

“Importance of Collective Bargaining: An Indian Perspective”

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Introduction

Collective bargaining is a technique by which matters related to occupation, labour, wage etc. are resolved between workers and managers in a plane diplomatic and affable manner. The elementary skill involved involves the negotiation skills. In India, Labour laws are kept at a restricted space owing to its applicability in India.

“Acknowledgement of trade union and registration are two significant notions that are usually misguided for each other. Registration of trade union is a chief concept and is obligatory as per *Trade Union Act 1926*¹ whereas acknowledgement of trade union are to be given by the management so as to make the union proficient of addressing the difficulties of the employees or the workers. This credit is full handed on the pleasure of the management.”

The Parliament had once made an amendment in the Trade Union Amendment act 1947 concerning acknowledgement of Trade unions but this provision was nowhere reported excluding for a clause provided in section 36 of Industrial Disputes act which is “*in any proceeding under the act, a workman who is party to an industrial dispute is entitled to be represented by (a) any member of the executive or other office bearer of a registered trade union of which he is a member, or (b) any member of the executive or other office bearer of a federation of trade unions to which the trade union referred to in Clause (a) is affiliated; and (c) where the worker is not a member of any trade union, by any member of the executive or other office bearer of any trade union connected with*”.²

Advantages of Collective Bargaining

Collective bargaining prevents abuses of power³ – in the present world, it is no secret that corporates play a very important role, with rapid privatization in almost all industries and encroaching upon our lives and guiding our livelihood, and hence since all the private companies and their motto of “profit maximization” is at a lead, it becomes necessary that there be some measures to ensure workers safety, members receive other benefits as higher wages, shorter working hours, safer workplaces and better health care. Prevents employees from going on strikes – usually high dissatisfaction with the workplace lead to mass strikes and outages, which stalls production and hence affects the entire chain of supply and demand as well, and hence the paper finds it apt that when there exists collective bargaining, at least needs can be put forward in a comprehensive cohesive and mutually beneficial manner.

¹ ACT NO. 16 OF 1926*1. [25th March, 1926.]

²D. A. Barker, *Factory Legislation in India*, 21 ECON. J. 643–648 (1911).

³ 10 Most Valid Advantages and Disadvantages of Collective Bargaining | Navajo Code Talkers, Interviews, Videos & More, <https://navajocodetalkers.org/10-most-valid-advantages-and-disadvantages-of-collective-bargaining/> (last visited September 2, 2018).

Protection and stabilities⁴ – albeit the contracts are signed between trade union representatives and companies, the object of the contract is to protect and enhance the rights of all workers and in the rapidly changing state of the society , especially with high rates of inflation and such , worker security is often threatened , as in case of the China-American trade war and impositions on each other, and hence to keep up with the same, collective bargaining will ensure, no worker is adversely affected .

Disadvantages of Collective Bargaining

It might deepen the distance between the employees and employers and hence thus create a vacuum, which might have long term implications.⁵ There is always rampant lobbying, red tapism and corruption form both sides of the spectrum and hence when a healthy group of workers place their trust in their representatives, it is not always, in the best interest of the said representatives who act on mitigated motives. Established cooperates do not always⁶ have to give into the representations of its workers and prefer not to unless compelled by law and if situations are aggravated instead of mitigated, the position of the workers will be more precarious than before, especially with rising unemployment rates and demand for jobs, exceeding supply by a huge margin, if negotiation turn sour.

Research Objective

The paper reaffirms its faith in the title of the paper, i.e. case studies on collective bargaining to draw forth its research objective, Vis a Vis, its statement of purpose. Collective bargaining in indeed a marvellous invention of man, contrived in the most artificial sense, but nevertheless indispensable in the current economic scenario.

Hence the objective of the paper shall be, to analyse the various case studies as exemplified on both formal and informal collective bargaining and henceforth apply them in the everyday scenarios.

Research Questions

For the sake of precision, brevity and clarity, the paper divided its research questions into the heads of primary and secondary questions, with the answering the former essential to the solution of the latter, increasingly complex questions in the due course of time.

Primary Questions

1. What is collective bargaining?

⁴ Greengarageblogadmin, 8 Primary Advantages and Disadvantages of Collective BargainingGreen Garage(2017), <https://greengarageblog.org/8-primary-advantages-and-disadvantages-of-collective-bargaining> (last visited September 2, 2018).

⁵ 10 Most Valid Advantages and Disadvantages of Collective Bargaining | Navajo Code Talkers, Interviews, Videos & More, <https://navajocodetalkers.org/10-most-valid-advantages-and-disadvantages-of-collective-bargaining/> (last visited September 2, 2018).

⁶ Crystal Lombardo, Vittana.org(2017), <https://vittana.org/16-advantages-and-disadvantages-of-collective-bargaining> (last visited September 1, 2018).

2. What governs the process of collective bargaining?
3. How does collective bargaining have a “collective effect” in the grand scheme of international trade and economics?
4. What are the different forms, sources and methods of collective bargaining?

Secondary Questions

1. Analyse extensive case studies on formal collective bargaining in detail
2. Analyse case studies on informal collective bargaining on similar lines
3. Is the ultimate aim of informal collective bargaining to reach the standards set as in its formal counterpart?
4. Explain the symbiosis model of collective bargaining
5. Taking precedence from the model village of Ganagdevipalli, explain the essence of informal collective bargaining.

Research Methodology

The following research paper, its objectives, questions and hypothesis as highlighted in the present report shall be analysed and dealt with in a qualitative manner with conceptualization and recording of empirical facts and data from credible sources, followed by a detailed analysis of the same, with special emphasis on socio-political and legal blemishes, to present a comprehensive image, a detailed analysis of the topic assigned.

Furthermore, the research supplied to the paper shall be doctrinal in nature and shall emphasise on set concepts and theories in the said particular and specified fields, as is the norm is most research papers for most analytical papers and shall include opinions and views of eminent personalities, presented in an appropriate fashion with enough supplementary material and appropriate citations.

Furthermore, an essence of field research has been taken up in analysing the symbiosis model and the administration of the village of Ganagdevipalli and hence after careful analysis of the case studies provided, field research has helped the paper utilize the pragmatic approach used in aforementioned studies to the cases at hand.

Formal Collective Bargaining

Formal Collective Bargaining is a process in which there is “*negotiation between the employee or the labour and the employer or the head of the company or the representative of the management related to disputes regarding the employment related issues.*”⁷

Due to the proper promotion of the Labour Laws and the dual existence of formal labour sector which has been enjoying a good space in Collective Bargaining and of informal labour which have no scope for collective bargaining, the collective bargaining in India had limited

⁷DAVID M. WINCH, COLLECTIVE BARGAINING AND THE PUBLIC INTEREST: A WELFARE ECONOMICS ASSESSMENT (1989), <https://www.jstor.org/stable/j.ctt80768> (last visited Sep 30, 2018).

its scope which is restricted in a well-defined legal structure. For a very well understanding of this, one has to go through the labour laws and status governing the labour.

“Factories Act, 1948⁸” provides for the laws which *“take care of the rules which govern health, safety, welfare and other aspects of workers while at work in the factories. It plays a major role in the Collective bargaining for making propositions for the benefit of the workers as well as in the favour of the management”*. In this Act, a factory is such an institution where either there is an establishment, where the manufacturing process is going on with the help of the power and the employs 10 person or manufactures without power and employs 20 persons. However, there are few provisions given in the act which are not applied to all the factories. For example, only if the factory has 150⁹ or more employs then only the rest room will be opened. Or if the factory has more than 250 or more members, only then the rule for opening the canteen will be applicable. Medical rooms, dispensaries etc would be opened in the Factory, only when there are more than 500 person in the factory.”¹⁰

Trade Union Act of India provides right to association only with a very restricted possibility and limited exposure¹¹.

Legal Boundaries for Collective Bargaining¹²

1. No sanction of ILO Convention –C-87 and C-98.
2. Restricted scope and exposure of collective bargaining within legal boundaries of Trade Union Act and Industrial Dispute Act.
3. Trade Union Act and Industrial Dispute Act are quiet on recognition of trade unions.
4. Right to strike is not a fundamental right but a legal right administered by Industrial Dispute Act, 1947.
5. Section 10K: can be levied to prohibit strikes or lock outs.
6. Section 22: In public utility facilities there must be a notice at least 6 weeks before strike.
7. Section 23: Prohibition of strikes during the pendency of conciliation, arbitration and court proceedings.
8. Trade Union activities are approved immunity from the applicability of CRPC but nor in case of illegal strikes.

⁸ THE FACTORIES ACT, 1948 ACT NO. 63 OF 1948 1* [23rd September, 1948.]

⁹ Research a real-world example of the exercise of collective bargaining rights of public employees (for example, public school teachers asserting, The logistic model has good and bad features PROS CONS Mathematically tractable, <https://www.coursehero.com/tutors-problems/Business/10938626-Research-a-real-world-example-of-the-exercise-of-collective-bargaining/> (last visited September 28, 2018).

¹⁰Barker, *supra* note 1.

¹¹ Greengarageblogadmin, 8 Primary Advantages and Disadvantages of Collective BargainingGreen Garage(2017), <https://greengarageblog.org/8-primary-advantages-and-disadvantages-of-collective-bargaining> (last visited September 2, 2018).

¹²DebashishBhattacharjee, *Determinants of Bargaining Structure in India: An Exploratory Exercise*, 27 ECON. POLIT. WKLY. M71–M74 (1992).

Various trends in Formal Collective Bargaining

Decentralised and Individualized Bargaining

The collective bargaining in India persisted typically decentralized, i.e. company or unit level bargaining rather than Industry level bargaining. But in few sectors (mainly public sector industries) the industry level bargaining was dominant¹³. However, “denationalization of public sector changed the industry level bargaining to company level bargaining. On the other hand, due to severe informality of workforce and economizing in the industries, the strength and power of the trade unions have been heavily condensed. The trade unions mainly represented the welfares of formal workers. Increasing number of informal workers in the companies soon changed the organisation of the workforce in such a way that the formal workers became a minority. As a result of various motives informal workers¹⁴ could not form their own trade unions, and on the other hand they are not represented by the trade unions of the formal workers. These situations give rise to in spurt of individualized bargaining¹⁵.”

Advancing of in formalisation of workforce mutual with the individualized bargaining in fact changed the character of the trade unions also. In “related sectors and industrial regions, it transformed many trade unions (particularly in sector dominated by informal workers) in to legal consultants (pursuing individual cases and charging fees for their services) rather than collective bargaining agents.”¹⁶

New generation of Labour Movement for Unionisation

A new wave of workers struggle for unionization is rising from below by and large self-governing from the central trade unions. This is generally developing in the formal sector.”¹⁷ They are releasing unimaginable suppression on workers and trade union leaders when there are efforts to form trade unions in their factories. Even after the trade unions are formed, managements are not ready to differentiate them and therefore deny them space for collective bargaining.

There are also innovative initiatives to organize informal sector workers particularly the agriculture workers. After the application of National Rural Employment Guarantee Act, the new possibilities emerged to unionize the rural workers around the NREGA. But, the system of collective bargaining in this sector is very diverse it is mostly on general issues like appropriate implementation of the act itself, guaranteeing minimum wages, employment guarantee and workplace facilities. There are also initiatives to establish other informal sector workers also like forest workers, fish workers and other self-employed categories. But the

¹³ Collective bargaining, What is Human Resource? (Defined) Human Resource Management Topics - Labour Laws - High Courts & Supreme Court Citation, <http://www.whatishumanresource.com/collective-bargaining> (last visited September 29, 2018).

¹⁴ Amartya Bag, Collective Bargaining in India: Laws and Realities iPleaders(2017), <https://blog.ipleaders.in/collective-bargaining-in-india-laws-and-realities/> (last visited September 2, 2018).

¹⁵ Verma, *supra* note 5.

¹⁶ J. Douglas Muir, *Decentralized Bargaining: Its Problems and Direction in the Public Education Systems of Ontario and the Western Provinces*, 26 RELAT. IND. IND. RELAT. 124–145 (1971).

¹⁷ Index of Periodical Articles on Industrial Relations in India, 14 INDIAN J. IND. RELAT. 315–326 (1978).

movement is still very weak and informal sector workers are by and large not able to realize the right of collective bargaining.

Following are the case studies in which the collective have been explained in various disciplines:

Collective Bargaining in United Kingdom

¹⁸“It has been very evident throughout the history or at least since 18th century that, specifically in workplaces, terms are made through collective bargaining. Roots of it traces back to UK.” So basically, this concept become very important (i.e., of *Collective bargaining*) because, the Trade union which is supposed to carry on this process in formal manner, were not legalised until then, but this process of “*Collective Bargaining*” was recognised and even officially encouraged by the government.

Freedom to join a trade union violation of Wilson and Palmer and United Kingdom¹⁹

It is a case regarding the discrimination which happened against the workers by the employers of the company who joined a trade union and took an action through it. After the long battle of appeals and discussion, it was held the court of United Kingdom that according to the *Article 11 of the European Court of Human Rights*²⁰, the labours or the employees have complete freedom and a fundamental right to join a trade union and take action for their welfare and protection of their interests.

According to the facts, Mr Wilson worked for a newspaper named Daily Newspaper which decertified the National Union of Journalists. The wages get increased for those who took individual contracts they brought, not according to the terms they decided when they did a negotiation on a collective agreement. Since Mr Wilson decided not to take any individual contracts, his wage was not increased. At the same time, Mr Palmer worked in the ports located in Southampton. His wage was to increase only when he accepts the offer of individual contract and stops being represented by a Union whose name was “The National Union of Rail, Maritime and Transport Workers”. But he refused to such offer. Later on, due to unacceptance of the offer, his salary was decreased by a huge percentage nor did he get the benefit of a private insurance. The Company then decertified the union.

In response to such act, Bothe the parties i.e. Mr Wilson and Mr Palmer, complained and claimed that they have a fundamental right to take part in a trade union and take action, if there interest are not protected under the Trade Union and Labour Relations (Consolidation) Act 1992. After having the deep analysis of the problem and the importance of a trade union, the judgement was decided in the favour of the Parties.

¹⁸ Amartya Bag, Collective Bargaining in India: Laws and Realities*iPleaders*(2017), <https://blog.ipleaders.in/collective-bargaining-in-india-laws-and-realities/> (last visited September 2, 2018).

¹⁹[2002] ECHR552

²⁰ Protects right to form unions

Freedom of Collective Action in Demir and Baykara and Turkey²¹

It is a landmark case related to the European Court of Human Rights which is concerned with right to engage in a collective bargaining. According to the facts of the case, there was a Turkish trade union which was for the civil servants of which Mr Vemal Demir was a member and the Mrs Vicdan Baykara was the president. The Union signed a collective agreement with the Gaziantep Municipal Council agreement in 1933 but the council did not comply with the agreement. The two people went for a claim in the trial court and won. But the decision made by the court was that though there is a right to join a union but “the union itself had no authority to enter into collective agreements as the law stood.”²²

The matter went to the upper court, but there was progress. Finally, when the case went to the European Court of Human Rights, where it was held there is freedom of association and that there is an inherent right to collective bargaining which is protected under Section 11²³.

Collective Bargaining in United States

In United States, it is been traditionally followed that importance is placed more on individual bargaining rather than collective bargaining. Here, the rights to the individual is generally greater than the right of others. Hence, under certain ended being on individual representation.

“The result is that unionism and collective bargaining often conflict with two legal principles: individual employee rights and employer property rights. With respect to individual employee rights, although unions have been granted some privileges to pursue collective interests, there are some constraints on union behaviour in circumstances in which such behaviour may be viewed as being inconsistent with individual rights, as U.S. labour policy attempts to find a balance between collective action and individual rights that is consistent with its values. Thus, on the collectively end of the continuum, a union, when chosen as the legal bargaining representative, represents all employees in the unit, and no employee may agree with the employer on terms and conditions of employment that are inconsistent with those on which the employer and the union have agreed.”²⁴

This makes a huge difference in the importance of collective Bargaining in United States and United Kingdom.

Labour Agreement between the Bethlehem Steel Corporation and the United Steelworkers of America

“The agreement which was happened between Bethlehem Steel and the United Steelworkers of America which come under the purview of the company-wide agreements in large

²¹ [2008] ECHR 1345

²² Id.

²³ Matthew McKillip, Wisconsin's Most Outrageous Examples of Union Collective Bargaining The Daily Signal (2011), <https://www.dailysignal.com/2011/03/09/wisconsins-most-outrageous-examples-of-collective-bargaining-abuse/> (last visited September 28, 2018).

²⁴ Richard N. Block, *Collective Bargaining in Context*, pg.1-15

unionized manufacturing enterprises in the United States. Steel industry labour agreements have enclosed safety and health articles for more than 50 years²⁵”. Many provisions negotiated in the past gave workers and the union rights that were later guaranteed by law. Despite this redundancy, the provisions still appear in the contract as a hedge against changes in the law, and to allow the union the option of taking violations to impartial arbitration rather than the courts.

The **Bethlehem agreement** was fully devoted to safety and health of the employees. There were various sections which were to be complied upon²⁶. Hence, stating a good negotiation between the employee, employer and the Trade Union.

Symbiosis Open House Model Of Collective Bargaining²⁷

“Collective bargaining is a process, adversary in nature, designed to resolve conflict, and includes two fundamental elements. One is the act of negotiation, that is, the actual bargaining sessions themselves.”²⁸“The second element is the more informal relationship created during the implementation of the contract after it is negotiated and accepted by the parties, that is, faculty relations under the contract.”²⁹

Collective bargaining in university or a college consist of various issues in which some issues will be directly affect the self-interest of the student. In these cases, collective bargaining have now become a constructive factor in the academic governance. The current status of the student-university relationship is such that the student shows an active participation in the institution and is entitled to have a faculty. And thus, the students have a representation on faculty governing bodies. Now comes the demands of the students and the capability of the university to fulfil the demands. It goes without saying that demands are always unlimited while the resources are scarce. Hence to have a negotiation, there a meeting held between the students and the University for a Negotiation. Now, since it is not possible to hear all the students at a time because there might be common problems or there might be problems which do not need immediate concern. Hence the students are represented by few representatives which might be the faculty or a student representing all the students and there is the representative from the side of the university which might be a dean or the

²⁵ Research a real-world example of the exercise of collective bargaining rights of public employees (for example, public school teachers asserting, The logistic model has good and bad features PROS CONS Mathematically tractable, <https://www.coursehero.com/tutors-problems/Business/10938626-Research-a-real-world-example-of-the-exercise-of-collective-bargaining/> (last visited September 28, 2018).

²⁶ Seattle's Historic \$15 Minimum Wage Agreement: Will It Stick?, The American Prospect, <http://prospect.org/article/seattles-15-minimum-wage-agreement-collective-bargaining-reborn> (last visited September 2, 2018).

²⁷ Hypothesis, secondary research question

²⁸ A common definition is contained in Section 8(d) of the National Labor Relations Act: "For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representatives of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached, if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession."

²⁹ William F. McHugh, *Collective Bargaining and the College Student*, 42 J. HIGH. EDUC. 175–185 (1971).

administrator. ³⁰The representative of the student, write down all the demands which might be related to the self-interest of the students or related to the academic problems of the students and put forth the representative of the university. For example, the problem be related to the lack of variety of books in the library or less no. of outings in a month. Now the representative will take the problems and would try to recollect all the resources which are possible to solve the demands of the student. But since it is sometimes not possible to fulfil all the demands or fulfil all the demands totally. ³¹For example, the lack in variety of books can be overcome but there is a particular time needed, hence an immediate change cannot happen. At the same time, the no. of outings cannot be increased due to small no. of buses and huge no. of students. So, in these conditions, there happens a negotiation where the solution might be, in the case of the given example, that the university might provide with a cab or vehicle which would take money from the students but in cheaper rates than the usual. This way the negotiation might happen collectively. This how the Symbiosis University works when there are demands from the students. The student's representative is usually the student Council and the University representative is usually the administration department of the University which holds an open house every month

Informal Collective Bargaining

In majority of informal bargaining cases, there are no concrete laws or provisions which may give rise a concrete authority or representation that shall act on behalf of a group or a community. ³²“It is usually in the primordial stages or genesis of a trade organization or association, that informal collective bargaining takes place, in hopes of having a say in the process and hence lead to appropriate measures and formation of laws and collectively give rise to formal methods of the same form of bargaining.”

Therefore the paper proposes a new and rejuvenated definition for informal collective bargaining,³³ *“a case of collective will and power which through common plight and interest of many united as one, are presented before an authority or strived to bring upon notice to, to effect a change, to start a change, in civilized and warranted meetings and assemblies , in hopes of codifying the law and status of the particular focus group as a part of the economy and market society.”*

³⁰ "Collective Bargaining.", Collective Bargaining The Columbia Encyclopedia, 6th ed (2018), <https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/labor/collective-bargaining> (last visited September 2, 2018).

³¹ Amartya Bag, Collective Bargaining in India: Laws and Realities*Pleaders*(2017), <https://blog.ipleaders.in/collective-bargaining-in-india-laws-and-realities/> (last visited September 2, 2018).

³² Human Resource Management University of Minnesota Libraries Publishing (2016), <http://open.lib.umn.edu/humanresourcemanagement/chapter/12-2-collective-bargaining/> (last visited September 2, 2018).

³³ "Collective Bargaining.", Collective Bargaining The Columbia Encyclopedia, 6th ed (2018), <https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/labor/collective-bargaining> (last visited September 2, 2018).

Typical characteristics of informal collective bargaining include³⁴ -

1. Mass production workers / job holders who have erratic sources of income with often seasonal and random changes in supply and demand
2. Parts of the society which have faced persecution or oppression in a free market ecosystem due to various reasons such as stringent laws, customer ostracization, cooperate takeover and consolidation
3. All these parts come together for an ad hoc meeting of sorts until the meetings are scheduled periodically to formal an informal union of sorts
4. The goal of all the factors participating in such a session is usually welfare for the common good and recognition of rights
5. Due to the informal nature, and since” every man unto himself “, and lack of representatives, such sessions need the help of activists and NGO’s, who represent, arrange and consolidate their position in the society.

It is very evident from the word “informal” that such bargaining sessions suffer from the vices of no proper representation, mannerism that would not be under the usual procedural code of regulated fora, very evident bitterness and resentment towards the government and policy, with sentiments often outweighing the matters of reason at hand, with an element of volatility.

³⁵“Such may be the reasons why the sessions are termed “informal” and are merely of persuasive value to governmental agencies, the benefits of the same outweigh the limitations mentioned above, with benefits exemplified in the further case studies, with the ultimate aim of converting an informal means of bargaining to a formal collective bargaining ecosystem which have appropriate for a and grab the attention of policy makers to affect immediate and efficient change.”

Case studies on Informal collective Bargaining Efforts around the Globe

There are certain essentials for collective bargaining³⁶ to take fruition as mentioned previously and hence one must make sure that such essentials are met, with needs such as a presence of collective effort, a common goal, a similar line of action, set goals and agendas for the workers in these countries and one must make sure that these countries have workers who are entitled to freedom of association and the right to organize.³⁷ “For example, Liberia is still emerging from a protracted civil war, and a long-debated Decent Work Bill has still not been passed by the national legislature. Even when this bill is in place, it will apply only to employees in its present form and state recognized actors. Hence informal bargaining is

³⁴ Inferences from a multitude of case studies

³⁵ Amartya Bag, Collective Bargaining in India: Laws and RealitiesPleaders(2017), <https://blog.ipleaders.in/collective-bargaining-in-india-laws-and-realities/> (last visited September 2, 2018).

³⁶. Several of the case study countries have labour laws – including laws relating to organizational rights – that are problematic

³⁷ Collective Agreements (General) - Example, World Day for Safety and Health at Work 2013: Case Study: Karoshi: Death from overwork, <https://www.ilo.org/legacy/english/dialogue/ifpdial/llg/ch3/ex11.htm> (last visited September 27, 2018).

more important than ever” The international labour organization has adopted numerous principles on the same basis and we have seen various countries, including India which have become signatories and have ratified it implement the international convention into set law. This is applicable in almost all fields of the country except for army and public servants, but even in the latter case, we are seeing a rapid rise in increasing efforts, especially with regards to teachers’ unions and so on.

Bidi Workers in India³⁸

Statistics from recent years show that around 5 lakh individuals were utilized in bidi making in India and albeit they have extensive coverage, around 90 of every 100 bidi workers work from homes, more than ninety five percent of them are ladies with very low-income levels.

Before the business used to be managed by informal groups with rampant red tapism with regards to any official delegations send to government offices, with earning an abysmal amount of money for a heavy amount of work done.

³⁹“The bidi laws were passed as the consequence of specialist activities, a large portion of which were directed with administration and support from the Self-Employed Women’s Association (SEWA). SEWA was built up in 1972 and in 2012 had around 1.3 million individuals in more than 14 areas in ten conditions of India. It is the biggest part-based association of ladies in the nation. It was established due to failure of protection of interests of the bidi workers by law, and with extensive help from NGO’s promoting basic income in households in 2012, its enrolment included 71,335 bidi specialists.”

Individuals from the Gujarat organization sent in their respective delegations and hence forth after numerous such efforts every bidi worker was furnished with an identity tag, and certain benefits attached to the same, such as rations in selected stores and subsidized benefits and so on and so forth.

⁴⁰“Therefore, as to the date of the research paper, following are the benefits that are reaped by the bidi workers due to informal bargaining sessions-

1. 1100 women were placed in public housing, within one year after implementation and joint sitting
2. A compensation and relief of around 5 lakhs to around 49 bidi workers due to undue exploitation
3. Increased pay for bidi workers, provident fund payments, housing, access to welfare schemes such as health and bursaries for children, and access to identity cards that

³⁸ Collective Bargaining in the Informal Economy, Women in the Informal Sector: A Global Picture, the Global MovementSAIS Review | WIEGO, <http://www.wiego.org/organizing/collective-bargaining-informal-economy> (last visited September 1, 2018).

³⁹ Collective Bargaining in the Informal Economy, Women in the Informal Sector: A Global Picture, the Global MovementSAIS Review | WIEGO, <http://www.wiego.org/organizing/collective-bargaining-informal-economy> (last visited September 1, 2018).

⁴⁰ Collective Bargaining: Everything You Need to Know, UpCounsel, <https://www.upcounsel.com/collective-bargaining> (last visited September 28, 2018).

allowed access to the various benefits. SEWA also organized savings and credit programmes and health camps for bidi workers.

4. Establishment of contractors as intermediaries for ease of doing business, with the same forming associations of their own.”

The Liberian street-vendor crisis⁴¹

The Monrovia city cooperation in the namesake that is the capital city of Liberia is in charge of the city’s administration. After extended civil war in Liberia for long periods of time, one can sympathize with the situations of the said country.⁴²“The MCC is going by a chairman bolstered by a city board. Both the chairman and chamber are designated by the president. Whenever the president designated the chairman set up at the season of the arrangements with road sellers, she was given an express command to "tidy up" the city and the city organization”.

With majority of the country well below the poverty line, people have taken up to selling on the streets, whatever items could be procured in the process, much to the dismay of the city administration and hence the police force was involved, which suppressed the street vendor “crisis” in a brutal manner, evoking the law in ultra vires manners.

After mass outages and protests, including more than a thousand people storming the Liberian capital, the government finally agreed to hear representations from the denizens of the city, albeit no promises were guaranteed, this, was widely considered as the first step in collective bargaining in Liberia after a regime of brutal suppression and war. the representations from both the sides had a casual gathering of sorts, and finally a deal was brokered and contract negotiated with respect to the non-involvement of police force in daily sustenance of life as street vendors and organizations representing the same to be forms under the guidance of established law. Few of the standards as laid down in framework where –

⁴³ “1. every broker would pay a US \$10 yearly charge and be issued a permit to work in the city. The dealers consented to work with the MCC to actualize this framework. In a brief timeframe, in excess of 450 merchants had paid the enrolment charge. Every merchant was given an official receipt”

⁴⁴ “2. Due to the gigantic exposure – the president's office composed a gathering in which the president could hear the complaints”

⁴¹ Collective Bargaining in the Informal Economy, Women in the Informal Sector: A Global Picture, the Global MovementSAIS Review | WIEGO, <http://www.wiego.org/organizing/collective-bargaining-informal-economy> (last visited September 1, 2018).

⁴² KnowledgeBrief, Collective Bargaining KnowledgeBrief Professional, <https://www.kbmanage.com/concept/collective-bargaining> (last visited September 28, 2018).

⁴³ Matthew McKillip, Wisconsin's Most Outrageous Examples of Union Collective Bargaining The Daily Signal (2011), <https://www.dailysignal.com/2011/03/09/wisconsins-most-outrageous-examples-of-collective-bargaining-abuse/> (last visited September 28, 2018).

⁴⁴ Crystal Lombardo, Vittana.org(2017), <https://vittana.org/16-advantages-and-disadvantages-of-collective-bargaining> (last visited September 1, 2018).

3. *“Toward the finish of the gathering, the president recommended that the brokers shape a lawful substance to consult with the city government. She made an individual gift to help them to do as such. The merchants at that point built up also, enrolled the Petty Traders Association.”*

Effects of informal collective bargaining, through organized protests

1. Street vendors were longer unemployed in the already deprecating economy
2. Resulted in codified and solidified legislation for protection of street vendors by frame workers
3. Resulted in union and henceforth regulated by international standards of collective bargaining.

The Case of Probable and Threatening Co-operate Takeover in Georgia⁴⁵

Transport is amongst one of the most important sectors of consideration of every government ecosystem and there exists an element of informality in the same ,and that is one of the reasons why public transport is so appealing-it is easily accessible and widely used, and in the Georgian capital, there were more than around twenty thousand employees working for the same it is no secret that Georgia used to be a part of the soviet union pre-1990 and after the fall of the soviet ,and the ancillary formation of Georgia, one of the first sectors to be hit was transport , where the gaping hole in the lack of government funding had to be filled with rapid privatization as there were no other means as well. As we all know private companies do not care about the welfare of the individual like any government agency can and hence this resulted in gruelling conditions for workers. There was an altered rate of salaries, less incentives to work, the health coverage and insurance schemes were taken away and there existed a rapidly growing discontent with the system that was prevalent.

Georgian law done not allow collective bargaining and employs can only file formal complaints in individual capacity contrary to the provisions of the ILO. But with rapid rates of emigration and dwindling populations, Georgian government did not see any other option but to let representations flow in in the form of informal collective bargaining sessions This effort lead to the aforementioned organizations and workers from all capacities started becoming a part of the same due to either peer pressure or incentive of job safety and so on and so forth, hence in Georgia, this is one of the first cases of informal collective bargaining, especially in a public sector, which was suffering from the vices of a private cooperation’s,

⁴⁶This particular case is very useful in understanding the physiological and social aspects of the individual state relations-

⁴⁵ Collective Bargaining in the Informal Economy, Women in the Informal Sector: A Global Picture, the Global MovementSAIS Review | WIEGO, <http://www.wiego.org/organizing/collective-bargaining-informal-economy> (last visited September 1, 2018).

⁴⁶ Research a real-world example of the exercise of collective bargaining rights of public employees (for example, public school teachers asserting, The logistic model has good and bad features PROS CONS Mathematically tractable, <https://www.coursehero.com/tutors-problems/Business/10938626-Research-a-real-world-example-of-the-exercise-of-collective-bargaining/> (last visited September 28, 2018).

1. Albeit being resistant to formation of a formal groups, with familiar interests in mind, a common action could be taken.
2. In the later stages of the bargaining when transport through railways and its workers was threatened, this particular section took part in the class conflict, as their job security was under the control of the arbitrary action of state, and hence we see citizens trying to establish a balance between political obligation and rightful disobedience
3. Since the issue affects something so common and vital as transport, the government had to oblige under the social contract, but the implications of the same, in case of any private business would have said otherwise
4. The group of protesters ultimately resulted in the formation of a formal collective bargaining group, overcoming the draconian law of non-organization in Georgia, which is the ultimate aim of any informal collective bargaining group- transience from informal and budding stages to formal stages of chanson and unity, under a singular head, to achieve a common set of agreed upon goals.”

Conclusion

It could be easily understood by the study done in the research paper that Collective bargaining is advised to be very influential approach towards the improvement of labour rights and Employment conditions of the labourers or the employees. This process is formally practiced with the help and the support of the trade Union which has a basic aim to negotiate and bargain for the welfare and the betterment of the employees so that no only there is improvement in the work quality but also, this would create a barrier on exploitation of the workers. In this kind of approaches, the workers can share their views and problems without any fear. And both the employee and the employer sit together to find a proper solution to it.

But, even though such process is having increasing popularity⁴⁷, the modes are decreasing in numbers as well as decreasing in the influence such as trade unions, which are the main ways for the employees to protect their rights. Consequently, there are few legislations and regulations, international institutions, consulting offices and member who are not the part of any trade union, are helping the workers who are facing problem in their respective workplaces. These facilities give the special attention to the exploited workers who are even deprived of their basic rights.

With the growing industrialization and working offices, it has been expected that there might come some new approach which would not only protect the workers from being exploited but also provide the standards of their working which would be the improved version of what it is now.

⁴⁷ Amartya Bag, Collective Bargaining in India: Laws and RealitiesiPleaders(2017), <https://blog.ipleaders.in/collective-bargaining-in-india-laws-and-realities/> (last visited September 2, 2018).

The need for collective bargaining has never been felt as necessary as now⁴⁸, with an increasingly fragmented society and segregation of individuals into different classes governed by different forms of legislations and hence it is much easier to act ultra vires of power in the 21st century than ever before. The capitalistic state is unrelenting in its aim of fulfilling the demand and supply chain and often the welfare of the workers is overlooked.

If necessity is the mother of invention then, collective bargaining was born out of desperate times, and we see the exigency of the same once again, a call for a second coming in a wave of the urbanization that India is facing and it falls upon the common citizens, the masses of India, to see that their rights, in collectives, or in isolation are being protected. “Eternal vigilance is the price we pay for freedom” and the aim of the paper is exemplified in such words, to consolidate the position of a working democracy as a welfare state, labourers, workers and employees , the welfare of whom form broad determinants of the nation’s economy, especially in rapidly rising countries such as India.

⁴⁸ Collective Bargaining.", Collective Bargaining The Columbia Encyclopedia, 6th ed (2018), <https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/labor/collective-bargaining> (last visited September 2, 2018).