

Chapter - 17

* Law of Industrial Relations
UNIT - I

*** Prohibition of Strike & lock-outs in Public Ut. Service

* Employees and Public utility Service Cannot Strike without Meeting these Conditions :-

- (i) They must give notice of Strike at least 6 weeks in advance.
- (ii) They Cannot Strike within 14 days after giving notice.
- (iii) They Cannot Strike before date mention and notice has passed.
- (iv) They Cannot Strike during ongoing Conciliation proceedings and for seven days after those proceedings conclude.

Lecture-02.

14:54:59 strike definition.

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* Industry means any business, trade, undertaking, Manufacture or calling off employees and includes any calling, service, employment, handicraft or industrial occupation of avocation of worker.

Secondary Occupation

* Lockout :- Mere suspension of work unless it is accompanied by intension of retaliating against the workers is not a lockout.

lockout involves temporarily closing the workplace but does not terminate the employer, employee relationship.

CASE LAW

In lord Krishna Sugarmills Ltd v. State of UP.

- Court held that shutting down a business for 30 days as a retaliatory measure against workers was considered a lockout.
- Closure is not a lockout.

* Lay-offs :-

- If a workmen is present at workplace and is not given work by employer within 2 hr. of reporting this is considered lay-off for that day.
- If workmen is asked to report for work during 2nd half of shift it is considered lay-off for half of the day.
- if no work is provided even after reporting workmen is entitled to full wages.
- employment contract is not terminated in lay-off.

Lecture - 03

4/sep/24.

* Labour Court :-

- Labour Court must conduct and conclude proceedings quickly without following civil court technicalities
- Labour Court cannot permit management to introduce new evidence on their own initiative.

* Reference of Disputer :-

- (i) Govt. Powers to make reference's discretionary.
- (ii) Govt. Can make reference without waiting for Conciliation Proceedings. (western india match Company Ltd Vs. Workmen.)
- (iii) Govt. may make reference at a latter stage even if initially refused.
- (iv) Govt. Cannot Cancel or withdrawn reference but Can Correct clerical errors.

* illegal strike and lock-outs :-

- (i) Strike or lock-out is illegal if it violates rules in Section 22 and 23 of industrial dispute act.
- (ii) If strike or lock-out is already happening when dispute is referred to Court or tribunal, it won't be illegal as long as it followed the law when it started.
- (iii) A strike or lockout in response to an illegal action is not considered illegal.
- (iv) It is illegal for anyone to use money to directly support an illegal strike or lock-out.

D. Time limit for Submission of awards :-

- When dispute is referred to labour Court, Tribunal or national tribunal the Govt. must specify the time within which award should be submitted.
- If dispute involves in individual worker max. Time allowed is 3 months parties can apply for extension and Court can grant it if necessary.

(E) Prohibition of strike or lock-out :-

- if dispute is referred to a Board, Labour Court, Tribunal or National Tribunal govt. can prohibit ongoing strike or lock-out.
- if govt. does not issue an order continuation of strike or lock-out is not illegal.

(F) Subject matter of adjudication :-

- when dispute is referred for adjudication, Labour Court, Tribunal or National Tribunal can only decide on specific points of dispute mentioned in government's Order's or matter directly related to them.

(G) Powers of the govt. to add parties :-

- Govt. can add other establishments or groups to a dispute if it believes they may be affected by it, even if there was no existing dispute in those establishments.