4. ROLE OF TRADE UNIONS

The trade unions have taken all along an important part towards improving work conditions in factories and in pressurizing the government for taking appropriate measures through the passage of important Acts, including the Factories Act.

The earliest trade union in India was formed in Bombay when textile mills were established in 1851. In 1854 with the establishment of jute mills in Calcutta trade unions emerged there also. It was given to a social reformer Shorabji Shapurji Bengali to champion the cause of workers.

The First Factory Commission was set up to study the problems of workers in 1879. In 1881, the first Factories Act was passed which remained ineffective. In 1884, The Second Factory Commission was set up, to which a memorandum signed by Narayan Meghji Lokhande with 5,300 workers was submitted and Lokhande emerged as the first trade union leader in India. In 1895 Jute workers in Calcutta in the Budge Budge Jute Mill resorted to strike for six weeks. In 1890 in the Ghoossory Cotton Mills, Howrah, a strike of workers lasted for over a month. In 1905, employees of The Government Press in Calcutta and in 1907, railway men struck work throughout India. Workers went on strike against trial of Balgangadhar Tilak. Lokhandey prepared a charter of demand containing weekly-off, half hour rest at noon; payment of wages not later than 15 days from due date,
payment of wages for injuries during employment. This demand eventually led to
an Act called Workmen's Compensation Act, 1923.

On 24.04.1890, Lokhande arranged a mass rally of 10,000 workers, where two
women workers demanded Sunday as weekly off. The rally prepared a
memorandum which was submitted to the Mill Owner's Association. On
10.06.1890, the Mill owners association accepted workers' demands as given in
the memorandum. This was the first trade union victory in our country.

In 1890, the third Factory Commission was set up. Lokhande filed petition to the
Commission with 17000 workers behind him. Thus workers gained in solidarity.
In 1891, The Indian Factories Act was passed with stipulation of 11 hours of work
for women and half hour rest; child above 9 hours/below 14 years to work. In
1911, the Factories Act was amended and working hours 11 for adult male and 6
for child workers.

The Government of India accepted the resolution which N.M.Joshi moved in 1921
in the Central Legislative Assembly requesting for legislation for the registration
and protection of trade unions. It took five more years for the actual Trade Unions
Act to be enacted. There was a steep rise in membership of trade unions which
declined in 1930s due to closure of many factories during the great depression.
Number of trade unions was 191 in 1934. But the provincial governments could

In conformity with the Conventions of International Labour Organization (ILO) the Government of India has been enacting a number of labour related legislations. These Conventions are accepted as international standards for labour all over the world. Though the Government of India has not ratified all the Conventions of the ILO, most Conventions of ILO have been implemented through appropriate labour legislations in Parliament. This is the practice all in most member-countries where trade union and human rights are respected.

Not all labour legislations have been given out of goodwill. Many laws have come after long struggles labour had to wage to assert its rights through collective action. Laws recognized some of those rights which labour had already demanded. Most of the labour laws are Central labour laws. There are also separate and distinct labour laws enacted by some States, which are applicable to only those States.

Since labour is in the Concurrent List of the Constitution of India, States of Indian Union also have jurisdiction and power to enact legislation relating to labour taking into account the needs and local conditions of labour in the respective States. Article 246(4) of the Constitution of India empowers the Union and the
States to legislate on the whole gamut of labour related issues ranging from trade unions, industrial relations and disputes, social security, employment, unemployment, welfare of labour, conditions of work, provident funds, employers liability, workmen’s compensation, invalidity and old age pensions and maternity benefits.

Right of Association is guaranteed by the Constitution of India which incorporates the ILO Convention No. 87 Freedom of Association. Even before the adoption of Indian Constitution in 1950 labour in India enjoyed the right of association. The labour laws enacted since the early 1920s were basically meant to promote social justice.

Workers’ organize trade unions for primarily protecting and furthering their own interest. The basic responsibilities of trade unions have been, in India as well as abroad, first and foremost, towards their members. But it is now felt by many that while a union will function in the interest of its members in a particular trade or production centre, it should also accept community responsibilities. They should not forget that they have to consider also the interest of the community as a whole. The unions should try to harmonize the sectional interest of their members with the larger interests of the country. The traditional role of labour as an enemy of the capitalists may prove a serious obstacle in the process of economic growth. Hence it perhaps needs to be modified through the replacement of the concept of
continuous class conflict by the concept of class collaboration. Our Five Year Plans have all along emphasized that trade unions should not always be blind to their community responsibilities. Of course Indian trade unions have not always been blind to their responsibilities towards societies. They have been associated with the planning commission and tripartite bodies at the central and state levels in the formulation and implementation of labour programs.

The role which the trade unions would perform in promoting wider social interest depends, firstly, upon the stage of economic and social development of a country, secondly, on the strength of the unions, and thirdly, on the institutional set-up of the society in which they operate. Some of the social responsibilities of trade unions are regarded as follows: (1) to educate the rank and file of workers in such a way that the traditional agitational role is gradually modified into one of understanding and cooperation; (2) to keep the interest of the country constantly before the workers by way of refraining from unnecessary strikes, work stoppages, go-slow and intimidation; (3) to protect the interest of the consumer which is usually sidetracked in bipartite agreements reached between a union and concerned management; and (4) to discharge their role in the success of planned economic development of the country, as pinpointed in the very First Plan document. Of course it must also be admitted that the trade union movement cannot function effectively unless the community ensures that the economic and social interest of labour are properly looked after.
Perhaps the extremism of their unions has not been liked by most of the workers in the establishments surveyed by us, and hence the indifference of most workers towards unions. But it cannot be denied that the trade unions in our country, as in other countries, have fought, amongst others, for upgrading wages as the price level increased.

Our actual findings are given below:

**Table 4.1**

<table>
<thead>
<tr>
<th>Trade Union</th>
<th>No. of Factories</th>
</tr>
</thead>
<tbody>
<tr>
<td>More Than Two</td>
<td>21</td>
</tr>
<tr>
<td>Two</td>
<td>7</td>
</tr>
<tr>
<td>One</td>
<td>17</td>
</tr>
<tr>
<td>No Trade Union</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
</tr>
</tbody>
</table>

As per the above Table 4.1, there are 33 factories out of 50 where the numbers of trade unions were two or more.

From the Registrar of Trade Unions we collected the information about the total number of registered trade unions and their membership strength in West Bengal in 2004. That is as follows:
Table 4.2

Number of registered Trade unions and their Member

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Trade Unions Registered</th>
<th>Total No. of membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>388</td>
<td>33538</td>
</tr>
<tr>
<td>2000</td>
<td>352</td>
<td>29897</td>
</tr>
<tr>
<td>2001</td>
<td>256</td>
<td>66942</td>
</tr>
<tr>
<td>2002</td>
<td>205</td>
<td>17074</td>
</tr>
<tr>
<td>2003</td>
<td>205</td>
<td>31197</td>
</tr>
<tr>
<td>2004</td>
<td>188</td>
<td>17996</td>
</tr>
<tr>
<td>2005</td>
<td>115</td>
<td>10568</td>
</tr>
</tbody>
</table>

It clearly indicates that both the number of trade unions and their membership are decreasing sharply.

We asked all the workers of the factories we surveyed that whether he/she was a member of any trade union or not. Their response was as follows:

Figure 4.2

Table 4.3

Are you a member of any trade union?

<table>
<thead>
<tr>
<th>Workers' Responses</th>
<th>No. of Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>46</td>
</tr>
<tr>
<td>No Comment</td>
<td>20</td>
</tr>
<tr>
<td>No Trade Union</td>
<td>50</td>
</tr>
<tr>
<td>Yes</td>
<td>384</td>
</tr>
<tr>
<td>Total</td>
<td>500</td>
</tr>
</tbody>
</table>
Our finding was that 77% of respondent workers were members of trade unions which indicate that the trade union movement has not yet been able to bring many workers within its fold. This state of affairs may be due to incompetent trade union leadership or character of concerned workers or both.

We asked each worker if their union includes issues regarding improvement of work conditions in their Charter of Demand.

Table 4.4
Work conditions focused in the Charter of Demand?

<table>
<thead>
<tr>
<th>Status</th>
<th>Workers’ responses</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No</td>
<td>No Comment</td>
<td>Yes</td>
<td>Total</td>
</tr>
<tr>
<td>Non Member</td>
<td>24</td>
<td>16</td>
<td>6</td>
<td></td>
<td>46</td>
</tr>
<tr>
<td>Member</td>
<td>170</td>
<td>114</td>
<td>100</td>
<td></td>
<td>384</td>
</tr>
<tr>
<td>Total</td>
<td>194</td>
<td>130</td>
<td>106</td>
<td></td>
<td>430</td>
</tr>
</tbody>
</table>

Figure 4.3

Our finding is that, majority of workers thought that the role of their trade union in this area was not significant.
We asked all the workers how far he/she was satisfied with their trade union's performance on the improvement of work conditions in their factory. The responses of 500 workers are shown in the column chart (Figure 4.4) on the right side.

Our next question to the worker was whether they knew if there exists any act to safeguard their interests regarding health, safety, welfare etc inside their factory. The workers’ responses are as follows:

<table>
<thead>
<tr>
<th>Education</th>
<th>Do not Know</th>
<th>No</th>
<th>Yes</th>
<th>No. of Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to VIII</td>
<td>100</td>
<td>8</td>
<td>42</td>
<td>150</td>
</tr>
<tr>
<td>IX to XII</td>
<td>122</td>
<td>10</td>
<td>94</td>
<td>226</td>
</tr>
<tr>
<td>Graduation</td>
<td>22</td>
<td></td>
<td>44</td>
<td>66</td>
</tr>
<tr>
<td>Vocational</td>
<td>20</td>
<td></td>
<td>38</td>
<td>58</td>
</tr>
<tr>
<td>Total</td>
<td>264</td>
<td>18</td>
<td>218</td>
<td>500</td>
</tr>
</tbody>
</table>
Only 44% of the entire respondent’s answer was “yes”. Irrespective of their education level there was a considerable number of workers who were totally ignorant.

The bar chart (Figure 4.5) shows the majority of workers are unaware of the existence of factory legislation which protects their interest.

Then we asked them whose answer was “Yes”, “What is the name of this Act?”

The response of workers is shown in the column chart (Figure 4.6) on the right side.

Only 88 workers out of 218 (i.e. 40%) were able to tell us the name of the Factories Act.
Our next question was to those 88 workers who were able to tell us the name of the Factories Act. We asked them about the source from where they came to know about the Factories Act.

Figure 4.7

<table>
<thead>
<tr>
<th>No. of Workers</th>
<th>Management</th>
<th>Others</th>
<th>Trade Unions</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>30</td>
<td>22</td>
<td></td>
</tr>
</tbody>
</table>

The workers' replies are shown by the above column chart (Figure 4.7).

The major source of information of those workers who able to tell us the name of the Factories Act was Management.

Table 4.6

Summary of the workers' response on the different issues

<table>
<thead>
<tr>
<th>Different issues relating Trade Unions</th>
<th>Workers' Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agree / Yes</td>
</tr>
<tr>
<td>Are you a member of any trade union?</td>
<td>77%</td>
</tr>
<tr>
<td>Work condition focused by trade union</td>
<td>24%</td>
</tr>
<tr>
<td>Satisfied about their movement</td>
<td>15%</td>
</tr>
<tr>
<td>Is there any Act to safeguard health, safety, welfare etc.?</td>
<td>44%</td>
</tr>
<tr>
<td>Have you ever been heard about Factories Act 1948?</td>
<td>53%</td>
</tr>
</tbody>
</table>
In most cases, workers have not appreciated the role of their trade unions towards improving their work conditions. But it has been noticed that most of the strikes centering on bad work conditions in factories have been called under the leadership of the concerned trade unions.

Practical experience shows that most workers have no knowledge of their rights. The Factories Act is imperfectly implemented in small Industries. The Labour Department which has been created to implement most of these laws is said to be one of the most corrupt departments of our country. The Labour Courts which have been set up for speedy disposal of labour matters have failed to give speedy disposal of justice. In most cases it takes years for final decision. If a case is decided in favour of labour, the implementation of that decision is also very time consuming. As a result labourers suffer, for “justice delayed is justice denied”.
5. CONCLUSION AND RECOMMENDATIONS

From an examination of the survey findings, we arrive at the following conclusions:

The work conditions in most of the factories, visited by us, are far from satisfactory, and therefore require immediate attention of the concerned authorities for their redress. We wonder if the Inspectors perform their duties faithfully and competently.

The unsatisfactory picture of most of the work conditions affecting workers (safety, health and welfare, work-hours, wages and employment), looms large even after the publication of the Report of the Second Labour Commission (2002) of the Government of India which focused on the factors pinpointed in the Indian Factories Act, 1948 (amended several times subsequently).

A safe and healthy work environment is the basic right of every worker. While rulers have put great importance upon industrialization, health and safety seems to have received a low priority. It is true that legislation exists to protect workers' health and safety. But this has not been properly implemented. To be meaningful and effective legislation should be reviewed and updated regularly as scientific knowledge develops. The guidelines of the International Labour Organization have
to be kept in view in this connection. In conformity with the conventions of
International Labour Organization (ILO) the Government of India has enacted a
number of labour related laws which are accepted as international standards for
labour all over the world. Though the Government of India has not ratified all the
Conventions of the ILO, most Conventions of ILO have been implemented
through appropriate labour legislation in Parliament.

The management of occupational safety and health at the level of the
manufacturing units requires safety audit in West Bengal. There is no provision for
compulsory safety audit in West Bengal, although it is a statutory requirement in
many States in India (as for example, in Uttar Pradesh).

The specific objectives of the safety audit would be:

1. To study existing systems, procedures, plans and programmes on safety and
   health
2. To review implementation status of the existing safety systems, procedures,
   plans and programs
3. To recommend the measures for improving effectiveness for implementation of
   safety systems, procedures, plans and programs and also for improving the
   existing procedures/setting of new procedures if required.
The overall methodology of safety audit will consist of the following stages:

1. Collection of preliminary information regarding manufacturing process and hazards etc. through a questionnaire prepared by auditor before undertaking actual field work
2. Examination of documents pertaining to safety procedures/systems
3. Discussion with key personnel at various levels
4. Physical inspection of the plants
5. Preparation of report with recommendations

The scope of the audit will be to verify whether the planned and documented activities are performed in accordance with written procedures and to verify by examination and evaluation of objective evidence that appropriate elements of a safety management system have been developed, documented and implemented.

Some of the relevant points of safety audit are being listed below:

1. Health and Safety Policy
2. Accident reporting, investigation and analysis
3. Safety education and training
4. Work Permit System
5. Personal Protective Equipment (PPE)
6. Emergency preparedness (on-site and off-site both)
7. Compliance with statutory requirements
8. New equipment/process review and inspection system
9. Prevention of occupational diseases

10. Safe operating procedures

11. Fire prevention, protection and fire fighting systems

The report of such safety audit has to be sent to the Directorate of Factories. This will ensure that the recommendations of the auditor are complied with by the authorities through the issuance of directions / guidelines from time to time.

In many Asian countries like China, Indonesia, Japan, Korea, Malaysia, Singapore and Thailand there are national level occupational safety and health management systems. But in India there is none at the national level. We think that such a system should be developed not only for West Bengal but also for the whole of India. The measures included there are generally from the model based on ISO 14000 series.

An industrial hygiene laboratory has to be established for monitoring the work-environment by surveys conducted independently as well as in collaboration with the Regional Labour Institute, Ministry of Labour, Government of India in order to secure compliance with the Factories Act (1948, amended 1987). This will particularly take care of the concentration of toxic and hazardous substances in the air inside and around factories and ensure that such concentration is not above the safety level.
In our view, employment and wages do not strictly form a part of physical work conditions, and should therefore be dropped from the purview of the Indian Factories Act. Bonus is an important issue which is related to wages. But, the Factories Act did specifically excluded bonus from its purview. This necessitated the enactment of separate legislation for bonus which was the Payment of Bonus Act, 1965 (amended subsequently). Since independence (1947) question of bonus has agitated the minds of the workers of India and has continued to be a major cause of industrial disputes between employers and employees throughout India, including West Bengal. Bonus has two important definitions. (1) It is a share in the profits of the firm for the workers. (2) It is a deferred wage payable to workers irrespective of whether the firm is running on profit or loss. The workers and their representatives from the trade unions have generally insisted on the second definition.

In 1902 Jamshedji Tata wrote to his son Dorabji Tata to ensure the existence of wide streets, flanked by shady trees, plenty of space for lawns and gardens, and large areas for football, hockey and parks in side their proposed factory area. (Source: Financial Express of 25.08.2007). In our survey region only a few factories (e.g. Cheviot Company Ltd., Budge Budge, Hindustan Motors Ltd., Uttarpura and the Bata India Ltd., Nungi) have tried to follow the example of the Tata Steel, although in a very imperfect way. The Tata Company is the first company in the world which initiated an 8-hour workday for labourer in 1912.
Companies in the US and UK adopted this practice only by 1919. (Source: Financial Express of 25.08.2007). In our opinion, this type of ideal work environment should prevail everywhere particularly in the manufacturing industries in our country.

Scope for Further Research:
In our survey we made no distinction between government-owned and privately owned factories. But there is scope for a useful study on whether work conditions of government factories are better or worse than the private factories or the same. Such a study is expected to bring to light many factors operating behind industrial management in public sector factories. There is also scope for research into the peculiar attitude (the indifference) of the workers in the surveyed factories towards their trade unions.