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A STUDY ON THE CHALLENGES FACED BY THE TRADE UNION DURING COLLECTIVE BARGAINING UNDER INDIAN LEGISLATIONS

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Abstract:

Collective bargaining is a fundamental right. It is rooted in the International Labour Organisations constitution and reaffirmed as such in the 1998 International Labour Organisations Declaration on Fundamental Principles and Rights at Work. Collective bargaining is a key means through which employers and their organizations and trade unions can establish fair wages and working conditions. It also provides the basis for sound labour relations. Typical issues on the bargaining agenda include wages, working time, training, occupational health and safety and equal treatment. The objective of these negotiations is to arrive at a collective agreement that regulates terms and conditions of employment. Collective agreements may also address the rights and responsibilities of the parties thus ensuring harmonious and productive industries and workplaces. Enhancing the inclusiveness of collective bargaining and collective agreements is a key means for reducing inequality and extending labour protection.

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Introduction:

Collective bargaining is a process of discussion and negotiation between two parties, one or both of whom a group of persons is acting in consent. The resulting bargain is an understanding as to the terms and conditions under which a continuing service is to be performed. More specifically collective bargaining is a procedure by which employers and a group of employees agree upon the conditions of work. Collective bargaining is the technique adopted by the organization of workers and employers collectively to resolve their differences without the assistance of a third party or the intervention of a third party. Collective bargaining plays a vital role in settling and preventing industrial disputes. It is an important tool for maintaining industrial peace and so the responsibility of its proper implementation should be of both the employers as well as the employees. Collective bargaining should enable the union leaders to present to the management their demands and desires and also create a ground for the management to explain to the union leaders their problems and difficulties.

Research Question:

What are the main challenges that affect the collective bargaining power of a trade union?

Objectives:

- To analyze whether identifying the issue and negotiation is important
- To analyze the main challenges of collective bargaining
- To analyze whether multiple trade union reduce the bargaining power
- To analyze the effects of collective bargaining

Keywords:

Trade union, Collective bargaining, Bargaining Power, Challenges, Trade Movements

Review of Literature:

This article explores the challenges faced by trade unions during collective bargaining in India, including the lack of legal recognition and the limited scope of collective bargaining in the country. The legal framework for trade unions in India is weak, and many employers do not recognize or respect the rights of trade unions to bargain collectively. Many trade unions in India

suffer from internal conflicts, poor leadership, and lack of resources. This makes it difficult for them to negotiate with employers effectively. The government's role in protecting the rights of workers and supporting trade unions is limited. This makes it difficult for trade unions to achieve their goals and protect the interests of workers. **(Raghavendra Guduru and Anand Kumar K).**

This article discusses the challenges faced by trade unions in India, including the fragmentation of the labor movement and the lack of effective representation of workers' interests. Employers often resist the demands of trade unions, and in some cases, resort to intimidation, harassment, and violence to suppress them. The workforce in India is highly fragmented, with workers belonging to different industries, regions, and social groups. This makes it difficult for trade unions to mobilize workers and form effective bargaining units. **(Priti Jain and Kalyani Khairnar.)**

This article examines the challenges facing collective bargaining in India, including the absence of a comprehensive legal framework and the reluctance of employers to engage in meaningful negotiations with trade unions. Despite these challenges, there are also some prospects for collective bargaining in India. For instance: Increasing awareness among workers: Workers are becoming more aware of their rights and are organizing themselves to demand better working conditions. Emerging sectors: There are several emerging sectors in India, such as IT and services, which have a high potential for unionization and collective bargaining. Support from civil society: Civil society organizations, such as NGOs and social activists, are increasingly supporting workers' rights and the role of trade unions in protecting them. International support: International organizations, such as the International Labour Organization (ILO), are providing support to trade unions in India, particularly in areas such as capacity-building, legal advocacy, and international solidarity. **(Partha Pratim Mitra).**

This article discusses the challenges facing collective bargaining in India, including the lack of legal recognition for trade unions and the limited bargaining power of workers in the informal sector. To address these issues and challenges, trade unions in India need to adopt innovative strategies, build stronger alliances with other workers' organizations, and work towards strengthening the legal and regulatory framework for trade unions in India. They also need to build greater public support for their cause and increase their capacity to negotiate effectively with employers. Additionally, they need to broaden the scope of collective bargaining to cover

non-wage issues and explore ways to increase unionization in the informal sector. **(S. Venkatesh and K. R. S. Murthy)**

This article explores the challenges facing collective bargaining in India, including the inadequate enforcement of labor laws and the limited role of trade unions in shaping labor policy. Collective bargaining in India is largely limited to wages and benefits, and does not cover broader issues such as job security, training, and working conditions. Political interference in trade unions is a significant challenge in India. Many trade unions are affiliated with political parties, and this can lead to interference in their bargaining activities. **(Arun Kumar and Prashant Sharma).**

This article discusses the challenges faced by trade unions during collective bargaining in India, including weak legal protections for workers, limited resources and bargaining power of unions, and inadequate communication and coordination among union members. Many trade unions in India suffer from poor leadership, lack of resources, and internal conflicts, which make it difficult for them to bargain effectively with employers. Technological changes and automation have led to the displacement of many workers, particularly in the manufacturing sector. This has made it difficult for trade unions to protect the interests of workers and negotiate favorable terms and conditions of employment. **(Bhavya Khandelwal and Neeraj Khandelwal (2018))**

This article highlights the key challenges faced by trade unions during collective bargaining in India, including lack of bargaining power, inadequate legal provisions, and resistance from employers. It also discusses potential solutions to overcome these challenges. The legal framework for trade unions in India is weak, and many employers do not recognize or respect the rights of trade unions to bargain collectively. Employers often resist the demands of trade unions and may resort to intimidation, harassment, and violence to suppress them. **(Avinash Kumar Singh (2021)).**

This article examines the challenges faced by trade unions during collective bargaining in India, including weak legal protections for workers, limited resources of unions, and lack of coordination among union members. It also suggests strategies for trade unions to improve their bargaining power and effectiveness. To address these challenges, the study suggests that trade unions in India need to adopt innovative strategies, build stronger alliances with other workers' organizations, and work towards strengthening the legal and regulatory framework for trade

unions in India. **(T.S. Siva Subramanian and R. Gopinath (2019))**

This article explores the challenges faced by trade unions in India during collective bargaining, including lack of legal provisions, insufficient bargaining power, and inadequate representation of workers. It also suggests potential solutions to address these challenges and improve collective bargaining outcomes for workers. The workforce in India is highly fragmented, with workers belonging to different industries, regions, and social groups. This makes it difficult for trade unions to mobilize workers and form effective bargaining units. **(Satyendra Nath Mishra and Saurabh Kumar Mishra (2020)).**

This article analyzes the challenges faced by trade unions during collective bargaining in India, including weak legal protections, limited resources and bargaining power, and lack of coordination among union members. It also offers suggestions for improving the bargaining power and effectiveness of trade unions in India. **(Deepika Pandey and Amit Yadav (2021))**

This article discusses the various challenges faced by trade unions in India during collective bargaining, including the lack of legal recognition, weak bargaining power, and interference from management and government authorities. The legal framework for trade unions in India is weak, and many employers do not recognize or respect the rights of trade unions to bargain collectively. **(V. B. Jugale and S. R. Walke).**

This article examines the challenges faced by trade unions in India during collective bargaining, including the lack of union membership, low wages, and a hostile political climate. To address these challenges, the study suggests that trade unions in India need to adopt innovative strategies, build stronger alliances with other workers' organizations, and work towards strengthening the legal and regulatory framework for trade unions in India. They also need to broaden the scope of collective bargaining to cover non-wage issues and explore ways to increase unionization in the informal sector. Finally, political interference in trade unions needs to be minimized to ensure that unions can operate independently and without fear of retaliation. **(Radhika Kapoor)**

This article discusses the challenges faced by trade unions in India, including the lack of legal recognition, poor bargaining power, and a hostile political climate. To address these challenges, Kumar suggests that trade unions in India need to adopt innovative strategies, build stronger

alliances with other workers' organizations, and work towards strengthening the legal and regulatory framework for trade unions in India. They also need to broaden the scope of collective bargaining to cover non-wage issues and explore ways to increase unionization in the informal sector. Additionally, trade unions need to work towards increasing awareness among workers about their rights and the benefits of joining a trade union. **(Manoj Kumar)**.

This article examines the challenges faced by trade unions in India during collective bargaining, including the lack of legal recognition, weak bargaining power, and interference from management and government authorities. Many workers in India are not aware of their rights and the benefits of joining a trade union. This lack of awareness makes it difficult for trade unions to mobilize workers and form effective bargaining units. Political interference in trade unions is a significant challenge in India. Many trade unions are affiliated with political parties, and this can lead to interference in their bargaining activities. **(S. Srinivasan)**

This article discusses the challenges faced by trade unions in India, including the lack of legal recognition, weak bargaining power, and interference from management and government authorities, as well as opportunities for unions to strengthen their bargaining power and improve working conditions for their members. **(R. K. Dubey)**.

This article explores the challenges faced by trade unions during collective bargaining in India. The authors highlight issues such as low union density, political interference, and ineffective legal mechanisms. The study also emphasizes the importance of developing the skills and capacity of trade union leaders to negotiate effectively with employers. **(Dr. Sanjay Singh and Dr. Rajeev Kumar Singh (2018))**

This article examines the challenges faced by trade unions in India, including issues related to collective bargaining. The author discusses the impact of globalization, technological changes, and legal restrictions on the ability of trade unions to negotiate effectively on behalf of their members. Technological changes and automation have led to the displacement of many workers, particularly in the manufacturing sector. This has made it difficult for trade unions to protect the interests of workers and negotiate favorable terms and conditions of employment. **(Dr. Dhanraj Jangid (2020))**

This article analyzes the opportunities and challenges of collective bargaining in India, with a particular focus on the role of trade unions. The authors argue that trade unions face significant obstacles in negotiating with employers, including weak legal protections and a lack of support from the government. Many trade unions in India suffer from poor leadership, lack of resources, and internal conflicts, which make it difficult for them to bargain effectively with employers. **(Dr. Sunita Singh and Dr. R.K. Srivastava (2019))**

This article presents the results of an empirical study on the challenges faced by trade unions during collective bargaining in India. The authors identify issues such as the reluctance of employers to negotiate, the limited scope of collective bargaining, and the lack of training and resources available to trade union representatives. In addition, trade unions need to work towards increasing awareness among workers about their rights and the benefits of joining a trade union. Finally, political interference in trade unions needs to be minimized to ensure that unions can operate independently and without fear of retaliation. **(Dr. T.K. Arun and Dr. R. Sudha (2017))**

This article provides an overview of the issues and challenges facing trade unions in India, including those related to collective bargaining. The authors argue that trade unions need to adapt to the changing economic and political landscape in order to remain relevant and effective in representing the interests of workers. The study emphasizes the importance of developing the skills and capacity of trade union leaders to negotiate effectively with employers. **(Dr. A. Soundararajan and Dr. R. Sujatha (2018))**

METHODOLOGY:

An empirical research method has been used for the purpose of this study. A total of 205 samples have been collected through a convenient sampling method. The data collection process was done by an online survey through Google forms. The independent variables are age, gender, educational qualifications and marital status. The dependent variables include identifying the issue and negotiating, the main challenges, the collective bargaining establishes the rights and duties, collective bargaining can be initiated for and multiple unions reduce the bargaining power.

Analysis:

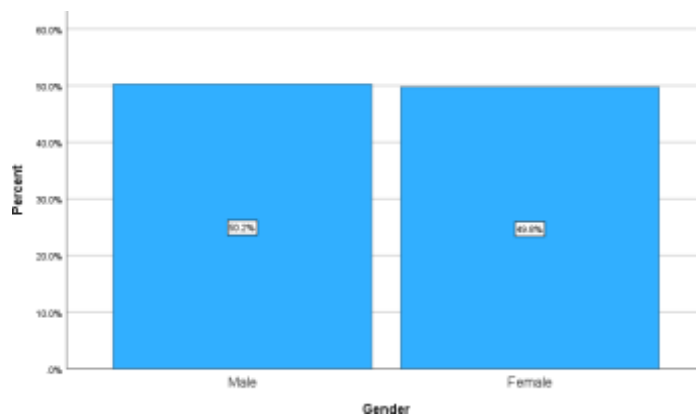


Fig. 1

Legend:

Fig.1 represents the gender of the respondents regarding the challenges faced by the trade union during collective bargaining.

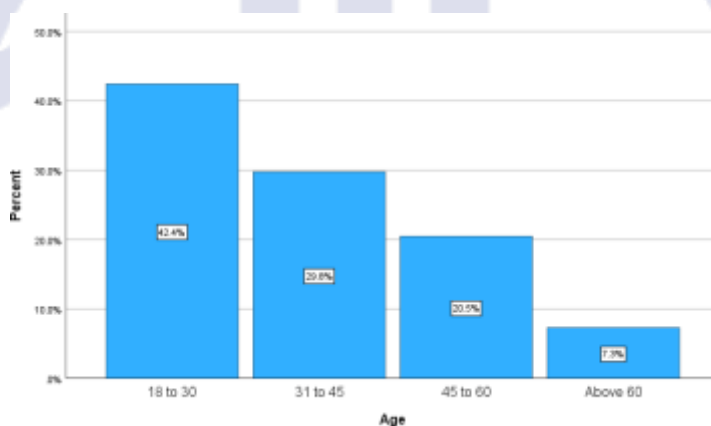


Fig. 2

Legend:

Fig.2 represents the age of the respondents regarding the challenges faced by the trade union during collective bargaining.

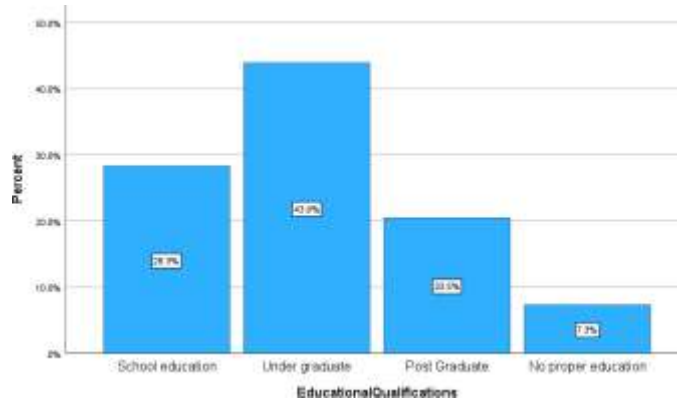


Fig. 3

Legend:

Fig.3 represents the educational qualifications of the respondents regarding the challenges faced by the trade union during collective bargaining.

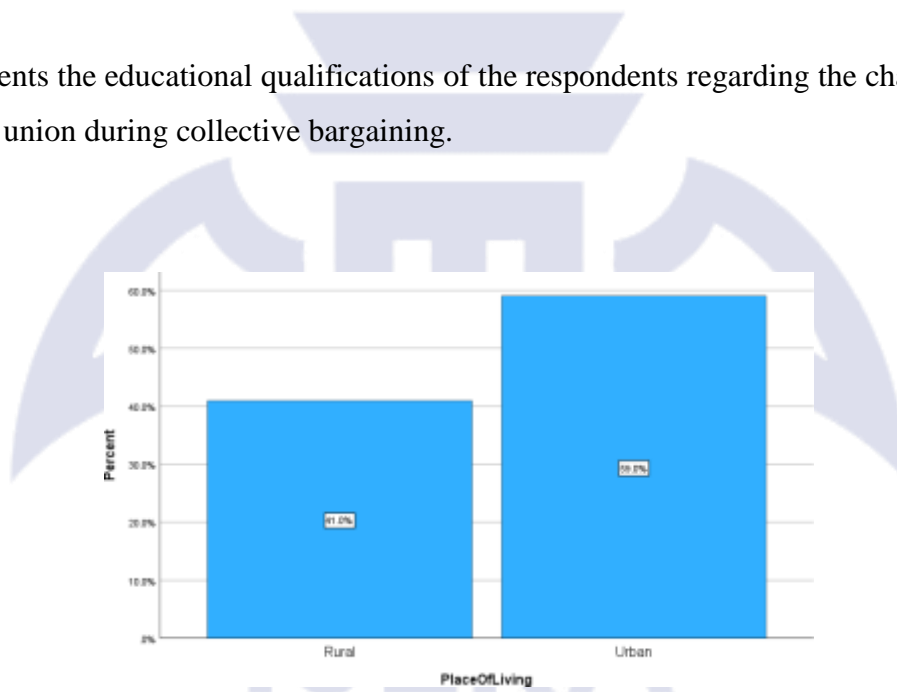


Fig. 4

Legend:

Fig.4 represents the place of living of the respondents regarding the challenges faced by the trade union during collective bargaining.

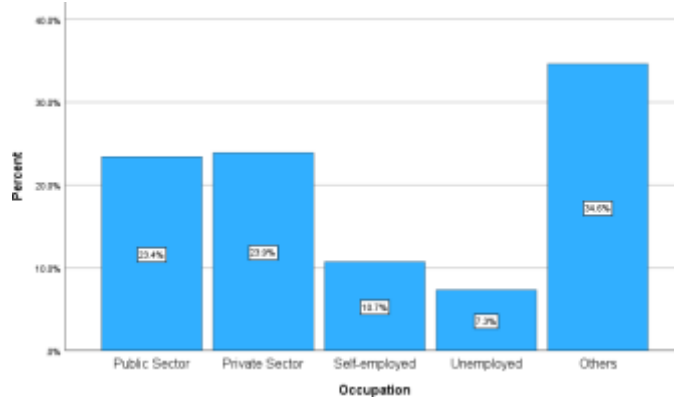


Fig. 5

Legend:

Fig.5 represents the occupation of the respondents regarding the challenges faced by the trade union during collective bargaining.

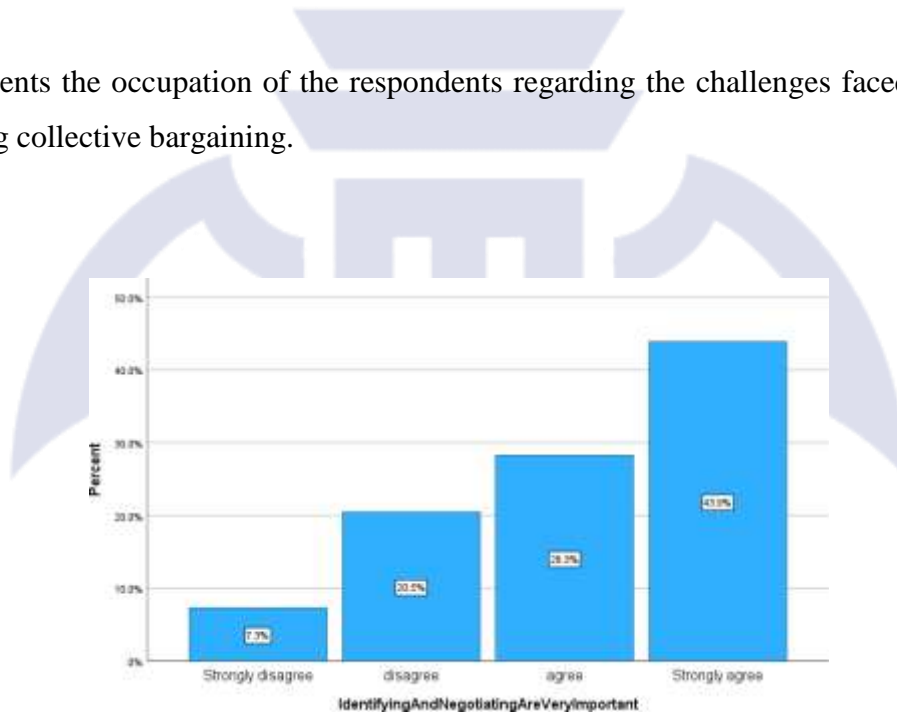


Fig. 6

Legend:

Fig.6 represents the agreeability of the respondents regarding the identifying and negotiation are important of the challenges faced by the trade union during collective bargaining.

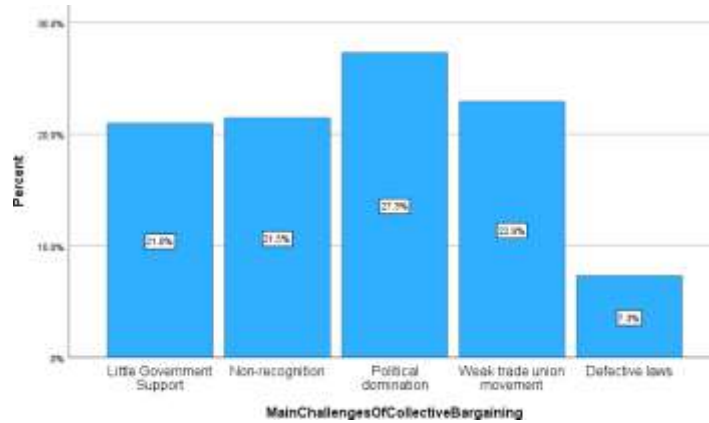


Fig. 7

Legend:

Fig.7 represents the main challenges of collective bargaining by the respondents regarding the challenges faced by the trade union during collective bargaining.



Fig. 8

Legend:

Fig.8 represents that the collective bargaining establishes the rights and duties regarding the challenges faced by the trade union during collective bargaining.

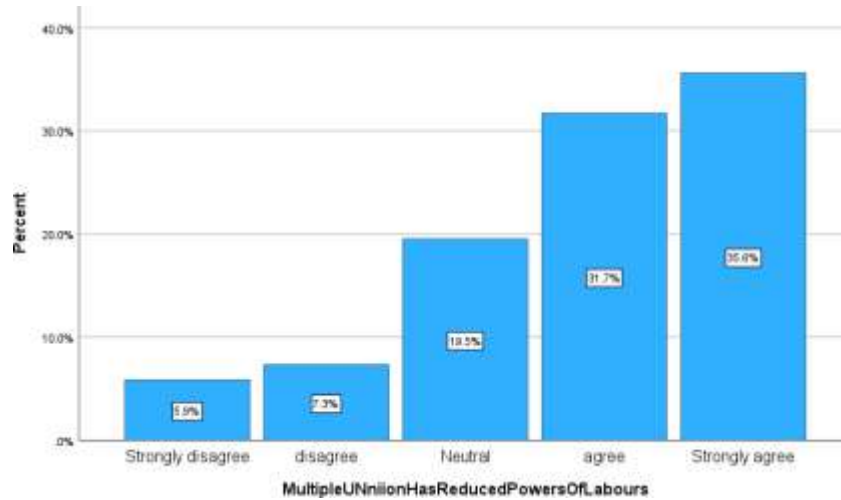


Fig. 9

Legend:

Fig.9 represents the agreeability of the respondents regarding that multiple trade unions have reduced the powers of the labours regarding the challenges faced by the trade union during collective bargaining.

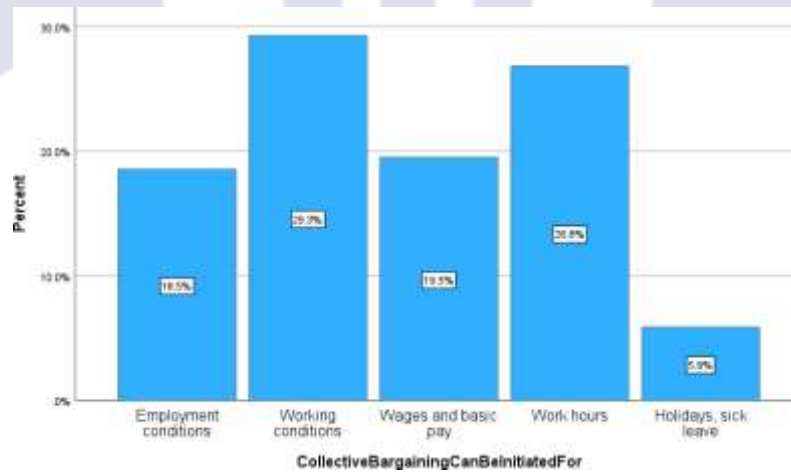


Fig. 10

Legend:

Fig.10 represents the benefits of collective bargaining regarding the challenges faced by the trade union during collective bargaining.

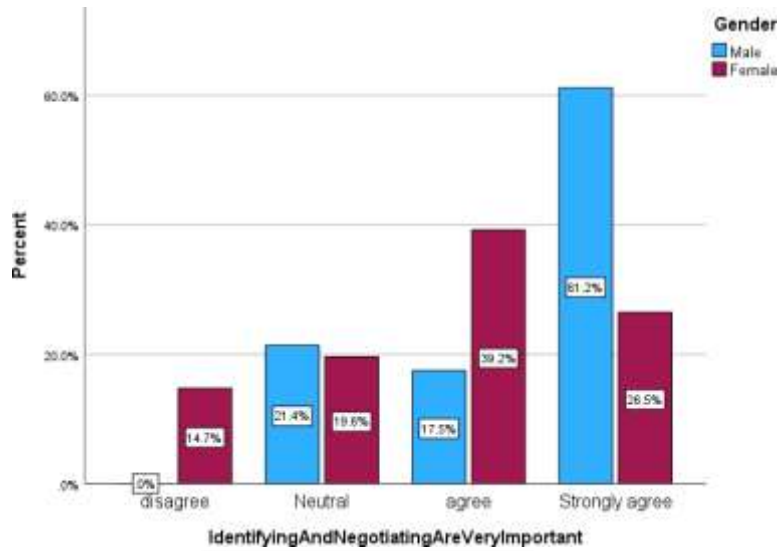


Fig. 11

Legend:

Fig.11 represents the correlation of the gender of the respondents and agreeability that identifying and negotiating are very important for collective bargaining.

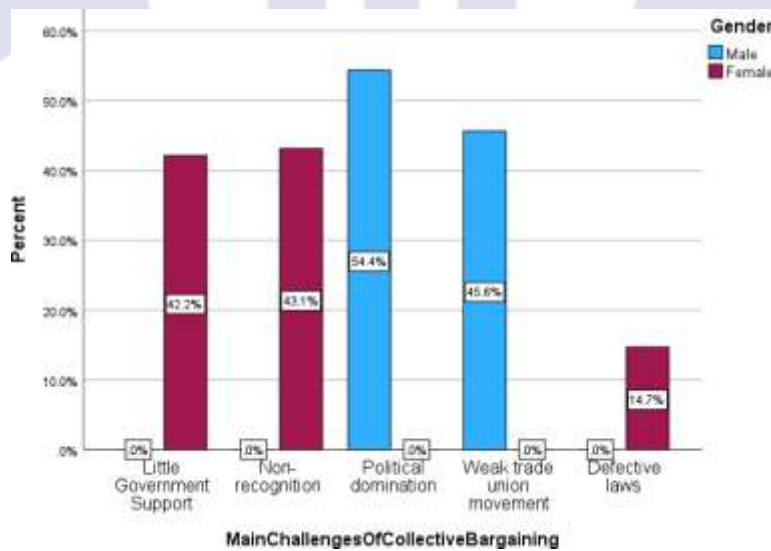


Fig. 12

Legend:

Fig.12 represents the correlation of the gender of the respondents and what are the main challenges of collective bargaining.

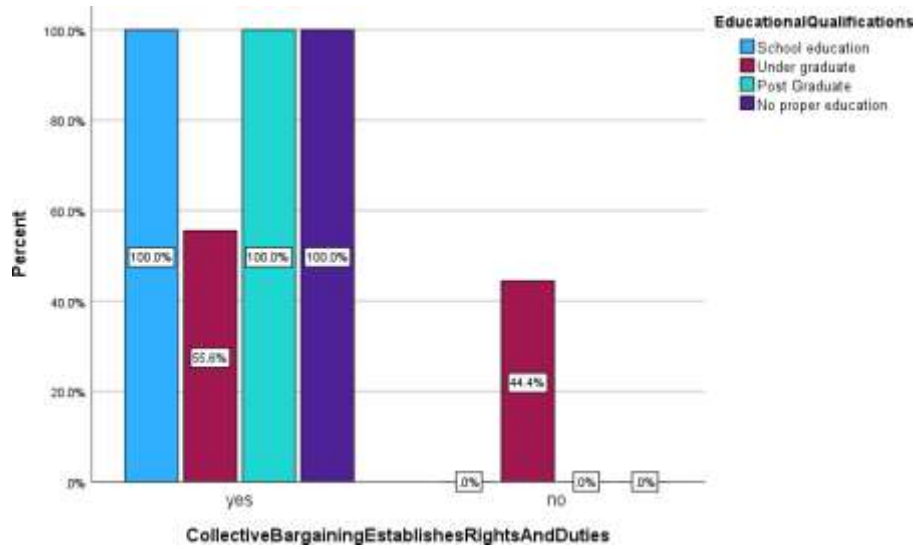


Fig. 13

Legend:

Fig.13 represents the correlation of the educational qualifications of the respondents and whether collective bargaining establishes the rights and duties.

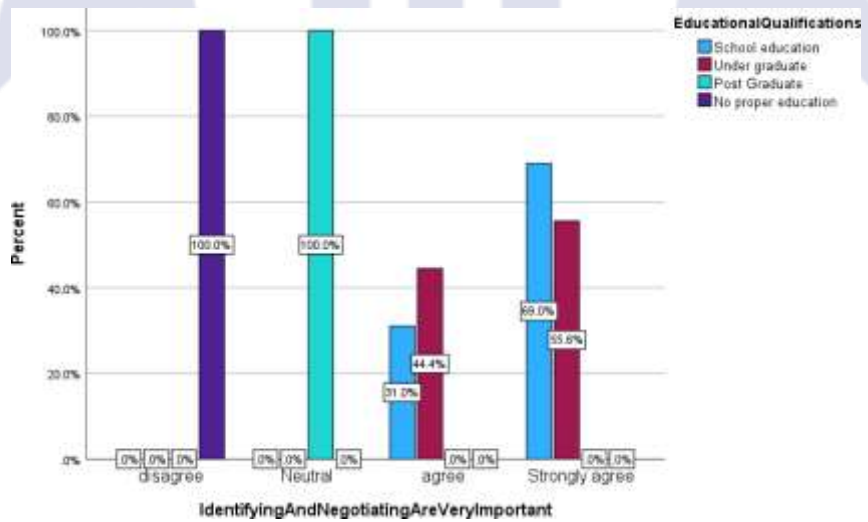


Fig. 14

Legend:

Fig.14 represents the correlation of the educational qualifications of the respondents and agreeability that identifying and negotiating are very important for collective bargaining.

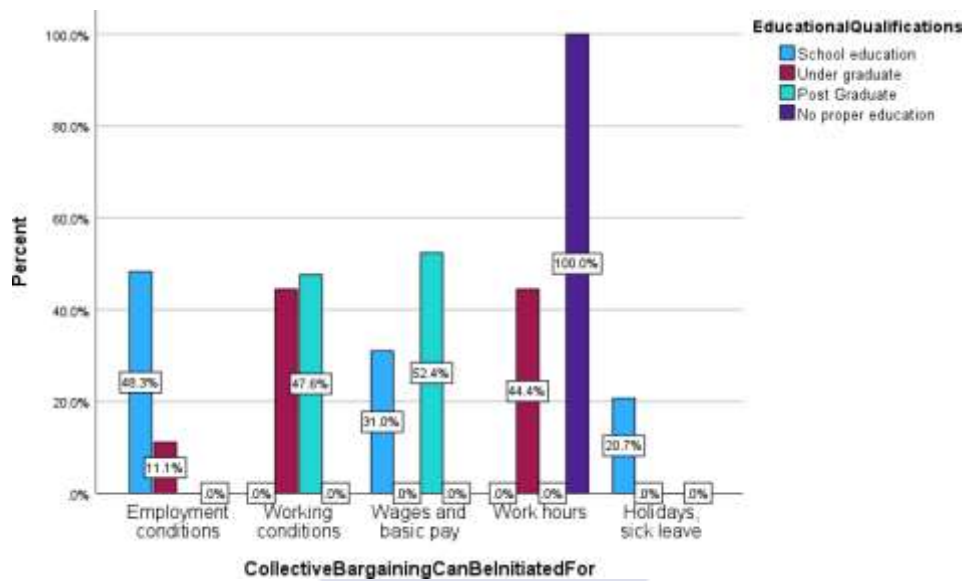


Fig. 15

Legend:

Fig.15 represents the correlation of the educational qualifications of the respondents and collective bargaining can be initiated for what purposes.

Result:

% of respondents are males and 49.8% of the respondents are females (**fig.1**). 42.4% of the respondents come under the age category of 18 to 30 (**fig.2**). 43.9% of respondents are under graduates (**fig.3**). 59.0% of respondents are residing in urban areas (**fig.4**). 34.6% of respondents are students who belong to the category of others (**fig.5**). 43.9% of respondents strongly agreed that identifying and negotiating are very important (**fig.6**). 27.3% of respondents responded that political domination is the major challenge of collective bargaining (**fig. 7**). 80.5% of respondents responded that collective bargaining establishes the rights and duties of the laborers (**fig.8**). 50.2% of respondents strongly agreed that multiple unions have reduced the power of collective bargaining (**fig.9**). 29.3% of respondents responded that collective bargaining can be initiated for better working conditions (**fig. 10**). 61.2% of male respondents strongly agreed that identifying and negotiating are very important (**fig.11**). 54.4% of male respondents responded that political domination is the major challenge of collective bargaining (**fig. 12**). 100% of respondents responded that collective bargaining establishes the rights and duties of the laborers (**fig.13**). 69.0% of respondents strongly agreed that identifying and negotiating are very important (**fig.14**). 100% of respondents responded that collective bargaining can be initiated for work hours (**fig. 15**).

Discussion:

It is observed that the majority of the respondents are male (**fig.1**). It is observed that the majority of the respondents come under the age category of 18 to 30 (**fig.2**). It is observed that the majority of the respondents are under graduates (**fig.3**). It is observed that the majority of the respondents are living in urban areas (**fig.4**). It is observed that the majority of the respondents are students (**fig.5**). It is observed that the majority of the respondents strongly agreed that identifying and negotiating are very important (**fig.6**). It is observed that the majority of the respondents responded that political domination is the major challenge of collective bargaining (**fig. 7**). It is observed that the majority of the respondents responded that collective bargaining establishes the rights and duties of the laborers (**fig.8**). It is observed that majority of respondents strongly agreed that multiple unions have reduced the power of collective bargaining(**fig.9**). It is observed that the majority of respondents responded that collective bargaining can be initiated for better working conditions (**fig. 10**). It is observed that the majority of male respondents strongly agreed that identifying and negotiating are very important (**fig.11**). It is observed that the majority of male respondents responded that political domination is the major challenge of collective bargaining (**fig. 12**). It is observed that the majority of respondents responded that collective bargaining establishes the rights and duties of the laborers (**fig.13**). It is observed that the majority of respondents strongly agreed that identifying and negotiating are very important (**fig.14**). It is observed that the majority of respondents responded that collective bargaining can be initiated for work hours (**fig. 15**).

Conclusion:

In conclusion, trade unions in India face several challenges during collective bargaining. Some of the significant challenges include the lack of union recognition, weak legal framework, low membership, inadequate bargaining power, and limited scope of bargaining. Additionally, the frequent interference by the management and government further complicates the bargaining process. Despite these challenges, trade unions can overcome them by developing effective communication channels with workers, collaborating with other unions, building stronger bargaining power, and leveraging technology to reach a larger audience. Additionally, it is essential to advocate for legislative reforms that support workers' rights and strengthen the bargaining process. Overall, collective bargaining is a crucial process that allows workers to negotiate better working conditions, wages, and benefits. To ensure that workers' voices are heard and their interests are protected, trade unions must continue to adapt and overcome the

challenges they face during collective bargaining.

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