

## **Is Social Partnership the Way Forward for Indian Trade Unions? Evidence from Public Services in India.**

### **Abstract:**

Trade unions in India find themselves excluded from the political process and marginalized in collective bargaining in the post economic reforms period since 1991. Influential policy analysts and academics alike have called upon Indian trade unions to engage in social partnership with employers as a route to regain influence and protect workers' interests. Using survey and interview data from two large national trade union federations in Maharashtra India, this article examines whether social partnership is a viable option for Indian trade unions as an industrial relations approach. Findings indicate that despite a supportive labour regulatory framework which in theory should facilitate cooperative industrial relations, the ground realities of workplace employment relations coupled with state indifference and judicial interventions weakens labour's prospects for meaningful social partnership.

### **Introduction**

The debate on social partnership or labour-management cooperation has gained prominence in India in the post economic reforms period since 1991 (Mishra and Dhar 2000; Sankaran and Madhav 2011). The growing interest in Indian industrial relations (IR) is primarily sparked by the policies of economic reforms pursued by the Indian government since the early 1990s. The macro-economic policy shift from import substitution to export orientation in India seems to have resulted in labour exclusion from policy making bodies established by the government and marginalization of trade unions in collective bargaining arrangements at the enterprise levels (Shyam Sundar 2009, 2010). For organized labour this is a difficult period which some argue requires introspection on part of trade union leaders on the very nature of collective representation they offer to workers in this changed scenario. Venkata Ratnam (2003; 2009) for instance suggests that unions need to focus first on the interests of the consumers followed by interests of the company and finally on the interests of their members. This position subsumes that by prioritizing the interests of customers of the firm, unions would contribute to the financial growth and profitability of the firm which will eventually result in better job security, wages and working conditions for workers who are then more likely to join or stay with the union and thereby increase the union's membership levels and influence. In other words, cooperation with employers on improving productivity and profitability is likely to result in mutual gains for all parties in the employment relationship.

In a large scale study of employment relations in the new economic context of India, Das (2010) found that there is a substantial rise in the uptake of Japanese style HRM practices by employers in India. This has resulted in greater employee involvement and participation in the decision-making processes. This is likely to reduce the sense of collective grievance amongst employees and foster cooperative industrial relations at the enterprise levels. Unions perhaps need to recognize these trends and embrace cooperation rather than engage in traditional confrontational industrial relations. Failure to do so may result in marginalization by employers and worker disenchantment towards the unions.

A prominent communist trade union leader of the Centre of Indian Trade Unions (CITU) Mr. W.R. Varadarajan emphasized the need for labour-management partnership at a conference organized by the largest employer federation in India namely the Confederation of Indian Industry (CII). He suggested that “There must be a consensus on social partnership between employers and unions to avoid chaos and street riots in the present situation of widespread downsizing of workforce, outsourcing, casualization of labour and deindustrialization as a result of economic reforms” (reported in *The Hindu*, a national newspaper July 26, 2001). The CII itself is a strong critic of the labour regulatory framework in India which according to it confers disproportionate powers on workers and trade unions in the formal sector of the economy resulting in labour militancy, inflexibilities, lower industrial output and consequently joblessness (CII 2006). Needless to say, these views are informed by international policy prescriptions of organizations such as the OECD Jobs Strategy 1994 and the World Bank’s *Doing Business Reports*. The second National Commission on Labour (NCL) appointed by the government of India comes favorably on the side of the CII. It recommends a root and branch reform of the labour regulatory framework and promotes a spirit of cooperation between employers and unions in pursuit of industrial harmony and economic prosperity (NCL 2002; Chakraborty and Das 2007).

The 2012-13 Global Competitiveness Index published by the World Economic Forum (WEF) has downgraded India by 3 places compared to its 2011-12 rankings to 59<sup>th</sup> place out of 144 countries and the WEF’s report has been particularly critical of inflexibilities in hiring and firing, redundancy costs and wage inflexibilities in the country. India is now poorly placed compared to other emerging economies such as South Africa, Brazil and China on its labour market efficiency. In its report the WEF recommends further deregulation of labour laws with respect to wages, hiring and firing costs and a greater cooperation between employers and unions to promote industrial productivity. In fact labour-management cooperation is one of its several indices of measuring competitiveness and India falls short on this indicator when compared to other developed and developing economies.

These observations raise an interesting proposition for trade unions in India. In the changed context of globalization should unions in India actively pursue the policy of cooperation or partnership with employers to protect and promote the best interest of their members and workers at large? Do the realities of workplace employment relations provide a conducive environment for social partnership to take roots? This paper attempts to examine these questions using data from surveys of workplace union representatives in public services in the federal state of Maharashtra which is one of the most industrially developed states in India with a strong pro-labour regulatory framework (Beasley and Burgess 2004; Deakin and Sarkar 2011). The survey data comes from two national trade union federations namely the Indian National Trade Union Congress (INTUC) affiliated to the ruling Congress Party<sup>1</sup> and the Confederation of Free Trade Unions of India (CFTUI) one of the largest politically independent trade union federations in the country. Survey data were augmented with a series of in-depth interviews with a range of stakeholders including groups of workers, workplace union representatives, full time union officials, employers and their associations, state officials, labour lawyers and judges.

In the following sections, I shall first review the policy debate on industrial relations in India with a specific focus on social partnership. The following section explains the settings and methods deployed in this research. The final section discusses the findings in the context of state and judicial interventions in Indian IR as well as the socio-political factors which are likely to influence the prospects of cooperative IR.

## The Policy Debate on Indian IR

The policy debate on Indian IR is rooted largely in the institutional approach to industrial relations with its focus on the labour regulatory framework and the role of actors within this framework namely, the State, employers and trade unions (Sharma 2006). According to the institutional analysis, the globalization of product, labour and capital markets has intensified competition for firms worldwide that during 1980s operated in relatively 'protected markets' with high entry barriers for competition. However, the liberalization policies pursued by national governments (including India) through the General Agreement on Tariffs and Trade (GATT's treaty) which led to the setting up of the World Trade Organization (WTO) opened up markets for foreign goods. As a membership requirement of the WTO, national governments had to reduce their entry barriers for domestic and international competition. The intensified competition in turn provided a greater impetus and opportunity for capital to move across national boundaries in search of cheaper labour and infrastructure (Bhagwati 2004).

In the Indian context, the balance of payment crisis of 1991 when the government had to seek a loan from the International Monetary Fund to service its debts served as an impetus to economic and labour market reforms. As a result of globalization and the increased capital mobility, it is argued that unions can no longer afford to engage in conflictual and adversarial industrial relations, nor can workers take improvements in their wages and conditions for granted. Hayens and Allen (2001) suggest that union survival is now increasingly dependent on their ability to engage in cooperative industrial relations with employers with collective bargaining closely tied to the business goals of the enterprise. Such mutual cooperation is more likely to result in the financial success of the enterprise and thereby ensure better pay and conditions for the workers. Moreover if workers perceive their union to be instrumental in delivering better employment conditions and independent voice to the employees, they are more likely to join the union and thereby improve the union membership strength (Ackers et al 2004).

It is argued that the competitive pressures and firm strategies impact heavily on the organization of work, employment relations, class structures and class-consciousness. Firms following the 'high road strategy' of competing on quality and innovation (rather than cost) are increasingly introducing 'high performance work practices' that encourage direct communication and worker participation in the organizations' decision-making processes and hence challenges the notion of representative participation through trade unions and works councils (Sprenger and van Klaveren 2004; Dietz 2004; Roche 2009).

In the Indian context, Venkata Ratnam (2003) analysed some 215 collective bargaining agreements signed by employers and unions in both public and private sector enterprises in the decade following the launch of economic reforms by the Indian government in 1991. His study indicates that there is clear shift in the pattern of collective bargaining from maximizing 'rent seeking' on part of unions to productivity linked cooperative bargaining. He reports increased decentralization of bargaining in both public sector and large private sector enterprises, a shift towards long term agreements extending up to 10 years duration in the public sector, and higher wages for workers but lower wage costs to companies accrued through increased labour flexibility and higher output per worker (ibid: 237). He strongly advocates unions to focus increasingly on 'consumer satisfaction' and competitiveness which in his view should be central to their bargaining agenda and, which in turn would serve the best interests of their members – "Trade unions can retain bargaining power if they put consumers' interests first, company's interest second and their members' interest third" (ibid: 246). What is unclear from this analysis is the extent to which employers

are willing to reconcile flexibility with employment security or indeed employability. Nor is it clear the extent to which unions were willing or equal partners to cooperative bargaining or, was cooperation a pre-condition to any form of bargaining in the first instance (Claydon 1998).

One could question why should employers cooperate with workers or trade unions when they can circumvent labour regulations and, state support enables them to hire, fire and deploy labour at will especially in an increasingly liberal market economy such as India? From an institutional perspective it could be argued that although liberalization policies of the state have created opportunities for employers, these policies have at the same time intensified product market competition for many employers who hitherto operated in protected markets with high entry barriers. Consequently, to sustain their competitive advantage they require a workforce which is highly skilled, committed and flexible. By engaging with workers and their representatives in an 'integrative bargaining' (Peccei et al. 2005) employers are more likely to secure a shared sense of ownership from their employees and commitment towards higher productivity and possibly lower resistance to change (Tjosvold et al. 1999).

In this context, Das (2010) examined the changing patterns of employment relations in the post-liberalization period in India. His work relies on a series of case studies in large and small scale enterprises across varied industrial sectors ranging from traditional manufacturing with strong union presence to information technology with no union representation. Das finds a shift from tripartite agreements of the pre-liberalization period to more of 'HRM' or 'joint team-based' patterns of employee-employer relations across industrial sectors. This he attributes largely to the competitive pressures which have forced both employers, employees and their unions (where present) to work in cooperation with each other. More recent work on collective bargaining in India by Shyam Sundar (2012) also suggests that competitive product markets are proving to be an impetus for many employers to engage in cooperative labour relations with trade unions in order to secure higher productivity and lower operational costs.

It seems that the imperatives for unions to engage in partnership with employers are just as strong in the public sector as they are in the private sector which is more exposed to global competition (Tobias 2003; Masters et al. 2006). Some commentators have argued that public sector reforms that have challenged the security and membership of trade unions in the public services have little to do with global pressures of intensified competition but more to do with the welfare reforms instituted by national Governments (Bach and Givan 2004). Other commentators emphasize the link between welfare reforms and competitive pressures in the economy (e.g. Bordogna 2003). They argue that welfare reforms are a function of fiscal and budgetary pressures on national governments that are in turn caused by changes to product markets and economic globalization. These pressures are further compounded by national taxation policies which have direct implications for business and economy in general, and particularly the amount of monies available for delivering public services. These pressures are regarded as an impetus for changes to industrial relations practice and labour processes in the public services (see contributions in Brock and Lipsky 2003).

In India social partnership has been high on the agenda for managements in many public sector enterprises. Roychoudhary (2003) for instance reports how large public sector enterprises in India have constituted elaborate employee involvement and participation mechanisms at operational and strategic levels to engage with trade unions. The participatory forums are aimed at addressing issues of wages, working hours, introduction of technology,

downsizing through voluntary retirement schemes (VRS), and in some cases redeployment of workforce. State as an employer in the Indian public services has in the post economic reforms period placed greater emphasis on performance and viability of the enterprises as opposed to labour welfare as in the pre-reforms period. With historically high trade union density in the public sector, management are perhaps more willing to engage with the unions as compared to those in the private sector where union density is low (Mankidy 2001; Venkataratnam 2009).

Most of the quantitative work on Indian IR has been undertaken by economists. The primary focus of this strand of literature has been on the analysis of economic policies on labour markets in terms of employment/ unemployment, industrial output and wages (e.g. Bhaduri (2005); Papola et al. 2007). A variant of this strand of literature has examined the differences in labour regulations between federal states within India and its impact on employment, income, poverty and industrial output (e.g. Aghion et al. 2008; Beasley and Burgess 2004; Ahsan and Pages 2005; 2009; Fallon and Lucas 1993). One of the often cited studies is that of Beasley and Burgess (2004) which examines the impact of state level amendments to the Industrial Disputes Act 1947 (IDA) over a thirty year period on industrial output, employment and urban poverty. They find that Indian states which amended the IDA in a pro-worker direction suffered lower industrial output, higher unemployment and rising urban poverty compared to states which amended the law in pro-employer direction. D'Souza (2010) amongst many others has pointed out several empirical and conceptual limitations of this study. Beasley and Burgess simply assume that pro-worker amendments to laws result in labour militancy which in turn leads to lower industrial output and unemployment without actually examining the impact of law at the workplace level. Hence the implicit assumption that pro-worker laws are inimical to social partnership is questionable.

Some later studies have improvised on the work of Beasley and Burgess (2004). For instance, Deakin and Sarkar (2011); and Fagernas (2007) examined the impact of a broader range of indicators such as type of employment contract, industrial action, awards made by labour courts etc on industrial output and employment. In contrast to the work of Beasley and Burgess (2004) these studies find little or no adverse impact of pro-worker labour laws in India on unemployment or industrial stagnation. Nevertheless, these later studies too rely on macro-level analysis of econometric data and consequently, fail to capture the ground realities of workplace employment relations as experienced by workers and trade unions in India.

### **Social Partnership in Indian IR:**

The extant literature on Indian IR suggests that the country provides a very conducive environment for labour-management partnership to take roots. India has ratified the ILO Convention No. 144 which provides the basis for social dialogue through bipartite and tripartite mechanisms. The Indian Constitution guarantees freedom of association and expression and Article 43A (1976) of the Constitution provides for worker's participation in management as a directive principle of state policy (Venkata Ratnam 2009: 43). India has also enacted the Right to Information Act in 2005 which has provided a major tool for trade union activism and social advocacy. At the national level there are 44 tripartite committees in addition to state level and industry level committees which are bipartite and tripartite. In the post economic reforms period the Government of India constituted a special tripartite committee (STC) to consider and advice on labour issues arising out of structural adjustment programmes which had a significant impact of public services and public sector employment (Venkata Ratnam 2001).

There are various statutory provisions for representative participation as well as direct worker participation in organizational decision-making. For instance, the Industrial Disputes Act (1947) provides for all establishments with 100 or more workers to establish a workplace level 'works committee' as a bipartite mechanism to promote cooperative industrial relations. The committees are supposed to deal with productivity and performance issues, absenteeism, health and safety, working hours, shift patterns and worker grievances. Although a recent study found that only 11 percent of public sector workplaces had constituted such statutory works committees and the figures were even lower in private sector (Badigannavar 2012), there is growing evidence to suggest that non-statutory forms of joint consultative committees and quality circles are being established by large private sector employers in India to promote direct worker participation in workplace level decision-making (Das 2010; Shyam Sundar 2012). Precisely what is the nature of this joint consultation and how effective these committees are in addressing employee concerns is a moot question.

Following the nationalization of banks in 1969, the government required all nationalized banks to appoint 'employee directors' to their boards and worker directors in similar capacity in all public sector enterprises. Financial participation schemes such as stock options are promoted since 1990s and it is now mandatory for companies to reserve 5 percent stake in new issues for workers with employees being allocated shares on a priority basis in case of privatization of public sector enterprises (Venkata Ratnam 2009: 45-48). The provisions for employee financial participation were made to promote greater employee voice in organizational decision-making. The labour law framework in India and in the federal state of Maharashtra in particular is arguably pro-labour (Beasley and Burgess 2004). For instance the Industrial Disputes Act (IDA 1947) requires employers of establishments with 100 or more workers to seek written consent from state authorities before retrenching or laying-off a single worker in that establishment. This statutory provision on employment security has now come under threat since the election of the new Bhartiya Janata Party (BJP) led government at the centre after the general election of May 2014. Some BJP ruled states such as Rajasthan and Madhya Pradesh have increased the limit from 100 to 300 workers in establishments for the employer to seek prior permission from the state to retrench or lay-off workers in their establishments. Under the Bombay Industrial Relations Act (BIR 1946) management is legally obliged to seek approval from the representative trade union before constituting any changes to terms and conditions or work arrangements (Saini 2011).

From a Varieties of Capitalism (VoC) standpoint such institutional provisions which are a hallmark of coordinated market economies like Germany or Netherlands should provide promising prospects for labour-management partnership in India (Hall and Soskice 2001; Kelly 2013). According to Deakin and Sarkar (2011) India has one of the most pro-labour regulatory frameworks even when compared to many developed economies particularly in the areas of employment protection. Thus, such a protective environment is likely to provide unions with greater opportunities to engage in social partnership and, at the same time should deter employers from engaging in hostile behaviors towards workers and trade unions. A corollary to this analysis would be the obvious question: if the legislative framework in India is indeed pro-labour then why should trade unions engage in social partnership with employers? What would be the reasons for unions to engage in cooperative as opposed to traditional adversarial industrial relations with employers? The power resource hypothesis may offer some explanation here (Axelrod 1984, Cooke 1990). It is proposed that labour and management are more likely to cooperate with each other when there is a decline in their traditional power resources. The key power resources for the management and to a fair extent for the union (although one could conceptualize additional power resources for the union) are likely to be the extent to which the product markets and external labour markets are

favorable. Theoretically, a simple dichotomous variation on both these factors (i.e. product and labour market conditions) can suggest a possible four way contingency for social partnership to take roots. The product markets could be either extremely competitive for the employer or alternatively it could be quite favorable to the employer whereby the employer enjoys a virtual monopoly or oligopoly position in the product market. The labour market could be either very favorable to the employer which means that the employer can hire and fire at will or replace its existing employees with new workforce from the external labour market when it needs. Alternatively, the labour market could be unfavorable to the employer which means it is difficult for management to retrench workers or replace them with workers from external labour market. This could be for instance due to the legislative framework or skill shortages in the labour market.

If an employer finds itself operating in very favorable product and labour market conditions, then one would expect there is very little incentive for the employer to engage in social partnership with trade unions. On the other hand if the product markets are highly competitive and the labor markets are unfavorable then the employer would possibly encounter the greatest risk of economic losses due to threat of disruption by labour and hence one would expect the employer to have greater incentives to engage in cooperative industrial relations with its workers and trade unions. In situations where the product markets are favorable but labour market conditions are unfavorable for the employer, the management may be inclined to engage in a pro-partnership approach with its workers and trade unions with an emphasis on employee involvement and commitment to reduce its employee turnover and recruitment costs. A firm operating in a competitive product market but favorable labour market conditions may be able to seek flexibilities from its workforce without necessarily offering them any additional pay or security in return. Thus any partnership arrangements in firms operating in such environments are likely to be what Kelly (2001) calls 'employer-dominated' partnership arrangements.

As mentioned earlier in this article, in the Indian context the post liberalization period has witnessed growing product-market competition for employers in the private sector and an increasing pressure on public sector employers to meet performance criteria and deliver efficiency savings (Ram Mohan 2005). The labour market inflexibilities in India are well documented in the extant literature which some argue weakens the position of trade unions as employers are more likely to circumvent the law to seek greater numerical flexibility through the use of contract labour on precarious terms and conditions (see for instance, Dharmarajan 2012; Aghion et al. 2008; Saini 2011). The growing informalization of the workforce even within the organized sector including the public sector has reduced the membership strength, mobilization capacity and collective bargaining clout of Indian trade unions. Thus essentially in the post liberalization period, both employers and trade unions in India have witnessed a decline in their traditional power resources perhaps to varying degrees. This decline in mutual power resources is likely to encourage both parties to seek cooperative industrial relations. Not surprisingly then the Industrial Relations Committee of the CII held out an olive branch to trade unions in 2014 to engage in social partnership (CII Policy Watch 2014) and likewise major trade union federations in India such as the INTUC and, BMS appear to be more willing to engage in cooperative ventures both with the State and employers (see Economic Times 17 Dec. 2015).

### **Research Methods: settings, procedures and questions**

The data for this research comes from surveys of workplace union representatives of two large trade union federations in India namely the Indian National Trade Union Congress (INTUC) affiliated to the Congress Party and, the Confederation of Free Trade Unions of India (CFTUI) the largest politically independent trade union federation in the country. The surveys were undertaken in the federal state of Maharashtra which is one of the most industrially developed states in India with a long history of trade union activism. Furthermore, Maharashtra is classified by academic researchers as having a strong pro-worker labour regulatory framework (Beasley and Burgess 2004; Deakin and Sarkar 2011). Indeed the state does have a bespoke trade union recognition law namely the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act (MRTU and PULP) and according to Beasley and Burgess (2004) the state has amended the central legislation (ID Act) in a pro-worker direction over the past 30 years. Thus a state like Maharashtra with a pro-labour regulatory framework is more likely to provide a supportive environment for labour-management partnership to take roots.

The choice of trade union federations namely; INTUC and CFTUI for this research was based on the following considerations. INTUC is one of the largest trade union federations in India with a total verified membership of around 3.9 million nationally (Shyam Sundar 2009). It is affiliated to the largest national political party and the then ruling party in the Centre namely the Indian National Congress (or Congress Party as commonly known). The Congress was at the time of this research the ruling party in the state of Maharashtra in coalition with another regional party called the Nationalist Congress Party. Thus, given its membership strength and political clout, employers are more likely to engage with INTUC affiliated unions in a cooperative way rather than in a confrontational and hostile manner. On its website, the INTUC cites its founder Gurzari Lal Nanda emphasizing the importance of social partnership and dialogue as a means of nation-building and to counter-act the threat of strikes and agitations by communist unions in the post-independence period. The INTUC's objectives state that the federation will seek to redress worker grievances without work stoppages and through social dialogue, conciliation and negotiations. Thus given its pro-partnership stance, employers are much more likely to be willing to engage in cooperative industrial relations with INTUC unions at enterprise and workplace levels.

The CFTUI on the other hand is a politically non-affiliated or independent union with a total membership of just over 700,000 spread across 16 federal states in India. The federation has recorded a significant rise in its membership levels from about 50,000 in 1996 to over half a million by 2008 (source: verified membership returns filed in 2007-08). Based on official data from the state agency in Delhi, CFTUI is the largest politically independent trade union in India. A large proportion of its membership is in the public services and private manufacturing but nearly 40 percent of its members are employed in the informal or unregulated sectors of the economy such as agriculture, construction and fisheries. Even within the formal sector the federation represents the growing numbers of contract or casual workers employed in large public and private sector enterprises. In terms of its approach to worker representation, the CFTUI could be classified as a much more militant union federation compared to the INTUC. Its affiliate unions engage in mass rallies and strikes against employers and the state. The federation runs a comprehensive labour education programme aimed at training grass-roots union activists in community organizing skills, negotiation, representation skills as well as social advocacy and legal literacy. Some analysts suggest that unions with a strong membership base and mobilization capacity are likely to prove a deterrent against employer arbitrariness and consequently employers are more likely to engage with such unions in a cooperative manner (Heery 2002; Badigannavar and Kelly 2005).



Ramaswamy (1983; 1999) argues that politically affiliated unions in India are shackled to the electoral agendas of the parties they are affiliated to and hence are more likely to be focused on national issues which will enable the party to secure electoral gains. These unions are less interested in enterprise level issues which affect members at the workplace. Furthermore, politically affiliated unions tend to have ‘external’ leaders who are in most cases nominated by the political party and these leaders are somewhat distanced from the ground realities of workplace level representation. On the other hand, Ramaswamy found that because politically independent unions are not obliged to follow the party-political line they are more likely to appreciate the commercial needs of the business which if satisfied would enable them to secure better wages and terms and conditions for their members. Moreover, he found that in most cases the leaders of such politically independent unions come from within the rank-and-file of the union and hence better understand the grievances and key concerns of the workers they represent at the enterprise levels. From this perspective one could argue that politically independent unions are perhaps better equipped to engage in enterprise level labour-management partnership as compared to their politically affiliated rivals. Based on these considerations, INTUC as a politically affiliated union and the CFTUI as a politically independent union provide good test cases for assessing the prospects of social partnership at the workplace levels in a pro-labour regulatory state such as Maharashtra.

The INTUC and CFTUI were approached for research access in June and September 2009 respectively. The surveys of union representatives were carried out between February and August 2010. The data collection was divided into three phases. The first phase involved pre-survey interviews with workplace union representatives in the public services which included health and social care, primary, secondary and technical education (all state aided) and the public works departments in Maharashtra. In total nine group interviews were done with workplace union representatives with each group involving about six to eight participants. These interviews were exploratory in nature. Their purpose was to understand how workplace union representatives conceptualized labour-management cooperation. What according to them were the pre-requisites to engage in meaningful partnership with management? In addition to these group interviews, senior union officials of the INTUC and CFTUI were also interviewed to explore various dimensions of labour-management partnership in the Indian context.

The social partnership dimensions that emerged through this exercise included the following:

***Representative Participation*** – union representatives expected that partnership with management should entail union engagement on employment related issues such as: work load allocation, pay and bonus negotiations, job security, investment in training to promote employability especially in the context of downsizing in the public services, negotiation over voluntary retirement scheme (VRS) criteria and severance packages, performance targets where applicable and, promoting equal opportunities especially for women and members of the scheduled castes and tribes to avoid caste-based discrimination which is prevalent despite affirmative action policies.

***Workplace level participation*** –union representatives expected to have a say in deciding how best to organize the work, setting realistic work targets, working hours and breaks, deciding shift patterns and over time work, health and safety matters at workplace, purchasing materials including technical equipment where required and having a say in allocating financial rewards to workers such as fringe benefits and one-off payments in recognition of good performance. Indeed the Industrial Disputes Act 1947 does require employers with 100 or more workers in their establishments to set up workplace level committees to discuss such

issues.

**Employment Security** – the issue of employment security was strongly emphasized by workplace representatives and union officials during interviews. This according to them was the fulcrum of any partnership initiatives with management. Union officials and employer representatives agreed on the point that ‘job security’ may not always be possible in the changing economic scenario with budget cuts and downsizing in the public services however, the two parties can work together in promoting employability through skill training of workers to enable them to find suitable alternative jobs if they were to lose their current jobs.

**Access to Information** – the issue of transparency and trust was mentioned consistently by participants in individual and group interviews. Union representatives envisaged partnership relationships as one based on mutual trust where management was willing to share employment related information with workers and their representatives such as any planned job cuts, reduction in working hours, outsourcing of functions, negotiation of labour contracts with private contractors. Indeed as union officials commented that unless they have access to appropriate and timely information on such key employment decisions they would be unable to engage in any form of meaningful consultation or negotiation with management.

**Positive Industrial Relations** – the key concerns reported by union representatives were the use of unfair labour practices by employers even in the public sector. Thus workplace union representatives and senior union officials emphasized that any form of meaningful labour-management partnership has to ensure that management does not engage in victimization of union members or union representatives, stop sponsorship of rival ‘sweet heart’ unions, threaten workers against joining legitimate unions of their choice and management should engage in bilateral negotiations and consultations with the union over industrial disputes rather than resorting to adjudication route through the courts.

These interview findings were used to design the survey questionnaire for workplace union representatives. The survey questionnaire included a total of 65 questions. In addition to the demographic profile of the workplace, union representatives were asked to report their experiences of workplace employment relations with specific reference to employment practices identified in the pre-survey interviews such as; union influence over workplace and enterprise level decisions, access to employment-related information for negotiation with management, provisions of employment security, training and employability etc. The survey covered workplaces in the public services within the federal state of Maharashtra. As mentioned earlier these included services such as health and social care, primary, secondary and technical education and the public works department. All workplaces included in this survey were covered by the provisions of major central and federal labour laws. Data were collected mainly using self-administered questionnaires and in some instances in semi-rural locations where postal services were unreliable data were collected by field researchers who were competent in local languages and trained in administering structured questionnaires. The data collection was coordinated by the regional offices of the CFTUI and the INTUC. In total 430 workplace union representatives of the INTUC and 375 union representatives of CFTUI received the survey questionnaire. Out of these we received 254 completed usable questionnaires from the INTUC affiliated union representatives (response rate: 59 percent) and 240 completed usable questionnaires from the CFTUI affiliated union representatives (response rate: 64 percent).

Following the surveys and data analysis, the third phase of data collection involved a series of in-depth interviews with workplace union representatives, line and senior managers,

senior union officials, labour lawyers and high court judges. The purpose of these post survey interviews was to clarify and explain the survey findings and to better understand the dynamics of workplace employment relations which may help or hinder the prospects of labour-management partnership. In total 27 interviews each lasting about 90 minutes were conducted in the post survey phase of the research.

## **Results**

The average size of the workplace covered in our survey was 112 for the CFTUI represented workplaces and 136 for the INTUC represented workplaces. Thus in total the CFTUI respondents represented about 26,880 workers and the INTUC respondents represented about 34,544 workers respectively across the workplaces covered in this survey. Less than 10 per cent of our respondents were female union representatives and the average tenure of being a union representative was 8.7 years. Although the demographic profile of survey respondents was similar to that of the population of workplace union representatives from both the trade union federations, there is likely to be a self-selection bias in our survey. We have tried to overcome this bias by interviewing a large number of union representatives who had not participated in the survey. The average union density for CFTUI represented workplaces was about 62 percent. It was slightly higher at 69 percent for INTUC represented workplaces.

### ***Representative Participation on Employment-related Decisions***

The Bombay Industrial Relations Act (1946) provides for the recognition of trade unions within establishments and is aimed at promoting collective bargaining between employers and unions. Chapter (viii) of this Act specially provides rights to unions to collectively bargain with employers on substantive changes to terms and conditions of employment and changes to working arrangements. Workplace union representatives who were themselves full time employed in the public services were asked to report the level of influence their union had on a range of issues including promoting employment security, redundancy payments, redeployment and retraining, voluntary retirement schemes, negotiating pay and promoting equal opportunities for women and employees from backward castes. The union representatives were asked to give a scaled response ranging from 'a lot of influence' to 'no influence at all'.

--Table 1 about here --

Results in table 1 indicate that except for two issues namely; promoting employment security and promoting equal opportunities there was no significant difference in the perceived union effectiveness among representatives of the INTUC and CFTUI. On these two issues however, the CFTUI representatives reported a significantly higher level of union influence compared to the INTUC representatives. The CFTUI was also perceived to be more effective than the INTUC in engaging with management on negotiating productivity or performance targets and retraining and redeployment in cases of redundancies. However, these differences were significant at only 90 percent level of confidence ( $p < 0.10$ ). Thus on the whole only about half or in some cases less than half of union representatives from both trade union federations reported that their union had 'a lot or some influence' on substantive issues such as employment security, terms and conditions of voluntary retirement schemes, or negotiating pay and performance targets with management. Although public services pay in India is decided by government appointed pay commissions, trade unions as well as employer associations do lobby and influence the decisions of these commissions. Besides, unions do have some degree of influence on negotiating pay spines and fringe benefits locally with

management within the remits set by the pay commission (Roychoudhary 2003).

### ***Union Influence over Workplace-Level Decisions***

Worker and union participation in workplace level decisions is mandated in both the Bombay Industrial Relations Act (BIR 1946) through setting up of joint committees (chapter ix) with equal representation of management and union representatives at the establishment. Likewise, chapter II of the Industrial Disputes Act (IDA) 1947 provides for the setting up of works committees at establishment level to promote worker participation in workplace level decisions. The provisions within the BIR Act confer greater powers and legitimacy on unions to engage in bargaining over workplace level changes as compared to the provisions of the IDA 1947. Under the BIR Act, unions have a right to challenge and veto the decisions taken by management on workplace level changes or changes to terms and conditions of employees. The works committees under the IDA are there to promote harmonious industrial relations and have an advisory role. Union representatives were asked to report the level of influence they had at their workplace on issues such as: deciding working hours, shift patterns (where applicable), overtime, breaks and time off work, organizing work, and influence over health and safety matters.

----Table 2 about here ----

Results from table 2 indicate that the CFTUI representatives reported a significantly higher level of influence at their workplace on setting working hours and breaks whereas, the INTUC representatives fared significantly better in influencing the organization of work at their workplaces. Only a small proportion of union representatives from both federations reported having ‘a lot or some influence’ on setting over time but a large proportion of them reported having influence over health and safety matters at their workplace. The overall results however suggests that union representatives from both federations had rather modest influence over negotiating working hours, overtime and time-off – factors which directly affect the unit labour cost on which even public sector managements now keep a tight control.

### ***Positive Industrial Relations***

In the pre-survey interviews union representatives had raised concerns about unfair labour practices by management and had suggested that any form of social partnership should necessarily entail management refraining from engaging in such unfair practices. Indeed Chapter VC of the IDA 1947 and Chapter VI of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act (1971) prohibits employers from engaging in unfair labour practices such as victimization of workers or union activists, threatening or unfair dismissals of union members and activists with a potential penalty of both imprisonment and monetary fines. Thus, to assess the extent of such unfair labour practices which may hinder labour-management cooperation we asked union representatives to report unfair labour practices at their workplace recorded by the union over the past five years.

----- Table 3 about here -----

Data from table 3 present a rather disturbing picture. Even in public services in an ostensibly pro-labour state of Maharashtra nearly half of the INTUC union representatives reported victimization and illegal breaks in services of employees to avoid permanent contracts. The figures were slightly lower for the CFTUI representatives at about 30 per cent

but equally concerning. Nearly half of the CFTUI representatives reported that management at their workplace sponsored their preferred union to break legitimate workers union. On the whole, a higher proportion of INTUC representatives reported unfair labour practices by management compared to their CFTUI counterparts. This was contrary to what was expected. It was expected that given the political affiliation of INTUC with the ruling Congress Party and its clear preference for labour-management cooperation as stated in the federation's objectives, employers would be less hostile towards their union representatives. However this was clearly not the case. Instead, a more militant and politically independent union such as the CFTUI was perhaps better able to pose a deterrent against managerial hostility.

Data were obtained on the number of collective industrial disputes both the unions had raised with management in the past two years. Furthermore, data were also sought from the unions on how these disputes were resolved. The CFTUI union representatives had raised a total of 59 collective disputes on issues such as redundancies of permanent and contract workers, non-payment of wage arrears etc. with management whereas the INTUC had raised a total of 43 such disputes with managements in establishments where their unions were recognized for collective bargaining. Out of these, just about 11 percent of disputes were resolved through bilateral negotiations between management and the respective unions with the remaining disputes being referred for conciliation or adjudication. Data from the union surveys indicated that in about 73 per cent of the cases, it was the management who referred the disputes to the Labour Commission or the Law Courts and only in a minority of cases it was the unions who resorted to third party intervention.

During interviews, the Personnel Director of a state road transport commission reported that the “ senior management uses the adjudication route to curtail any form of union militancy. Once the matter is subjudice any form of strike or work stoppage will be automatically deemed illegal and the union officials can be held personally accountable for contempt of court which can lead to imprisonment and/or fine.” A state official from the labour commission reported that public sector managers are more litigious than their counterparts in the private sector. This is because “they [public sector managers] are least bothered about the legal costs which are effectively borne by the tax payer. Furthermore, such wasteful expenditure on litigations is never taken into account in the performance appraisal of HR managers in the public sector whereas it would reflect very poorly on the performance of private sector HR managers who could lose their jobs.” Interviews with workplace union representatives and senior union officials from both trade union federations suggested that illegal lock outs were used by management to victimize union activists during industrial disputes even when the dispute was under judicial review. A CFTUI official reported that “if such illegal lockouts were brought to the notice of the court, the management would argue that the individual was locked out on the grounds of misconduct and disciplinary action which was being internally investigated and hence should remain outside the scope of the case being adjudicated.”

### ***Access to Information***

There is a general consensus in the extant literature on social partnership that ‘transparency’ or information sharing by management with workers and trade unions is an important element of meaningful cooperation. Transparency on the part of management is likely to elicit higher levels of trust and commitment amongst workers towards their organization (see Peccei et al. 2005). But information sharing by itself is unlikely to be of much relevance if it is not linked with employee participation in decision-making. What is being shared and for what purposes should matter a great deal in terms of winning employee

trust and commitment. It could be argued that employees and their representatives would value information on issues that are salient and which then allow them to exert some influence on employment related decisions.

Workplace union representatives were asked to give a scaled response ranging from 'strongly agree' to 'strongly disagree' to the statement - 'I get adequate information from my employer on key employment issues that would enable me to contribute meaningfully towards decisions on those issues.' A significantly larger proportion of CFTUI union representatives (68 per cent) 'agreed' or 'strongly agreed' with the statement as compared to only 40 per cent of INTUC union representatives (Chi-square value: 17.68,  $p < 0.001$ ).

This issue was further investigated during interviews with union officials and workplace representatives. It was found that the CFTUI representatives often reported using the disclosure law called the Right to Information Act enacted by the Central Government of India in 2005 to secure information on issues such as job cuts, hiring of contract labour, terms and conditions of employment offered to contract labour and, voluntary retirement schemes. Management in the public services is legally bound to release this information within a stipulated time failing which the union can seek legal remedies through state and judicial avenues. This 'RTI activism' as it was called by our interviewees was seldom resorted to by INTUC representatives who relied mostly on party political channels to seek information and secure favourable collective bargaining arrangements. These channels involved trying to weigh-in pressure on management from the locally elected Congress party politicians or party functionaries. As one senior INTUC union officer from the local government services put it: "...we avoid using the RTI Act as it creates more hostility with management and can impair our long term relations with the senior management....instead a quite word with our Congress Party allies can sometimes help us secure sensitive information from management without appearing intimidating." Results however indicate that the party political channels of securing access to information on employment related issues was less effective compared to using the disclosure law (RTI) to seek such information where management was recalcitrant in sharing such information with the union.

## **Discussion and Conclusion**

The primary question addressed in this research was whether in the context of globalization and privatization in India, trade unions should actively pursue the policy of labour-management cooperation or social partnership as advocated by some policy analysts and academics? Prior research on Indian employment relations has never really articulated precisely what social partnership entails in the Indian context – certainly not from labour's perspective. Consequently, it is difficult for trade unions to decide upon the viability of such policy prescriptions as a credible industrial relations approach. To overcome this limitation, the point of departure for this research was to first ascertain what the rank-and-file union activists understand by the term social partnership or labour-management cooperation at the workplace level. What according to them would be the salient features of workplace employment relations which would provide the basis for cooperative industrial relations? It is after all the ground realities of day-to-day workplace industrial relations which will ultimately decide whether or not meaningful partnership with management is a viable option for labour.

Prior research on partnership indicates that labour-management cooperation is a more feasible option for all parties concerned but especially for labour in mature industrial sectors with stable or buoyant product markets and high union density (Heery 2002; Belanger and

Edwards 2007). Accordingly public service establishments were chosen to test the feasibility of cooperative industrial relations. Moreover, the empirical work was confined to the federal state of Maharashtra in India as the state has a strong pro-worker legislative framework (Deakin and Sarkar 2011), is highly industrialized with relatively high employment rates, a long history of unionization both in public and private sectors and a reasonably high union density compared to many other states in India (Pal 2008). There is growing evidence of the rise in politically independent trade unions in Maharashtra with some estimates suggesting that nearly three fourths of all trade union members in the state now belong to politically independent trade unions (Shyam Sundar 2008). Thus, two large trade union federations were selected for this research— INTUC which is politically affiliated to the Congress party and CFTUI which is politically independent.

Overall research findings indicate that the politically independent trade union federation CFTUI enjoyed to some degree higher influence over substantive and procedural issues which may provide some scope for cooperative industrial relations with management. These issues were: better access to information on employment related matters, better influence over promoting employment security and equal opportunities, better influence at the workplace level on negotiating working hours and breaks. However, despite these positive findings a majority of union representatives from both federations reported high levels of management hostility towards the unions in the form of unfair labour practices such as victimization of union representatives, exploitation of contract labour, worker dismissal during industrial disputes and sponsorship of ‘sweet heart’ unions by management in their establishment. These findings raise a number of questions. Why is it that a politically affiliated trade union federation such as INTUC was less effective than a politically independent trade union CFTUI in protecting and promoting its members’ interests? Why is it that even a pro-worker labour regulatory framework as in Maharashtra offers very little if any protection to workers and unions against employer hostility and unfair labour practices? A supportive institutional framework is considered to be a prerequisite for social partnership to take roots and sustain (Belanger and Edwards 2007). If under such circumstances partnership seems to be an unviable option for Indian trade unions what other alternatives could they consider? The following discussion attempts to address these questions using various theoretical perspectives.

From a comparative political science perspective, Peters (2011) conceptualizes *actor’s interests* as an important variable in analyzing political processes. Along these lines, Burgess (2004) examines the intricate relationship between political parties and trade unions as actors in employment relations. She suggests that party-union relationships are more likely to be tested in times of economic instability or when political parties introduce major institutional reforms which hurt the interests of union members. In times such as these, union leaders have to decide whether to side with the political party they are affiliated to and risk antagonizing their members or, to confront the party and stand by the interests of their members. In her view, union leaders base their judgments on which of the two constituencies (party versus union members) are likely to offer better incentives to the union leadership and equally, which of them are likely to punish them the most. Party incentives could include the opportunity to contest elections, senior posts within the party’s executive, political intervention to secure union recognition with employers or secure favorable collective bargaining arrangements. It is likely that a political party is in a better position to offer such incentives to union leaders when they enjoy an absolute majority in the government. The party’s ability to offer such incentives is likely to be constrained when it is part of a coalition government. Union members are more likely to stay with the union if they believe the leadership can deliver the desired outcomes either through the union’s bargaining power or

through the leadership's ability to secure better deals from employers via political interventions (Murillo 2000).

In the Indian context, the central government (until May 2014 general elections) has consisted of a coalition of nearly a dozen regional and national parties for nearly 15 years. Likewise, industrially developed states such as Maharashtra have been governed by coalition governments for nearly a decade. It is quite likely that ruling parties such as the Congress are now unable to offer the same level of political patronage to its affiliate INTUC unions in securing union recognition with employers or favorable collective bargaining outcomes. Employers in turn recognize this depreciation in the political influence of trade unions such as the INTUC and are hence more likely to engage in hostile behaviors towards these union representatives. As a senior INTUC official reported that "Congress party has let us down very badly. In the past if employers were not listening to us, we could make a phone call to the Labour Minister in Delhi and get things sorted out. But now although our party is leading the coalition government<sup>2</sup>, we have no hotline with the minister. They [ministers] are busy taking phone calls from employers and putting us on hold for ever."

Roychoudhary's research (2003) on politically affiliated trade unions in the public sector enterprises in Bangalore suggests that although at the national level, senior union officers talk tough about anti-worker economic policies of the government, at the enterprise levels they ask their union representatives to engage in concession bargaining and consent to management policies on wages and job cuts which may be inimical to workers' interests. This erodes the credibility of the union at the workplace levels resulting in worker dissatisfaction and a fall in union membership. Indeed as Badigannavar (2013) reports this was one of the main reasons for the rise of politically independent unions such as the CFTUI over the past fifteen years (also see Beale, D and Noronha, E 2014).

From a political economy perspective, employers are more likely to take union demands seriously if they perceive the union to be a credible collective agency capable of inflicting economic penalties on management (Williams 2014). In this research the politically independent union CFTUI proclaimed itself as an organizing union with a history of strikes and agitations in the public and private sectors. The CFTUI also campaigns to organise and recruit contract workers on casual terms and conditions of employment within the public services into their fold. The activism of CFTUI was evident in their rather aggressive use of the Right to Information Act to secure information from management on employment related issues which would enable them to better represent the interests of their members. Thus it appears that the mobilization capacity and grass-root activism of CFTUI placed it in a better position to engage in meaningful consultation and negotiation with management and to some extent deter management from engaging in unfair labour practices. According to some analysts union organizing is a precondition to labour-management partnership (Heery 2002; Badigannavar and Kelly 2011). Politically affiliated unions such as the INTUC which have historically relied on political patronage to represent worker interests now find it difficult to transform themselves into 'organizing unions'.

The role of the judiciary in India has come under spotlight in the context of economic reforms. It is argued that until the 1980s the Indian judiciary was sympathetic to the cause of workers and working classes and interpreted labour laws in a way that protected the interests of these vulnerable groups. From the early 1990s however, the judiciary too has toed the line of the state in promoting neo-liberal economic reforms and has consequently passed judgements which are clearly pro-employer and have tilted the balance of power against workers and trade unions (Babu and Shetty 2007; Cox 2008; Singh 2008). For instance, in



1998 the Supreme Court of India declared general strikes by trade unions as illegal and in 2003 the Supreme Court held in a judgement that government employees have no legal or moral right to strike (TR Rangarajan vs Government of Tamil Nadu, AIR2003 SC 3032 source: Asia Monitor Resource Centre website accessed 2 March 2014).

In 2006 in a case involving public sector enterprise (Secretary, State of Karnataka & Ors versus Uma Devi & Ors) the Supreme Court ruled that casual and temporary workers even after continuous period of service spanning several years have no right to claim permanency in their employment as they were not hired through the due process and were instead recruited through the 'back door'. This informal system of hiring deprives other potential candidates from securing that job (Shyam Sundar 2010). What the Supreme Court seems to have ignored in its ruling is that this supposed 'back door' entry was for the convenience of the management and their labour contractors and not workers. Hence to penalise workers for management's failings and to deny them employment security is unjustified (interview with retired Justice Kochar September 2010).

Similarly, in 2001 the Supreme Court of India in another public sector dispute (Steel Authority of India Vs. National Union Waterfront Workers) ruled that the Contract Labour Act does not provide for the automatic absorption of contract workers as permanent workers if the enterprise decides to abolish contract labour system (Cox 2008). By delivering such judgement, the Supreme Court has over-ruled its own previous pro-worker judgements which required employers to absorb permanently contract and temporary workers who fulfilled the necessary conditions of 240 days of continuous service. The repercussions of these anti-labour judgements have been felt widely across public and private sector enterprises in India affecting the working conditions and livelihood of thousands of workers (Ray 2008). Thus despite having an institutional framework that ostensibly is pro-labour and hence should support cooperative industrial relations, we find a situation where worker and trade union rights have been eroded through judicial interventions at the highest level in the post-economic reforms period in India. This weakens the prospects of any meaningful social partnership.

Within this context, the Mobilization theory perhaps offers a better alternative to trade unions compared to social partnership. According to mobilization theory (Tilly 1978; Kelly 1998), workers are more likely to unionize and engage in collective actions if the following conditions are met. Firstly, there has to be a deeply and widely shared sense of injustice. Union meetings or community meetings for instance foster social cohesion which gives workers the opportunity to discuss and share their grievances and overcome feelings of isolation. Secondly, workers have to attribute their grievances to a target agency such as their employer or the government or believe that their grievances can be remedied by these agencies. Such attribution provides a target for collective actions. Workers are more likely to join a union and participate in collective actions if they perceive the union to be effective in redressing their grievances. Workers also engage in cost-benefit calculations whereby they assess the potential gains and available power resources. The attitude and actions of the state and, the labour regulatory framework play a significant role in these calculations. Moreover, the role of union and political leaderships is pivotal in shaping worker perceptions and eliciting collective participation.

In India, political parties such as the Congress, the socialists and communists and their affiliated unions have historically engaged in mass mobilization of workers against the British colonial rule during the independence struggle. In the post-independence period the state has followed the policy of political patronage and incorporation of trade unions in order

to achieve industrial harmony and economic growth. These objectives were by and large met until the mid-1970s when there was a spate of strikes in key infrastructure sectors followed by the imposition of a national emergency and suspension of the rule of law by the then Congress government. Since the late 1980s successive governments have pursued the policy of de-regulation of markets under the rubric of global competition and economic exigencies. The liberalization, privatization and globalization agenda has strained the relationship between trade unions and political parties. Trade unions which had erstwhile relied on political patronage are now engaged in mass mobilization of workers and union members against government policies which are hurting the working classes. For instance on 28 February 2012, eleven national trade union federations organized a national strike against the government's economic liberalization policies and its failure to control inflation and prevent violation of labour laws by employers. More recently, in September 2015 national trade union federations called for a nation-wide general strike on a range of demands including wages, social security and de-regulation of labor laws. It was reported that nearly 150 million workers across the country participated in this general strike which has made the current BJP administration rethink some of its labor policies and resume talks with the trade unions (see: Indian Express ENS Bureau 2 Sept 2015).

Unions have also mobilized workers at enterprise levels to secure recognition for collective bargaining or pursue claims on wage settlements and job security with employers. Some recent strikes in the airline industry (e.g. Jet Airways 2009, Kingfisher Airlines in May and August 2012) have drawn heavy media attention and have resulted in some favorable outcome for pilots and employees who were not paid wages for months. High profile strikes and worker agitation in automobile companies like Maruti-Suzuki, Bosch and Honda (see Shyam Sundar 2010) reflect to some extent the growing mobilization capacity of workers and unions against the exploitative practices of employers. A concerted campaign by a coalition of unions and NGOs largely representing informal sector workers has resulted in the Government of India passing the Unorganized Workers Social Security Act in 2008. This Act makes health and safety and welfare provisions for nearly 340 million workers employed in the informal sector in India (Sankaran 2009). Thus unions in India are more likely to regain their influence and ability to better represent worker interests if they were to first engage in grass-roots level mobilization including organizing informal sector workers and then perhaps cooperate with employers from a platform of strength rather than weakness. This is likely to be a difficult and resource intensive route to trade union revival especially in the context of neo-liberal economic reforms but perhaps a more plausible alternative to enterprise level social partnership.

There are some limitations to this research. The data for this research comes from workplace union representatives of two large trade union federations. Attempts to aggregate research findings to assess the prospects of workplace level partnership may have to some extent camouflaged the subtle differences between individual affiliate unions of the two federations. While it would be analytically useful to identify these differences and empirically examine their implications for social partnership, the purpose of this research was to understand what social partnership means to workplace union activists and then examine whether the conditions are suitable for Indian trade unions to adopt partnership as an approach to worker representation.

The cross-sectional nature of the data limits the ability of this study to draw long term inferences on labour-management cooperation. However, other studies such as those by Roychoudhary (2003) and Shyam Sunder (2012) which rely on longitudinal observations offer little hope for cooperative industrial relations even in public services in India. Finally,

the data comes from a single state in India namely Maharashtra. Despite strong theoretical justifications for the geographical context, it does limit the generalizability of findings to other federal states. Future research would benefit by using longitudinal matched data from union representatives and employers and including states with variations in their labour regulatory framework.

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### **Notes:**

1 and 2: At the time of this research, Congress was the ruling party at the Centre heading a coalition government. It was the largest party in the coalition government. The Congress was also the ruling party in the state of Maharashtra in coalition with a regional party called the Nationalist Congress Party (NCP). Congress has lost power both at the national and Maharashtra level following the general elections in May 2014.

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**Table 1: Representative Participation: INTUC (N=254) CFTUI (N=240)**

Percentage of union representatives reporting level of union influence on enterprise level issues

	INTUC		CFTUI		X <sup>2</sup>
	Lot/Some	Little/None	Lot/Some	Little/None	Value
Negotiating Pay	48	52	54	46	0.72
Promoting employment security	44	56	59	41	4.504**
Promoting retraining & redeployment in case of redundancies	56	44	68	32	3.056*
Influence over Voluntary Retirement Schemes	58	42	52	48	0.723
Influence over financial package for VRS affected workers	43	57	49	51	0.725
Negotiating Productivity or Performance Targets with Management	32	68	45	55	3.568*
Promoting equal opportunities for women and employees of reserved categories	47	53	66	34	7.344***

X<sup>2</sup> = Chi-Square \*p<0.10, \*\*p<0.05, \*\*\*p<0.01

Source: survey of workplace union representatives of INTUC and CFTUI



**Table 2: Union influence on workplace level decisions INTUC (N=254) CFTUI (N=240)**

Percentage of union representatives reporting level of union influence on workplace level decisions

	INTUC		CFTUI		X <sup>2</sup>
	Lot/Some	Little/None	Lot/Some	Little/None	Value
Influence over working hours and breaks	44	56	64	39	8.052**
Influence over setting overtime	27	73	21	79	0.987
Influence over time off	56	44	64	36	1.333
Influence over day-to-day work organization	89	11	78	22	4.391*
Influence over health and safety matters	77	23	67	33	2.480

X<sup>2</sup> = Chi-square \*\*p<0.01, \*p<0.05

Source: survey of workplace union representatives of INTUC and CFTUI

**Table 3: Unfair Labour Practices INTUC (N=254) CFTUI (N=240)**

Percentage of union representatives reporting unfair labour practices at their workplace

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<b>Unfair Practice</b>	<b>INTUC</b>	<b>CFTUI</b>
Illegal Lockouts	12	10
Victimization of union representatives	47	29
Illegal breaks in employment contracts of workers to avoid permanent contracts	47	32
Dismissed workers during strikes	19	15
Management offered incentives to workers to leave the union	33	21
Employer sponsors a union to break a legitimate unions	32	47

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Source: Survey of workplace union representatives of INTUC and CFTUI.