CHAPTER X
FINDINGS AND SUGGESTIONS

Collective bargaining as a method of settlement of industrial disputes is legally recognised in Bangladesh. As a sub-system of the larger industrial relations system, its smoothness and efficacy depend to a great extent on the constructive outlook, mutual co-operation and problem solving attitude of the parties involved in it. In every country, the pattern of collective bargaining has been conditioned by and large by its political, economic and social forces.

Among the public sector industries in Bangladesh, jute is the leading one both as an employer of a large working force as well as foreign currency earner. Unlike other public sector industries, it is basically an export oriented industry. Again, unlike the public non-market sector, it operates within the purview of economic market constraints. These significant features of jute industry have a direct bearing on its collective bargaining system. Keeping this in mind, the present study was undertaken mainly to examine: (i) government policies towards trade unions and collective bargaining in their development perspective; (ii) present state and structure of the parties involved in jute industry's collective bargaining; (iii) the structural framework, arrangements, issues and practices of collective bargaining in the jute industry. Detailed discussions have been made in the foregoing chapters in order to expose and highlight the above aspects in an objective manner. This chapter is concerned with presenting
the salient findings that emerge as a result of a critical analysis of the collective bargaining policies, legal set-up, setting of the bargaining parties and actual practices of collective bargaining. It also attempts to make certain suggestions.

**Findings**

**The Slow and Tardy Growth of Collective Bargaining**

Collective bargaining is essentially a bipartite process of resolving industrial conflicts. The history of collective bargaining is largely a history of trade unionism and labour movement. The two are inseparably intertwined. Labour unions and collective bargaining are both products of modern industrial society. Unionism in Bangladesh's jute industry began in the early fifties following the establishment of jute mills. In its early stages, the overall industrial atmosphere in the country was not congenial to the growth and development of a sound trade union movement. The industrial magnates who were mainly non-locals, and established industrial complexes which had the backing of the government, were not agreeable to accepting workers as equal partners in decision-making and production. Their prime motive was to earn quick-profits and by and large their attitude towards trade unions was hostile.

After the partition of India in 1947, the Government of Pakistan adopted the Trade Union Act, 1926 and the Industrial Disputes Act, 1947 for regulating industrial relations. Subsequently, a lot of changes took place in the power structure of
the country. During the period 1955 and 1968, a number of labour laws were passed in order to regulate labour-management relations in industries. In different policy measures, declarations were made regarding government belief and faith in the healthy growth of trade unions and collective bargaining. But notwithstanding these various legal measures, no substantial improvement was noticed in the field of collective bargaining relationships as none of the above measures attached due weight to it as a mode of settlement of industrial disputes. As a matter of fact, any collective attempt by workers was handled with retaliatory measures like discharge, dismissal, police action, etc.

In early 1969, the trade union movement took a new turn with the breaking out of large scale political uprisings throughout the country. The workers' unrest extended from factory premises to mass movements. This ultimately brought a change in the government and a new military regime came to power. The new government declared a labour policy which promised every encouragement to the growth of healthy trade union movement and collective bargaining through liberalisation of legislation. Ultimately, the Industrial Relations Ordinance, 1969 (IRO, 1969) was promulgated which incorporated direct negotiations as a method of settlement and provided for determination of Collective Bargaining Agent (CBA) as a representative union of workers both at plant as well as industry level.
The Legal Framework for Collective Bargaining

The objective of the industrial relations system in Bangladesh is to create an environment and provide a framework in which the conflicts inherent in labour-management relations may amicably be resolved so that the fruits of industrial harmony are shared in terms of higher productivity and fair distribution of income. This objective is sought to be achieved through a healthy and stable growth of trade union movement, enabling a worker to safeguard his rights and further his interests through his membership of a representative body of workmen.

The Government of Bangladesh has, with a view to providing necessary conditions for the growth of strong and responsible trade unions and to promote better labour-management relations, adopted and enacted some labour laws. One significant feature of these laws is that the rules laid down in them are not one stroke development; rather many of them are the result of subsequent amendments in the original provisions. During the period 1972 to 1980, as mentioned in chapter IV, the government in different phases amended the IRO, 1969 (adopted in 1972), and in 1975 enacted the Industrial Relations (Regulation) Ordinance (IR(R)O, 1975). In brief, the provisions of different laws concerning formation of trade unions and collective bargaining are shown below.

The IRO, 1969.

1) Right to form trade unions by workers.

2) Registration of trade unions.
iii) Cancellation of registration of trade unions under certain circumstances.

iv) Determination of collective bargaining agent through secret ballot.

v) Requirements for determination of collective bargaining agent.

vi) Rights of collective bargaining agent and registered trade unions.

vii) Formation and registration of federation of trade unions.

viii) Written communication of disputes or grievances by any of the parties and arrangement of negotiations meetings thereafter.

ix) Power to refer disputes for conciliation when direct negotiations fails.

x) Memorandum of Agreement/Memorandum of Settlement.

xi) Period of agreement or settlement.

xii) Enforcibility of agreement.

xiii) Effective date of agreement or settlement.

xiv) Parties on whom agreement or settlement is binding.

xv) Penalty for breach of agreement/settlement and for failing to implement agreement or settlement.

xvi) Notice of strike or lock-out.

xvii) Unfair labour practices, etc.

The IR(R)O., 1975.

1) Restrictions on members of the watch and ward or security staff or confidential assistants to be members or officers of any trade union.
ii) Restriction on fresh registration of trade unions.

iii) Non-workers to cease to be members of plant level unions.

iv) Restriction on election for determination of collective bargaining agent.

v) Constitution of consultative committee.

vi) Maximum time limit for direct negotiations (14 days).

vii) Government right to refer any dispute or grievance at any time to Conciliator or Labour Court, etc.

The IR(A)O, 1977.

i) Restriction on dual union membership of workers.

ii) Minimum membership for registration of a plant union (30 per cent of the total workers).

iii) Restriction on functioning of un-registered unions or federation of unions.

iv) Procedure for determination of collective bargaining agent.

The IR(A)A, 1980.

i) Disqualifications for being an officer or member of a trade union.

ii) Cancellation of registration for nonfulfilment of requirements of registration or for unlawful labour practices.

iii) Right of collective bargaining agent to serve strike notice subject to the approval of three-fourths workers through a secret ballot.

iv) Formation and functions of participation committee.
v) Penalty for non-appearance or non-representation before a conciliator.

vi) Repeal of the IR(R)0, 1975.

It appears from the provisions mentioned above that though the IR(R)0, 1975 allowed trade union activities, it put restrictions on registration of new unions and election for determination of CBA. In this connection it may be mentioned here that the constitutionally guaranteed right to form associations or unions was abolished by the Second Proclamation Order No. III of 1976, and again it was incorporated in November, 1978. Further, it must be mentioned here that from 3rd January, 1975 to March, 1980, the right to strikes and lock-outs was legally prohibited. All these restrictive measures were the outcome of various changes in the power structure of the country. Thus, notwithstanding certain ostensible legal provisions for promoting healthy trade union movement and collective bargaining relationship, the various restrictive measures of the government in fact hindered the free and effective growth of collective bargaining.

The Limited Scope of Collective Bargaining

The liberation of Bangladesh marked a new phase in the socio-politico-economic milieu of the country. Since its inception, Bangladesh was declared to be a People's Republic. In anticipation of establishing a socialist economy, the Government of Bangladesh nationalised jute and other major industries including banks and insurance companies. As a result, nearly 250 enterprises came under public ownership which accounted for
about 89 per cent of all industrial assets of the public sector. This bold step ultimately ushered in a new dimension in the field of labour-management relations in general and collective bargaining in particular in the public sector industries.

The government, being the largest owner of industries, preferred to bring some sort of uniformity in the wages and other fringe benefits of the workers of all nationalised industries. To this end, the Industrial Workers' Wages Commission (IWWC) was constituted on 1st June, 1973 in order to review the wage structure including fringe benefits and to make suitable recommendations for the same. In September, 1973, the Commission submitted its recommendations fixing wages, bonuses, medical allowances, house rent allowances, conveyance allowances and leaves for workers of public sector manufacturing industries. It seems that the Commission took care of most of the terms and conditions of service of workers which are generally considered as the subject-matter of collective bargaining.

The recommendations of the Commission were accepted by the government and for implementation of the new wage scales, a new law, the State-Owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance, 1973, was promulgated. Section 4 of this Ordinance read, "All agreements, settlements and awards whether made before or after the commencement of this Ordinance, in respect of any matter determined by the Government under section 3(1) shall be void and shall not be enforceable

\[\text{Refer to chapter IV, Collective Bargaining and Government Policy, of this study, p. 126.}\]
in any manner." It also stated that it was a punishable offence for any person to receive or enjoy or allow any wage, bonus, medical allowance, house rent allowance, conveyance allowance or leave in excess of what was determined by the Commission. Later on, the Ordinance was repealed and the new one was named as the State-Owned Manufacturing Industries Workers (Terms and Conditions of Service) Act, 1974. The new Act covered all sections of the old Ordinance except the clause relating to punishment. By and large, the practice is that in the private sector wages are determined through the Minimum Wage Board as well as collective bargaining, and in the public sector "the Government constitutes Wages Commissions to recommend wages and fringe benefits". It may further be mentioned here that the government constituted the Industrial Workers' Wages and Productivity Commission (IWWPC) in 1977 in order to recommend wages and fringe benefits of the workers of public sector industries.

Collective bargaining generally denotes negotiations between management and unions in order to arrive at a decision over terms of employment and working conditions. But in the public sector industrial undertakings of Bangladesh, the scope of free collective bargaining is limited as the government appointed wage commission takes care of most of the terms and conditions of service.

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The existence of a strong and representative union is one of the essential pre-conditions for effective collective bargaining. Unions without organisational soundness cannot forcefully defend the interest of workers and ensure the adherence of workers to the agreements entered into. In the jute industry, unions working at plant as well as industry level, in most of the cases, have poor organisational strength. The prime factors responsible for it are: weak leadership, financial hardship, ideological division, intra-union rivalries, frequent change of unions both by leaders and workers, lack of co-ordination among the leaders at different levels, etc.

Though at the plant level the existence of more than one registered union is permissible, only the CBA union is entitled to negotiate with the management. As such, in most cases unions other than the CBA remain quite inactive and silent. The non-CBA unions generally open their organising activities either preceding election for determination of CBA or following the instructions of their apex federations. The activities of CBA unions are limited to collection of monthly subscription, submission of charter of demands, negotiation with management, participation in various committees, handling of legal matters, etc. Leaders of both the CBA and non-CBA unions are poorly educated, inexperienced with little or no training in trade union activities. This basic limitation forces them to maintain regular contact with federation leaders for all kinds of union activities inside the plant. There is a large-scale discontentment among
workers towards plant leadership. However, other than federation leaders, the majority of respondents from other groups disfavoured outside leadership in plant unions.

Unlike plant unions, the leadership of industrial federations is quite strong. The leaders are generally well educated and experienced in trade union activities. In many cases, the top leaders of industrial federations are simultaneously top leaders of political parties as well.

The plant and industrial federations in the jute industry, as shown in Table 5.1 and 5.7 (Chapter V), are closely connected with different political parties through their respective affiliating federations. This indicates that the link between unions and political parties is very close and direct. This is a clear indication of the political strength of unions in the jute industry. The usual practice is that every political party moves towards the rank and file workers through their own unions for establishing a strong political base. The corollaries of such attempts are: (i) disunity among workers; (ii) inter-union rivalry; (iii) multiplicity of unions both at plant and industry level. In addition to this, there is a tendency among unions to reflect political conflicts and rivalries in their collective bargaining activities. This politicisation of unions not only creates impediments in evolving a favourable climate for the development of a strong trade union movement, but also destroys the efficiency of trade unions in collective bargaining at all levels.
The Limited Bargaining Power of Management in Jute Industry

The management of jute industry is structurally divided into three levels. The body at the top is Bangladesh Jute Mills Corporation (BJMC), and at the bottom is enterprise management. In between there is zonal management which mainly discharges supervisory and co-ordinating functions and exercises those powers which are delegated to it by the top management body. The powers and functions of mill management and BJMC are distinctly defined and clearly demarcated by the government. The supreme controlling and supervisory authority of the jute industry is the Ministry of Jute. It directly controls BJMC, approves its budget, appoints members of the Board of Directors and issues policy guidelines. BJMC exercises its control over both plant and zonal management; and they normally operate within the budget limit approved by the BJMC.

Manpower management in the jute industry is the task of both BJMC and mill management. The enterprise management enjoys absolute power in respect of recruitment and selection of workers and staff. Besides, it also can appoint some junior officers. Recruitment and selection of senior officers of plants, officers and staff of head office and zonal offices are the responsibility of BJMC. Besides recruitment and selection, they also render other personnel functions such as development, wages and salary administration and personnel utilisation. Any dispute concerning the interest of workers and staff, if not settled at the plant level, is dealt with by the personnel department of BJMC.
Though both the plant and corporation management seem to enjoy sufficient power and authority to deal with personnel functions, in fact they lack powers regarding fixation of wages and salaries and other benefits of the employees of all categories. Since all these items are centrally fixed by the government, management at both the levels in the course of negotiations cannot concede the demands of workers for enhancement without prior approval of the government. When interviewed, almost 81% respondents of all categories expressed the view that they were well aware of this limitation of management. However, many of the workers and union leaders held the opinion that in majority of cases managements themselves made the situation of collective bargaining more complex by not conceding even those demands which they were empowered to. To them, such behaviour on the part of management helped to create discontentment among workers and on many occasions it compelled them to become militant.

The Structural Framework of Collective Bargaining

Under the present system of management of jute industry, the shape and structure of collective bargaining has been moulded into two levels. These are: (i) grass root or enterprise level and (ii) industry or corporation level. Collective bargaining at both the levels is interdependent and interrelated. The issues which cannot be settled at the plant level become the subject-matter of bargaining at the corporation level. On the other hand any agreement reached through industry-wide bargaining gets implemented at the enterprise level.
For implementation of an agreement signed at the industry level, an endorsement by the plant CBA is required. Such an endorsement is essential because of the non-CBA character of the federations of unions which initiate submission of charter of demands, pursue negotiations and sign agreements with BJMC. The main structural problem which affects the effective operation of collective bargaining is that none of the federations of unions, which participate in the industry-wide bargaining, has organisational links with the CBAs of all jute mills under BJMC. Consequently, if BJMC signs an agreement with one federation and some plant CBAs are not associated with that very federation, then it becomes rather difficult for mill managements to get the agreement endorsed by those CBAs. The conditions become more delicate if, according to them, there is any non-acceptable term in the agreement deed. This by and large complicates implementation of the agreement and leads to inter-union strife. The possible remedy for such type complications could be either the determination of a CBA federation or bargaining with all federations. Unfortunately, the jute mills authorities have failed to follow any of these alternatives. As a result, none of the collective bargaining situations ended in a peaceful manner. The entire spirit of collective bargaining thus got paralysed.

The Pattern of Collective Bargaining in Jute Industry

In the jute industry, collective bargaining is usually carried out in accordance with the provisions of labour law. The practice is that the industry-wide collective bargaining begins following submission of charter of demands by one or more jute
industry based federations. As the law provides, like the unions, a management can also raise a dispute at any time; but there is no record of such initiation for industry-wide bargaining in the jute industry. Hence in practice, the situation of collective bargaining arises only when BJMC receives demand lists from workers' federations. However, the record of the first collective bargaining shows that, while facing serious protests in the course of implementation of the terms of the Memorandum of Settlement signed on 15th December, 1972, BJMC had to invite the leaders of Bangladesh Chatkal Sramik Federation (BCSF) for apprising them of the situation, and later on, fresh negotiations were held between them and finally that ended on 11th April, 1973 resulting in the signing of a Memorandum of Supplementary Agreement.

Following the submission of demand charters, if BJMC considers that it is sufficiently competent to pursue negotiations on the workers' demands, formal meetings are arranged with the representatives of federations. Alternatively, if some of the demands involve a decision by the higher authorities, then it arranges to send all those demands to the Ministry of Jute for necessary guidelines. In such cases formal discussions with workers' representatives are held only when BJMC receives instructions from the higher authorities.

If the number of federations is more than one, then BJMC, before opening negotiations on demands, arranges a formal meeting with all incumbent federations wherein both time and date for discussion with individual federations is fixed. As per schedule negotiations are carried out and in the course of negotiations if both the parties can reach an understanding over the
disputed subjects then a memorandum of agreement is signed. In this respect, it may be mentioned that in the third collective bargaining the first phase of the negotiations process ended yielding two separate agreements. But the second collective bargaining was an exception to this procedure. In this case, negotiations were mainly held with a single federation even after deciding for formal sessions with all federations which submitted demand charters. Again no written agreement was signed when there was a consensus of opinion over the demands of workers. It may be mentioned that, as per country's labour laws, signing of agreement is compulsory after formal negotiations.

In the course of negotiations if the parties to the dispute fail to reach a consensus, then the dispute is referred to the conciliation officer for conciliation. Any successful conciliation ends in resulting a memorandum of settlement, and this happened only in the first collective bargaining.

The last stage of the industry-wide collective bargaining process is implementation of the agreement/settlement. BJMC, after signing the agreement/settlement or following its decision on workers' grievances, arranges to send the copy of the same to the heads of enterprises for implementation. Besides, it issues necessary guidelines and instructions explaining the procedure of implementation and also advises them to keep on informing the BJMC of any discrepancy that they may face in the course of giving effect to the terms of the agreement/settlement. For trouble free implementation, if necessary, the corporation management makes certain revision in the original agreement or
guidelines issued for implementation. In case major irregularities are found in the agreement deed, fresh negotiations are held between BJMC and the federations and in that case a supplementary agreement is signed.

Subject-Matter of Collective Bargaining

The demands which are raised for negotiations at the industry level can be divided into two broad groups, i.e. (i) financial and (ii) non-financial. An analysis of the memoranda of agreements or settlements reveals that most of the non-financial demands covered in the demand charters of the federations received very little attention and importance in the negotiation process. Another significant aspect is that there was no basic change in the IWWC and IWWPC recommended wage scales even after negotiations and the signing of agreements in the second and third collective bargaining. In general, the subject-matter covered in the agreements or settlements were:

(a) Financial - wages, arrear wages, wage adjustment, bonus, fringe benefits (house rent, medical and conveyance allowances), arrear fringe benefits, deduction of house rent, ration subsidy, norms of efficiency (basis of wage fixation for piece-rated workers), increment, arrear increments, incentive bonus, fringe benefits to badli workers, paid holidays, payment for idle hours, benefits for T.B. patients, benefits for major accidents, reward for good attendance, food and canteen subsidy, free ferry service, technical allowance, concessions for automatic devices, etc.
(b) Non-financial - regular supply of spare parts and raw jute, disciplinary action, non-paid holidays, mode of payment of different types of benefits arising out of agreement, effective date of agreement, period of agreement, etc.

Bargaining with Un-Registered and Non-CBA Federation - A Tradition in Jute Industry

Registration of trade unions is an essential pre-condition for conducting union activities in Bangladesh. Section 11A of the IR(A)0, 1977 states that no trade union which is un-registered or whose registration has been cancelled shall function as a trade union. Further, the right to bargain with management or employer on workers' problems and grievances is limited to the determined CBA. In this respect, the provision of the labour law is very clear. Section 43 of the IRO, 1969 lays down that no industrial dispute shall be deemed to exist unless it has been raised in the prescribed manner by a CBA. But it is a great tragedy that in spite of these very laudable legal steps the instances of the industry-wide collective bargaining show that many of the industrial federations are un-registered and as such have no right to bargain with the jute mills authorities. There is no arrangement or compulsion either from the government or the corporation management regarding registration of federations and selection of a particular federation as a CBA. On the contrary, all these principles are being strictly followed at the enterprise level where the scope of bargaining is very limited under the present structure of management. Now the question is, if one system is binding in one case, then why the same should not
be equally binding in the other case. Though opinion varied as to the cause of non-determination of CBA federation, the majority of respondents stated that the fear of losing support of the workers openly, or concentration of workers' support to a particular federation having less or no support to the government, was the main cause of such an act. Many also viewed that political affiliation of a federation with the party in power mainly had helped the un-registered and non-CBA federations to dare to carry out collective bargaining activities although legally they were not competent to do so.

The outcome of such a situation is rather undesirable. Every federation comes forward and submits a charter of demands with a view to gaining support of workers. This has helped to a great extent in developing rivalry between the federations as well as their federating units. The federations of unions, in spite of all their professed anxiety for unity, have failed to do anything to discourage this rivalry. The workers continue to be helpless pawns between the contending trade union federations and their basic unions. Besides this, irregular submission of charter of demands has developed the feelings of apprehension, concern and uneasiness on the part of the authorities. In such an uncongenial atmosphere, how can one expect an amicable settlement of disputes through bilateral negotiations.

The jute mills authorities have, on many occasions, entered into negotiations and agreements with various federations, but they did so, when they had to. In some cases negotiations have been made in the countdown atmosphere of an impending
deadline. Even after this, if an agreement is signed that fails to get the support of other federations which, being aggrieved, don't even hesitate to pass orders to their member unions to resort to strike. Besides, questions are raised about the legal validity of the agreement.

Government Participation in the Negotiation Process

Like many Western, South Asian and Asian countries, in Bangladesh participation of government in collective bargaining affairs is direct and active. The government participates in the labour affairs for a variety of reasons of which the main are:

(a) Lack of balance of power between employers and workers.

(b) To necessity to keep labour relations in line with the requirements of national development plans.

(c) The need to maintain an equitable balance of income between industrial workers and rural workers.


Usually, the involvement of the government in labour relations affairs takes place through enactment of legislation and its administration. Besides this the government, through its Labour Department, participates in the dispute settlement process as mediator. Under the present legal framework the need for government participation in the negotiation process arises when any of the disputing parties refers the dispute to the conciliator after the failure of direct negotiations between them.

The instances of collective bargaining in the jute industry reveal a somewhat different picture. In each of the collective bargaining situations, it is observed that the government, being the owner of jute industry, had to participate in the negotiation process through its different agencies such as Ministry of Jute, Ministry of Labour, Permanent Standing Committee, Council of Ministers, etc. The necessity of government participation arose when BJMC within its budgeted means could not concede the demands of workers. Another significant aspect is that, in every case, there was consensus of opinion over workers' demands only when the government agreed to meet the financial deficit that BJMC was unable to afford.

This direct involvement of government in the negotiation process has diversified impact on the entire climate of collective bargaining. Since the ultimate power of financial sanction lies with the government, there is ample scope of lobbying with political motives. The effect of such lobbying is that a federation having political affiliation with the government can easily dominate the signing of collective agreement.
As noticed, it is practically for this reason that workers prefer to side with a union, or federation of unions, which has links with the government with the expectation that only such an organisation shall be able to secure for them maximum economic benefits. Perhaps due to this reason that over the period of this study a change of government has been directly reflected in the strength and influence of various federations.

Collective Bargaining Strategies and Tactics

In the entire process of collective bargaining between federations of unions and BJMC, each party has used a whole host of strategies and tactics in an effort to make collective bargaining successful and also to outmanoeuvre and outflank each other in certain situations, especially when there was strike following or before the process of negotiation.

The federations of unions adopted the following strategies and tactics throughout the process of collective bargaining so as to convince and pressurise the corporation management into conceding their demands:

   i) Preferred to submit charters of demands almost at a time.

   ii) Initiated submission of demand charters just before certain specific occasions like Annual Festivals, National Elections, etc.

   iii) Submitted charters of demands in some cases along with the notice of token and continuous strike as well as more intensified agitation.
iv) Incorporated some political demands, as well as demands of staff, with a view to winning support of both staff and various political parties.

v) Formed united front for strengthening organisational power in order to have access to the negotiation process.

vi) Used intensive propaganda and publicity to convince the rank and file workers to make the strike programme successful, and after the strike to make them aware of the massive response to the strike call.

vii) Made efforts to convince BJMC to continue negotiation only with one federation and to keep political opponents away from the negotiation scene.

viii) Attempted on many occasions to influence the corporation management by manipulating political contacts.

ix) Issued press statements, circulated leaflets, so as to keep the workers aware of the latest development of negotiations.

x) In case of striking situations, organised workers rallies, public meetings in support of the demands of federations.

xi) Arranged to mobilise public opinion, blaming the jute mills authorities through press conferences, press releases, etc. for not conceding workers' demands.

BJMC, on the other hand, undertook the following measures and tactics right from receiving demand charters to final implementation of agreement:

i) Arranged for formal negotiations with all federations which submitted charters of demands.
ii) Preferred to have discussions on issues not to be dealt with or covered by the IWWC and IWWPC.

iii) Sought necessary guidelines from the higher authorities on some demands which involved their decision.

iv) Preferred not to pursue negotiations with all federations at one time.

v) Requested some federations in the course of negotiations to defer strike call till the failure of formal talks.

vi) Arranged to assess reactions of the heads of mills, plant leaders and workers following the agreement signed.

vii) Invited federation leaders for apprising the probable problems of implementation in case there were certain irregularities in the agreement deed and tried to convince them to open fresh negotiations.

viii) Arranged to implement the agreement following the political pressure of federation for the same.

ix) On certain occasions agreed to start further negotiations when there were strike situations.

x) Arranged for revision in the original circular or agreement either to overcome irregularities or to tackle unwarranted law and order situations following the programme of implementation.

xi) Instructed enterprise managements to arrange to hold requisition meetings of the general workers as per union's constitution to pass a resolution of no confidence against the striking CBA executives and to form a new committee of CBA.

xii) Advised mill managements to adopt punitive actions like suspensions, dismissals, etc. against the CBA leaders who
instigated the workers to resort to illegal strike, and workers who resorted to and participated in the same.

xiii) Issued instructions advising project heads to declare 'closure' of the mills, to apply for cancellation of registration of the union, to take disciplinary action against the workers and CBA leaders if they fail to resume their duties within a reasonable time even after informing them to do so and after making open publicity in Bengali to accept the terms and conditions of the agreement.

Major Factors Responsible for Ineffective Functioning of Collective Bargaining

The principal factors which interrupted the smooth and effective operation of collective bargaining were:

(a) Absence of CBA federations and bargaining with un-registered federations at the industry level.

(b) Limited bargaining power and financial insufficiency of BJMC, as well as time-taken to obtain approval and sanction of government in this respect.

(c) Weak bargaining machinery at the plant level.

(d) Political divisions among the federations as well as basic unions of workers.

(e) Rigid attitude of the bargaining parties.

(f) Political and selfish motives of some leaders.

(g) Cursory and improper evaluation of the gravity of workers' demands in the course of negotiations.
(h) Partial coverage of jute mills and workers in the agreement deeds.

(i) Violation of terms of the agreement.

(j) Change in power structure and enactment of laws restricting trade union and collective bargaining activities.

Suggestions

The findings discussed above may provide certain insights regarding the system of collective bargaining in the jute industry and the major environmental and institutional forces which affect the operation of the same. In this perspective, an attempt is now being made to list a few important suggestions with the expectation that they would provide a helpful direction to the policy framers as well as to those who are intimately involved with the process of collective bargaining.

i) The existing provisions of labour law regarding registration of unions and determination of CBA should be strictly followed at the industry level both in spirit and letter in line with the present practice of compulsory registration of unions and determination of CBA at the plant level.

ii) The government machinery in charge of labour administration should not be subservient to any political pressure. It should work independently to implement the laws framed with a view to developing a healthy trade union movement and collective bargaining climate in the country.

iii) Since BJMC is not sufficiently competent to concede workers' demands on certain financial issues, it has to seek
prior approval of the government before making arrangements for negotiations. The government machinery involved in the process of decision-making relating to such demands should be active and prompt in taking decisions and issuing necessary guidelines to BJMC for early settlement of the same.

iv) The issues which are not resolved at the plant level become the subject matter of bargaining at the industry level. It is believed that any sincere effort to deal with all aspects in which the plant management is sufficiently capable would reduce the quantum of burden at the corporation level. Arrangements should be made to develop the existing industrial relations machinery at the plant level since it can resolve many of the grievances ab initio before assuming alarming dimensions. The corporation management should design necessary plans and programmes in this respect and there must be a system of regular check-up and evaluation of the functioning of such machinery.

v) Efforts should be made to make the rank and file workers and plant leaders understand the negative consequences of political domination over the trade unions and labour-management relations. This could be done by developing internal leadership and keeping workers' interests free from exclusively political considerations. Any attempt in this respect presupposes the impartiality of the management and freedom from political bias and pressure while dealing with trade unions and workers.

vi) While pursuing negotiations on workers' grievances, and before reaching any consensus of opinion, both the parties should take into consideration whether the interests of the
workers of different categories of all jute mills are covered. For this the parties, if necessary, should take more time.

vii) The tactics of influencing BJMC, both before and after signing of an agreement by exerting political pressure should be curbed. In this respect, the government must remain very alert at all time and in all situations.

viii) The federation leaders should not try to correlate workers' problems with party politics. Any attempt to bring political and ideological conflict to the negotiation table should not be entertained and should be discarded outright.

ix) As the true success of collective bargaining lies in the proper implementation of an agreement, none of the parties should violate any of the terms of the agreement in the course of its implementation. In case any differences arise they should be settled in line with the spirit of collective bargaining.

x) Before implementing the recommendations of the commission regarding basic wages, grades and scales and fringe benefits, sufficient attention should be given to find out irregularities whose implementation may create an unhealthy labour situation. In this respect, the "Expert Committee" of BJMC could be engaged to identify the basic flaws and their possible repercussions. This arrangement at least would facilitate and ensure uninterrupted and regular flow of production and curb the possibility of generating dissatisfaction and resentment among the workers.

xi) Necessary steps should be taken to upgrade the present state of personnel management in the jute mills with due
emphasis on the areas of manpower development, employees benefits and services, personnel utilisation.

xii) The present scheme of workers' education and training of plant leaders should be intensified for creating consciousness among the workers, for developing internal leadership, for improving their efficiency and in broadening the areas of collective bargaining. In this respect, the services of trained teachers of different Universities, Institute of Business Administration, Management Development Centre, and Industrial Relations Institute may be utilised.

xiii) Attempt could be made to lay down a regular system of contact and communication of problems of workers and industry among the representatives of government, BJMC and federations in line with the present principles of "Tripartite Consultative Committee".

xiv) Periodic arrangement could be made for holding seminars, conventions, symposiums, short courses on the importance of collective bargaining, trade unionism, industrial relations, workers' participation in management, industrialisation and economic development, human resource management, social responsibility of workers, union leaders and managers in the present socio-politico-economic context of Bangladesh. It is presumed that this would help to a considerable extent to educate policy framers, executives, trade union leaders and academicians in the above disciplines.

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8Govt. of the People's Republic of Bangladesh, Labour Policy, Dacca, 1980, p. 5.
9ibid., p. 2.
xv) Industrial Relations Research Centres may be established at some Universities or Institutes on a regional basis to study the problems and new dimensions of collective bargaining, trade unionism, labour-management relations, etc. These Centres would serve as impartial evaluation agencies in the industrial relations field and would evolve a realistic and appropriate industrial relations policy for the country from time to time.

To conclude, since this study covers only a segment of the whole economy, a broad-based research may be undertaken to examine the trends and structure of collective bargaining in Bangladesh. It is hoped that the present study would provide a useful guide for any such future attempts.