

## APPENDIX E

### MACHINERY FOR CONCILIATION

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(1) In maintaining friendly relations between the employers and employees and in the avoidance of disputes between them, some form of joint machinery on the Whitley model can perform a useful function by enabling personal and regular contacts being kept up between the two sides whose interests though—they may theoretically and ultimately be one are or at least appear to be, different for practical purposes and for the time being. Written or oral representations by individuals or negotiations through the associations or—trade unions of the employees or the joint Whitley machinery have each their own places and functions which are not in substitution of each other but are supplementary of each other. All together they can help in bringing about proper understanding of the motives and the real situation and difficulties of each other and will thus help in the maintenance of friendly relations and co-operation and in the avoidance of disputes.

### JOINT STAFF COMMITTEES AND COUNCILS

(2) The experiment of the establishment of Joint Staff Committee and Councils has been tried in Great Britain and has met with success both in the sphere of State Civil Services and in the sphere of Government industrial employees, as a machinery for conciliation, for maintaining personal contact and for discussion of questions relating to the interests of the employees and for smooth and efficient working of the administration. During the initial stage the experiment had met with suspicion and doubts which experience had succeeded in eliminating. In India the experiment has upto the present time met with very little success. This failure is due to several causes.

(3) *In the first place*, the Associations and Trade Unions of employees, rightly or wrongly, look upon the joint machinery as a rival and so long as this impression lasts, there is very little likelihood of its successful working. To give confidence to the Associations and Unions that there is no intention to supplant them, the staff side of the joint machinery should consist of only the representatives of the organisations of the employees. The interests of those who do not join the organisations cannot be different from the interests of those who prefer to be organised. Moreover, to give representation to those who do not join the existing organisation nor start any other organisation of their choice is to give encouragement to unco-operative tendencies. *In the second place*, the organisations of the employees should be given full freedom to choose their representatives either from the employees themselves or from outsiders who are their office-bearers, whole-time and paid or part-time and honorary. From experience alone the organisations will find that for the discussion of certain details, those who are in actual employment are better fitted. They will similarly learn from experience that whole-time paid officers are in a better position to find the time necessary for the regular work required by the joint machinery than part-time honorary officers. Any interference from outside in the choice of the representatives of the organisations of the employees only prevent the learning of what experience alone can teach successfully. *In the third place*, the

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restriction regarding the discussion of individual cases which at present exists should be removed. Again experience alone will bring home to the organisations of the employees, that all cases of injustice to individuals cannot be successfully dealt with through the joint machinery and conventions will grow in course of time by which some types of individual cases will be kept out of the purview of the joint machinery as it has happened in Great Britain.

*In the fourth place*, the joint machinery ought to consist not only of local or Departmental Staff Committees but should include higher bodies like the Regional or National Staff Councils to deal with questions which can only be discussed on a regional or national level. Different types of questions can be successfully dealt with only on these different levels. The spheres of authority of the lower committees and higher councils ought to be clearly defined. The civil and the industrial side of the joint machinery may be kept separate but there should be provided means for the co-ordination of the two sides.

*In the fifth place*, the joint machinery should have a wide scope as regards the questions to be discussed by it so long as those questions are either related to the interests of the employees and to efficient and smooth working of the administration. If the number of questions to be discussed is very much limited, the machinery will not have much work to do and will become rusty.

(4) The hostility of the Associations and Trade Unions to the Whitley joint machinery is also to some extent due to other restrictions placed upon them in the matter of their being registered under the Trade Union Act, their forming Federations and their associating themselves with the organisations of non-Government employees. If these and such other restrictions are removed, the attitude of the organisations of employees towards the joint Whitley machinery will change. In Great Britain, these restrictions had either not existed or are removed recently.

(5) Keeping in view the above suggestions, a scheme for a joint Whitley machinery should be worked out in detail. It may be suggested that the Government of India should place on special duty an officer to work out the details and he may be sent out to Great Britain to compare his scheme with what exists in Great Britain to the extent to which comparison is possible and to hold consultations with those in Great Britain who have experience in the working of a similar machinery. When such a detailed scheme is completed, Government should consult the Associations and Unions of their employees regarding the scheme and consider the suggestions which may be made by them for the improvement of the scheme or for making it acceptable. If this procedure is followed, there is every prospect of the scheme being accepted by all the sections of the employees. Even if it is not accepted by all sections simultaneously and even if it is accepted by the civil side of the employees, it should be introduced as a first step, leaving it to the future for the acceptance of the industrial side.

## LABOUR COMMISSIONERS

(6) It may be stated that upto this time, the Government of India have not provided special officers to deal with questions arising from their relationship with their employees. Their Establishment officers deal with the questions more from administration's point of view than from the

human side of the employees. The Government of India have recently appointed the Chief Labour Commissioner with some Regional Staff. But considering the number of the Government of India's civil and industrial employees, the staff is inadequate. They should have separate Commissioners of Labour with adequate staff one each for (a) Railways, (b) Posts and Telegraph and Telephone Department, (c) State Owned Mining Ordnance Factories, Printing Presses and other miscellaneous factories, and Central P.W.D. This will strengthen the conciliation and welfare machinery of the Chief Labour Commissioner. In the case of larger industries like the Railways, Posts, Telegraph and Telephones, it will be necessary to have Deputy Labour Commissioners for the bigger systems of Railways and for important provincial postal headquarters.

These Departmental Labour Commissioners and Deputy and Divisional Labour Commissioners should be invested with certain powers of decision regarding labour welfare and in matters involving larger expenditure and fundamental changes of working conditions, their powers should be advisory. Their consent should also be required for certain matters regarding discipline. They should also be charged with the duty to help the smooth working of the National and Regional Staff Councils.

#### LABOUR OFFICERS

(7) The Labour Officers who are at present appointed in workshops will be the lowest link in the chain of labour welfare machinery, beginning from the Chief Labour Commissioner. Besides the workshops, Labour Officers will also be necessary in Divisional Headquarters of Railways. The Labour Officers should be given high standing and should be men in class I service.

It will be the duty of a Labour Officer to be in charge of all questions of labour welfare and he should have authority to decide questions arising out of his duty, and as a Welfare Officer, he should be subordinate only to the head of the Department and to the Labour Commissioner. His consent should be required in cases of discipline. He will also help by advice in the work of the Staff Committees. As the Labour Officer will be a link in the chain of conciliation officers, he should not involve himself in disputes as a partizan. In order to enable him to do his work independently he should be made responsible for his work in the sphere of conciliation to the Chief Labour Commissioner and the Departmental Commissioners.

(8) The present Chief Labour Commissioner has only advisory capacity in the matter of labour welfare and can only have advisory capacity in his conciliation function. Some adjustment of relationship will be found necessary between the Chief Labour Commissioner, the Departmental Labour Commissioners, the Regional Labour Commissioners, the Divisional Labour Commissioners and Labour Officers and between these Labour Commissioners and the Departmental Heads of Departments, the heads of the different Railway systems and different Provincial Headquarters of the Post & Telegraph Department. This is a matter for the Government of India to decide. Some difficulty presents itself on account of the combination of the welfare and conciliation functions in one officer. If consideration of additional expenditure can be overcome, separation of these two functions may be recommended, so that, there will be separate officers for labour welfare work and separate officers for conciliation work.