

# CHAPTER-V

THE DISPUTES SETTLEMENT MACHINERIES -  
CONCILIATION

## Introduction

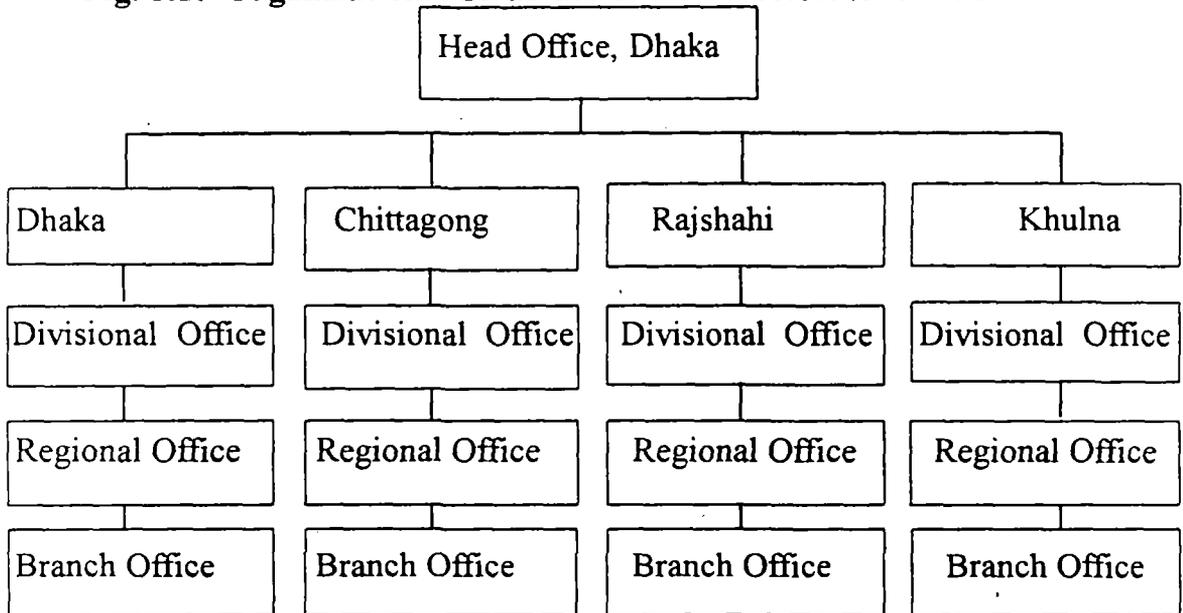
Conciliation as a peace-making process is most frequently and extensively used in the field of industrial relations. It aims at the speedy settlement of disputes without resort to strikes or lock-outs and to hasten the termination of work stoppages when they have already occurred.<sup>1</sup> It is the most important method for prevention and settlement of industrial disputes through third party intervention.<sup>2</sup> Here, workers' and employer's representatives are brought together before a third person with a view to persuade them to arrive at an agreement among themselves through mutual discussion among them.<sup>3</sup> It is a process of rational and orderly discussion of differences between the parties to a dispute under the guidance of a conciliator. Conciliation is describe as an "extension of collective bargaining with third party assistance", or simply as an "assisted collective bargaining".<sup>4</sup> The significant features of the conciliation process are its flexibility, informality and simplicity<sup>5</sup> which site it apart from other methods of settling industrial disputes.

Among the tripartite method of disputes settlement, conciliation is the most democratic process.<sup>6</sup> As in other countries Bangladesh Government emphasized the importance of conciliation process in its industrial policy. The present chapter aims at reviewing the role of conciliation in disputes settlement in Bangladesh.

### 5.1 Present set-up of Conciliation Machinery in Bangladesh

To observe labour and labour relations affairs throughout the country, the Directorate of Labour was established in Bangladesh under the Ministry of Labour and Manpower. The head office of the Directorate is located at Dhaka with four Divisional offices in the four administrative Divisions namely Dhaka, Chittagong, Khulna and Rajshahi. There are several regional and branch offices under these Divisional offices.

**Fig. 5.1: Organizational Structure of the Directorate of Labour.**



Sources : Directorate of Labour, Government of Bangladesh, Dhaka.

The Director of Labour (DL), the Additional Director of Labour (Add. DL), the Joint Director of Labour (JDL), the Deputy Director of Labour (DDL) and the Assistant Director of Labour (ADL) stationed at the Head Office. The JDLs, the DDLs and the ADLs stationed at the Divisional offices and the ADLs and Labour Officer (LO) at regional offices. The DL and the Add. DL. have been notified to be conciliators for the whole of the country, while the JDLs, DDLs, ADLs and LOs for the Divisional, regional and branch offices by the Government.<sup>7</sup>

Thus, all officers of the Directorate of Labour down to the rank of Labour Officer, have been declared to be conciliators in Bangladesh, both for the private and public sector industries. But LOs and ADLs at the Head Office seldom act as conciliators. The total number of officers actually doing the work of conciliation, as obtained from the Directorate Head Office was estimated to be 30 (Table 5.1). The functions of the conciliators are not judicial in nature, instead they are administrative. Under the legal framework, as described in Chapter III, the conciliators at any level have very little to do in resolving disputes over the basic terms and conditions of workers in the public sector industries. The conciliators are empowered with a due notice to enter the premises of any establishment

**Table 5.1**

**Number of Active Conciliators in Bangladesh.**

Designation of Conciliator	Number
Director of Labour	1
Additional Director of Labour	1
Joint Director of Labour	4
Deputy Director of Labour	11
Assistant Director of Labour	22
Labour Officer	6
TOTAL	45
Less: Officer's work not relation to conciliation	15
Actual conciliators	30

Source: Bangladesh Labour Journal, part-10, 1984 & 1985, Directorate of Labour, Government of Bangladesh. .

to which the dispute relates for the purpose of investigating the dispute and other matters affecting the merits and right settlement of the dispute, and also to call for relevant documents. In Bangladesh, workers and their unions, particularly those supported by the ruling party, prefer to get Government support through political lobbying, instead of going through the conciliation process. In examining the possibility of effective conciliation, this environmental factor need to be kept in consideration.

## 5.2 Effectiveness of Conciliation

To examine the effectiveness of conciliation, data from both sources i.e. primary and secondary has been analysed. The effectiveness of conciliation machinery in Bangladesh has been analysed under the following heads.

### 5.2.1 Acceptance of Conciliation Machinery

The effectiveness of conciliation machinery largely depends on how far the parties are involved in it and accept the process. Respondents (trade union leaders, management personnel and conciliators) were requested to give their opinion on appropriateness of conciliation machinery.

**Table 5.2**

#### Percentage Responses as to the Appropriateness of Conciliation Machinery

Responses	Trade union leader	Management personnel	Conciliation officers
Quite appropriate	32.00	16.67	54.54
Appropriate	36.00	23.33	22.33
Average	16.00	26.67	13.64
Inappropriate	10.00	23.67	09.09
Quite inappropriate	06.00	10.00	-
Total :	100.00	100.00	100.00
Total No. of respondents:	50	30	22

In their responses, 84% of trade union leaders, 67% of management personnel and 91% of conciliators viewed conciliation as an appropriate machinery of disputes settlement. Only 16% of trade union leaders, 33% of management personnel and 09% of conciliation officers viewed as 'inappropriate' (Table 5.2).

**Table 5.3**

**Distribution of Trade Union Leaders, Management Personnel and Conciliation Officers According to Their Opinion on Favouring Appropriate Conciliation.**

Responses	Trade union leaders		Management personnel		Conciliation officers	
	Frequency	%	Frequency	%	Frequency	%
1. Conciliation promote collective bargaining environment.	24	28.24	8	25.81	16	30.19
2. Advantage of conciliators advise.	18	21.18	10	32.26	12	22.64
3. Administrative help without intervention.	13	15.29	10	32.26	14	26.42
4. Reduces employers' superior attitude.	30	35.29	3	09.68	11	20.75
Total :	85	100.00	31	100.00	53	100.00
Total valid respondents:	34		12		17	

\* Multiple responses were allowed.

The main causes behind the respondents' opinion of conciliation as an appropriate method might be for: (i) conciliation promotes collective bargaining; (ii) through conciliation, parties can take advantage of conciliator's advices; (iii) it is a process of administrative help without intervention; (iv) conciliation can reduce superior attitude of management (Table 5.3). Respondents view of conciliation as an inappropriate method of disputes settlement may be for the following causes:

(i) settlement depend on third party; (ii) conciliator are ineffecient; (iii) this process manipulate workers and their union, (iv) parties fail to send sole representative and

(v) the rate of settlement through conciliation is very poor (Table 5.4) Thus, it is observed that, conciliation is the most preferred method of disputes settlement, however with some limitations.

**Table 5.4**

**Distribution of Trade Union Leaders, Management Personnel and Conciliation Officers According to Their Opinions on Favouring Inappropriate.**

Reasons	Trade Union leaders		Management personnel		Conciliation officers	
	Frequency	%	Frequency	%	Frequency	%
1. Settlements depend on third party.	3	17.65	6	27.27	2	40.00
2. Conciliators are inefficient.	5	29.41	3	13.64	--	--
3. Manipulate workers/ union.	2	11.76	1	04.55	--	--
4. Parties fail to send sole representative.	3	17.65	7	31.82	2	40.00
5. Poor rate of settlement	4	23.53	5	22.73	1	20.00
Total:	17	100.00	22	100.00	05	100.00
Total No. of valid respondents.	8		10		02	

### 5.2.2 Time taken in dispute intervention

Normally a conciliation officer issues a notice of conciliation proceedings from a date and time specified in the notice. The law only provides a maximum time limit which the conciliator should dispose of the disputes, not specify when he should start intervention after a dispute has reported to him. While examining the conciliation level cases the number of days within which the notice of the first meeting was issued,

were recorded. Conciliators proceeded to issues notice of the first meeting to the parties after examining the validity of the applicant's claim. From investigation of these sample cases, it was found that the notice was issued to the parties within average period of 7 days with a standard deviation of 5.27 days. In 88% of the cases, notice were given within 14 days (Table 5.5).

**Table 5.5**

**Percentage Distribution of the Conciliation Cases Classified According to The Number of Days Within Which Conciliation Started.**

Conciliation started within	Absolute percentage	Cumulative percentage
0 -2 days	12.50	12.50
3 - 5 "	38.33	50.83
6 - 8 "	21.67	72.50
9 - 11 "	09.17	81.67
12-14 "	06.67	88.34
15-17 "	04.17	92.50
18-20 "	05.00	97.50
21-23 "	02.50	100.00
Total:	100.00	100.00
Total no. of cases:	120	

Mean = 7, Standard deviation = 5.27.

As compared to the normal conciliation period of 30 days in the first instance,<sup>8</sup> with further provisions for continuing conciliation even after the expiry of the normal period<sup>9</sup> and the formalities involved in verifying the representativeness of the applicant, time taken in starting the conciliation as noted above, does not seem to be unreasonable.

### 5.2.3 Time taken in Disputes Settlement

As per law, the normal statutory period for conciliation is 30 days. If the conciliator fails to settle a dispute within this normal period, the disputant party is to serve a 21 days notice of strike/lock-out on the other party.<sup>10</sup> The conciliator is to continue to conciliate in the dispute notwithstanding the notice of work stoppage.<sup>11</sup> Thus, the total conciliation period in fact, comes to 51 days.

**Table 5.6**  
**Percentage Distribution of the Conciliation Cases Classified According to the**  
**Number of Days Taken to Conclude the Conciliation.**

Conciliation concluded within	Absolute percentage	Cumulative percentage
Below 30 days	54.17	54.17
31 - 40 days	15.83	70.00
41 - 50 days	05.83	75.83
51 - 100 days	12.50	88.33
101 - 150 days	05.83	94.16
151 - 200 days	04.17	98.33
201 - 250 days	01.67	100.00
Total :	100.00	
Total number of cases:	120	

Mean = 44, Standard deviation = 47.26

From the analysis of the conciliation level cases revealed that, on the average, 44 days with a standard deviation of 47.26 were needed to conclude the conciliation, 54% of the cases were concluded within the normal statutory period of 30 days and 76% of the cases within 50 days, but the remaining 24% of the cases took as many as 51-250 days (Table 5.6). It is evident that although the normal statutory conciliation period of 30 days could not be adhered to in more than 40% of the cases, only 24% of the cases remained unresolved after the strike/lock-out notice period. Since provision is also there for further extension of the conciliation period with the consent of both the parties, the goal of law regarding time for concluding conciliation seems to be reasonable.

The opinion of the disputant parties and conciliators are important in this context. The majority of the parties (74%) considered it more than adequate (Appendix A.7). 82% of the conciliators interviewed, disagree with any more extension of the presently applicable statutory period by urging that the presently allowed time is quite sufficient (89% of the valid respondents) or that any extension of the present time will be frustrating to the workers (reported 39% of the valid respondent) or that the present time limit could be extended, whenever needed with the consent of the parties concerned (reported by 33% of the valid respondents) (Table 5.7).

**Table 5.7**  
**Distribution of the Conciliators Classified According to Why They did not Wish the Statutory Conciliation Period to be Extended.**

Reasons	Number of Responses*	Percentage of Responses
1. The present statutory period is quite sufficient.	16	53.33
2. Extension of the present time will frustrate the workers.	7	23.33
3. The present time limit may be extended whenever needed, with the comment of the parties.	6	20.00
4. The adamant party will always be adamant extension of time will not solve the problem.	1	03.33
Total	30	100.00
Total no. of valid respondents	18	

\* Multiple answers permitted.

**Table 5.8**  
**Year Wise Disposal of Conciliation Cases in Bangladesh, 1980-94**

Year	Cases for disposal	Cases disposed of	Cases remain pending	Disposal rate (in percentage)
1	2	3	4	5 = 3/2
1980	570	560	10	98.25
1981	673	641	32	95.24
1982	408	392	16	96.08
1983	420	392	28	93.33
1984	837	804	33	96.06
1985	872	868	04	99.54
1986	522	513	09	98.28
1987	343	330	13	96.21
1988	573	555	18	96.86
1989	2822	2761	61	97.84
1990	564	551	13	97.69
1991	1293	788	505	60.94
1992	1204	1200	04	99.67
1993	272	258	14	94.85
1994	217	209	08	94.93
Total	11590	10822	768	93.37
Total*	10297	10034	263	97.44

\* Excluding 1991

Source : Bangladesh Labour Journal, DOL, GOB, supplemented by unpublished data of the DOL, GOB.

Data as presented in **Table 5.8** about the annual disposal rate of the total cases referred to the conciliators, also exhibits the adequacy of the present statutory time period. During the period of 1980-94, only about 3% of the total cases for disposal remained pending. With the exclusion of abnormal year 1991 about 97% of the cases for disposal over the period of time could be disposed of.

#### 5.2.4 Statutory Power Used by Conciliator

The industrial relations laws in Bangladesh have made the non-appearance of the parties before the conciliator a punishable offense. The laws granted certain powers to him, including the powers to inspect any books or documents of the enterprise concerned, to enter into its premises and require any person about the disputes in question and to make any suggestion or modification of the parties' offers.<sup>12</sup> The laws have conferred the above powers to the conciliators with a view to enhancing the effectiveness of conciliation.

**Table 5.9**  
**Distribution of the Conciliators Classified According to Their Views**  
**on Their Powers Under the Law**

Views	Frequency	Percentage
Adequate	9	40.91
Inadequate	13	59.09
Total	22	100.00

Conciliators in Bangladesh not only thought their present powers to be necessary, but in fact, a majority of them urged for some more power. About 59% of the conciliators thought their present powers to be inadequate (**Table 5.9**). What additional powers were they wishing for? 62% of the conciliators wanted more powers and stated that powers should be given to them to directly prosecute the disobedient party, 46% opined

that some judicial powers were necessary to bind the parties. Slightly more than 38% wanted simplification of the penalty procedures. Other desire for extension of powers in ensuring free and easy entrance of the conciliators into the premises of the disputant plants ( desired by 31%). Conciliators at the regional and local level should allowed to take independent decisions in the case within their territorial jurisdiction (desired by 31%) and, the labour court to consider the conciliators' suggestions (desired by 23%) (Table 5.10).

**Table 5.10**

**Distribution of the Conciliators Who Thought Their Present Powers to be Inadequate(Classified According to Extension of Powers Wished by Them).**

Extension of power wished by	Number of responses	Percent of responses
1. Direct prosecution power should be given to the conciliators in case of disobedient party.	8	26.67
2. Free entrance of the conciliators into the factories premises should ensure by the law.	4	13.33
3. Judicial powers should be given to the conciliators to bind the parties.	6	20.00
4. The labour courts should consider the conciliator's suggestion.	3	10.00
5. Penalty system should be more simplified.	5	16.67
6. Conciliators at the regional level should be allowed to take independent decision.	4	13.33
Total:	30	100.00
Total number of valid respondents.	13	

\* Multiple answers permitted.

### 5.2.5 Functioning and Operations of Conciliation Machinery

Conciliation as a mode of settling industrial disputes has shown remarkable success in many industrialised countries. It has proved to be a great success in Sweden.<sup>13</sup> In Bangladesh it has been found that conciliation machinery has generally played a useful role in resolving industrial disputes. An analysis of the dispute cases, published by the Department of Labour, indicated that the average success rate of conciliation in non-strike cases during the period 1988-94 was only 11% (Appendix C.1) while the average success rate in the strike cases during 1973-94 was 20.28 (Appendix A.8). The working of the conciliation machinery in Bangladesh during 1973-94 showed that there was no consistent trend in the number of cases settled through conciliation. In 1978, 60% of cases (highest) were settled through conciliation, while only 6% of such cases have accounted in 1987.

**Table 5.11**  
**Percentage Distribution of the Conciliation Cases Classified**  
**According to the Outcome of Conciliation**

Outcome	Absolute percentage	Cumulative percentage
1. Successful	18.33	18.33
2. Partly successful	20.83	39.16
3. Unsuccessful	46.67	85.83
4. No proceeded with	14.17	100.00
Total :	100.00	
Total number of cases	120	

The content analysis of the conciliation cases, however, produced a contrasting picture. Agreement could be signed in about 39% of the cases examined, about half of

them being successful and the remaining half being partly successful (Table 5.11). In order to get an idea about the success rate of conciliation, the conciliators were asked to make a self evaluation of their own success rate in the industrial disputes, on the basis of their personal experience. Some of them evaluated their success rate to be as low as 20%, while some other reported it to be as high as 80%. The mode class of success rate is 21% to 40% (Table 5.12).

**Table 5.12**

**Percentage Distribution of the Conciliators Classified According to Their Reported Rate of Success in the Conciliation.**

Success Rate( in %)	Absolute percentage	Cumulative percentage
Upto 20%	18.18	18.18
21 - 40%	31.82	50.00
41 - 60%	27.27	77.27
61 - 80%	18.18	95.45
above 80%	04.54	100.00
Total :	100.00	
Total no. of respondents:	22	

**Table 5.13**

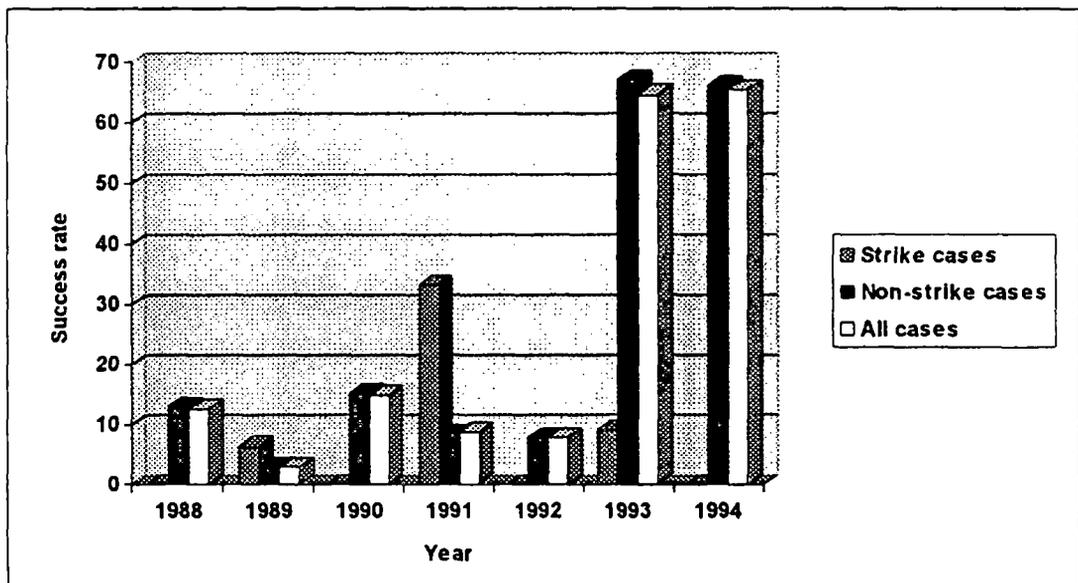
**Summary of the Dispute Cases According to Success Rate of Conciliation.**

Year	Strike cases	Non-strike cases	All cases
1988	0.00	12.79	12.59
1989	06.25	02.93	02.95
1990	0.00	15.06	14.93
1991	33.33	08.50	08.60
1992	0.00	07.67	07.60
1993	09.09	67.05	64.68
1994	0.00	66.03	65.40

Source : Appendices A.8 & C.1

From summary **Table 5.13** it reveals that although no discernible trend could be ascertained in the success rate of the strike cases, definite decreasing trends in the success rate of the non-strike and combined (all cases) cases are clear. The success rate of conciliation also depicted in **Figure 5.2**. From the above examination, two very important matters could be identified: (i) adherence to statutory time provided and (ii) success in signed agreement. As to time adherence, the performance of the conciliation machinery has been found to be effective. But mere adherence to time is not the end. For measuring the effectiveness of the conciliation service, the most important criterion is to look at the rate of success in signed agreements, which has been found to be discouraging.

**Figure 5.2 Success Rate of Conciliation in Bangladesh. 1988-94.**



### 5.3 Conditions Under Which Conciliation Machinery Works

In any country conciliation of industrial disputes is generally affected by two sets of conditions viz. objective conditions and subjective conditions.<sup>14</sup> The objective conditions comprises all external factors and the subjective condition comprises factors

which are related to the conciliators themselves and their individual performance. This section handles all these conditions.

### 5.3.1 Objective Conditions

The objective conditions consist of the aspects like the nature of issues involved in industrial disputes, existing system of collective bargaining, the importance of conciliation in the whole disputes settlement system, parties attitude towards conciliation, work load of conciliator and the administrative problem of the conciliation service itself. These types of conditions will be examined in the context of Bangladesh.

#### 5.3.1.1 Issues of Conciliation

Most countries have made a distinction between several types of labour disputes, and have established separate procedures for dealing with them. Nevertheless, it is possible to identify certain widely applied distinctions, the ILO identified the following distinct types of disputes.<sup>15</sup>

(a) **Interest disputes:** These disputes are related to economic matter of give and take, are also described as economic disputes or collective labour dispute. There are no standards for settlement of such disputes and any settlement of these issues essentially depends on a compromise between the parties. In the context of Bangladesh, the IRO, 1969, as amended up-to-date provides for the settlement of these disputes through direct negotiation and conciliation.

(b) **Legal disputes:** Dispute arising out of day to day workers' grievances or complaints are called 'legal disputes' or 'grievance disputes' or 'right disputes'. For the settlement of this type of dispute, there are some more or less definite standard, e.g. works rule or law, collective agreement, customs and conventions, employment contract, etc.

In Bangladesh for settling these types of disputes, a separate adjudication machinery operates, and as such these are not usually amenable to conciliation.

**(c) Disputes over unfair labour practices:** Attempts by the management of an enterprise to discriminate against workers for being trade union member or for doing trade union activities are these types of disputes. In Bangladesh quite extensive lists of unfair practices on the part of both management and workers have been provided in the law.<sup>16</sup> These disputes are to be settled through the labour courts and are not, therefore, within the preview of conciliation.

**(d) Recognition disputes:** When the management refuses to recognise a trade union, this type of disputes arises. Management is legally bound to recognise a registered trade union in Bangladesh and specific provisions are there in the law regarding the requirement for and the process of getting a union registered.<sup>17</sup> Any dispute regarding these issues, the labour adjudication machinery is to handle it and such a dispute should not normally come before the conciliator in Bangladesh.

Although, there is no legal bar to settling all the above mentioned disputes through bipartite negotiation or tripartite conciliation. In practice, out of four types of dispute identified by the ILO, only interest disputes are usually best settled through conciliation in Bangladesh. Economic disputes are also usually amenable to conciliation, but it has been allowed only in the private sector as major financial terms and conditions of service in the public sector industries are fixed by the Government and are normally not determinable through collective bargaining and/or conciliation.

#### 5.3.1.2 Parties to Conciliation

It is important to know the attitude of the parties towards conciliation and their preference to the methods and techniques used. Conciliation is a tripartite settlement

system consisting workers' representatives (CBAs), management representative and conciliators. The success of conciliation highly depends on the motivation, attitude, mutual trust and confidence of the parties involved in the process.

Trade Union leaders, management personnel and conciliators claimed that parties' attitude towards conciliation is casual (Table 5.20). Management was reluctant to attend the conciliation meeting. The unwillingness of management, to appear before the conciliators is also evident from the number of notices served on the second party, (usually the management), asking to appear or represent in the conciliation proceedings.<sup>18</sup> The parties unwillingness is also evident from the distribution of the sample conciliation cases in terms of the number of meeting held. Due to lack of cooperation on the part of management no meeting could be held in about one fifth of the cases examined; 35% of the cases as many as 3 to 7 meetings were held and the rest in 1 to 2 meetings (Table 5.14). Though trade union were more enthusiastic than management to attend conciliation meetings and to settle disputes through negotiation, serious inter and intra union rivalries usually stood as bottleneck in the way of sensible negotiations.

**Table 5.14**

**Percentage Distribution of the Conciliation Cases Classified According to The Number of Meetings Held**

No. of Meeting held	Absolute percentage	Cumulative percentage
0	18.33	18.33
1	25.00	43.33
2	21.67	65.00
3	17.50	82.50
4	10.83	93.33
5	05.00	98.33
6	00.83	99.16
7	00.83	100.00
Total	100.00	
Total No. of cases	120	

The behavioural characteristics of the parties like lack of mutual trust and confidence, conciliators' efforts could hardly be expected to achieve any success.

### 5.3.1.3 Workload of Conciliators

Effective performance of conciliators to some extent depends on his workload. If conciliators are overburdened they cannot easily handle the cases before them. The number of cases handled by a conciliator over a specified period may be one measure of his workload. But the information on number of cases handled by each conciliator was not available in the labour department. However, information on the number of active conciliators and the total number of cases handled by them were available and hence average workload per conciliator could be calculated.

Over a period of fifteen years (1980-94), a conciliator on an average handled only 25.4 cases a year and 2.1 cases a month (**Appendix C.2**). Considering the cases handled by the conciliators in other countries, the conciliators in Bangladesh seem to be very underloaded. For instance, one mediator in New Zealand handles about 100 cases a year.<sup>19</sup> According to the opinion of all categories of respondents (trade unions, management, conciliators) workload of conciliator was not significant factor inhibiting the effectiveness of conciliation process. All categories respondent ranked 10th on this factor out of eleven factors ( **Table 5.20**). The conciliators were in fact, under loaded was admitted by themselves. They gave seventh rank to this factor, which supported this statement.<sup>20</sup> Some conciliators strongly viewed at the time of interview that they were over loaded. In search to get an explanation to their contrasting views, it was found that only the conciliators at the upper level thought themselves over loaded, possibly because, they had to remain busy with the Ministry and other official works not related to conciliation.

### 5.3.1.4 Administrative Constraints of Conciliation

Conciliation of any country operates in a particular administrative set up. So, operational effectiveness of conciliation largely depends on the administration environment where it is working. Table 5.15 depicted the administrative problems reported by the conciliators.

**Table 5.15**

**Distribution of the Conciliators Classified According to the Major Administrative Problems, as They Reported.**

Administrative problems	No. of responses	Percentage of responses
1. Shortage of trained conciliators and staff at the lower level.	15	17.86
2. Centralised administrative structure	12	14.28
3. Poor status and lack of opportunity for promotion make conciliators frustrated.	18	21.43
4. Shortage of transport for official purposes.	10	11.90
5. Poor budgetary allocation for maintaining office.	13	15.48
6. Lack of coordination on administrative problems between officers.	04	04.76
7. Conciliation offices are badly furnished.	05	05.95
8. Shortage of office supplies	04	04.76
9. Outside interference in the normal office work.	03	03.57
Total :	84	100.00
Total no. of respondents :	22	

Multiple answers permitted.

The conciliation machinery in Bangladesh operates under certain administrative problems which are very likely to have an adverse impact on the effective operation of the service. About 82% of the respondents conciliators reported that lack of opportunity for promotion and poor status makes conciliators frustrated which affect smooth operation of conciliation. Secondly, they have a shortage of trained conciliators and staff, particularly at the lower level (reported by 68%). Thirdly, about 60% reported that they had been facing the poor budgetary allocation. It was difficult to maintain office and entertain the representatives to the conciliation meetings. Fourthly, 54% reported that the administrative structure of the conciliation service was very much centralised so that the local conciliators could not act on their own without the approval of the respective Divisional Offices and sometimes of the Head Office. Shortage of transport for official purposes was another problem faced by conciliator (reported by 45%)

Other problems mentioned by very few of the conciliators interviewed were poor condition of the conciliation offices, shortage of office space and office supplies, lack of coordination between concerned offices, and external interference in the normal office work.

### **5.3.2 Subjective Conditions of Conciliation**

Performance of conciliation largely depend on their experience, capabilities and educational background. All these subjective conditions of conciliators have been analysed through empirical data.

#### **5.3.2.1 Conciliators' Age.**

Conciliators' age is a factor effecting the conciliation process because, parties

may usually accept conciliation by a relatively older person. The age distribution of the conciliators indicates that about 23% of them were aged up to 35 years and majority (77%) were aged between 36 and 55 years. Average age as calculated is 41.68 years (Table 5.16). Thus, most of the conciliators in Bangladesh were of standard age.

**Table 5.16**

**Percentage Distribution of the Conciliators Classified According to Their Age**

Age ( in years)	Absolute percengage	Cumulative percentage
upto 30	13.64	13.64
31 - 35	09.09	22.73
36 - 40	31.82	54.55
41 - 45	09.09	63.64
46 - 50	13.64	77.28
51 - 55	22.73	100.00
Total :	100.00	
Total no. of respondents:	22	

### 5.3.2.2 Educational Qualification of Conciliators

A conciliators should be well-educated in many branches of knowledge, including Industrial Relations, Labour laws, Personnel Management, Sociology, Economics, Employment Practice, etc.<sup>21</sup> To what extent do the educational level of the conciliators' in Bangladesh meets these standards of knowledge? About 45% of the conciliators interviewed were graduates, some had educational level as Intermediate (5%). The Masters degree holders working in the service were only 36%, only 14% had a master with a law degree and most of them had no knowledge in the relevant fields (Table 5.17). It is observed from the field study that the post-graduate and those having specialisation in law were mostly new entrant and working at the lower levels (LOs or ADLs). Thus, the standard of knowledge and educational level of the majority of

the conciliators in Bangladesh do not seem to be reasonably adequate in view of the demands of the work they are required to perform.

**Table 5.17**

**Percentage Distribution of the Conciliators Classified According to Their Educational Level**

Educational level	Absolute percentage	Cumulative percentage
1. Matriculate/S.S.C.	--	--
2. Intermediate/H.S.C.	04.55	04.55
3. B.A/B.Sc.(Graduate)	45.45	50.00
4. Masters (General)	36.36	86.36
5. Masters with LL.B.	13.64	100.00
Total :	100.00	
Total number of respondents:	22	

### 5.3.2.3 Job Experiences of Conciliators:

The more experienced a conciliator is, the better he is expected to do his job of conciliation. Previous job experience and present job experience, both are beneficial to better conciliation. It is likely that a conciliator who began his carrier with a certain amount of previous training and experiences will do better than one without such a background. During the field work it was found that, very few of the conciliators had previous experience in the relevant fields. According to provisions of law, the conciliator has to do his job in a manner he deems fit.<sup>22</sup> Immediately after appointment, a conciliator starts his duties as a conciliator without proper training on his new assignment. He has to mainly depend on his commonsense, intellect, and on his own experience. The distribution of the conciliators interviewed according to their experience in the conciliation service shows that the modal class of experience was 11 to 15 years (32%). 68% conciliators had experience up to 15 years and rest 32% had experience up to 16 to 25 years (Table 5.18). So in terms of conciliators'

experience on the job, the conciliators in Bangladesh seem to be on a reasonably good base.

**Table 5.18**  
**Percentage Distribution of the Conciliators Classified According to Their Experience in the Conciliation Service**

Experience (in years)	Absolute percentage	Cumulative percentage
upto 5	22.73	22.73
6 - 10	13.64	36.37
11 - 15	31.82	68.19
16 - 20	09.09	77.28
21 - 25	13.64	90.92
above 25	09.09	100.00
Total :	100.00	
Total No. of respondents:	22	

#### 5.3.2.4 Independence and Impartiality of Conciliator

Regardless of their qualification and experience a conciliator should possess two main attributes - independence and impartiality. It is essential that both parties should have confidence in his integrity and neutrality.<sup>23</sup> Majority of trade union leaders (74%) and 60% of the management personnel suggested that conciliators should be fair and impartial to their job.<sup>24</sup> It was because many management and some of trade union leaders alleged that the conciliators took bribes and pressures specially from political parties on them did not allow them to act neutrally.<sup>25</sup> Thus, in the absence of an unquestionable integrity and neutrality, the conciliators possibly could not perform their function, as effectively as they ought to be.

### 5.3.2.5 Status of Conciliators

The status of conciliation officers is one of the important factors in the success of conciliation. An officer of high status may bring greater impact upon the parties and play an effective role in settlement of industrial disputes.<sup>26</sup> In Bangladesh, all officers to the Directorate of Labour, down to the rank of Assistant Director of Labour are the first class Government Officers, only Labour Officers are the second class Officer. The status of the conciliators, then apparently seem to be quite high. But, compared to the status of management, conciliators' status is quite below. Poor salary structure and low status of conciliators is a main inhibiting factor of effective conciliation (Table 5.20). During the course of interview, it was observed that conciliators were frustrated with regard to their pay and service condition.

Thus, it is clear that the present status and service condition of the conciliators in Bangladesh could not satisfy conciliators and give them prestige enough to win the respect and confidence of the parties particularly of management.

## 5.4. Factors Inhibiting the Success of Conciliation

It has been found that the conciliation machinery has however, made no remarkable success in Bangladesh. Several factors may be accounted for the same. To have an idea about the impediments, in the first step, sample conciliation cases were classified according to the reasons for failure. In this classification eight major factors were identified (Table 5.19). These were: (a) illegal and unreasonable demand placed by parties ; (b) adamant attitude of the management; (c) adamant attitude of the union leaders (CBAs) (d) lack of authority on the part of the management in the cases of public enterprises; (e) mutual distrust and antagonistic relationship between the parties over a long period of time, (f) parties' absences in the conciliation meetings; (g) lack

of evidence in support of the allegation; and (h) contravention of laws.

**Table 5.19**

**Distribution of the Partly Successful and Unsuccessful Conciliation Cases  
Classified According to the Reasons for Failure Conciliation**

Reasons for failure conciliation	Number of responses	Percent of responses
1. Illegal and unreasonable demand	52	23.42
2. Adamant attitude of the management	29	13.06
3. Adamant attitude of the Union	21	09.46
4. Lack of authority on the part of the management (in the case of public enterprises)	24	10.81
5. Mutual distrust and antagonistic relationship between the parties over a long period of time.	12	05.41
6. The second party was either absent in the final meeting or did not come at all on repeated calls.	27	12.16
7. Lack of evidence in support of the allegation.	42	18.92
8. Contravention of laws (regarding registration of trade union, pre-condition for application to conciliation etc.)	15	06.76
Total :	222	100.00
Total no. of valid case :	87	

\* Multiple responses allowed.

In the next step, a list of 11 most probable factor was drawn up and the respondents were asked to rank any five factors in order of priority. The ranked results of the responses by trade union leaders, management personnel, conciliation officers and all the categories combined together are presented in **Appendices C.5, C.6, C.7 and Table 5.20** respectively. The five important factors as viewed by the trade union leaders according to their rank are; (a) absence of commitment of the conciliators in conciliation ; (b) easy accessibility to adjudication; (c) mutual distrust of the parties; (d) casual attitude of parties toward conciliation; and (e) lack of faith by the parties in the integrity and skills of the conciliators (**Appendix C.5**).

The same factors were given eighth, seventh, first, fourth and eighth rank respectively by the management personnel (**Appendix C.6**). The conciliation officers gave first rank to the "Lack of trust and confidence among the parties", second rank to the 'low status and inadequate power of conciliators", third rank to the "unrealistic demand and rigid stand taken by the parties", fourth and fifth ranks to the "casual attitude of the parties towards conciliation" and "intra and inter-union rivalries"(**Appendix C.7**).

From the combined ranking of all categories of respondents (**Table 5.20**), it was revealed that the ineffectiveness of conciliation machinery was attributed to the mutual distrust of the parties, intra and inter-union rivalries etc. Thus, "mutual distrust of the parties", "intra and inter-union rivalries", "low status and poor salary of the conciliators", "casual attitude of the parties toward conciliation", and "easy accessibility to adjudication", got the first, second, third, fourth and fifth ranks respectively. The other factors viz. "unrealistic demand and rigid stand taken by the parties", "inadequate background and training of the conciliators", "absence of commitment of the conciliators in conciliation", "lack of faith by the parties in the integrity and skill of the conciliators", "heavy workload of the conciliators", and "parties does not honour the conciliators' compromise formulae" got low ranking.

From the above review of the various subjective and objective situation of conciliation and the specific reasons for failure of conciliation, it may be summarised that the process of conciliation in Bangladesh, is subject to several environmental and motivational constraints which affect its operational effectiveness.

**Table 5.20**

**Working by the Respondent of all Categories (Trade union leaders, Management personnel and conciliators) on the Factors Inhibiting the Effectiveness of the Conciliation.**

Inhibiting factors	Percentage obtained from				Rank
	Trade union leader	Management personnel	Conciliator	Total (2+3+4)	
(1)	(2)	(3)	(4)	(5)	(6)
1. Lack of Mutual distrust of the parties.	12.12	15.16	20.19	47.47	I
2. Casual attitude of the parties towards conciliation.	11.61	11.37	09.46	32.47	IV
3. Easy accessibility to adjudication.	12.25	12.63	07.26	32.14	V
4. Lack of faith by the parties in the integrity and skills of the conciliators.	10.56	06.32	05.99	22.87	IX
5. Absence of commitment of the conciliators in conciliation.	12.65	06.14	05.99	24.78	VIII
6. Inadequate background and training of the conciliators.	09.00	10.83	05.36	25.19	VII
7. Heavy work load of the conciliators.	03.78	02.89	06.94	13.61	X
8. Intra and inter-union rivalries	08.60	10.11	08.52	40.84	II
9. Low status and poor salary of conciliation officers.	08.71	09.93	15.46	34.10	III
10. Parties don't honour the compromise formula suggested by the conciliator because the law does not compel them to do so.	04.04	03.61	04.73	12.38	XI
11. Unrealistic demand and rigid stand taken by the parties.	06.65	11.01	10.09	27.75	VI

Source: Computed from Appendices C.5, C.6 & C.7

Mutual distrust and suspicion among the parties make effective conciliation difficult. In a good number of cases, the parties "sit pretty tight" till the disputes is ultimately passed on to the adjudication.<sup>27</sup> Multiple trade unionism, resulting intra and inter-union rivalries and politicisation of trade union restricted the fair process of conciliation in Bangladesh. It also appeared that some extra-legal conciliators such as political leaders - specially of the ruling party, police officers, local government officials etc. had carried out the functions of resolving industrial disputes. The presence of extra-legal conciliators created a problem in the proper functioning of conciliation in Bangladesh.<sup>28</sup>

Low status and inadequate power of conciliator is an important inhibiting factor of conciliation. During field work, most of the conciliators mentioned that the employers or even the managers did not respect their services and the compromise formulae they suggested, because the law does not compel the parties to honour these suggestions made by the conciliators.<sup>29</sup>

The attitude of the parties to conciliation is of vital importance for the success or failure of the conciliation officers' efforts. It was observed that in Bangladesh, the parties to the dispute showed a casual attitude towards conciliation. They treat conciliation as a "waiting room" before going into the next stage that is adjudication.

Another important reason advanced by the parties is that the background and training of the conciliation officers are not adequate. Only few of them are having diploma degree in the professional area of industrial relations and labour welfare. They are depended mainly on the job training. Sometimes they were sent to the short-term training which is not sufficient.

The parties feel that the lack of commitment and awareness of the conciliators about industrial matters is one of the main reasons for the failure of conciliation. It is

true that some conciliators possess sound theoretical knowledge about the industrial matters, but their lack of practical knowledge about the actual condition in industry and commitment is a serious handicap.

In view of the above inhibiting factors under which the conciliation process in Bangladesh has to operate, it is implied that the effective operation of the machinery is to a large extent, beyond the control of the conciliation.

### **5.5 How to Make Conciliation More Effective**

The conciliation machinery may play a very important role in industrial disputes settlement if some effective measures are taken to overcome the problems as discussed above. To identify the measures to be taken for improving the effectiveness of conciliation, an open ended question was put to the principal actors (i.e. trade union leaders and management personnel) and conciliators on what measures they could suggest, in the light of their experience, to enhance the effectiveness of conciliation. The suggestion of the parties are shown in **Appendix C.8** and while those of the conciliators in **Appendix C.9**.

The main suggestions offered by the disputant parties were, firstly, conciliators should be fair and impartial to their duties (74% of management personnel). Secondly, efficient people should be attracted into the conciliation service (52% of trade union leaders and 23% of management leaders). Thirdly, conciliators should be more active and committed to their duties (40% trade union leaders and 22% management personnel). Fourthly, status of conciliation should be increased. Another suggestion advanced by the parties were, conciliators should be given more power (5% Trade Union leaders and 57% management)", effective need based training should be arranged for conciliators (12% trade union leaders and 20% management), "the conciliators

should be free from the external pressure (19% trade union leaders and 10% management), attendance of the parties in the conciliation meeting should be made compulsory (21% trade union leaders and 13% management) mutual trust among the disputants should be established (20% trade union leaders and 10% management personnel) (Appendix C.8).

The conciliators offered a number of exclusive suggestion. Firstly, about 73% of the conciliators suggested sufficient power should be given to conciliators, secondly, effective need based training should be organised for conciliator (59% of the conciliators), thirdly, 59% of the conciliators mentioned that mutual trust among the disputants should be increased, fourthly, favourable attitude of the parties toward conciliation should ensured (55%). Other suggestion were: attendance of the parties in the conciliation meeting should be made compulsory, status of the conciliation should be increased, the conciliators should be made free from the external pressure, disputes settlement through other state agencies other than labour department should be strictly prohibited, multiple union should be stopped and the charter of demand placed by the parties should be rational and realistic (Appendix C.9).

From the above suggestions offered by the trade union leaders, management personnel and conciliators, some common suggestions emerge. If there is mutual distrust and suspicion among the parties, effective conciliation will be difficult. It is therefore, necessary for the government to make efforts to educate the parties as to the deleterious consequences of mutual distrust and even animosity. Effort should be made to convince the parties about the merits of the conciliation machinery. Another inhibiting factor is "inadequate powers of conciliation officers". The conciliators should granted more powers with which they could bind or oblige the disobedient parties. Their status has to be enhanced appropriately for dealing with persons who appear before them. In view of the observation of the subjective and objective condition and the problem faced by the conciliators in the course of their work, this seem to be

all the more important. Without increasing conciliators' status, the superiority complex and non cooperation attitude shown by management can not be controlled.<sup>30</sup>

One common suggestion offered by the trade union leaders and management personnel was that the conciliators should be fair and impartial. This should be seriously taken by the conciliators and the Government, because the conciliators in Bangladesh have lost this important quality. Even a single incidence in which the independence and impartiality become suspect to one party can adversely affect conciliators reputation for a long time afterwards, and indeed, he may never succeed in regaining the same.<sup>31</sup>

Management, trade union and conciliators felt that the conciliators should be well educated and well trained. While, very few of the conciliators had relevant education and job background, the usefulness of making arrangement for their training should be beyond any controversy. Need based training programme should be organised continuously in order to improve knowledge, efficiency and skills of the conciliators.

The activities of the extra-legal agencies in the name of disputes settlement/mediation rather than labour department should be strictly prohibited. Outside pressure specially political interference should be stopped. Union multiplicity should be controlled by strictly maintaining the legal provisions. It is important to handle intra and inter union rivalries and ensure recognised sole collective bargaining agent in conciliation meeting which is essential for effective conciliation.

Notes and References.

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2. Davey, H.W., *Contemporary Collective Bargaining*, Prentice-Hall , Englewood, N.J., 1959, p.294.
3. Agarwal, A.N. (ed.), *Indian Labour Problems*, Kitabistan, Allahabad, 1948, p.80.
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5. Murty, B.S. et.al., "Conciliation Machinery in Orissa : A Study", *Indian Journal of Industrial Relations*, vol. 21, No.4, 1986, p.428.
6. Patil, B.R., *Conciliation in India : its Functioning and Effectiveness*, Chugh Publications, Allahabad, 1977, p.1.
7. Section 27, *The Industrial Relations Ordinance, 1969*.
8. Section 9(3) of *the Industrial Relations (Regulation ) Ordinance, 1975*.
9. After the expire of 30 days, conciliation to be continued during the next 21 days work stoppages notice period. Besides, the conciliation period may be further extended, if needed, with the consent of both the parties. See, Section 29 of the IRO, 1969, as amended in 1980.
10. Sections 28 and 29 of the IRO, 1969.
11. See, note 12 above.
12. See, Chapter III of this study.
13. Foenander, *Industrial Conciliation and Arbitration in Australlion*, 1959, p.95, in Srivastava, S.C., "Industrial Relations Machinery : Structure, Working and the Law", Deep & Deep Publication, Delhi, 1983, p.80.
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15. ILO, *Conciliation in Industrial Disputes*, op.cit., pp. 13-17.

16. Section 16 of the IRO, 1969.
17. Section 3 to 14. Ibid.
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19. Howells, J.M., "Successful Mediation : A New Zealand Case Study". *International Labour Review*; vol. 115, No. 2, 1977, p.229.
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21. ILO, *Conciliation of Industrial Disputes : A Practical Guide*, op. cit, p.20.
22. Section 30, the IRO, 1969, op.cit.
23. ILO, "Conciliation of Industrial disputes : A practical Guide". op.cit. p.24.
24. See, Appendix C.8
25. See, Appendix C.9
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30. Khan A.A., *Handling of Industrial Disputes in the Public Sector Industries in Bangladesh*, op.cit. 224.
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**APPENDIX C: TABLE RELATING TO CONCILIATION.****APPENDIX C.1**

**Percentage Distribution of the Industrial Disputes not Involving Stoppage of Work According to Results of Conciliation in Bangladesh, 1988-1994.**

Year	Total No. of cases conciliated	Outcome of conciliation in percent				Total
		Successful	Partly successful	Unsuccessful	Not proceeded with	
1988	555	12.79	0.18	73.87	13.15	100.00
1989	2761	02.93	0.11	94.28	02.68	100.00
1990	551	15.06	0.91	62.98	21.05	100.00
1991	788	08.50	0.00	80.71	10.79	100.00
1992	1200	07.67	0.17	82.16	10.00	100.00
1993	258	67.05	0.00	12.01	20.93	100.00
1994	209	66.03	0.00	18.66	15.31	100.00
Total :	6322	11.15	0.17	79.91	08.76	100.00

Source : Bangladesh Labour Journal (Several issue, Department of Labour, Government of Bangladesh, Supplemented by unpublished data of the DOL, GOB.

**APPENDIX C.2**

**Percentage Distribution of the Conciliation Cases Classified According to Number of Notices Served on the Second Party to Attend the Conciliation Meetings.**

Times Notices served	Absolute percentage	Cumulative percentage
1	-	-
2	26.67	26.67
3	39.17	65.84
4	19.17	85.01
5	09.17	94.18
6	03.33	97.50
7	02.50	100.00
Total :	100.00	
Total number of cases	120	

**APPENDIX C.3****Average Work Load of a Conciliator in Bangladesh The Period , 1980-1994**

Year	Disputes involving stoppage of work	Disputes not involving stoppage of work	Total conciliation cases (2+3)	No. of active conciliators*	Average work load (4/5)
(1)	(2)	(3)	(4)	(5)	(6)
1980	104	560	668	30	22.27
1981	80	641	721	30	24.03
1982	55	392	447	30	14.90
1983	16	392	408	30	13.60
1984	142	804	946	30	31.53
1985	95	868	963	30	32.10
1986	46	513	559	30	18.63
1987	18	330	338	30	11.27
1988	09	555	564	30	18.80
1989	16	2761	2777	30	92.57
1990	05	551	556	30	18.53
1991	03	788	791	30	26.37
1992	11	1200	1211	30	40.37
1993	11	258	269	30	08.97
1994	02	209	211	30	07.03
<b>Total</b>	<b>613</b>	<b>10825</b>	<b>11429</b>	<b>450</b>	<b>25.40</b>

Source: Compiled from the Bangladesh Labour Journal (several issues) supplemented by official records of the Directorate of Labour, Government of Bangladesh.

**APPENDIX C.4****Percentage Distribution of the Conciliation Cases by Reasons for Dispute.**

Reason for dispute	Number of responses	Percentage of response
1. Wages, bonus, cost of leaving issues	178	21.65
2. Fringe benefit	98	11.92
3. Physical working condition	85	10.34
4. Holidays, leaves, hours of works	82	09.98
5. Disciplinary matters (e.g. suspension, dismissal etc.)	92	11.19
6. Personnel matters (e.g. recruitment, promotion, transfer, etc.)	75	09.12
7. Labour welfare	100	12.17
8. Unfair labour practice (illegal strike, misbehaviour by management)	62	07.54
9. Non implementation of laws.	50	06.08
Total:	822	100.00
Total number of valid case	120	

\* Multiple reason were involved in each case.

**APPENDIX C.5****Ranking by the Trade Union Leaders on the Factors Inhibiting the Effectiveness of Conciliation Machinery.**

Inhibiting factors	Frequency of Priority (n=50)					Total Score	Rank
	1st	2nd	3rd	4th	5th		
1. Mutual distrust of the Parties	7	9	5	2	3	93(12.12)	III
2. Casual attitude of the parties towards conciliation.	7	4	10	3	2	89(11.61)	IV
3. Easy accessibility to adjudication.	5	11	4	5	3	94(12.25)	II
4. Lack of faith by the parties in the integrity and skills of the conciliators.	4	5	8	6	5	81(10.56)	V
5. Absence of commitment of the conciliators in conciliation.	5	6	7	11	5	97(12.65)	I
6. Inadequate background and training of the conciliation Officers.	5	4	2	7	8	69(09.00)	VI
7. Heavy work load of the conciliation Officers.	1	2	2	3	4	29(03.78)	XI
8. Intra and inter-union rivalries.	6	3	3	5	5	66(08.60)	VIII
9. Low status and poor salary of conciliation Officers.	5	3	6	4	4	67(08.71)	VII
10. Parties don't honour the compromise formula suggested by the conciliator because the Law does not compel them to do so.	2	1	3	1	6	31(04.04)	X
11. Unrealistic demand and rigid stand taken by the parties.	3	2	5	4	5	51(06.65)	IX
	Total Score:					767(100.00)	

Notes: The following scale of scoring is adopted, 1st rank=5, 2nd=4, 3rd=3, 4th=2 and 5th=1. Figure in the parenthesis indicate the percentage of each item to total score

**APPENDIX C.6****Ranking by the Management Personnel on the Factors Inhibiting the Effectiveness of Conciliation.**

Inhibiting factors	Frequency of priority (n=30)					Total score	Rank
	1st	2nd	3rd	4th	5th		
1. Mutual distrust of the parties	7	5	6	2	5	84(15.16)	I
2. Casual attitude of the parties towards conciliation.	5	6	4	-	2	63(11.37)	IV
3. Easy accessibility to adjudication.	7	3	5	2	2	70(12.63)	VII
4. Lack of faith by the parties in the integrity and skills of the conciliators.	4	2	2	1	3	35(06.32)	VIII
5. Absence of commitment of the conciliators in conciliation.	3	2	1	3	2	34(06.14)	VIII
6. Inadequate background and training of the conciliation officers.	5	4	2	3	3	60(10.83)	VI
7. Heavy work load of the conciliation officers.	1	-	2	1	3	16(02.89)	VII
8. Intra and inter-union rivalries.	4	3	4	5	2	56(10.11)	V
9. Low status and poor salary of conciliation officers.	6	2	2	4	3	55(09.95)	II
10. Parties don't honour the compromise formula suggested by the conciliator because the law does not compel them to do so.	2	1	-	2	2	20(03.61)	IX
11. Unrealistic demand and rigid stand taken by the parties.	6	2	2	7	3	61(11.06)	III
Total Score :						554(100.00)	

Notes: The following scale of scoring is adopted, 1st rank=5, 2nd=4, 3rd=3, 4th=2 and 5th=1. Figure in the parenthesis indicate the percentage of each item to total score

**APPENDIX C.7****Ranking by the Conciliators on the Factors Inhibiting the Effectiveness of Conciliation.**

Inhibiting factors	Frequency of priority					Total Score	Rank
	1st	2nd	3rd	4th	5th		
1. Lack of Mutual distrust of the parties.	6	4	4	2	2	64(20.19)	I
2. Casual attitude of the parties towards conciliation.	2	2	1	3	3	30(09.46)	IV
3. Easy accessibility to adjudication.	1	1	2	3	2	23(07.26)	VI
4. Lack of faith by the parties in the integrity and skills of the conciliators.	-	2	3	-	2	19(05.99)	VIII
5. Absence of commitment of the conciliators in conciliation.	1	1	3	-	1	19(05.99)	VIII
6. Inadequate background and training of the conciliators.	1	1	1	2	1	17(05.36)	IX
7. Heavy work load of the conciliators.	1	1	2	3	1	22(06.94)	VII
8. Intra and inter-union rivalries	2	2	3	-	3	27(08.52)	V
9. Low status and poor salary of conciliation officers.	5	2	2	3	4	49(15.46)	II
10. Parties don't honour the compromise formula suggested by the conciliator because the law does not compel them to do so.	-	1	1	2	2	15(04.73)	X
11. Unrealistic demand and rigid stand taken by the parties.	3	3	-	2	1	32(10.09)	III
Total score :						317(100.00)	
Total number of respondents:						22	

Notes: The following scale of scoring is adopted, 1st rank=5, 2nd=4, 3rd=3, 4th=2 and 5th=1. Figure in the parenthesis indicate the percentage of each item to total score

### APPENDIX C.8

#### **Distribution of Trade Union Leader and Management Personnel According to Their Suggestion on How to Improve the Effectiveness of Conciliation.**

Suggested measures	Trade Union Leaders		Management Personnel	
	No. of responses.	%	No. of responses.	%
1. Conciliators should be fair and impartial.	31	27.43	19	23.17
2. Efficient people should be attracted into the service.	22	19.47	07	08.54
3. Conciliators should be given more power.	02	01.77	24	29.27
4. Effective need based training should be organised for conciliators.	05	04.42	06	07.32
5. The conciliators should be made free from the external pressure.	08	07.08	03	03.66
6. Status of conciliation should be increased.	11	09.73	10	12.19
7. Attendance of the parties in the conciliation meeting should be made compulsory.	09	07.96	04	04.88
8. Mutual trust among the disputants should be established.	08	07.08	03	03.66
9. Conciliators should be more active and committed to their duties.	17	15.04	06	07.32
Total:	113	100.00	82	100.00
Total no. of valid respondents:	42		30	

**APPENDIX C.9****Distribution of Conciliators According to Their Suggestion on How to Improve the Effectiveness of Conciliation**

Suggested measures	No. of responses	Percentage
1. Sufficient power should be given to conciliators.	16	13.56
2. Favourable attitude of the parties towards conciliation should ensured.	12	10.17
3. The charter of demand should be rationle and realistic.	10	08.47
4. Effective need based training should be organised for conciliators.	13	11.02
5. Disputes settlement through other state agencies rather than labour department should be strictly prohibited.	07	05.93
6. The conciliators should be made free from the external pressure.	09	07.63
7. Attendance of the parties in the conciliation meeting should be made compulsory.	11	09.32
8. Mutual trust among the disputants should be increased.	13	11.02
9. Multiple union should be stopped.	08	06.78
10. Some binding power should be given to the conciliators.	09	07.63
11. Status of the conciliators should be increased	10	08.47
Total :	118	100.00
Total no. of valid respondents:	22	