

Chapter-II

Meaning and definition of “strike”

Too much wealth makes man greedy and slave to sensuous pleasures,
It makes him extrovert and darkens his inner vision;
Desires unfulfilled give rise to grief and their fulfilment cause greed;
Thus he feels miserably thirsty even standing in the fathomless sea of
wealth.

The raging waves of worldly riches surround and submerge his senses, but
he fails to quench the thirst of his soul.

He runs after countless mirages in search of peace, but all in vain.

At last he prays for one drop of God’s love which may satisfy all his
cravings.

He cries, “Release me, O God, from these shackles of exhausting sensuous
pleasures and give me lasting peace.”

..... Rig Veda¹. 7.89.4.

The respect or importance of any country among the family of nations
can be recognized not on the basis of ancient glory, either cultural or social; but
on its economic status, which is based on present industrialization. In modern
industrial organizations, a worker acts in different roles simultaneously.
Organizations are social systems. Modern society depends upon organizations

¹ Pandit Satyakam Vidyalkar, The Holy Vedas, P. 211, Clarion Books, Delhi

for its survival. Organisations exist to serve people not vice-versa. A single organization does not exist alone. They influence each other mutually in a complex system that becomes life style of the people. If one wishes to work in them or to manage them, it is necessary to understand how they operate. Organizations combine science, people-technology and humanity. The uncontrolled increasing tendency of modern industrial system has constantly widened the gulf between those who own and manage the industry and those who work in it. A worker though a consumer, above all, he is an individual with his own special needs, desires, and motivations deriving from his home, community, and working environment². The way he functions as how well he influences a producer fulfils his desires and aspirations in the other capacities. His approach to his job will certainly be different if he believes he is forced to suffer an unfairly low standards of living and occupy an inferior social status, of course, his attitudes towards what constitutes a fair standard of living will be continually revised upward as the economy grows. The desire for more benefits by the workers and profits by the management gave rise to conflicts in labour-management relations, which resulted in fall or production and hardship to the general public. The best efforts made by the government proved futile which is clear from occasional out break of strikes, lock-outs, closures etc. All that can be done is to increase our understanding and skills so that human relations at work place can be upgraded and worthwhile.

Industrial peace is a pre-requisite condition to secure effective industrialization of a country. Industrial unrest is an impediment for the industrial development of a country. The spirit of litigation grew and delayed legal process gave raise to widespread dissatisfaction. The litigation between the labour and management instead of reducing the difference further widened it. At this stage it is necessary to find the reason for raising disputes between the labour and management. One can work effectively with people if he is prepared to think about them in human terms. For the purpose of resolving the dispute between the haves and have-nots it is necessary to study and apply the

knowledge about how people act within an organization, which is otherwise called, as organizational behaviour. It is a human tool for human benefit.

Every human being because of his in hidden nature wants to keep the rest of the society under his control, but it is nature, which does not allow him to do so. The employee likes to dispose of his labour, as he likes where as the employer wants to get the labour at his disposal. However, the wage was attached to the labour, which is an inherited right of the worker for which he is working. The workman wants minimum wages if not fair wages; at the same time he wants to withdraw his labour when the terms and conditions of labour are adverse to him. For this purpose he wants to associate with other workers who are equally treated and working in unfavourable and inhuman conditions. At the same time the employer who invested the capital wants to get the labour as low as possible so that he can earn more profits. In order to over come the possible danger of withdrawing the labour by the workmen employer enters in to a contract with them. This system of contract was influenced by the system of equality. Most people thought that it is impossible for both parties to gain from trade. The common view was that someone had to win and the other had to lose. Hence the life of trade and contract was seen to be disreputable. Since the only contracts which were fair, and therefore legitimate, were contracts in which both parties gained equally, a great deal of scholastic endeavour went into determining what comprised a just wage. The fundamental essence of the just wage was that it was the only wage, which legitimised the contract between employer and employee, and thus neither party was free to vary the wage. Change in time had proved that wages once fixed couldn't stand for a long time. Factors like rise in prices change in standard of living etc. forced the workers to raise their voice for higher wages. In the struggle between the labour and the management for higher wages and more profits there arose a system of 'survival of the fittest'. In this struggle the strongest party i.e. the employer since is vested with the power of money succeeded and exploited the labour and as a result the working class was suppressed and the capital class

started to rule system. Since the administration of the state or the Government since dependant upon the tax being paid by the employers it started supporting the cause of the employers, which added fuel to the fire. For the purpose of survival the workman who is weak in all respects must take the shelter of other factors like co-operation from the other members of the society.

The labourer at wages has all the disadvantages of freedom and none of its blessings, while the slave, if denied the blessings, is freed from the disadvantages. The labour, ones he wakes up has to think about the bread he has to provide for his family if not for other facilities, which forces him to accept the job at any lower rate and under inhuman conditions. Yet these are no infrequent incidents in the lives of the labouring population. Even in seasons of general prosperity, when there was only the ordinary cry of "hard times," one can see hundreds of people in a not very populous village, in a wealthy portion of our common country, suffering for the want of the necessaries of life, willing to work and yet finding no work to do. A workforce, who cannot withdraw its labour at will, is either oppressed or enslaved. To overcome this problem the workers were forced to form 'association' or 'union'. In this chapter meaning of the word "Association" or "Union" is explained and its origin and development is also discussed. The need of the citizen to form 'association' or 'union' was recognised long before the Vedic period as such the kings allowed and promoted formation of associations or unions. Before and after independence also, in India, association and unions had played their respective role in welfare activities of the workers, and independence movement also. Need and importance of organisation can be understood only if one knows its effects. The activity of strike can be better exercised if one knows what it includes and implies. Collective bargaining is the only process which enabled the workers' community to deal with the employer who is both economically and otherwise also powerful. In this Chapter importance, essentials and effects of collective bargaining are discussed. In this chapter the

ingredients and definition of 'strike' by various authors is given and discussed. In the end different types of strikes in India and other countries are also given.

2 . 1 Freedom of Association

Man is a social animal, and instinctively likes association. The family, community, fraternity, dal samarah, samiti sngh are associations in which he is associated with his near ones. The journey or the process or the mode of claiming reasonable wages and humane working conditions was full of hurdles and countless number of worker (including slaves) had to sacrifice their lives in the struggle with both employer and the government. The way from slavery to statutory wages was proved to be full of horrendous experiences. The journeymen who pass in this way were to be drenched with blood². Persons share his ideas, religious belief, or membership of his caste, race and political programmes with others. The association may be formed for common social, economical, religious, cultural, political and other objectives. The Constitution gives recognition to his natural desire, and confers a fundamental right on the citizen to form association, subject to restrictions in the interest of public order and morality.³ This freedom implies that several individuals can get together and form voluntarily association with common aim, legitimate purpose and a community of interests. His associational freedom includes his right to attend, participate or address any meeting or take part in any demonstration organised by the association, union etc.

² The first of these events of 1676 (in USA) was a rebellion of the white workers and African slaves together against the planter class in a colony of Virginia. And the reason that this rebellion was important, was that at then time the white workers and the black slaves had roughly similar working conditions and the race difference, that later developed, did not exist. The second event of 1676 was a war in the North-East New England states that was known as the King Philip's War. And in this war the puritans, who were radical protestants from England, killed about 30,000 Indians and established a total military control of the New England North-East part of America.

³ Article 19(1) (c) & (4).

The freedom of the citizen to form and participate in the activities of an association is spelled out in the constitutional provisions in its widest amplitude, and is subject only to the appropriate reasonable restrictions clause. The reasonableness of the restrictions is determined by a direct *nexus* between the demands of social control conducive to public interests. It can be judicially determined in the context of each individual case, after taking in to consideration both the substantive and procedural aspects of the proposed statutory restrictions.

Workers those who are weak in status can be strong if come together for common interest or benefits. In order to protect the interest of the working class they were forced to unite and ultimately the system of 'protest' came in to existence. In the early phase though it was in the form of 'simple protest' later it got its shape through horrendous experiences. Going out on strike is a serious matter involving serious risks and dramatic sacrifices. Strike probably started in the form of protest (which is an in hidden character of the human being) that was undermined or severely suppressed by the management from times immemorial. Employers slowly realised that minority can't stand against the majority. But, later (slowly) they had started realising the importance of the workers and their safety. Some of the demands of workers were accepted and the system of protest (strike) was unanimously (impliedly) recognised as a weapon in the hands of the workers to bring pressure upon the employer. Being together they had won lot of rights, which are minimum requirements of the human being. Formation of workers in to organisation is essential for protecting their long fought rights. Such a society would be a free federation of workplace and community councils that would determine for itself how to co-ordinate the production, distribution and services that modern society needs. Economically it would aim to operate on the basis of 'from each according to their ability, to each according to their needs.'

Freedom is essential for the survival of a person to live like a human being with dignity. Organisation provides freedom to both collectively and

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individually, take control of our lives. It enables every member of the organisation/association to have the opportunity to take part in the decisions, which affect them.

The only limit on freedom of the organisations should be that no one else's freedom should be denied. Organisation defends freedom of speech and organisation, the liberty to argue for the ideas of the members and seek support for them. Without society organisation cannot exist. Hence, organisations not only should stand for their rights but also the society wherein they live, as they are part and parcel of such society.

2 . 2 THE RIGHT TO STRIKE

Though, in the beginning the mode of showing protest might be in a different way change in time brought its present form of protest in the name and style of 'strike'. Fifty-five years ago, the Universal Declaration of Human Rights set forth basic standards for what many hoped would be a new world emerging from the devastation of World War II and the horrors of colonialism. Among the rights articulated in that document is, "to form and to join trade unions for the protection of his interests."⁴ However, the difficult corollary to the doctrine that the job (and the just wage attached to that job) belongs, through custom or inheritance, to the man, and that he cannot be dispossessed of it, is that the man also belongs to the job. Strikes were therefore intolerable and Higgins certainly regarded those trade unionists who regarded his pronouncements on just wages as nothing more than providing a base from which to bid up the wage, if necessary through strikes or bans, as heretics. He attacked them in the strongest language.⁵ In the struggle between labour and management not only the contesting parties are the sufferers but also the rest of the society. A quest for industrial harmony is indispensable for economic progress of the country. Economic progress is bound up with both industrial

⁴ Pat Youngblood and Robert Jenson, Observe right to unionize by making it reality, (December, 10, 2003),(www.zmag.org/)

⁵ Ray N. Evans, The right to strike and the law of contract, (www.nicholls.com)

harmony and industrial peace. Industrial harmony leads to more co-operations between employers and employees, which result in more productivity. It is founded on healthy industrial relations. Healthy industrial relations therefore, cannot, be regarded as a matter in which only the employers and employees are concerned; it is of vital significance to the community as a whole. Therefore industrial harmony involves the co-operation off employees and the community at large. As mentioned in First Five Year Plan⁶, 'Peace in industry has a great significance as a force for world peace if we consider wider implications of the question. The right to strike includes the basic provision that the contract of employment is suspended for the duration of the strike, that a striker has not broken his contract of employment by striking, that those on strike may not be penalised for striking.

Some workers are of the view that right to strike needs to be protected by a written, secure and enforceable constitution. The right also includes workplace, national and multinational collective action. It was the extreme hardship and sacrifice of workers who violated the law by striking that forced the government to make the right to strike legal.⁷ The right to strike is a basic human right and it would seem that other legislation and rules affecting the working population and trade union rights should only be enacted after a clear mandate has been received by secret, universal and fair referendum, its wording having been approved or written by the concerned parties.

The idea of the 'right to strike' is a 20th Century update on the medieval notion that a man owned his job and the 'just wage' that went with it. The concept of strike thus passed through different stages and ultimately got the recognition of the government and took the shape of statute by 1900. But the thought of strike first emerged from the skilled artisans and particularly by whites (in USA) on the assumption that they are only playing an important role in production and running of the industry and the others has no importance.

⁶ Page 572

⁷ Doug Bonney, Know your Rights, (www.kclabor.org/know_your_rights1.htm) (visited on 06.04.2004).

But, later they had to realise that all the workers whether technical, skilled or otherwise equally plays an important role in the production. Hence, formation of unions was slowly extended to the unskilled labour also which gave a great Phillip to the union activities that forced the government to pass legislation to protect the inherent interest of the workers at large.

2 . 3 THE RIGHT TO STRIKE: WHAT IT INCLUDES AND WHAT IT IMPLIES?

The right to strike consists of the right to withdraw one's labour. It includes the associated rights to free association, to take supporting and sympathetic action, and to receive support against hardship while doing so at workplaces, nationally, and multinationally.

CONDITIONS OF EMPLOYMENT

Related to the right to strike is job security, meaning by this protection against unfair dismissal and compensation for redundancy. There should be protection against unfair dismissal after no more than at least six months continuous full-time employment. One view is that all workers without discrimination whether organised or unorganised shall be given the protection of job security. All workers whether full-time or part-time workers and home workers need to be given the same protection and rights given to full-time workers. When using part-time workers and home workers, the employer saves office overheads but needs to be made responsible for increased costs of the home worker, for holiday pay, for pension and social security contributions etc.

2 . 4 PARTICIPATION IN DECISION-TAKING (UPWARD FLOW OF AUTHORITY)

The management and trade unions should follow the principles of democracy. In all decisions workers shall be consulted and their opinions shall

be given due regard where they (workers) are going to be effected. Imposed decisions are decisions taken by people who tell others (workforce, employees, party members, population) what 'is good for them' to do, what they have to do shall be avoided as far as possible. For example bitter struggle in 1985/86 in the UK between the community-owned Coal Board and its workforce, wherein the miners were defeated after about twelve months by the management of this community-owned coal-mining industry. The miners opposed the unilateral closure by the Coal Board of most of the UK pits. That is, they opposed the closing of pits without first consulting its employees and the local community.

'Consultation' in 'Works Councils' amounts to no more than asking for an opinion. A legal requirement for an enterprise to consult its employees in Works Council would seem to amount to a requirement to inform its employees of policies being considered which may affect the employees and for asking the employees' opinion about them. This seems a step forward but does not amount to participation in decision taking.

It would be different if the Works Council were the policy-setting body for the enterprise. Their duties must be restricted to prevention of disputes and promotion of harmony between employers and employees. 'Style of Management' discusses at some length the upward flow of authority in relation to decision taking. Participation in decision taking takes place when those affected by a decision themselves take the decision. Decisions about people need to be made by those concerned.

Participation in decision-taking means representation in boardrooms and wherever decisions are taken, by elected representatives who are elected by those affected by the decisions being taken. It also means open decision-taking and freely available access to media. The role of those at the top has to be to carry out the decisions taken and the policies set by those they represent, and to be quickly held accountable to them for doing so. This does not mean that each and every petty matter (like Casual leave for a day) shall be enrooted through unions. Otherwise the practice may improve the influence of the unions and its leaders, but, in long run it may lead to

suppression and revolution. The workers must be educated (by the unions and management) how to deal with the matters personally and when in need (in exceptional circumstances) only the matter(s) may be taken to union(s). The main intention behind formation of association or union is to bargain collectively with the employer who otherwise cannot be forced to hear the weak employees. Hence, it is necessary to know meaning and the essentials of collective bargaining so that its importance can be understood.

2 . 5 Collective bargaining

O man ! may there be conformity in your lifestyle
 And may there be equal share of food and drink for
 All in the bounty of Mother Earth. I join you all
 To the common yoke of social welfare. As all the
 Spokes of the wheel joined at the centre give it
 Acceleration, in the same way be united and equal,
 And make progress.....Atharva Veda 3.30.6

Collective bargaining was recognised as an effective mode of settlement of disputes between labour and management. At one extreme in Austria, nearly 100% of private sector employees were covered by a system of sectoral agreements. Indeed, high bargaining coverage rates are found in most countries with a system of sectoral collective agreements, such as Denmark, France, Germany, Italy, the Netherlands, Spain and Sweden. In some cases – such as Austria, France, Germany and the Netherlands – systems of extending sectoral collective agreements to employers and employees that are not members of signatory organisations contribute to high levels of bargaining coverage. In Finland, Greece and Ireland, high levels of bargaining coverage are achieved by inter-sectoral agreements. At the lower end of the coverage spectrum is the UK, where bargaining occurs largely at company or lower levels – here only a little over a third of employees have their pay set by collective bargaining. On average, around 80% of the relevant workforce in the current European Union member States is covered by collective bargaining.

2 . 6 (a) Bargaining Factors

Through collective bargaining, workers gain strength when they *join together* to improve their situation and livelihood. Listed below are the top 10 factors⁸ that affect a union's bargaining ability in the workplace. These factors should be kept in mind when it comes to negotiate a new contract and conditions for an individual employee or employees in general.

Percentage of Workers Organized

The bargaining is based on supply and demand. Where the number of workers organised in the industry is more their percentage of bargaining capacity will be more. More the unions in an industry lesser their bargaining power will be. The employer in this case may adopt the method of 'divide and rule'. But, some times it may also comes to light that though the worker united though in majority, still if the future of the industry is uncertain the bargaining power of the union will be at its low and ultimately they may have to surrender. In case where the market is over flooded with the goods or decrease in demand the management may declare lock-out when the workers go on strike. Some times conditions may be imposed by the legislature that shall be fulfilled by the trade union for bargaining with the employer. The Second Labour Commission said "a trade union with 60 to 65 per cent workers of a unit as its members is entitled to have bargaining power."⁹

Economics of the Industry

This is an important factor over which the union(s) and employers have little influence. If the local industry is in a slump, bargaining strength is weakened. But if a boom exists and only a small percentage of workers are union members, bargaining strength remains weak. Where there is demand for

⁸ International Association of Heat and Frost Insulators and Asbestos Workers, *Affiliated with the AFL-CIO Building Trades Department and the Canadian Labour Congress*, 2002. (Internet).

⁹ Trade Unions won't give up right to strike: CITU, *Thestatesman.net*, 29.11.2002. (Visited on 28.1.05).

the goods in the market and earning good profits the management can afford to meet the demand of the workers for monetary benefits claimed by them.

There is a direct relationship between market share and bargaining strength. Both rise and fall together on the principle of supply and demand. Where the workers in majority are native residents of that particular area where the factory is situated, they can bargain effectively compared to the workers recruited from other areas. They may use political influence also apart from others. If there is competition between different companies regarding their goods, during the strike period other companies may try to capture the market. On the other hand during strike, since, the undertaking or industry is not in a position to supply goods to the consumers, they will be forced to opt for other brand goods to meet their needs, which may later prove to be fatal even for the survival of the industry in competition, as the consumers may lose faith in it or the other company might improve the quality or reduce the price in order to attract the customer. For example when Colgate tooth paste was monopolising the market there was a lot of criticism regarding its concentration and air in the tubes. Later on Close-up paste came to the market and snatched away the considerable part of the market. Hence, where the share of the goods in the market is more definitely the bargaining strength of the union will be more as the industry tries to protect its own interest.

Ability to Strike and Win

Presently there is no restriction with regard to the percentage of a unit to vote through secret ballots for conducting or going on strike. The second Labour Commission recommended for minimum "51 per cent of workers should vote in favour of strike through secret ballot".¹⁰ If a local union only controls a small percentage of the market, the strike will have little effect. A strike will only be effective if it can disrupt the industry. The ability to strike and win diminishes with decreased market share. As stated earlier more the

¹⁰ Ibid.

unions lesser the bargaining power. Likewise, the unions before going on strike must see whether they can withstand to the probable consequences of the strike. That is the reason why the number of trade unions declares and goes on strike in the first week of the month or within a week after receipt of wages and will enter in to a settlement by the end of that month. Faster the date of next salary day approaches, higher the pressure on the union leaders for settlement by its own members. If that strike continues after the next pay day, number of the union members will be forced to join their duties or to compromise with the management because of economic pressure even against the will of their union leaders. But some times unions (minority) may declare strike even after knowing that they are necessary to show their existence (or importance?).

At Tirupati (the temple city) Andhra Pradesh State Road Transport Corporation running buses from Tirupati to Tirumala (the temple city) which is a valley (hill) road for about 20 minutes journey. In 1970s Mazdoor union (an employees union) which is a minority union (as it was) gave a demand for appointing conductors for each bus plying between Tirupati to Tirumala which was totally unnecessary, and the same was rejected by the management Corporation. Finally, strike was declared and was continued and finally withdrawn, as the Corporation decided to terminate the striking employees and appoint substitute staff in the place of the striking staff. The justification given by the Mazdoor union was, it is necessary to show their existence and importance (as per some members of that union).

Likewise, the management of the industry may some times take a decision to shift the plant or business to some other place/area (Soecial Economic Zones) where they can easily get labour at lower cost, which will severely affect the life and economy of the existing employees. Under such circumstances the union leaders must bargain with utmost care and caution in coming to an agreement with the management. David Jones, President of Local 808 of the IUE (International Union of Electrical Workers) in a newsletter to membership had stated that, "We did not make this decision easily," We had to

consider things like the weak economy and job market. Would we get public and news media support for a strike?" Jones also cited the cost of a strike to workers and their families and the possibility that Whirlpool could move production to Mexico, as it has with some products.¹¹ He also further informed that "In the 808 newsletter, Jones said the "worst parts" of the tentative agreement were those dealing with wages and medical insurance benefits. Good parts included the company boosting pension benefits, a general wage increase and a starting wage increase for new hires. The tentative five-year agreement would give assemblers, whose base salary is now \$15.19 an hour, a wage increase of \$1.05 an hour over five years, plus \$2,300 in lump-sum and signing-bonus payments during that time. Wages for beginning assemblers, who now get \$10.50 an hour under the company's two-tier system, would be increased by \$1.75 an hour over the five years. They, too, would receive the \$2,300 in payments¹².

Skilled Negotiators

Some members think this is most important but it is not. An adequate negotiator can get the most out of a situation but only if the union market share is positive. The best negotiator in the world cannot win a good contract if the union does not control the labour supply and a good market share. The negotiations (generally by the trade union leaders) will be more powerful if they enjoy the support of majority of the work force. At the same time they have to look after the probable consequence (success or failure) of the demands and agitation. If they declare and go on strike the management may shift the plant to any other area or location in which case the employees in majority may have to severely/adversely be affected. In such a case it is in the interest of the union members at large to settle the dispute at the earliest and with possible monetary benefits. Only union strength is not sufficient to win. The market position also must be taken into consideration before going on strike, otherwise

¹¹ Timing wasn't right for Whirlpool Strike (<http://www.ukwhitegoods.co.uk>)

¹² *ibid.*

by taking the market position in to consideration the employer may either close the plant or shift to other place which is economical.

Reliable Information

The negotiating team needs to know the true percentage of the market share the union controls when entering into bargaining. Without reliable information the sessions can quickly deteriorate into empty bargaining.

Skill and Productivity

Some members believe this is true. The skill and productivity of union workers was once unparalleled. The union has its share of low skilled and unproductive workers. Today, non-union workers are also skilled and productive. It is a factor only if the union controls the supply of skilled and productive labour.

Good Relationship with Employers:

The union and the employer have mutual interests. They are in essence, business partners. If union employers cannot win work, union members suffer. A good relationship means nothing without good market share. Apart from the market share cardinal relations with the employer have its positive effects. It prevents lot of disputes. Where there are good relations both labour and management will sit together and settle the issues even at its earliest stage thereby prevent all possible future disputes. 90% of the disputes will be settled if there is a cordial relation between the employer and employee or, employee and his supervisor.

At Vinukonda Bus depot, Ongole District, Andhra Pradesh, India, (Owned by Andhra Pradesh State Road Transport Corporation) all the union leaders will sit with their depot manager at least a week prior to the festival and settle the issue of granting leave to the employees during that particular

festival. Generally as per their agreement, the responsibility of choosing the employees who genuinely in need of leave will be imposed on the union leaders and accordingly the applications will be forwarded by the unions and will be sanctioned by the management. At the same time running the busses by the staff (even by forcing its members to do extra work) without causing inconvenience to the general public also will be on the unions. This practice proved to be very effective where the sanctioning of leave will be a major issued throughout the year. But he same practice was failed in other places at its infant stage as there was resentment by several union leaders particularly younger generation as it may reduce their importance.

Public Support of the Union

Building Trade Unions do not generate public sentiment. Our negotiations do not attract attention like teachers and fire-fighters or large industrial unions. Public support plays a very limited role. But, some times public support may have its effect on the collective bargaining and strikes. It is evident in the recent years that the unions raise their demands and go on strike when failed to meet them out within a few months ahead of elections which embarrass the political parties and the ruling parties. Later on when they declare strike the Governments are taking severe steps against the striking employees and some time the striking unions withdrew their strike and the entire strike period was treated as leave and wages were also not paid as the strike was declared illegal. This is so because the trade unions are suffering from lack of public sympathy (particularly in the case of bargaining or strike for increase in wages). Lawyers can only review language and proposals and advice the negotiating team of possible loopholes. The best lawyer has absolutely no influence over a union's bargaining strength. Again it is interesting to note that the candidate countries for EU membership generally have a lower level of bargaining coverage than the current Member States, with an average rate of around 40%. There are exceptions such as Slovenia, Cyprus and Malta (and to a lesser extent Slovakia and Hungary). However, the

expanded EU is likely to have lower overall levels of bargaining coverage than at present, though not approaching Japanese and US levels¹³.

2 . 5(b) Prohibition of Collective bargaining

Trade unions are banned in Bahrain. The partially suspended 1973 Constitution recognizes the right to organize, but the labour law makes no mention of this right, nor of the right to bargain collectively, or to strike. The 1974 Security Law forbids strikes, which would undermine the existing relationship between employer and employees or damage the economic health of the country. The law allows for selected workers' committees in larger companies, and a system of Joint Management-Labour Consultative Councils (JCCs), which can only be set up with government permission. There are JCCs in 19 large joint venture and private sector companies. The Minister of Labour favours setting up JCCs in all workplaces with over 200 employees. The workers' representatives on the JCCs are elected, but they are not allowed to hold election meetings or to campaign for election. Although they represent workers' interests in discussions with management, they can only act as advisers and have no real power to negotiate or bargain. Article 5, paragraph XVII of the Constitution of Brazil provides full freedom of association for lawful purposes; it is prohibited for purposes of a paramilitary nature.

2 . 5 (c) LIMITATIONS ON COLLECTIVE BARGAINING

In Canada groups such as members of the medical, dental, architectural, legal and engineering professions, when employed in their professional capacity, agricultural workers and privately employed domestics are excluded from coverage under the legislation of some jurisdictions, but are nevertheless entitled to negotiate with their employers on a voluntary basis. Such voluntary

¹³ Industrial relations in the EU, Japan and USA, 2001, Industrial relations in the EU, Japan and USA, 2001 (<http://www.eiro.eurofound.eu.int>)

negotiations routinely take place in Canada, for example by the Alberta and Ontario Medical Associations, which negotiate physician fees.

2 . 6 (d) Third party assistance in collective bargaining disputes

The importance of conciliation and mediation as a means of helping the parties to come to an agreement voluntarily is recognized across Canada. Labour relations laws in Canada provide for conciliation or mediation assistance where the parties have been unable to resolve differences. Certain time periods are provided for the application of assistance and in a majority of jurisdictions the right to strike or lockout is acquired only after resorting to compulsory mediation/conciliation assistance.

Though third party assistance can be taken in India to settle the disputes the practice shows that it did more harm than good to the trade unionism. Politicians and some major union leaders involve in mediation dealt with the manner in which was not beneficial to the members of the unions. At the instance and advice of the union leaders though the members went on strike finally the agreement entered in to was neither satisfactory nor fulfilled the ambitions of the members. Hence the striking members of the union in majority are of the view that as third party, they are rejecting the government employees instead they are recommending for appointment of experienced persons in that filed. They want to abide by the verdict of the court. This categorically shows that the workers going on strike are having faith in judiciary as well as in the experts in that field or area but not in the government employees. It may be for the reason that the government employees for the vested reason of protecting their jobs (a mediator) and to maintain rapport with the government, they are axing the confidence reposed in them by the striking employees. Junior doctors of Andhra Pradesh while expressing their opinion to abide by the court verdict said that "in third party negotiations there shall not be high officials of the

government in settlement committee, if appointed by the court and in their place they recommend for appointment of experts in the field".¹⁴

Meaning and Definition of the word "Strike"

The meaning of the work may vary from person to person according to his needs and place to place depending upon the circumstances. Hence in order to give authenticity to the well accepted meaning the legislature gives approval to it by defining the word in any Act. Likewise, the term "Strike" was also defined by the legislature in The Industrial Disputes Act, 1947. Prior to it several authors and judges (in their judgments) defined the term 'strike'. Hence, the definition of the work 'strike' by different authors and definition under section 2(q) is discussed hereunder.

2 . 6 (a) Definition In General

The term 'strike' is derived from old English "strican" which is akin to Old High German word 'str^hhan' to stroke, Latin word 'stringere' to touch lightly, striga, stria furrow. (These word dates back prior to 12th Century). Strike may be viewed as an exercise of the freedom to with hold one's labour¹⁵, which is a fundamental human freedom of the individual¹⁶. Strike is used to indicate workers' concerted withdrawal of labour, as a means of putting economic pressure on the employer to coerce him (employer), to concede to them (workers)¹⁷. Strike means, "To make one's way to go"¹⁸. Section 13 of

¹⁴ We will abide by the verdict of the court, Eenadu, (Telugu) Hyderabad edition, 23.1.2004 p. 9.

¹⁵ The word 'strike' was used in the sense of "a work stoppage by a body of workers to enforce compliance with demands made on an employer" or "temporary stoppage of activities in protest against an act or condition" from 15th Century. (Encyclopedia Britannica, 2005).

¹⁶ Vithal Bhai B.Patel, *Law of Industrial Disputes*, Vol.I, Ed.III, (1984) p.344.

¹⁷ Suresh C. Srivastava, *Industrial Disputes and Labour Management relations in India*, 1984, p.52.

¹⁸ Encyclopaedia America, p.1126.

the National Labour Relations Act gives unionised private sector workers a legal right to strike, but there is no moral right to strike.

Many attempts have been made to define the term '*strike*'. Lord Dennings¹⁹ defines the word strike as "concerted stoppage of work by workers done with a view of improving their wages or conditions or giving vent to a grievance or making a protest about some thing or other, or supporting or sympathizing with other workers in such endeavour". Hanner.J²⁰ defines the word strike as "simultaneous cessation of work on the part of workmen". Strike in labour relations, organized work stoppage carried out by a group of employees, for the purpose either of enforcing demands relating to employment conditions on their employer or of protesting unfair labour practices.²¹

A comprehensive definition was given by an American judge as "a strike is an act of quitting work by a body of workmen for the purpose of coercing their employer to concede to some demands they have made upon him and which he has refused, but it is not a strike for workmen to quit work either singly or in a body which they quitted without intention to return to work, whether may be the reason that moves them so to do"²². In Encyclopaedia Americana it is defined as²³ "Strike is a concerted withdrawal from work by a group of workers employed in the same economic enterprise". According to the Columbia Encyclopaedia²⁴ in early times 'strike' was used in the poetic term as "to make one's way". Halsbury's Laws of England defined the word strike as²⁵ "A simultaneous cessation of work on the part of workmen, a body of persons employed in a trade or industry acting in combination or a concerted refusal under a common understanding of any number of persons, who are or have been so employed to continue to work or to have been so employed to

¹⁹. Tramp Sipping Corporation Vs. Green Which Marine Inc. 1975(2)All.E.R.989.

²⁰. Farrer Vs. Close (1889)L.R.

²¹ Strike (labour relations), Encyclopedia Article from Encarta, (www.encarta.msn.com) 2004.

²². Uden Vs. Scaffer, 110 Wash, 391.

²³. *Encyclopedia Americana*, Vol.25, Ed. 1980, p.796.

²⁴ *The Columbia Encyclopedia*, 6th Ed. Gele group, Edited by Paul Lagase.

²⁵. *Halsbury's Laws of England*, Vol.4, Ed. 193, Para.1144, p.581.

continue to work or to accept employment". Armstrong and Knight defined the term strike as²⁶ "Strike is a deliberate withdrawal of labour by workers in an attempt to persuade employer to give them other better terms".²⁷

In International Encyclopaedia it was defined as²⁸ "Collective stoppage of work intended to influence those who depend on the sale or use of products of that work is almost as old as work itself". The withholding of labour by labour unions, workers, organizations, or unorganised group of workers in order to achieve demands from an employer²⁹. The Columbia Encyclopaedia defined the term strike as³⁰ "concerted work stoppage by a group of employees be chief weapon of organized labour". Hill defined the term strike as³¹ "A mutual agreement among workers to stop work in order to obtain or resist a change in working conditions". Black defined the term strike as³² "Strike is an act of quitting work by a body of workmen for the purpose of coercing their employer to accede to some demand they have made upon him which he has refused". V.P.Arya defines it as³³ "Strike is said to be the notion of stoppage of work by employees to enforce a demand on unwilling employer". Edward I. Skyes defines as³⁴ "Strike is a concerted refusal to work with the object of thereby gaining some concessions or wresting some advantage from some other persons who in ordinary circumstances would be an employer". American Bureau of Labour defined the term Strike as³⁵ "A temporary stoppage of work by a group of employees in order to express a grievance or to enforce a demand". A strike is characterized by the fact that employees temporarily cease to fulfil their contractual obligation to perform work. "Non-performance of the work stipulated by the contract of employment constitutes the essence of a

²⁶. Armstrong & Knight, *Trade Unions and Industrial Relations*, 1979, P.53.

²⁷. Vithal Bhai B.Patel, *Law of Industrial Disputes*, Vol. I, Ed. III (1984) P.344.

²⁸. *Encyclopedia of Social Sciences*, Vol.18, Ed. 1968,

²⁹. *Encyclopedia of Japan*, 1983, Kodansha Ltd, Tokyo. page 250

³⁰. *The New Columbia Encyclopedia*, Ed.1975, p.2631.

³¹. The Graw Hill, *Dictionary of modern Economics*, 1971, p.563.

³². Black's Dictionary Ed.IV.

³³. V.P.Arya, *Strikes and Lock-outs* (1972), p.1.

³⁴. Edward I. Skyes, *Strikes in Australia* (1960) p.2.

³⁵. Hand book of Labour statistics, 1947 p.14 (American Bureau of Labour)

strike." It is therefore a temporary cessation of work. It presupposes that the employees have no intention of resigning from their jobs. Also, the work that they are temporarily refusing to perform must constitute a contractual obligation.³⁶ A strike is meant to project the demands of the workers as also their determination to resort to direct action or stoppage of work.³⁷

2. 6 (b) Definition by ILO

On 28th day of January 1993, a resolution was adopted to replace the interim resolution adopted by the Fourteenth International Conference of Labour Statisticians wherein the word "Strike" was defined as:

"a temporary work stoppage affected by one or more groups of workers with a view to enforcing or resisting demands or expressing grievances, or supporting other workers in their demands or grievances".

Definition of "Strike" (In some statutes)

A strike is meant to project the demands of the workers as also their determination to resort to direct action or stoppage of work.³⁸ According to the clarification issued vide M.H.A., O.M. No. 25/23/66-Ests. (A), dated the 9th December, 1966, 'strike' means refusal to work or stoppage or slowing down of work by a group of employees acting in combination, and includes-

- (i) mass absence in work without permission (which is wrongly described as "mass casual leave);
- (ii) refusal to work overtime where such overtime work is necessary in the public interest;

³⁶ (<http://www.eurofound.eu.int.htm>)

³⁷ *Report of the National Commission on Labour 2002, vol-I (Part-I), P. 334.*

³⁸ *Ibid.*

- (iii) resort to practices or conduct which is likely to result in or results the cessation or substantial retardation of work in any organisation,. Such practices would include, what are called 'go-slow,' 'sit-down,' 'pen down,' 'stay-in', 'token', 'sympathetic', or any other similar strike; as also absence from work for participation in a Bandh or any other similar movements.

The notification declares that the Government servants who resort to action of the above kind violate Rule 7(ii) of the Central Civil Services (Conduct) Rules, 1964 and action can be taken against them.

2 7 (d) Definition under Industrial Disputes Act, 1947

Section 2 (q) of Industrial Disputes Act defines 'Strike' as

"Strike," means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under common understanding, or any number of persons who are or have been so employed to continue to work or to accept employment".

A strike is characterized by the fact that employees temporarily cease to fulfil their contractual obligation to perform work. "Non-performance of the work stipulated by the contract of employment constitutes the essence of a strike." It is therefore a temporary cessation of work. It presupposes that the employees have no intention of resigning from their jobs. Also, the work that they are temporarily refusing to perform must constitute a contractual obligation.

Strikes are usually of a collective nature. This is *firstly*, because number of employees join in refusal to work: only when a sufficient number of them participate in the strike can enough pressure or disruption be applied to ensure that any demands being made will be met. *Secondly*, a strike is collective

because of the collective commitment on the part of the employees as a group. A collective interest can sometimes stem from an individual case, for example, the dismissal of a "union delegation" member, which poses a threat to the principle of trade union freedom and union representation within the enterprise. Thus, a strike can be defined as a "temporary", usually collective refusal to fulfil the contractual obligation to perform work.³⁹

Meaning and scope of definition under Industrial Disputes Act, 1947

The definition is exhaustive. The definition consists two parts, viz., the first part relates to cessation of work by a body of persons employed in any industry acting in combination and the second part relates to concerted refusal or a refusal under common understanding by a number of persons who are or have been so employed to continue to work or to accept employment. The following are the essential characteristics of a strike:

1. There should be cessation of work,
2. The cessation of work should be by a body of persons,
3. The body of persons ceasing to work should be employed in any industry,
4. The body of persons ceasing to work must be acting in combination,
5. There must be concerted refusal, or refusal under common understanding by such body of persons,
6. The persons refusing should be those who are or have been employed, and
7. The object of refusal is not to continue to work or to accept employment.

Cessation of work

³⁹. (<http://www.eurofound.eu.int.htm>)

Period of cessation of work is not material in determining action as a strike⁴⁰, whether there is a concerted and combination of workers or not in refusing to resume to work⁴¹ and short duration of strike cannot exculpate the participants from the consequences of an illegal strike⁴². But the Allahabad High Court held neither demonstration nor delay in starting work amounts to strike⁴³. In deciding an act of the workmen whether amount to strike or not the tribunals should not assume any thing from its point of view⁴⁴. In *Standard Vacuum oil Company Madras v. Gunaseelan (M.G) and others*⁴⁵ where the workers refused to work on May Day but accepted to compensate the work by working on other holiday was held not to be strike.

Workers may often leave the employment to fulfil some social obligations like attending the funeral of the co-workers, etc. But under such circumstances the workers at least are expected to consult and obtain permission of their employer before leaving the work place. Otherwise it may amount to strike⁴⁶. If allowed, workers leaving the employment under such circumstances may prejudice the industrial peace.

Mere absence does not amount to strike

Actual participation of the employee in the strike is often insisted. Mere witnessing the strike along with crowd may not amount to strike⁴⁷. Some times the employees in order to be risk free they leave the place of employment during the period of strike and instead of participating in strike they may move in the mob along with the procession of strikers. Had he not be with the striking

⁴⁰ *Buckingham and Carnatic Co. Ltd. v. Their workmen*, 1953 SC 47.

⁴¹ *State of Bihar v. Deodar Jha*, Air 1958 Pat. 51; *Raja Bahadur Motilal, Poona mills v. Tukaram Piraji Masale*, 1956 SCR 939.

⁴² *Lakshmi Devi sugar mills Ltd. v. Pt. Ram Sarup*, AIR 1957 SC 82.

⁴³ *Mangaram v. Labour Appellate Tribunal*, 1957 (1) LLJ 603 (614-615) All (DB) Per Kidwai J in this case reliance was placed on *Dhirubha Devi singh Gohil v. State of Bombay*, AIR 1955 SC 47, per Jagannath. J)

⁴⁴ *Bharat Barrel and Drum Mfg., Co. Ltd. v. Their workmen* 1952 (2) LLJ 532 at 536.

⁴⁵ 1954 (2) LLJ 656.

⁴⁶ *National Textiles workers' Union v. Sree Meenakshi Mills Limited*, 1951 (2) LLJ 516.

⁴⁷ *Sitapur Sugar Works. V. State of Bihar* 1958 Pat. 120.

workers he would have been either in the undertaking or some where else. Hence, it is submitted the court's rule declaring that 'witnessing the strike along with a crowd, may not amount to strike' appears to be a favoured judgement delivered sympathetically. Mere absence of the workman does not amount to strike, there must be evidence to show that the absence of workman was the result of concerted action between him and other workmen or that there was a common understanding, that they would not continue to work⁴⁸. Mere failure to report for duty when a strike is on, does not amount to strike. Some times it is not possible for several workmen to attend the work even though they are willing to attend to work. Some times the union may ratify the action of the workers or the workers may withdraw their labour even without consulting their union. Absence without permission is no where permissible. Under these circumstances the workers must contacted the supervisor or employer and explain the reasons for his failure to attend his duty. Communication system in 1951 may not be so good as it is today. Still he by using available means should inform the employer or supervisor about his absence. Hence this ruling may not suit the prevailing circumstances.

In the era where sympathetic strikes are prevalent and conducting demonstrations and unions are adopting the techniques where it is not possible to prove prior understanding between the understanding it may be reasonable to remove this provision with suitable amendment.

Period of cessation of work

In order to constitute the act of the workmen a strike cessation of work must be in combination with others. Moreover, combination should be with intent to stop the work. The body of workers though, said to have been 'acting in combination' with in the meaning of the section, as well as actuated by a common object of assaulting or over powering the manager and police party by use of force, still the body of workers cannot be said to have entertained any

⁴⁸ Sirka Colliery Ltd. v. S.K.C. Mines workers Union, 1951 (2) LLJ 52.

direct idea of bringing about cessation of work, all that happen was that the pursuit of object actually entertained had the direct affect of causing cessation of work, as such there was no strike⁴⁹. The Allahabad High Court in Mangaram and others' case⁵⁰ held that where the workers after punching the card refused to work and conducted a demonstration for half an hour, does not amount to ceasing of work but only delayed started work which does not amount to strike. If period is taken into consideration, absence even for a minute also amounts to strike. Hence, it is submitted that in this case, there was a strike for half an hour. The court would have declared it as a 'Strike' instead of declaring it as delayed as delayed work.

Refusal to work on a listed holiday

In accordance with prior agreement with the parties, offering compensatory holiday the management required the workmen to work on a listed holiday due to exigencies of work. A refusal to work on a listed holiday due to exigency of work as a concerted action, amount to strike.⁵¹

Cessation of work on an optional holiday of work

If workers seize to work in concert on an optional day of work (Sunday or holiday) it would be strike if other conditions were satisfied⁵².

Inferences as to strike

Sometimes circumstances may warrant the employer to come to the conclusion that the action of the employees amounts to strike, like a very large number of employees and their representatives have applied for leave for various reasons and refusing to attend work in spite of best efforts made by the

⁴⁹ Shamnagar Jute Company Ltd. v. Their workmen, 1950 LLJ 235 at 238.

⁵⁰ Mangaram (Workers of Patiala Cement Works) and others v. Labour Appellate Tribunal, 1958 (1) LLJ 539 at 541.

⁵¹ Upper India Caupper Mills Ltd. v. Workmen 1954 (2) LLJ 347 (LAT).

⁵² Ram Naresh Kumar v. State of West Bengal 1958 (1) LLJ 567 (C); Piprach Sugar Mills Ltd. Its workmen, 10 FJR 413 (LAT).

officers amount to strike⁵³. But, while coming to the conclusion the employer must look into the circumstances, which led to the workers not to resume work.⁵⁴ Workers working in boiling room may leave the place of employment as the boiler was over heated may burst at any time. Here the action of the workmen may not amount to strike⁵⁵, but the workers absented themselves or refusing to attend to work after interval because of sudden demise of a worker amount to strike⁵⁶, as such things would be highly prejudicial to the industrial peace. Hence, though the workmen absented themselves without prior consultation it amount to strike even though the union had not sponsored it⁵⁷, and workers absented for paying homage to the national leader⁵⁸ and refusing to do the remaining work from afternoon⁵⁹ and refusing work which they are bound to do⁶⁰.

The definition of 'strike' as laid down in [S. 2(b)] of The Sikkim Essential Services Maintenance Act, 1978 (Sikkim Act 7 of 1978) is an improved version of the Section 2(q) of the Industrial Disputes Act, 1947. Section 2 (b) of Act 7 of 1978 lays down that:

“strike” means the cessation of work by persons employed in any essential service acting in combination or a concerted refusal or a refusal under common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes-

- a) refusal to work over time where such work is necessary for the maintenance of any essential service;

⁵³ Buckingham and Carnatic Co. Ltd . v, Certain workmen, 1953 SCR 219.

⁵⁴ Punjab National Bank Ltd. v. Bank employees federation 1960 (1) SCR 806;

⁵⁵ Patiala Cement Co. ltd. v Certain workmen, 1952 (2) LLJ 57.

⁵⁶ National textile workers Union v. Sree Meenakshi Mills Ltd., 1951 (2) LLJ 516.

⁵⁷ J.K.Cotton Spinning and weaving Mills co. Ltd. (Textile Mills, Kanpur) v. Their workmen, 1956 (2) LLJ 278 (IT)

⁵⁸ Goodlass Wall Ltd. v. Ameer Ahmed Bakuram & 8 others, 1954 (2) LLJ 573.

⁵⁹ Arun Motiram and 2 others v. Mafatlal Fine Spinning and Weaving Co. Ltd., and others, 1956 (2) LLJ 396.

⁶⁰ Ballu Goving v. Appollo Mills Ltd., and others 1957 (2) LLJ 55.

- b) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

In this definition refusal to work 'over time' where it is necessary is declared as strike. Even retardation (slowing down or go-slow) is also treated as a strike. It is worthy to note that a tiny state which became part of India in 1975 took several steps for modifying the definition of the term 'strike' in the interest of the State.

Analysis

After independence judiciary had shown lot of favour to the employees. In *Bucking ham and Carnatic mills* case in 1953 the Hon'ble Supreme Court held that the period strike is immaterial in determining the action as strike. In 1956 *Raj Bahadur mills* case the Hon'ble Supreme Court held that short duration of strike cannot exculpate the participants from the consequences of an illegal strike (in this case it was also held that "concerted and combination is immaterial"). In 1957 the Hon'ble Allahabad High court in *Mangaram's case* *Kidwai, J* held that "neither demonstration nor delay in starting work amounts to strike". Intentional delay in starting work if satisfies other conditions of Section 2 (q) amounts to 'strike'. If the decisions given by the Supreme Court are taken into consideration cases are cessation of work even for a minute also amounts to strike. Different groups of employees acting in different ways were held not a strike by the Hon'ble High Court of Patna in the year 1950.

Allahabad High court ruling in *Mangaram's case*⁶¹ that "where the workers after punching the card refused to work and conducted a demonstration for half an hour, does not amount to ceasing of work but only delayed started work which does not amount to strike" does not holds any water. Once the employee punches his card indicates that his intention is to

⁶¹ 1958 (1) LLJ 539 at 541

discharge the duties as per rules and regulations. Workmen instead of discharging the duties after punching the card if goes on doing demonstrations it is a clear case of misconduct of “not discharging the duties as per rules”. The decision of the Hon’ble Supreme Court in Backingham & Carnatic Co (1950) if taken into consideration this decision is totally defective and the Hon’ble high court of Allahabad would have taken the previous decisions in to consideration while passing the decision in this regard. The decision of 1950 (SC) and 1958 (Allahabad) are mutually controversial. The courts would have avoided such controversial decisions and would have restricted such illegal or unjustified activities from the beginning instead of giving benefit (because of sympathy?). Later there was consistency in judicial opinions in this regard. In 1960 in Punjab National Bank case ‘workers refusing to resume work in spite of best efforts made’ was held to be strike. In 1951 (Meenakshi mills case) it was held that “.....workers absenting themselves or refusing to attend to work after interval because of sudden demise of a worker amount to strike”. In 1956 (J.K. Cotton Mills case) it was held that “....the workmen absented themselves without prior consultation it amount to strike even though the union had not sponsored it” was held to be strike. In 1956 (Arun Moti Ram case) workers refusing to do the remaining work was held a strike. In 1958 (Good lass Wall Ltd. case) it was held that “absenting to pay homage to a national leader” to be strike. In spite of all these decisions of same or similar opinion, the Allahabad High Court deviating from the principle created a new chapter in the field of strike.

After taking the above rulings in to consideration the definition should be amended with the following suggestions:

- i) The workers must have done any act or omission in the form of protest
- ii) Cessation of work is immaterial
- iii) Persons ceasing to work may not be working in combination
- iv) Circumstantial evidence is sufficient to establish concerted refusal or refusal under common understanding

v) Period of cessation or protest is immaterial

From the above reading it is clear that the definition of the word 'strike' is unable to meet the needs of not only the employees but also the employers and the state. The amendment to the definition 'strike' which was made in 1982 (but date of effect is still awaited) if brought into effect the effect of strike will be reduced to a considerable extent at least in hospitals, educational institutions etc. the amended definition will reduce the effect of the activity strike at least in essential services.

2 . 7 TYPES OF STRIKE

Launching of strike by the employees takes different forms and techniques with a view to achieving their goal, depending upon the then prevailing situations and circumstances. The employees against the employer basically use strike as a weapon when both the parties cannot come together for an amicable solution of a problem regarding the employee's welfare. As such, this is not limited to the industries in India only but a common phenomenon the world over.

However, for the purpose of clarity of knowledge, strikes can be divided in to two types: viz. (i) Primary strikes, and (ii) Secondary strikes.

Firstly primary strikes are those, which are being done by the employees for solving their own demands. In other words it may be said these types of strikes are confined and directed toward fulfilling the demands of the employees only. *Secondly*, the secondary strikes are those where workers are going on strikes for supporting the claim or the cause of other employees working in another industry or undertaking. This implies a kind of strike launched by the employees in order to provide a moral support for the cause of others who are working in another industry and which has nothing to do with their employer. Presently secondary strikes may be used as a weapon to support the act of employees working in another State or even Country also.

There are different forms of strike techniques. Strike is used as a weapon against the employer, against whom industrial dispute exists. The workers in different industries and countries have used different forms of strikes.

On the basis of the object of the strikes they can be basically divided in to two types viz. *Primary Strikes and Secondary Strikes*. Firstly, Primary strikes are those, which are being done by the employees for solving their own demands. Secondly, strikes are those where workers are going on strikes for supporting the claim of another industry or undertaking.

2 . 7 (a) Primary Strikes

Primary strikes are intended by the workmen for settlement of their grievances by putting the employer to economic pressure in other words a strike directed against an employer with whom the union or the workmen has a dispute is a primary strike,

The following are the different types of strikes:

a). Pen down or tool down or Sit down or Stay in strike

A technique aimed at ensuring the suspension of operations within a struck establishment and at preventing the entry of non-strikers is the sit-down strike, which came into widespread use in the U.S. during the 1930s. Workers engaging in this form of strike simply occupy the place of employment, refusing to leave until a settlement of the disputed issues is made. Such action constitutes trespass on the private property of the employer and is therefore illegal; nevertheless, the sit-down strike has proven highly effective in many instances. Sit down strike has been defined as 'occurring whenever a group of employees or others obtaining in a certain objectives in a particular business forcibly take over the possession of the property of such business establishment

themselves within the plant, stops its production and refuse access to the owner or others desiring to work.⁶² Ludwig Teller more accurately defined the term 'Stay in or Sit in Strike' as

“a strike in the traditional sense to which is added the element of trespass of the strike upon the property of the employer.”⁶³

Around 150 protesters burst into a cinema screening films for the Cannes buyers' market and staged a sit-in before being forced to leave by police, is an act of sit-down strike wherein 10 people were injured and several arrested.⁶⁴

In pursuance of common understanding the employees if enter the premises and refuse to take their pens in their hands that would no doubt be a strike under Section 2(q) of the Industrial Disputes Act, 1947.⁶⁵

Occupation of the work place (Bezetting)(Belgium)

Occupation of the workplace (also known in English as a "sit-in") is a form of **industrial action** not widely used in Belgium.

The term is used to indicate a situation where employees take over the premises or part of the premises, of the enterprise for longer than a merely token period. If the occupation is accompanied by a partial or total continuation of production it is known as a **work-in** or, in more extreme cases, a **takeover by workers**. These forms of action are usually taken with the aim of preserving jobs.

Occupations and takeovers by the workers are, obviously, against the law: they constitute a clear violation of the right of ownership; a possible infringement of the right to work of those who wish to work and of the freedom

⁶² Howrah Foundry Works Ltd. Vs. Their workmen 1955 (2) L.L.J. 97.

⁶³ Ludwig Teller, Labour Disputes and Collective Bargaining, Vol. I p.311.

⁶⁴ Michael Moore backs striking French workers, (Sunday 16 My, 2004) (Reuters, 18 May 2004, 07.41 BST)(<http://reuters.com>)

⁶⁵ Punjab National Ban Ltd. v. Their Workmen AIR 1960 Sc 160.

of enterprise of the employer and the employer's representatives; and in those cases where staff live there, a possible trespass against the inviolability of domicile. Employees who occupy work premises are liable for any damage, for the use of materials that do not belong to them, etc. An accident, which occurs during a takeover by workers, is not deemed an industrial accident within the meaning of the law. In some cases, but certainly not all the courts issue an order for the employees to be evicted, usually at the request of the employer

b). **Strike with folded arms**⁶⁶

The workers after entering the work place fold their arms, and refuse to work.

c). **Strikes with knobs on**⁶⁷

The French Syndicalists also introduced the conception of "La Greva Perlee" (some times angualised as the strike with knobs on). In this type the workers inside and outside surrounds the work place with headed sticks which contains their metal rounded heads on them.

D). **Hunger Strike**

The credit of introducing hunger strikes goes to our father of nation *Mahatma Gandhi*. In this form workers will go on fast till fulfilment of their demands. The worker or workers may go on fast indefinitely (fast unto death) till fulfilment of demands, or on turn basis (relay hunger strike). He (*Mahatma Gandhi*) for the first time introduced it in 1918 in Ahmadabad Textile Mills in wage dispute.⁶⁸ To put employer under pressure, workers pledged not to return to work until the demands were fulfilled. Anyhow employers were successful in breaking the strike. Finally, Mahatma Gandhi

⁶⁶ *Encyclopaedia Britannica*; Vol. 21, Ed. 1966, p.470.

⁶⁷ *ibid.*

⁶⁸ *Times of India*, (Editorial) 6th July, 1977(New Delhi) p.5.

himself went on fast who is not a worker but a union leader. Afterwards, this fast became popular in the name of "*hunger strike*." The concerted action of the workmen who went on hunger strike may amount to strike within the meaning of the section 2 (q) of the Industrial Disputes Act 1947.⁶⁹

e). **Slow down or Go-Slow Strike**"

It is an action in which workers stay on their jobs, but deliberately cut their rate of production and thereby cause loss to the employer. There is no much difference in go-slow and work-to-rule. But in go-slow workers can reduce frequency of work to any extent they want, whereas in work-to-rule they can't reduce the frequency below statutory requirement. Go-slow strike is not a "strike" within the meaning of the term in the Industrial Disputes Act, 1947 but is a serious misconduct which is insidious in its nature and cannot be countenanced.⁷⁰ This type of action is legal in U.S.A.⁷¹ In Go-Slow workers in concert slow down the work. If examined critically in the process of 'Go-Slow' the workmen in concert refuse to work in the speed as usual. Hence, they are withdrawing their labour (the work they are doing regularly minus the work they are doing while observing Go-Slow) in order to bring pressure upon the employer. Because of go-slow strike the machinery will be damaged and the employees will be habituated to laziness and work-culture will be totally damaged.

Go-Slow was not recognized as a lawful weapon in the hands of workers like other types of strikes. Go-slow had been made misconduct under the model standing Orders appended to the Industrial Employment (Standing Orders) Act, 1948.⁷²

⁶⁹ Piprach Sugar Mills Ltd. v. Their Workmen AIR 1960 SC.1258.

⁷⁰ Sasa Musa Sugar Works (private) Ltd. v. Shobrati Khan and others, AIR 1959 SC 923.

⁷¹ *Encyclopedia Americana*, Vol.25, Ed.1980, p.795.

⁷² Industrial Employment (Standing Orders) Central Rules, 1946 Schedule-I. (Model standing orders in respect of Industrial Establishment not being Industrial Establishments in Coal Mines) Rule 14.Disciplinary action for misconduct Rule 14(3)(k) Striking work or inciting

f). **En-mass casual leave**

Some times workers may go on en-mass casual leave to indicate their protest. The workers instead of applying leave and getting sanctioned from the superiority authority, they simply apply leave all of a sudden.⁷³

g). **Token Strike:-**

It may be either for single day or even for few hours work stoppage by the employees when they want to indicate their protest. Even if it is for a little period it is a strike under the Sec. 2 (q) of the Industrial Disputes Act.

Token strike is also a kind of general strike. Its main intention is to draw the attention of the employer by demonstrating the solidarity and co-operation of the employees.

h). **Work-to rule**

Under a work-to-rule situation, the employees are not formally on strike which is similar to the slow down strike. The employees declare that they will discharge their duties strictly according to law prescribed. The work-to-rule is generally a slow down strike. In the strict sense it is not a strike because workers are following their rules strictly in accordance with their service conditions. Hence it is not a strike under Sec. 2 (q) of the Industrial Disputes Act, 1947.

i). **ECONOMIC STRIKE (Belgium)**

Defined strictly in English as a "trade dispute", an economic strike is any form of strike, which is motivated by purely employment-related or socio-economic factors. Its characteristic feature is that it is directed against the employer as such and

others to strike work or in contravention of the provisions of any law or rules having the force of law.

⁷³. African Encyclopaedia, Ed. 1974, p.480.

relates to pay and terms and conditions of employment, the purpose being to improve them (pay and terms of conditions of employment) or maintain them.

j).Gherao

A new form of labour discontent witnessed of late in many parts of the country, particularly eastern, what is particularly known as "GHERAO."⁷⁴ In Bengali dictionary compiled by J.M.Das the word 'Gherao' is to be a derivative form. The word 'Gherao' means 'encircle or cover.' In the Sanskrit-English dictionary of Wiliams the word 'Gherao' means to cover. In William's Glossary of legal terms 'Gher' or Gherao' means, "to confine" or "not free." This word in its ordinary connotation the word 'Gherao' does not indicate any sinister meaning but in the field of industrial relations it has acquired 'enviable majority'.

Gherao invariably involves the commission of offences under sections 339 (Wrongful restraint, 340 (Wrongful confinement), 141 (Unlawful Assembly), 351 (assault), S.440 (Mischief), S.441 (Criminal trespass) and S.120-A (Criminal Conspiracy) of the Indian Penal Code.

According to the notification issued by Ministry of Home Affairs, (O.M) No. 25/ (s)/11/67-Ests. (A) dated the 14th April, 1967, declares 'Gherao' as misconduct and the employees participated in it will be held responsible for contravention of Rules 3 and 4.

Gherao is not justified both legally and morally. It is for the hypothetical reason that 'if employees are entitled to encircle the employer who is unwilling

⁷⁴. The National Commissioner on Labour, 1969, at page 3328, look at its form another point of view and 'deprecated the use of Gherao as an instrument of version it observed as: "Gherao.....invariably tend to inflict physical duress on the person(s) affected but also creates problems of law and order. If such means are to be adopted by labour for realization of its claim, trade unions may come into disrepute. It is the duty of all union leaders therefore, to condemn this form of labour protest as harmful to the interests of he working class itself. Gherao cannot be treated as a form of industrial pressure. In the long run, they may affect national interest."

to accept their demands, at the time of strike also the employer may encircle the employees or their residences to bring pressure upon them' which the employees under no circumstances will accept.⁷⁵

k). **Bandh**

Closing down the institution or institutions in a particular area or areas or in a State or country with regard to a particular demand made by a political or other organization is called as 'Bandh.'⁷⁶ Even though it cannot be called as a 'strike' in all the cases, since it fulfils all the characteristics of a strike, the 'Bandh' called for by the employees with regard to their demand can be treated as a 'strike.'

Even though, the other undertakings and general public has nothing to do with the demands of the persons declaring Bandh, they are forced to follow it because of compulsion, fear of ransacking and loot. But slowly some social activists are raising their voices to exempt some (essential) services from the purview of 'Bandh.' Principals made a general appeal to the political Organisations to keep educational institutions outside the purview of 'Bandh', which adversely affects the progress of the students.⁷⁷ Parents in some areas are taking away their children from schools to somewhere else, as the strikes/bandhs are more in that area. Bandhs not only paralyses the civil life but also creates reasonable threat to the life and property of the general public.

l). **Over production**

⁷⁵ George C. Leef, *The So-Called Right to Strike* (June 1998).
<http://www.fff.org/freedom/0698e.asp#top>

⁷⁶ 'Bundh' is a Hindi word meaning 'closed' or 'locked.' The expression therefore conveys an idea that everything is to be locked or closed.(Bharat Kumar k. Pelicha and others v. State of Kerala and another, AIR 1977 Ker 291 (FB).

⁷⁷ *The Statesman*, (Siliguri Edn), March 9th 2004.

This form of strike is prevalent in Japan. The workers during their strike period works almost 24 hours a day and produce more goods which in turn troubles the employer in keeping the outputs in go down which may be spoiled. Ultimately the raw material will be exhausted and the machinery will be spoiled. As a result of over production, demand for the goods will fall down. All these factors force the employer to come to the terms o the workers.

m). **Spring offensive**⁷⁸

Most Japanese strikes are short ones of schedule duration (Jigensuto), *First*, example is the “*spring offensive*” (Shunto) which lasts for 1 or 2 days only, according to a schedule agreed upon by the major labour organizations before collective bargaining begins. Strikes do not usually involve the entire enterprise work force, often only one group of workers engage in a so called partial strike (Bubun Suto) or a designated workers’ strike (Shimei suto). *Second*, the dispute activity takes place at the enterprise facilities and an attempt is often made to interfere with employee’s control over the facilities and the means of production. The extreme from this tactic, production control (Seisankanri) was prevalent for a number of years after WORLD WAR-II, but was eventually suppressed by the occupation authorities. Similar tactics currently in use include the occupation or job sites, the seizure of vehicles at taxi and company buses, the pasting of leaflets throughout the enterprise, demonstration on the grounds of a factory or business, and organized picketing. *Third*, a partial rather than a complete work stoppage if often employed, while continuing to work employees will engage in slow-down, refusal to answer phones, or to go on business trips, ribbon arm bands, head bands are also worn as a sign of protest.

n). **JUMPO TOSO** (work to rule struggle)⁷⁹

⁷⁸ *Encyclopaedia of Japan*, 1983, Kodansha Ltd, Tokyo.(at page 250).

⁷⁹ . *ibid*.

A similar disruptive tactic is the JUMPO TOSO (work to rule struggle); in these cases workers will exercise their contractual rights in an intentionally disruptive manner.

o). Picketing

Picketing is the marching back and forth of one or more persons carrying placards, or signs of some sort, which announce a dispute between a union and management.⁸⁰ The picketing is supposed to discourage anyone from crossing the line of march. One of the most common purposes is to support a strike. Naturally, under such circumstances the emotions run high. It is under these circumstances that American labour disputes have produced the considerable bloodshed that has appeared over last hundred or so years; and violence erupts when non-strikers try to cross picket lines.

Picketing (Piquetage in Belgium)

Picketing is attendance by strikers or supporters at the entrance to an enterprise in order to persuade employees who wish to work not to enter the enterprise but to join in the strike.

It is a manifestation of freedom of opinion. The burgomaster, who is responsible for public order and safety, can prohibit it. Picketing must be confined to peaceful persuasion. Action going beyond this, such as physically preventing entry, occurs frequently but is in principle contrary to the freedom of labour.

Selective strike (Greve Partiele)(Belgium)

⁸⁰. Arthur D. Butlere, *Labour economics and institutions*, 1961, Amerind publishing, New Delhi, p.195.

In this form of strikes (mainly in the context of automation) in which only a certain proportion of employees stop work but which may force the other employees to become idle, although (at least in principle) they are willing to work.

Spontaneous Strike (Greve Spontanee)(Belgium): (Lighting Strike)

A form of strike in which the agreed procedure relating to the peace obligation has not been observed, or has been observed only in part. Not unlawful *per se* in Belgium. In such cases it is usually the workers who take the initiative, although the union may subsequently give its approval to the action. This type of strike is called as lighting strike in India. This type of strike is declared without any prior notice and may some times even without approval of the trade union on the issues of unforeseen events like attack on he union leaders or its members or on any worker etc.

p). Political Strike (Greve Politique)(Belgium)

A political strike is directed against the government in its capacity as a government, for ends unconnected with any employment-related matter. In Belgium, the distinction between economic and political strikes is of little legal significance from aspects such as the consequences regarding the individual contract of employment. A political strike has, for example, been ruled by the Supreme Court to be equivalent in law to a strike directed against the employer. In any case, these various distinctions are not always easy to make in practice, particularly in view of the fact that the state in its capacity as a welfare state intervenes more and more directly in private social and economic interests. Political strikes though not connected with the issues of the workers like wages, being the citizens of the country they will be pulled into it.

q). Boycott

A Boycott is an attempt to bring pressure on one employer by acting against other. Boycott is of two types.

i). The typical strike is primary boycott; the employer who is to be influenced is the direct recipient of the union action.

ii). The secondary boycott is frequently used for approaching a plant when the employees do not join through a normal organizing campaign. In secondary boycott the employees force the main customer of the company from purchasing the goods. Taft-Hartley Act (in USA) declared the secondary boycott as unfair labour practice. The secondary boycott is again of two types. Viz.

a). the union may threaten to withhold labour from a neutral employer.

b). the union may encourage its friends to cease patronizing the neutral employer's products.

r). Wild Cat (Unofficial) Strike (Greve Sauvage)(Belgium)

In the case of a wildcat strike, the rules applying to constitutional strikes (observance of the peace obligation, giving notice of the intention to strike, exhausting the established conciliation procedures) are totally disregarded. Such action is taken without the approval of a representative union. This type of strike is equivalent to lightning strikes in India.

2 . 7 (b) Secondary Strikes

Secondary strikes are those, which were being done by the workmen to show their sympathy or cooperation for the workers, those who are already going on strike. In this type employer has nothing to do with the problems of

the workers going on strike. But these strikes will be conducted with an express view to show solidarity and implied hope of bringing pressure upon the other employer by their employer. Strikes against the customers, suppliers or other employers that are not directly involved in the underlying dispute are secondary strikes (in USA).

Sympathetic Strikes

A sympathy strike occurs when a union stops work to support the strike of another union. (Trade Union; Trade Unions in the United States).⁸¹ Sympathetic strikes are those, which were undertaken by workmen, or association not for their own cause or benefit or it is directly involves in the dispute between their employer and themselves, but it will be done to show their sympathy or co-operation towards the other workmen of some other undertaking. When the workers in concert absent themselves out of sympathy to some cause wholly unrelated to their employment or even in regard to condition of employment of other workmen in service under other management, such absence could not be held to be strike as the essential element of the intention to use it against the management is absent.⁸² The management may take disciplinary action against the workmen for their absence on the ground of breach of condition of service.⁸³

sympathy striker

A worker who honours a picket line is known as a sympathy striker because the worker is refusing to work in sympathy with other workers who are engaged in a labour dispute which includes:

Apart from the above strikes can be classified on the basis of their nature and initiation.

⁸¹ Strikes, Encyclopaedia Article, (www.encyarta.msn.co)

⁸² Kambalingam v. Indian Metallurgical Corporation, Madras (1964) 1 LLJ 81

⁸³ *ibid.*

Authorised strikes

An authorised strike is one, which is called only after the union has given its consent. It is also called as official strike where trade unions approves and controls the proceedings of the strike.⁸⁴ A strike, which was supported or ratified by a registered trade union, is called as authorised or official strike.⁸⁵

Unauthorised strikes

An “Unauthorised” strike commonly known as “Wild Cat” strikes is one, which is called without the approval of the union. It is also otherwise called as “unofficial” strike. Unofficial strikes may be those strikes called by trade union branches of districts without the support of the union as a whole in accordance with its rule.⁸⁶ These strikes are sometimes also called as “spontaneous strikes.”⁸⁷ In rare circumstances it is difficult to find out the passive support given by the unions to the strike. Unions may provide both financial and material support but unofficially to the strike and if strike results in success they will take the credit and if failed they will take the advantage in mediation process..

General Strikes

General strikes occur in a broad industrial or geographical area such as against all industries in a State irrespective of their products.⁸⁸ The most general strikes occurred in Britain in 1926 when all organized workers struck to support striking coal miners, in 1917-18 in USSR but such strikes are rare in United States.⁸⁹

⁸⁴. Encyclopaedia Britannica, Vol. 21 Ed. 1966, p.470.

⁸⁵. Hilde Benrend, Problems of Labour and Inflation, Ed. 1984, p.38.

⁸⁶. Ibid note-3.

⁸⁷. Ibid note-2.

⁸⁸. Encyclopaedia Americana, Vol. 25, Ed. 1980, p. 796.

⁸⁹. Encyclopaedia Britannica, Vol. 5, Ed. 1976, p.470.

Strikes (in USA) are classified as either economic or unfair labour practice strikes, depending on the cause of the walkout.

Economic strike

Strikes caused by disputes over wages or working conditions are considered as economic strikes. According to the National Labor Relations Board, when a strike is carried out for the purpose of obtaining better conditions for employees, it is considered an economic strike. In an economic strike, the employer may seek to hire replacements and promise them permanent employment. An economic strike is one over issues such as pay, working conditions, benefits etc. An unfair labour practice, strike is one over some alleged illegal act of the employer such as discriminating against union workers or refusing to bargain with certified exclusive bargaining agent. An economic strike can be turned into an ULP strike if the employer commits ULPs during the strike. Strikes are classified as either economic or unfair labour practice strikes, depending on the cause of the walkout. If a strike is caused by or prolonged by the serious unfair labour practices of the employer, it is considered as an unfair labour practice strike. Strikes caused by disputes over wages or working conditions are considered economic. An economic strike can be turned into an Unfair Labour Practice strike if the employer commits Unfair Labour Practices during the strike.

Strikes may be unlawful if the objectives of the strike or the strike tactics are unprotected. In addition, the right to strike may be waived by the collective bargaining agreement which limits the right.

In an economic strike (in USA), the strikers are still employees (they may not be fired), but the employer doesn't have to reinstate them immediately following a settlement. They have first claim on any job that a replacement worker later vacates. In an unfair labour practice strike, striking workers must,

upon settlement of the strike, be given the opportunity to take over jobs held by the replacement workers.

Hostile takeover

The workers some times occupy the plant to keep the owners out. They occupy the plant, post their own armed guards, and blocked a highway running to their place where the plant is situated."⁹⁰

Unfair labour practice strike

An unfair labour practice strike is one in which an employer has engaged in an unfair labour practice prohibited by the National Labor Relations Act. The employer need not rehire those workers who have been replaced. In an unfair labour practice strike, however, the employer loses the right of replacement and is obliged to rehire those workers who were discharged during the strike and to discharge any replacements who were hired after the beginning of the strike.

Safety dispute strikes

Concerted refusals to work because of the presence of abnormally dangerous conditions of work are considered safety dispute strikes under Section 502 of Taft-Hartley, which extends limited protection to this form of concerted activity.

1. **Picketing and Hand billing Issues:**

- a. While strikes and pickets are usually closely associated, they are distinct tactics subject to different levels of regulation. As with strikes, picketing

⁹⁰ Roland Sheppard, Workers occupy privatized paper mill in Russia, Socialist action, November 1999 (www.socialistaction.org) ("The plant, the Vyborg Paper and Cellulose Mill situated in Russian town Sovietsky, went bankrupt in 1997 and was bought by foreign investors. But the plant's 2100 workers, fearing massive layoffs and saying they were owed more than \$8 million in back wages, have for 18 months fought to keep the new owners out. They occupied the plant, posted their own armed guards, and blocked a highway running from Helsinki to St. Petersburg (in Russia) to attract attention to their plight.")

may be unlawful if either the objective or the tactics of the picketing is unprotected. Major categories of picketing activity include:

- i. A very broad category of picketing is common situs picketing, in which one union seeks to picket a work location at which two or more employers are engaged in business. Because of the secondary effects of such picketing, it is tightly regulated by Section 8(b)(4) of Taft-Hartley.
- ii. A picket is occasionally used to apply pressure on an employer to recognize a union. This form of organizational or recognition picketing is regulated by Section 8(b)(7).
- iii. It is generally legal for a union to use a picket to inform the public that an employer does not pay wages or provide conditions which meet standards for the industry and area. This form of activity is known as "**area standards**" picketing.
- b. Hand billing is a form of concerted activity, which enjoys broad protection because it approaches the level of constitutionally, protected free speech.

2. **Consumer Appeals and Boycotts**

- a. Appeals to consumers and other customers of the employer's product to refrain from purchasing the product may be effective methods of pressuring the employer to resolve a labour dispute. However, there are very specific restrictions on the use of boycotts as a source of economic pressure.
 - i. Direct appeals to consumers asking them not to buy the product of a boycotted employer are broadly protected as long as picketing to enforce the boycott is not used.
 - ii. A product boycott is one in which the appeal to consumers is to refrain from purchasing the struck product.
 - iii. A total boycott is one in which consumers are asked not to patronize businesses which sell the struck product.
 - iv. A merged product boycott is an appeal to consumers asking that they not purchase a product in which the struck product is a component.

- b. Section 8(e) adds very specific limitations on a form of boycott known as hot cargo disputes. Hot cargo agreements are arrangements under which the workers of one company refuse to handle the work of another. They are boycotts by workers rather than by consumers. With limited exceptions, hot cargo arrangements are unlawful.

Concerted refusals to work because of the presence of abnormally dangerous conditions of work are considered safety dispute strikes under Section 502 of Taft-Hartley, which extends limited protection to this form of concerted activity.

Apart from the above forms of protest by way of strikes, the employees are also using the many other types of the following techniques for settlement of their grievances.

2.8 Non-violent Tactics

The Methods of Non-violent Protest and Persuasion

Formal statement

1. Public speeches [e.g. 1934 speech by non-Nazi vice-chancellor in Germany expressing alarm and calling for restoration of freedoms]
2. Letters of opposition or support
3. Declarations by organisations and institutions [priests in Vichy France against deportation of Jews]
4. Signed public statements
5. Declarations of indictment and intention
6. Group or mass petitions

Communications with a Wider Audience

7. Slogans, caricatures, and symbols [Baum Jewish group in Berlin, 1941-2]

8. Banners, posters and displayed communications
9. Leaflets, pamphlets, and books
10. Newspapers and journals
11. Records, radio, and television [Czechoslovakia in 1968 most advanced use of radio for non-violent resistance within a country]
12. Skywriting and earth writing

Group representations

13. Deputations
14. Mock awards [Dawn magazine's 'Adolf' awards named after 20th century dictator!*]
15. Group lobbying
16. Picketing
17. Mock elections

Symbolic Public Acts

18. Displays of flags and symbolic colours [Hungarian flags 1865 to Austrian emperor]
19. Wearing of symbols [Jewish yellow star in WW2 adopted voluntarily]
20. Prayer and worship
21. Delivering symbolic objects [rats, rubbish etc]
22. Protest disrobings [women protesting at men-only Forty Foot bathing place, Dublin*]
23. Destruction of own property [tea in colonial North America]
24. Symbolic lights [candles etc]
25. Displays of portraits
26. Paint as protest
27. New signs and names [Poland in 1942, Northern Ireland ongoing*]
28. Symbolic sounds
29. Symbolic reclamations [e.g. planting seeds to reclaim land]

30. Rude gestures

Pressure on Individuals

31. "Haunting" officials [following them around etc.]

32. Taunting officials

33. Fraternisation [e.g. winning people over by being friendly as deliberate strategy]

34. Vigils

Drama and Music

35. Humorous skits and pranks [1956 East German skits on communist propaganda]

36. Performances of plays and music

37. Singing

Processions

38. Marches

39. Parades [marching in an organised manner as protest]

40. Religious processions

41. Pilgrimages [e.g. Gandhi, 1947, to persuade Muslims and Hindus to live together peacefully]

42. Motorcades

Honouring the Dead

43. Political mourning

44. Mock funerals [e.g. 'Liberty']

45. Demonstrative funerals [half a million attended Jan Palach's funeral, Prague, 1969]

46. Homage at burial places

Public Assemblies

- 47. Assemblies of protest or support
- 48. Protest meetings
- 49. Camouflaged meetings of protest [e.g. political 'banquets' in Russia, 1904-5] [when protests were banned in Marcos-era Philippines, protest jogs took place!*]
- 50. Teach-ins

Withdrawal and Renunciation

- 51. Walk-outs
- 52. Silence
- 53. Renouncing honours [during Ronald Reagan's Irish visit, some people handed back honorary degrees when he was awarded one*]
- 54. Turning one's back.

The Methods of Social Non-cooperation

Ostracism of Persons

- 55. Social boycott
- 56. Selective social boycott
- 57. Lysistratic non-action [where women refuse to sleep with their warring men folk, named after Lysistrata in play of same name by Aristophanes]
- 58. Excommunication [religious]
- 59. Interdict [i.e. general excommunication of an area or district]

Non-cooperation with Social Events, Customs and Institutions

- 60. Suspension of social and sports activities [e.g. Norway in World War 11]
- 61. Boycott of social affairs
- 62. Student strike

63. Social disobedience [e.g. fraternising with untouchables, India]

64. Withdrawal from social institutions

Withdrawal from the Social System

65. Stay-at-home

66. Total personal non-cooperation

67. "Flight" of workers

68. Sanctuary [giving refuge with religious connotations]

69. Collective disappearance

70. Protest emigration (hijrat)

The Methods of Economic Non-cooperation: Economic Boycotts

Action by Consumers

71. Consumers' boycott

72. Non-consumption of boycotted goods [even where you've already bought them]

73. Policy of austerity

74. Rent withholding [e.g. withholding 'unjust' rents, Land League, Ireland, 1879]

75. Refusal to rent

76. National consumers' boycott

77. International consumers' boycott

Action by Workers and Producers

78. Workmen's boycott

79. Producers' boycott [refusal to sell or deliver products]

Action by Middlemen

80. Suppliers' and handlers' boycott

Action by Owners and management

- 81. Traders' boycott
- 82. Refusal to let or sell property
- 83. Lockout [all examples given by Sharp are politically reactionary]
- 84. Refusal of industrial assistance [by other firms]
- 85. Merchants' "general strike"

Action by Holders of Financial Resources

- 86. Withdrawal of bank deposits [e.g. people protesting about apartheid era S Africa]
- 87. Refusal to pay fees, dues and assessments
- 88. Refusal to pay debts or interest
- 89. Severance of funds and credit
- 90. Revenue refusal
- 91. Refusal of a government's money [e.g. paper money]

Action by Governments

- 92. Domestic embargo
- 93. Blacklisting of traders
- 94. International sellers' embargo [refusal to sell to another country]
- 95. International buyers' embargo [prohibition of goods from specific country]
- 96. International trade embargo

The Methods of Economic Non-cooperation: The Strike

Symbolic strikes

- 97. Protest strike
- 98. Quickie walkout (lightning strike)

Agricultural Strikes

- 99. Peasant strike
- 100. Farm workers' strike

Strikes by Special Groups

- 101. Refusal of impressed labour
- 102. Prisoners' strike [e.g. USA 1943 against racial segregation at meals]
- 103. Craft strike [i.e. a single craft, e.g. dressmakers]
- 104. Professional strike [salaried or self-employed]

Ordinary Industrial Strike

- 105. Establishment strike [at a single unit under one management]
- 106. Industry strike
- 107. Sympathetic strike [outlawed in UK under Thatcher regime*]

Restricted Strikes

- 108. Detailed strike [leave or stop one by one]
- 109. Bumper strike [taking on one firm at a time]
- 110. Slowdown strike
- 111. Working-to-rule strike
- 112. Reporting "sick" (sick-in) [e.g. *Garda Siochana* 'blue flu' in the Republic over pay!*]
- 113. Strike by resignation
- 114. Limited strike [e.g. refusal to do marginal work or work more than 8 hours]
- 115. Selective strike

Multi-Industry Strikes

- 116. Generalised strike [less than a majority of industry]
- 117. General strike

Combination of Strikes and Economic Closures

- 118. Hartal [India; suspension of economic life to make a political point]
- 119. Economic shutdown [everyone]

The Methods of Political Non-cooperation

Rejection of Authority

- 120. Withholding or withdrawal of allegiance [Hungary, America, Ruhr 1923, Ireland]
- 121. Refusal of public support
- 122. Literature and speeches advocating resistance

Citizens' Non-cooperation with Government

- 123. Boycott of legislative bodies [e.g. Ireland 1919]
- 124. Boycott of elections [Northern Ireland, various*]
- 125. Boycott of government employment and positions
- 126. Boycott of government departments, agencies and other bodies [e.g. by unionists and loyalists in Northern Ireland, post Anglo-Irish Agreement of 1985*]
- 127. Withdrawal from government educational institutions
- 128. Boycott of government-supported organizations
- 129. Refusal of assistance to enforcement agents [Ireland 1881; cattle moved before bailiffs arrive]
- 130. Removal of own signs and place marks
- 131. Refusal to accept appointed officials
- 132. Refusal to dissolve existing institutions

Citizens' Alternatives to Obedience

- 133. Reluctant and slow compliance [e.g. to paying taxes]
- 134. Non-obedience in absence of direct supervision
- 135. Popular non-obedience
- 136. Disguised disobedience [e.g. banned newspaper changes its name]
- 137. Refusal of an assemblage or meeting to disperse [e.g. France, 1789]
- 138. Sit down
- 139. Non-cooperation with conscription and deportation
- 140. Hiding, escape, and false identities
- 141. Civil disobedience of "illegitimate" laws [e.g. salt tax in British-occupied India]

Action by Government Personnel

- 142. Selective refusal of assistance by government aides
- 143. Blocking of lines of command and information
- 144. Stalling and obstruction [scientists engaged in atomic research, Nazi Germany]
- 145. General administrative non-cooperation
- 146. Judicial non-cooperation
- 147. Deliberate inefficiency and selective non-cooperation by enforcement agents
- 148. Mutiny [military refuse orders]

Domestic Governmental Action

- 149. Quasi-legal evasions and delays
- 150. Non-cooperation by constituent governmental units

International Governmental Action

151. Changes in diplomatic and other representations
152. Delay and cancellation of diplomatic events
153. Withholding of diplomatic recognition
154. Severance of diplomatic relations
155. Withdrawal from international organizations
156. Refusal of membership in international bodies
157. Expulsion from international organizations [USSR expelled from league of Nations over attack on Finland, 1939]

The Methods of Non-violent Intervention

Psychological Intervention

158. Self-exposure to the elements
159. The fast: Fast of moral pressure [e.g. St Patrick to get King Trián to treat slaves well], Hunger strike [could be to death], Satyagrahic fast [Gandhian, intention to convert people but coercive elements]
160. Reverse trial [defendants hold prosecutors and authorities to account]
161. Non-violent harassment [psychological harassment by various means]

Physical Intervention

162. Sit-in
163. Stand-in
164. Ride-in [on public transport]
165. Wade-in [e.g. on beaches]
166. Mill-in [staying mobile]
167. Pray-in
168. Non-violent raids
169. Non-violent air raids [e.g. leaflets]
170. Non-violent invasion [e.g. Goa 1955]

- 171. Non-violent interjection [placing body in between]
- 172. Non-violent obstruction [body used as physical barrier]
- 173. Non-violent occupation

Social Intervention

- 174. Establishing new social patterns [social mixing across barriers]
- 175. Overloading of facilities
- 176. Stall-in [conducting legitimate business as slowly as possible]
- 177. Speak-in
- 178. Guerrilla theatre
- 179. Alternative social institutions
- 180. Alternative communication system [*'samizdat'* publishing in USSR]

Economic intervention

- 181. Reverse strike [work in]
- 182. Stay-in strike [strike but stay in work place]
- 183. Non-violent land seizure
- 184. Defiance of blockades [e.g. Berlin in Cold war]
- 185. Politically motivated counterfeiting
- 186. Preclusive purchasing [buying resources so others can't get them]
- 187. Seizure of assets
- 188. Dumping [deliberately selling at low price]
- 189. Selective patronage
- 190. Alternative markets
- 191. Alternative transport systems
- 192. Alternative economic institutions

Political Intervention

193. Overloading of administrative systems [e.g. excessive compliance as protest against USA involvement in Vietnam]
194. Disclosing identities of secret agents
195. Seeking imprisonment
196. Civil disobedience of "neutral" laws
197. Work-on without collaboration
198. Dual sovereignty and parallel government [e.g. Ireland, 1919]⁹¹

3. Crossover worker:-

A crossover worker is a striker who crosses a picket line to return to work before a strike is settled. Prior to Flight Attendants, strikers maintained their seniority privileges after a strike. A crossover worker who was doing the job previously done by a more senior striker would have to give up the job to the returning worker. Now a striker may permanently lose a job assignment to a less senior crossover.⁹²

4. Sick to work: -⁹³

Earlier this month (February, 2003), workers at prisons across the state called in sick to work, participating in a strike-like job action. This drew immediate reprimand from the Department of Employment Relations, who called the action a strike and notified the WSEU that their members were in violation of state law. The WSEU ordered all workers participating in the job action to desist.

5. 'General meeting strike', (Korea)

6. **Holding hostages:**

Striking Nigerian oil workers have been holding 270 fellow workers, including 17 Americans, as hostages on oil rigs off the coast of the

⁹¹ <http://www.innatenonviolence.org/workshops/work1b.htm>

⁹² Charles W Baird, On the right to strike, The freeman: October 1990
(<http://www.innatenonviolence.org/workshops/work1b.htm>)

⁹³ John Buchel, Pocan wants workers to have right to strike, February, 26, 2003.
(www.badgerherald.com)

country, officials said. The striking workers are unarmed, said a spokesman at Transocean Inc., a Houston-based offshore drilling company that runs the rigs. The occupation of the oil rigs began two weeks ago over labour issues.⁹⁴

7. **Locking-out:**⁹⁵

United Food and Commercial Workers, union representing 70,000 striking or locked-out Southern California supermarket workers, is waging increasingly confrontational drive to fend off cuts in members' health care benefits; hundred union supporters shut down Safeway, Santa Cruz, recently; others disrupted golf tournament, shouting slogans at supermarket board members about to tee off; labour leaders are threatening to harass supermarket executives wherever they vacation; are bringing pressure against affected supermarket chains, Safeway, Albertsons and Kroger, outside region as well; AFL-CIO official Ron Judd see national war to defend health care for workers; dispute, which began in Oct, is exacting deep pain from both sides; union and management warn dispute could last several months more

8. Taking other employees as hostages.

⁹⁴ Somani Sengupta, Africa:Nigeria:Oil Wokers are held hostage, New York Times, (April 30, 2003, Wednesday) (www.nytimes.com)

⁹⁵ Steven Greenhouse, Labour raises pressure on California supermarkets, New York Times, (February 10, 2004) (www.nytimes.com)