

## Role of Workers in Labour Dispute Settlements

The disputes between workers and managements are considered as labour disputes. However, the disputes among workers, investors - managers- employers are also taken as labour disputes in some circumstance. Thus, some countries have broadened the circumference of labour disputes whereas some have narrowed it. Labour dispute isn't defined in labour laws of our country, but clear indication is towards the dispute between employers and employees.

Labour disputes emerge because of disharmony in interest between two sides of labour relations. Sometimes labour legislation and rules and regulations of government under the legislation create confusion and hence disputes come on the surface. Disputes are also caused by third party intervention. If the government cannot not balance itself in terms of equidistance and fail to distance from vested interests, labour disputes might arise. Inter-enterprise understanding and good bipartite relation is the key point to the settlement of labour disputes.

Trade union can't be separated from workers in connection with labour relations. As trade unions represent the workers, their role is always decisive and effective. For the settlement of labour disputes, trade unions from enterprise levels to the level of confederation have a crucial role to play.

Workers and trade unions have direct as well as indirect concern and participation in the process of emergence and settlement of labour disputes. In a number of cases, it seems that disputes are created by workers but while looking in depth, the causal factor could be the behaviour of the management. Normally trade unions are accused of creating labour disputes, but facts do not justify the accusation. With the establishment of the organized industries in 1936, industrial labour forces started to emerge. Up to 1951, a number of labour unrests occurred even in the absence of trade unions. In between 1951 and 1960, no considerable industrial unrest was recorded in the history because

there were no legal barriers in trade union activities. But afterwards, trade unions were legally banned, especially with the introduction of the autocratic Panchayat system. However, after the student movement of 1979, which had a backing by political forces, trade unions started to grow underground. During 1980-90, labour disputes were considerably high under the leadership of underground trade unions. The two year period after the establishment of multiparty system in 1990 saw the highest number of labour disputes, most of them associated with the existence of trade unions. The Labour Act 1992 was enacted which provided a way out and processes for labour dispute settlements. The trade Union Act 1993 provided the right to trade union registration. With the introduction of these legal frameworks, the number of labour disputes diminished to a lower level.

After the legal acceptance of the existence of trade unions, negotiations through bipartite talks or under labour office have been successful in more than 80 percent of enterprises, where charter of demands were tabled. Forcible means like strikes have been observed only in less than 20 percent of enterprises. Wild cat strikes are frequent only in the enterprises under government ownership. All these facts indicate that trade unions have been active as organizations essential for labour disputes settlement effectively instead of being a causal factor to create unrest.

Under this background, we can enlist the role of trade unions or workers in labour dispute settlement as follows:

1. Prevention is better than cure. Workers should perform their duties and responsibilities honestly. If they are conscious of their duties and assignments to be completed within the fixed time, naturally the number of labour disputes caused by the behaviour of workers will become less and less.
2. If any disputes emerge, efforts should be directed to have negotiated settlements through talks rather than to aggravate the debate. But it doesn't mean that the workers should tolerate unfair practices.
3. If tri-partite talks could not be organized at once, legal and peaceful solutions should be adopted to the extent possible

4. Participation in bipartite or tripartite talks has to be carried without any prejudices and efforts should be concentrated to settle disputes positively.

In connection with labour disputes settlement, workers have been more liberal than the management in the present context of Nepal. Various negotiations, agreements and court decisions have not been implemented by the management thereby being the cause for labour disputes. Still democratic norms are not practiced by managers/employers. Misbehaviour and dishonesty in the implementation of agreements are a commonplace. Still the managers have not internalised the fact that labour management relation do not always rest on legal tactics and that good understanding is a key factor settle disputes. In July 1997, the tripartite wage board reached a consensus to increase Rs. 30 in monthly salary and Rs. 50 in daily allowances for every worker. But FNCCI instructed its members to act only according to the Gazette Notice, creating disputes and confusions.

Trade unions should be seen as the bridge between workers and management and as an institution that partakes in labour disputes settlement by peaceful means.

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