With a view to creating incentives and social conditions favourable to fuller and fruitful utilisation of local manpower in rural areas, the International Labour Organisation suggested the following action programmes :-

- (a) Local capital-construction projects, more particularly, projects making for a quick increase in agricultural production, namely, small and medium irrigation and drainage works, storage facilities and feeder roads;
- (b) Land development and settlement;
- (c) Labour intensive methods of cultivation and animal husbandry;
- (d) Development of other productive activities, such as forestry and fishing;
- (e) Promotion of social services, such as, education, housing and health services;
- (f) Development of viable small scale industries, such as, local processing of agricultural products and manufacture of simple consumers' and producers' goods needed by rural people;
- (g) Special efforts to develop rural manufacturing activities that are ancilliary and complementary to large-scale urban industry etc.

Which of these suggestions are feasible in the Indian context?

208(a) There is a considerable body of workers, largely unorganised and employed in small industries in rural/urban areas, not covered by the protective provisions of the present labour legislation. How should such protection as is desirable be reached to them?

(b) Specifically, considering the nature of their employment, the size and location of the units/industries in which they are engaged, please suggest practical methods by which their position can be improved in regard to their employment, wages and working conditions.

209. What steps should be taken towards progressive reduction of contract labour? How should contract labour be brought effectively within the scope of state action? (see also Q.16).

210. To what extent are the difficulties in the implementation of

Minimum Wages Act, 1948, in rural areas real? How could they be overcome? (see also Q. 162).

211. Do you favour a separate agency for the effective implementation of the Minimum Wages Act, 1948, for agricultural labour? Or should it be merged with local village or the block developments staff?

ANS. These questions do not apply to the members of this Federation.

X - LABOUR RESEARCH & INFORMATION

212. Most of labour statistics are a by-product of labour legislation. They suffer, therefore, inter alia, from the limitations arising out of lack of uniformity in the concepts, coverage and frequency of collection. The time-lag in their publication, non-response from primary units, inaccuracy of returns, changes in industrial classification are further difficulties in making labour statistics more useful. What steps should be taken to remedy the situation? Is the implementation of the Collection of Statistics Act, 1955 the answer?

ANS. It is felt by the Federation that a Central Machinery should be created to collect and maintain correct and proper statistical information relating to labour concerning all industries for information and guidance to who are concerned with labour-production results.

213. There is a feeling that the practice of entrusting the administration of labour laws to different officials, the statutory requirements of maintenance of different registers and sending of different filled-in returns under these Acts, result in a good deal of unproductive work and unnecessary duplication. If this feeling has a basis, what steps should be taken to improve the situation?

ANS. The Federation entirely agrees with the view that there are unnecessary requirements of registers, records and returns to be maintained by the employers. This should, if possible, be avoided without detriment to the interests of labour.

214. Does the All-India Consumer Price Index Number currently compiled reflect adequately price changes affecting urban working class? Should consumer price index numbers be compiled for every region of the country for the purposes of wage fixation? What principles should be followed in compiling the 'all-India' and regional indices?

ANS. The Federation has no information that the present all-India Consumer Price Index Numbers are not correctly compiled. In the opinion of the Federation, they reflect adequately price changes affecting the

employees in the port sector. The all-India Index has been accepted by the Central Government for adjusting the rates of dearness allowance sanctioned for its employees based on the recommendations of the Commissions on D. A. periodically. In the port & dock industry, workers/supervisory/clerical staff are paid dearness allowance by the employers on the basis sanctioned by the Central Government from time to time to its employees based on all-India Consumers Price Index.

215. Data presently collected and compiled in respect of work-stoppages (strikes and lockouts) mostly consist of: (a) number of work-stoppages, (b) number of workers involved, (c) number of man-days lost, (d) total wages lost in rupees and (e) total production lost in rupees. Are they adequate for measuring industrial unrest in the country? If not, what other aspects of industrial unrest require quantification?

216. At present statistical data are collected only in respect of work-stoppages arising out of industrial disputes. Is it necessary to collect similar information on work-stoppages due to reasons other than industrial disputes?

ANS. The proper basis of collection and compilation of data should be ^{to} include not only the stoppages due to strikes and lockouts, but also stoppages in any form whatever may be the reasons including go-slow, irregular or lightening and stay-in strikes etc. which alone would reflect the time lost in an industry for the purpose of statistical data to be maintained.

217. The current emphasis in the collection of labour statistics is on data which will help in understanding the economic aspects of workers' life. Social and sociological aspects have been comparatively neglected. What are your suggestions for filling up the gap? For better comprehension of labour problems which particular aspect of these statistics would you emphasise?

ANS. It is very necessary that, in addition to the collection of labour statistics which helps in understanding the economic aspects of workers' life, social and sociological aspects should also be enquired into by an expert institution like the Tata Fundamental Research Institute so as to give a

clear picture of the workers, whose life, due to improved wages and conditions of service, has been better off since Independence.

218. Statistical data (employment, unemployment, consumption expenditure, etc), are being collected in respect of rural population annually by the National Sample Survey. Would it be feasible to make these data available separately for rural labour for each State/region? What other statistics would be required for framing an operational programme?

ANS. NO REMARKS.

219. Are the present arrangements for research and studies in the field of labour adequate to meet the requirements of policy-making in labour and economic matters?

ANS. NO REMARKS.

220. What are your suggestions for improving the quality of labour research?

ANS. NO REMARKS.

221. What is the present state of labour research undertaken by employers'/workers' organisations?

ANS. NO REMARKS.

222. How should the trade unions be encouraged to strengthen their research activities?

ANS. NO REMARKS.

223. How should labour research be promoted in universities and research organisations?

ANS. NO REMARKS.

224. Are the present arrangements for associating the research personnel outside Government for a deeper analysis of data available with Central and State Governments adequate? What steps should be taken to strengthen this association? Should Co-ordination of research work done by different agencies be achieved?

ANS. NO REMARKS

225. What is the extent to which the existing information on labour matters is being put to use? Who are the main users? Give a critical assessment of the utility of the existing information.

ANS. NO REMARKS.

226. Are the existing arrangements for publicising the research activities of the various agencies adequate? What has been the role of the press in such publicity? What improvements, if any, would you suggest?

ANS. NO REMARKS.

227. How do trade unions/employers' organisations inform the public of their activities? To what extent do they succeed? (See also Q.31).

ANS. NO REMARKS.

228. It is often said that while industrial conflict gets more than its due share of publicity, industrial harmony does not. Do you agree with this view? What are the reasons for this?

ANS. NO REMARKS.

229. What role has the press played in educating the public on labour matters and with what results? Would you suggest any improvement? If so, how should this be brought about?

ANS NO REMARKS

230. What role has the press played in shaping decisions on industrial disputes? Has it helped or hindered the promotion of just and good industrial relations?

ANS NO REMARKS.

Appendix I - (Answer to question No.179)

Statement of productivity and earnings of each category of workers registered with the Bombay Dock Labour Board concerning the port of Bombay

Year	Tonnage required	<u>Input</u> Tonnage handled	Difference	Percentage of difference
	(tons)			
<u>PRE PIECE RATE SCHEME</u>				
1953-54	3,449,961	2,411,197	- 1,038,764	30
1954-55	4,813,966	3,053,382	- 1,760,584	36
1955-56	4,953,354	3,125,461	- 1,827,893	36
<u>POST PIECE RATE SCHEME</u>				
1956-57	2,545,521	3,562,106 plus	1,016,585	40
1957-58	1,602,551	3,118,914 "	1,516,363	94
1958-59	1,422,845	3,234,698 "	1,812,355	127
1959-60	1,353,977	3,277,363 "	1,923,386	142
1960-61	1,807,042	4,091,867 "	2,284,825	126
1961-62	1,592,566	3,716,833 "	2,124,267	133
1962-63	1,778,105	4,075,103 "	2,296,998	129
1963-64	1,855,735	4,327,165 "	2,471,430	134
1964-65	1,906,886	4,300,228 "	2,393,342	125

EARNINGS OF LABOUR - POST PIECE RATE SCHEME

The average monthly earnings from the years 1960-1961 to 1966-1967 of the different categories of workers covered by the piece rate scheme and time rate workmen are, as follows:-

Categories:	<u>1960/61</u>	<u>1961/62</u>	<u>1962/63</u>	<u>1963/64</u>	<u>1964/65</u>	<u>1965/66</u>	<u>1966/67</u>
Gang.	Rs. 205.	207	240.	237.	267.	298.	304
Winchdriver.	Rs. 191	203	283.	291.	307.	350.	320
Hatchforeman.	Rs. 213.	219.	220.	279.	315.	375.	329
Khalasi	Rs. 182.	170.	218.	228.	265.	268.	276.
Leave Reserve worker.	Rs. 167.	183.	216.	238.	285.	329.	387.
Tally/sorting clerk	Rs. 177	164	227.	254	274	281	265

Note: Average earnings of each category of worker for periods from 1953/54 to 1959/60 are not available.