

USN										
-----	--	--	--	--	--	--	--	--	--	--

Internal Assessment Test 2 – Oct 2016

Subject:	Industrial Relations & Legislations						Code:	14MBAHR301			
Date:	26.10.16	Duration:	1hr & 30min	Max Marks.:	50	Semester :	III	Branch:	MBA		
<p><i>Note: Part A: Answer any 03 full questions, 30 Marks, 2 question consecutive. Part B: Compulsory 10 Marks..</i></p>											

PART-A

1. A) State cause of grievances.

- Morality
- Working environment
- Economic manner
- Supervision
- Work group
- Maladjustment of employee

B) List out the objectives of trade union.

- Wages and salaries
- Working condition
- Discipline
- Personal policy
- Welfare

PART-B

2. A) Comprehend principles of Hot Stove Rule with example

The "Hot-Stove Rule" of Douglas McGregor gives a good illustration of how to impose disciplinary action without generating resentment. This rule draws an analogy between touching a hot stove, and undergoing discipline. When you touch a hot stove, your discipline is immediate, with warning, consistent, and impersonal.

These four characteristics, according to McGregor, as applied to discipline are as follows:

1. When you touch the hot stove, you burn your hand. The burn was immediate. Will you blame the hot stove for burning your hand? Immediately, you understand the cause and effect of the offense. The discipline was directed against the act not against anybody else. You get angry with yourself, but you know it was your fault. You get angry with the hot stove too, but not for long as you know it was not its fault. You learn your lesson quickly.
2. You had warning as you knew the stove was red hot and you knew what would happen to you if you touched it. You knew the rules and regulations previously issued to you by the company prescribing the penalty for violation of any particular rule so you cannot claim you were not given a previous warning.
3. The discipline was consistent. Every time you touch the hot stove you get burned. Consistency in the administration of disciplinary action is essential. Excessive leniency as well as too much harshness creates not only dissatisfaction but also resentment.

B) Describe the industrial dispute Act, and state the cause for industrial disputes

According to Section 2A: Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

Appropriate Government [Sec. 2(a)]: Appropriate Government means the Central Government in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, any industry carried on by a Railway Company, any controlled industry specified by the Central Government, The Unit Trust of India. Corporations under the Central Statutes, Banking company, Insurance company. Mines. Oil field, Cantonment board, Major ports, etc. In relation to any other industrial dispute, the appropriate Government is the State Government.

Causes of Industrial Disputes:

(i) Wages:

Low wages of industrial workers constitute a major cause of industrial disputes in the country.

Wages have not been rising in proportion to the rise in prices. This has forced the labourers to demand higher wages, consequently leading to disputes.

(ii) Bonus:

The demand for bonus or increase in bonus has been the second major cause of industrial disputes. The workers feel that they should have a greater share in the profits of the industrial concern. Non-acceptance of this fact by the employers has been a source of friction among the employers and the workers.

(iii) Working Conditions:

The demand for improvement in working conditions such as lesser working hours, security of job, better safety measures in the factory, leave, canteen, gratuity facilities, etc., are also responsible for many industrial disputes.

(iv) Other Causes:

Among other causes that lead to disputes are failure of employers to recognise trade unions, conflict between rival unions for representation, insult to trade union leadership by the employer, introduction of rationalisation in the factory, the fear of retrenchment of workers, sympathetic strikes with fellow employees in other establishments, general discontent and sense of frustration among labourers, political issues etc.

c) Discuss settlement of machinery of industrial disputes, Act 1947

Let us discuss the machinery which exists in India for the settlement of industrial disputes. In this connection, we may mention the vital role that the Industrial Disputes Act of 1947 (as amended from time to time) plays or maintenance of peace in industrial units.

(1) There is a Working Committee in every industrial unit employing hundred persons or more. The Committee consists of the representatives of both the management and the workers. Its object is to improve the employer labor relation and to secure a settlement of industrial disputes.

(2) In every factory, there are Conciliation Officers appointed by the Government to go through the nature of dispute the arises between the workers and the management and try to resolve the conflict. The Committee submits a report there on to the Government.

(3) Arbitration is an important method of settlement of industrial disputes in India. It may be voluntary or compulsory. Under compulsory arbitration, the parties are bound to refer the disputes to the adjudication board the decision of which is binding upon the parties.

(4) The Government can appoint a Board of Conciliation consisting of four members to investigate any dispute and try to settle it and the board submits a report to the Government about it.

(5) In our economy the State Governments have been empowered to set up the Labor Courts for settlement of disputes arising out of the retrenchment workers. The government may also appoint a Court of Enquiry to find out the causes of labor unrest.

(6) There are many Industrial Tribunals in the Centre the States. Such a tribunal is presided over by a distinguished jurist for the purpose of settlement of disputes relating to wages, bonus etc. There are also Labor Appellate Tribunals to hear appeals from employers and employees and also the decisions of the Labor Courts, and the Board of Conciliation.

(7) The Bonus Act has been passed for the payment of bonus to laborers. There are also Wage Boards in different industrial units for the purpose of fixation of fair wages to the industrial workers.

(8) Both at the Centre and in the States, the Industrial Relations Commissions have been instituted for adjudication of disputes of industrial undertakings. In the several industrial units, workers are allowed to participate in the management for administrating the welfare schemes and fixation of working hours and leave.

(9) In 1965, the Industrial Disputes Act was amended in order to enable a retrenched worker to raise a dispute without the help of the union. Besides, casual laborers get layoff compensation which is half of their monthly wages.

(10) The amendments of 1982 and 1984 of the Industrial Dispute Act, has fixed compensation for retrenchment and has made the serving of a notice of retrenchment, closure to the appropriate Government compulsory and have also forbidden any unlawful retrenchment lay off in an industrial establishment employing not less than 100 workers without the prior permission of the appropriate Government.

(11) In some industries there exists a close co-operation between the workers and the management for avoiding the loss of man days, encouraging the growth of workers' unions and adjudicating disputes through mutual understanding and negotiations.

PART-C

3. A) Explain grievance model procedure and the approaches to grievance machinery

1. Purpose of this procedure

This internal grievance procedure provides a means for you, our employees, to raise your concerns with us about work-related problems; such as decisions about pay, benefits and holidays, or about health and safety, or about how you have been treated by a co-worker or manager. The procedure may also be used to raise concerns about incidents of discrimination, harassment or bullying.

2. Obtaining assistance

Do not hesitate to ask us for any assistance that you might need when using this procedure: for example, if you are a disabled person or a migrant worker and you require some help in writing a grievance letter, or if you require a sign language interpreter or other kinds of help to take part in a meeting. We will make efforts to provide reasonable assistance.

3. Dealing with grievances informally

In the first instance, you may seek to resolve matters informally. This is a useful way of resolving some problems quickly and easily. For example, if you are concerned about the behaviour of another person, or about a decision they made, you may prefer to speak to that person directly to explain your concerns and try to work out a satisfactory solution between yourselves. You may also try to do this with the help and support of a co-worker or a manager or supervisor.

If the informal process fails to resolve your problem, you may then try to find a solution through the formal procedure.

There are limits to the informal option. It is unlikely to be suitable for dealing with very serious incidents of misconduct as it will not involve a formal investigation of your concerns or lead to disciplinary action against any other person. In situations where a more in-depth investigation and a disciplinary outcome may be needed, then the formal procedure would be more suitable.

4. Dealing with grievances formally.

The formal procedure consists of the following steps-

Step 1 – starting the process

Try to bring the matter to our attention as soon as possible. Do this by informing [*insert name or job title of a line manager*] of your grievance in writing. Set out brief details of what concerns you and explain how you believe it may be resolved.

Step 2 – invitation to a meeting

On receiving the written notice of the grievance, the relevant manager will invite you to a meeting. We will normally aim to hold the meeting as soon as possible, but otherwise without unreasonable delay.

You will also be informed that you may be accompanied at the meeting by a trade union official or by a co-worker.

Step 3 – the meeting

At the meeting, the relevant manager will seek further information from you. This is your opportunity to give further details about your grievance and to make suggestions for how it may be resolved.

There may also be a need to investigate your grievance further; for example, to interview witnesses or to make other enquiries. If so, the meeting may have to be adjourned to allow for this. The manager may need to speak to you again as the investigation proceeds.

Harassment, bullying or other misconduct allegations

Where the grievance concerns an allegation of harassment, bullying or of other misconduct against another person, you will be informed that that person has the right to a fair hearing, including the right to have an opportunity to defend the allegation.

The manager will also consider and discuss with you whether special measures are required to ensure that you and the other person avoid having further contact with each other while the complaint is being investigated.

Step 4 – meeting the other party (if necessary)

This step will be followed where the grievance concerns an allegation of harassment, bullying or other misconduct against another employee or manager.

Following the meeting with the aggrieved employee, the manager will meet with the other person against whom the complaint is made to-

- outline the nature of the allegation that has been made;
- confirm that it is being handled as a formal grievance;
- give him or her an opportunity to answer the allegation;
- inform him or her that the matter will be investigated further;
- inform him or her of the next steps under both the grievance and disciplinary procedures and the possible disciplinary action that may be taken should the allegation be proven;
- inform him or her of the need to avoid contact (or, of any steps to be taken to avoid contact) with the aggrieved employee until the matter is resolved.

Step 5 – general notes about interviews and investigations

The manager will carry-out any further investigations that are necessary and will keep detailed and accurate records of all meetings with the aggrieved employee and witnesses and of any other enquiries that are made. The manager will aim to complete the investigation as soon as possible, but otherwise without unreasonable delay.

All witnesses who give information will do so privately and not in the presence of anyone else who was involved in, or who was present during, the events giving rise to the grievance. All information or evidence provided by witnesses will be treated as confidential.

Step 6 – making a decision and informing the parties

Having obtained all relevant information, the manager will consider whether the facts support the grievance and, if so, what disciplinary action, if any, needs to be taken, or whether other action is warranted. The manager will prepare a written report of the investigation and its findings.

As soon as possible afterwards, you will be informed about the outcome of the investigation. This will be done in a meeting, if possible, and will be confirmed in writing. You will be informed of your right to submit an appeal against the findings in the event that you are not satisfied with the outcome.

Any person affected by the findings of the investigation, particularly any employees against whom allegations of harassment, bullying or other misconduct were made, will be informed about the outcome of the investigation too. This will be done in a meeting, if possible, and will be confirmed in writing.

Step 7 – Appeals

Where the grievance has not been upheld and/or where you are not otherwise satisfied with the outcome, you will have an opportunity to submit an appeal and to attend an appeal meeting.

Inform us of your wish to appeal as soon as possible. Put your request in writing. Set out brief details of the reasons for your appeal.

You will be invited to an appeal meeting. We will normally aim to hold the meeting as soon as possible, but otherwise without unreasonable delay. You may be accompanied at the meeting by a trade union official or by a co-worker.

Where possible, the appeal will be considered by a different manager. If that is not possible, the manager who hears the appeal will try to consider it as impartially as possible.

As soon as possible after the appeal meeting, or otherwise without unreasonable delay, you will be informed of our final decision in writing.

Step 8 – what happens next?

Where the grievance has been upheld, and especially where there has been a finding of harassment or bullying we will take all reasonably practicable steps to reassure and protect you from further such acts. This may include offering special support or counselling; or, taking disciplinary action against wrongdoers; or, providing appropriate training for employees and managers.

Where it was concluded that it is appropriate to take disciplinary action against certain employees, we will implement our formal disciplinary and dismissal procedure against those persons.

B) Define discipline and list the objectives of discipline and causes of indiscipline in organization.

The practice of training people to obey rules or a code of behaviour, using punishment to correct disobedience.

'a lack of proper parental and school discipline'

Objectives:

1. To enforce rules and regulations.
2. To punish the offender.
3. To serve as an example to others to strictly follow rules.
4. To ensure the smooth running of the organisation.
5. To increase working efficiency.
6. To maintain industrial peace.
7. To improve working relations and tolerance.
8. To develop a working culture which improves performance.

Causes of indiscipline

There are many causes of indiscipline. Here are a few:

- Favoritism:
Indiscipline may be caused by teachers who favor some students in their teaching and classroom management. The other students may see this as a sign that everything is allowed in spite of the rules. Other students may also see this favoritism as an offense against them which leads to rebellion.
- The rules are not enforced:
When a student is not punished for an offense, s/he goes on to commit more offense.
- Lack of Communication:
The rules are not clearly communicated
- Teacher-student relationship:
The teacher and students relationship is essential for any learning process. If there is a breakdown in this relationship, indiscipline emerges.
- Lack of leadership:
When the teacher doesn't fulfill his role as a leader, there will certainly be students or students who will be glad to take this role. Thus indiscipline appears.
- Lack of motivation:
When students are not motivated, they tend to work in an undisciplined manner.
- Bad habits:
Some students may have acquired bad habits from previous teaching experiences. Once a student, for instance, has formed the habit of coming to school late, it will be hard for him or her to change this behavior.

C) Establish the employee relation management at work, culture and employee relations.

Employee relationship management refers to managing the relation between the various employees in an organization. The relationship can be between employee and the employer as well as between employees at the same level.

Employee relationship management is a process that companies use to effectively manage all interactions with employees, ultimately to achieve the goals of the organization. The human resources department can play a critical role in this process, both in terms of training and coaching managers and executives on how to effectively establish and nurture relationships with employees and in measuring and monitoring those relationships to determine whether objectives are being met.

Identifying Objectives

Employee relationship management is a general term that means a lot of different things to a lot of different people. At the outset, it is important to define what is meant by employee relationship management and, specifically, what areas of the relationship will be managed. For most companies, relationship management centers around items like attracting and retaining employees. Common measures of the effectiveness of these relationships include time to hire, turnover and employee satisfaction.

Determining Employee Needs

It is not enough to assume that a company or even its HR professionals know what is important to employees. Needs vary greatly depending on employee characteristics--age, gender, etc.--as well as the type of job being performed. It is a good idea to find out directly from employees what their needs are. You can do this in one-on-one conversations that take place informally throughout the year, during formal employee evaluation meetings and through surveys and polls that can provide a quantitative indication of employee needs.

Balancing Work and Life Needs

There is a widespread recognition in the 21st century that effective employee relationship management requires consideration of the whole employee. That means taking steps to ensure that the employee's work-life needs are well balanced. This can occur through creative staffing that might involve part-time, flextime or even off-site work assignments.

Open, Honest Communication

Communication is critical to establishing strong employee relationships. Managers must be committed to communicating regularly and honestly with employees about the issues that impact their work. The more open organizations can be, the more likely they are to establish strong relationships that lead to increased loyalty and productivity among employees and decreased turnover and dissatisfaction.

Measuring and Monitoring Results

Effective employee relationship management requires ongoing attention. That means that managers and their HR departments should be alert at all times for signs of discontent, which can be subjective, as well as carefully monitoring the results of more formal assessments. These results should also be shared with employees. Too often employees are asked to complete surveys and are not informed of the results--or what will be done with the results.

Relationships Are Interpersonal

Ultimately, employee relationship management requires the same skills and processes required to manage any relationship; a clear understanding of employees' needs and a desire to meet those needs is foundational. Then steps must be taken to interact effectively with employees through a variety of communication channels, both interpersonal and formal (e.g., intranet site, employee newsletters, etc.). Finally, measurement of the effectiveness of these efforts should be frequent and ongoing, with improvements and adjustments made when results are not showing continual improvement or satisfactory levels of performance.

Part-D

4. A) Justify the statement “paradigm shift is necessary from industrial relation to Employee relations, give an example to support your justification.

Introduction:-Industrial relationship is a field which basically deals with the relationship between the management and work force. like any other field of social science it has been subject to change since its inception, initially labor was thought just as a mean for production, and the idea was to exploit it to the highest degree possible, this kind of mindless exploitation gave rise to militant unionism, strikes and gheraos .With time it was realized that that labor is not a resource to be exploited but an ally to be utilized in a proper way to achieve higher goals and gradually there was a change in the dynamics of industrial relations.

As we know that globalization is followed by huge investments of capital, technology and ideas, so one of the major aspect on which globalization survives is Competitiveness. If India wants to leverage its potential in the classic age of globalization, Indian companies need to be highly competitive. This competitiveness has to be shown in every aspect of the organization ranging from innovative measures to process alignment to efficiency of workforce.

To gain a high degree of efficiency in a globalizing economy it is vital for the Indian industries to have a workforce that is highly motivated and which sees an alignment in their personal interest and the goals of the company. This can only be done when employees have a say in the decision making process as well as vital functions and processes. This can be implemented with the help of an organic, non bureaucratic and informal structure that does not differentiate

between management and the workforce and facilitates smooth flow of information from the workforce to the management. This will not only result in psychological satisfaction (as important as economic satisfaction) of the work force but will also have a lot of positive impact on the industry itself. One of them could be the detection of changes in the market.

Unrestricted flow of labor is one of the pillars on which globalization is based upon. Today mainly we see outflow of labor from India. But with time we should be ready for considerable amount of labor inflow also. So far our industrial relation policies are not accustomed to deal with a diversified workforce, with varying backgrounds in geographies, culture and thoughts. So we need to adapt our industrial policies in view of these demographic shifts. Our policy should be modified in such a way that it can accommodate workforce from various geographies amicably and can extract the best out of each of them. Since the philosophy of India has always been Unity in Diversity, this will not be a very tough task. So far we have dealt with our own regional diversities, now we need to deal with diversity across borders.

Along with China in this coming future, India has a very crucial role to play. India has the potential to be benefitted hugely by not only outsourcing but also by other models of globalization such as off shoring and global sub contracting model. Right now the world perceives India as a destination where the forces of globalization can play a constructive role that will not only boost Indian economy but will be in favor of the world economy as a whole. But at the same stage of time to fulfill these above objectives regarding our workforce we also need a very flexible, vibrant, unbiased and knowledge friendly industrial relationship. As we know that the forces of globalization as well as industrial relationship are mutually dependant, we need to design our industrial relationship policies in such a way that not only we are in a position to strike a beneficial deal for ourselves, but can also fulfill the expectations of the globalized economy.

