

## **Unfair Labour Practice.**

### **1. Introduction**

The main object of PIRA, 2010 is to regulate the relation of employer and workman and it provides a complete code of conduct for both of employer and employee and certain acts of both these parties has been termed as unfair labour practices and made punishable as such.

### **2. Relevant Provisions**

*Section 31, 32, 33, Industrial relation Act 2010*

*Section 17, 18, 64, Punjab Industrial Act 2010*

### **3. Definition of workman**

Workman means persons, not falling within the definition of employer, who is employed in an establishment or industry for remuneration or reward either directly or through a contractor and includes a person who has been dismissed, discharge, retrenched, laid off or otherwise removed from employment in connection with industrial dispute but does not include a person who is employed mainly in a managerial or administrative capacity.

### **4. Unfair Labour practices on the part of workman**

Following acts, of workman, trade union of workman or any of its members or office bearers or any other person, are declared as unfair and termed as unfair labour practices on the part of workmen.

### **a. Persuasion**

By virtue of PIRA, every workmen can join any trade union of their choice within the establishment or industry they are employed. No workman shall be persuaded to join a trade union or refrain from joining a trade union during working hours. If so, then the person who persuade shall be guilty of an unfair labour practice. This is due to the fact that the work of an industry should not be affected by unnecessary canvassing during working hours.

### **b. Intimidation**

Intimidation includes the elements of force or violence. No workman etc can intimidate any person to

- i. Become a member or office bearer of trade union or*
- ii. Refrain from becoming a member or officer bearer of trade union, or*
- iii. Continue to be a member or office bearer of trade union, if he is already a member or*
- iv. Cease to be a member or office bearer of trade union, if he is already a member or office bearer*

### **c. Inducement**

Inducement means offering benefits to someone which are illegal. Coming of this act of inducement into the category of unfair labour practice, it is necessary that:

- i. a person should be induced to refrain from becoming or cease to be a member or officer-bearer of trade union.*
- ii. Such inducement should be by intimidating or conferring or offering to confer any advantage for such person or any other person*

### **d. Compel or Attempt to compel employer**

Essential ingredients of an offence under this clause are

- i. That an employer should be compelled or an attempt should be made to compel him to accept any demand
- ii. Such compulsion or attempt should be done by using intimidation, coercion, pressure, threat confinement or ouster from a place, dispossession, assault or other methods etc.

**e. Compel or Attempt to compel person other than employer**

Where there is compulsion or attempt to compel any member of a body bipartite or tripartite, or of any composition relating to the functioning of the industry or if he is in place for the benefit of workers, to accept any demand by using intimidation, coercion, pressure, threat, confinement or ouster form a place dispossession, assault, physical injury or by such other methods.

**f. Illegal Strike or Go-slow**

The commencing, continuing, instigation or inciting others to take part in or expend or supply money or otherwise act in furtherance or support of an illegal strike or adoption of go-slow measures.

**(i) Meaning of Go-slow**

The expression go slow means an organized, deliberate and purposeful down of normal output or the deterioration of the normal quality of work by a body of workmen acted in a concerted manner.

**g. Carry arms or weapons**

Carrying of arms or weapons within the premises of an employer without any legal authority.

#### **h. Interference in secret ballot**

Where there are more than one trade unions in an establishment or industry the registrar shall hold a secret ballot for the purpose of determining collective bargaining agent. If any trade union interfere with such a ballot by the exercise of undue influence, intimidation, impersonation, or bribery through its executive or any other person acting on its behalf, then such trade union shall be guilty of an unfair labour practice.

#### **5. Penalty for Unfair Labour Practices on part of workman**

A person who contravenes the provision of sec 18, except clause (d) of sub sec (1), he shall be liable to fine which may extend to twenty thousand rupees but not less than five thousand rupees.

An office bearer of trade union a workman or person other than a workman who contravenes or abets the contravention of the provisions of clause (d) of sub section (1) of section 18 shall be liable to pay fine which may extend to thirty thousand rupees but not less than ten thousand rupees.

#### **6. Conclusion**

To conclude, I can say that the freedom of choice and will is the right given by the provisions of PIRA 2010 so any attempt on the part of the trade union or workman etc. has been discouraged to force any person to do which he is not legally bound to do and such acts on the part of workmen or trade union has been made punishable.