

ABSTRACT

Harmonious labour-management relationship as a prerequisite to uninterrupted production in industries is highly desirable in Bangladesh. Because the industrial sector in Bangladesh has become a sector of disputes. Strikes, lock-outs and workers involved in it have increased conspicuously (on an average about 42 industrial disputes involving 85,125 workers and resulting in a loss of 3,97,319 man- days per year, occurred during the period from 1972-1994). The pace of industrial development largely depends upon the degree of success that the country could achieve in reducing the number of industrial disputes as well as industrial unrest. The Government of Bangladesh took several measures including development of legal framework to resolve industrial disputes. Various dispute settlement machineries like collective bargaining, conciliation, arbitration and adjudication have been adopted here. But the published and observed sources suggest an alarming picture. With this background, the present study has been undertaken to examine the general trend, causes of disputes and to conduct an in-depth investigation on the effectiveness of existing dispute settlement machineries in Bangladesh.

The study is based on two types of population. First comprises the people who are involved with the disputes settlement machineries and the second comprises the specific disputes cases - analysed with a view to examining the nature of disputes, actual process of their settlement and their effectiveness. Jute, textile, sugar and some other manufacturing industries both from public and private sector were chosen as sample under the consideration of ensuring representation of the various sub-sectors of industries in Bangladesh. 10 plants- 5 from public sector and 5 from private sector were selected for field study. In total, 148 respondents have been interviewed and 350 cases from various machineries were analysed. In addition to using primary data, some secondary data from various published sources have also been used.

Data relating to settlement machineries and related variables were collected using Summated Rating Scoring Scale developed by Rensis Likert. The collected data have been statistically analysed using the method of percentage comparison, index numbers, summary statistics such as, average, mean deviation, standard deviation. Statistical Packages for Social Science (SPSS) was used for the statistical analysis. Following are the major findings of the study:

1. As to causes of disputes, wages and other financial benefit seemed to be the major issues. Political issues have also been observed as another significant cause of disputes. Disputes arising in this country are not settled effectively. A number of causes contributed to the present deadlock situation.

2. The workers and union in this country have been observed to be very small, fragmented and weak. Multiple unionism and consequently inter and intra union rivalries are the main weaknesses of trade unions which created a deadlock situation over the functioning of disputes settlement machineries.

3. Both union and management hold adversarial views against each other. Economic conditions of the workers of various industries are not equal. Increased cost of living also act as a deterrent to healthy labour- management relations and productivity. Under such conditions collective bargaining and conciliation have failed to bring any hopeful outcome to the reasonable satisfaction of the parties concerned.

4. Contrary to general assumptions, all disputes settlement machineries, conciliation, labour court and labour appellate tribunal was found to be very under loaded. Nevertheless none of the machineries except conciliation could adhere to statutory provided time limits in disposing of the disputes referred to it. All institutional machineries have been suffering from certain objective and subjective problems which diminish their operational effectiveness.

5. Collective bargaining in Bangladesh has been affected by various inhibiting factors like poor trade union leadership, mutual distrust between the parties involved, lack of proper training and education of the parties about collective bargaining, problem to select sole collective bargaining agent(CBA) and casual attitude of the parties towards collective bargaining.

6. Government control over the wages and fringe benefits and the management pattern have significantly reduced the scope of collective bargaining and conciliation in the public sector.

7. Conciliation too, had various kinds of subjective and objective problems. Mutual distrust of the parties, intra and inter-union rivalries, low status and poor salary of the conciliators, casual attitude of the parties towards conciliation, easy accessibility to adjudication, etc. are the main factors inhibiting the effective operation of conciliation machinery in Bangladesh.

8. Though there is legal provision for arbitration machinery for disputes settlement, it is still quiet unpopular. In practice, there has been hardly any case which was referred to arbitration. Non-availability of suitable arbitrators , parties unwillingness to go for arbitration, lack of faith in voluntary arbitration by the parties, and non appealability of arbitration award, etc. are the main inhibiting factors for impidity.

9. Adjudication through labour court in Bangladesh also had various problems. These problems are related to parties, lawyers and court members. Frequent time prayers and frequent absent of the parties from the court, lawyer's effort to prolong the cases, authoratarian attitude of the court chairman, liberal penalty provision of the labour court, legal technicalities of adjudication system, etc. stood the main factors inhibiting the effective operation of the adjudication machinery in this country.

In view of the above findings the following suggestions emerge:

1. There should be an overall wages policy with provision to revise this policy from time to time taking into consideration the local conditions and capacity of the industry to pay.
2. Sole collective bargaining agent (CBA) for each enterprise is highly desirable for better performance of collective bargaining and conciliation.
3. A phased comprehensive training programme may play a significant role in making desirable norms and codes of behaviour on the part of employees and employers.
4. To increase effectiveness of conciliation process, expert, well-qualified and experienced conciliators should be engaged in this service with adequate power.
5. Up-to-date arbitrators' panel with efficient and distinguished personalities should be made by Government which may popularise arbitration in Bangladesh.
6. The number of labour court with adequate facilities need to be increased. The practice of appointing retired person on deputation should be discouraged as far as possible.

The industrial sector in Bangladesh can benefit immensely by adopting appropriate measures, in the light of the present findings and suggestions for enhancing the effective operation of dispute settlement machineries which are extremely important for cordial labour - management relations, industrial peace and overall well-being of the country.