

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 3

2023

© 2023 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Collective Bargaining in Labour Relations: A Comparative Study of India and United Kingdom

LEKSHMI. S. KUMAR¹

ABSTRACT

The role of collective bargaining is pivotal in establishing the foundation for sound labour relations. The main aim is to reach at a collective agreement which deals with the terms and conditions of the employment, including the rights and responsibilities of the parties. The technique is to amicably resolve a dispute as to conditions of employment by means of agreement. The labour laws in India are highly balanced and controlled in comparison to other countries of the world. In the case of UK, there is no single definition codified yet for who is protected under labour laws. The collective bargaining in India remains more or less limited in its scope and restricted in its coverage due to the well-defined legal system, with formal sectors with a better space and informal with no scope for the same. In UK, mostly arrangements for collective bargaining are voluntary, with benefits from voluntary union recognition. The process is carried out through various stages and also conducted at different levels. The types of collective bargaining agreements also do vary. The legal boundaries ultimately decide the scope of the application of the collective bargaining as a tool. The path of origin and evolution of the technique is also different in both the countries. The pre-requisites, procedures employed and the overall process need to be analyzed for determining the reason for the current trends in the collective bargaining. Numerous examples also require to be evaluated in order to find out the challenges posed by miscellaneous factors. This comparative study aims to assess the role of collective bargaining in India and UK, to find out the issues, its solutions and to reach at suggestions for way forward.

Keywords: *Collective Bargaining, Comparative Study, Labour Relations, India, UK.*

I. INTRODUCTION

Labour relations is concerned with the relationship between employers and employees. It also includes the politically taken decisions and directions and, the related laws affecting the relation.² It forms the foundation on which an organization rests. It takes care of employers,

¹ Author is an Advocate, India.

² Collins Dictionary < <https://www.collinsdictionary.com/dictionary/english/labour-relations> > accessed on 20 May

employees, trade unions, meetings, administration, etc. It is also important in the continuance of effective procedure compliance, collective bargaining, grievance redressal and policy making. It plays an inevitable role in the channelizing of various components constituting an organization ensuring employee's engagement, satisfaction and retention.³

Collective bargaining refers to "all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations".⁴ The negotiations are likely to be in terms of conditions of employment like base pay, working hours, leave, health care benefits, etc. The results of the negotiations are often referred to by the parties on the basis of a collective bargaining agreement.

(A) Research Problem

India's rigid legislative approach and UK's voluntary approach on collective bargaining stand on different footings, is one of the main reasons restricting the use of collective bargaining in

(B) Research Problem

India's rigid legislative approach and UK's voluntary approach on collective bargaining stand on different footings, is one of the main reasons restricting the use of collective bargaining in labour relations. Various other factors also affect collective bargaining ranging from strikes to closure of industries are challenges posed by the systems against collective bargaining.

(C) Existing Legal Situation

India, the second most populous country in the world, with more than 501 million workers as of the year 2020, has excessively rigid labour laws, bureaucratic processes and other governmental interventions whereas in UK, where only 28.09 million workers as of 2020 are found, there is no single definition codified yet. In India, the Industrial Relations Code of 2020 replaces the Industrial Disputes Act of 1947, the Trade Unions Act of 1926, the Industrial Employment (Standing Orders) Act of 1946 governing collective bargaining along with the Constitution of India, while in UK, the Trade Union and Labour Relations (Consolidation) Act of 1992 superseded the Trade Union Act of 1871.

2021

³ Hitesh Bhasin, 'Labour Relations: Components, Importance, Purpose' < <https://www.marketing91.com/labour-relations/>> accessed on 20 May 2021

⁴ ILO < <https://www.ilo.org/global/topics/collective-bargaining-labour-relations/lang--en/index.htm>> accessed on 20 May 2021

(D) Literature Review**1) Bini R A, 'Causes of Declining Collective Bargaining in India' (2017) 7 IJSR 452**

The article is about collective bargaining in India. It speaks extensively about the methods by which collective bargaining can be effectively adopted in India. The importance of the emergence of the National Commission of Labour on Collective Bargaining and the resultant recommendations are discussed. The legal boundaries within which the collective bargaining in India is carried out are elaborated along with the case laws. The various types of collective bargaining agreements are dealt in brief. The reasons for the failure of the process, even though enumerated, do not give much insights into the nuances posed by miscellaneous factors in India. The article ends on an optimistic note along with five suggestions for progression of collective bargaining in India. The author calls the collective bargaining by the trade unions as an arm-twisting exercise and that the strength of the union decides the negotiation results.

2) Surendra P, 'Collective Bargaining in India: Recent Trends' <<https://www.amrc.org.hk/content/collective-bargaining-india-recent-trends>> accessed on 22 May 2021

The author says that in order to understand the limitations on collective bargaining in India, one needs to analyze the current trends in labour relations in India. It is brought out that only a minor section of the large work force is protected under the labour laws and the collective bargaining works in the little space provided by law for it, making no remarkable gain for organizations in the country. The evaluation of the current scenario in India is made out with regard to recent judgements and other statistical reports. The recent changes happening in the labour relations in India is discussed, but gives no conclusion in respect of the way to be followed in the future.

3) Nicholas B and John S, 'New Employee Relations Strategies in Britain: Towards Individualism or Partnership?' [2000] BJIR 407

The article unfolds the themes of individualism, partnership and collectivism in the labour relations of UK. The developments in the different work places and employer-employee representations for discovering new paths of labour relations are elaborated in detail. The authors tried to find out the consequences when the collectivized representation is invaded by an individualistic approach. They are doubtful about whether all the movements are towards establishing stable arrangements in labour relations. They also reach the conclusion that overall revision is needed for sound employee relations in Britain.

4) Jelle V, Susan H and Rosina G, ‘Trends in collective bargaining coverage: Stability, erosion or decline?’ [2017] ILO 1

This issue brief under Labour Relations and Collective Bargaining of ILO makes it evident that collective bargaining is a vital labour market process. It demonstrates that the process varies from time-to-time and over the countries. It covers the examination of 75 different countries. The authors are of the opinion that collective bargaining came to the spotlight in various countries only after the financial crisis of 2008. The article discusses various policy measures also. The conclusion is such that the bargaining is solely dependent on the strategies of government and an enabling legal framework and that the need to reinforce inclusive collective bargaining is essential in the world.

(E) Relevance of the Research

Decentralized bargaining or individualized bargaining, declining wage share and newly emerging waves of labour movement for unionization are forming dark clouds over the labour relations in India while in UK, the pay and working conditions of most employees are not confronted through collective bargaining. Therefore, it is necessary to compare collective bargaining done in India and UK to find out why it is not making the needed headway, despite forming an integral part of labour relations. It plays a vital role in speedy resolution of disputes and grievances. Overall, it has the capability to create an efficient and effective working climate in the organization.

(F) Scope of the Research

The research is carried out within the limits of the laws governing the labour and industrial relations of India and UK through the analysis from the origin and evolution to the current status of collective bargaining. The effectiveness of the system will be estimated on the illustration of case studies and other government reports for ascertaining the challenges present, if any; and to suggest the recommendations and way forward.

(G) Objectives of the Research

The objectives of the research are as follows:

- i. To interpret the legal underpinnings for collective bargaining in India and UK.
- ii. To find out the problems in the pre-requisites and procedures of collective bargaining in India and UK.
- iii. To determine the challenges faced by collective bargaining in India and UK.
- iv. To evaluate the effectiveness of collective bargaining in India and UK.

(H) Research Questions

The questions that are set out to be answered by research in this project are:

- i. How do the legal boundaries of India and UK affect collective bargaining?
- ii. What are the challenges faced and the effectiveness of collective bargaining in India and UK?

(I) Hypothesis

The legal framework of collective bargaining in India and UK hampers the effectiveness of the process and thus there is not much headway made both in India and UK.

(J) Research Methodology

The research is conducted by purely doctrinal method. The comparative analysis is done through statutory materials providing for collective bargaining of both India and UK. The data is mainly collected from standard text books, reference books as well as legal periodicals. The various case reports, guidelines, governmental reports and other international articles also added to the estimation of contrasts between them.

II. COLLECTIVE BARGAINING IN INDIA AND UK

The collective bargaining is a process of decision-making which is carried out to negotiate and agree upon rules to facilitate compromise on conflicting interests concerned with the terms and conditions of employment.⁵ It is performed through different stages and at distinct levels in a country, and are mainly governed by the labour law and other rules and regulations related to labour relations.

(A) Stages

The legal procedure with respect to the stages involved in collective bargaining in India is complicated. The trade unions interested for taking up collective bargaining will inform the concerned employers in the first stage. In India, in some cases, the employers have also notified the call for collective bargaining. The call for the process will be mainly in connection with the conditions and terms of work including hours of work, leave and other issues among many others. Several discussions and consultations among the representatives of the trade union will be put together to make a '*charter of demands*'. Once this charter is finalized and submitted, both the employer and the trade unions will collect relevant facts and issues of the circumstances

⁵ J. P. Windmuller et al., 'Collective Bargaining in Industrialised Market Economies: A Reappraisal' [1987] ILO Geneva

of the work for the formulation of a policy and the strategy which is required to be followed in 'negotiations'. The issues set forth in the charter are discussed between the employers and the trade unions.⁶ In situations, where the demands of the unions get rejected, they will go on to conduct strikes. These negotiations often take a lot of time to reach a conclusion. This will lead to the framing of a 'collective bargaining agreement' between the employer and workmen who are represented by the unions. It can be framed in several ways. Even after the agreement, if both the parties fail to reach a settlement, then the unions may start a 'strike'. A notice of the strike or lock-out should be provided to the conciliation officer to begin with the 'conciliation proceedings'. The proceedings may end in a settlement, or no settlement, or will lead to a reference to a labour court or an industrial tribunal. On the failure of conciliation or mediation, parties can seek 'voluntary or compulsory arbitration'. The 'Labour Courts' or 'Industrial Tribunals' for adjudication on prolonged industrial disputes, and 'National Tribunals' for adjudication of industrial disputes involving questions of national interest or issues which are related to more than one state.

In UK, the process begins with 'negotiation'. Here, it does not mean mere consultation. The trade union representative or an official may write to the employer. The views of all the members are taken in the 'preparation' stage to research the merits of the issue. Proposals will be placed by any one of the parties and the other responds. This is the 'opening' stage. Adjournments, testing out of arguments, fall-back, bottom lines are the parts of this stage. The 'trading' will induce consultations, discussions, and bargaining which concludes at a consensus or disagreement. If an 'agreement' is reached between the two sides, a final proposal shall be put into effect. If there is no such agreement, the unions may call out for 'strikes' or other industrial actions. The offices of the trade unions will provide advice on the apt procedures to be followed. When an agreement is reached, it is signed for either a set period of time or until replaced.

(B) Levels

The levels of the process at which the process of collective bargaining takes place in India are five. They are:

- a. National-level bargaining takes place between the organization of the employer and the national union. The issues involved are accepted by all industries and their workers. There is uniformity and standardization at this level.

⁶ R. Sivarethinamohan, 'Industrial Relations and Labour Welfare: Text and Cases' <<https://books.google.co.in/books?id=OBu-LapJUAcC&printsec=frontcover>> accessed on 22 January 2019

- b. Industry-level bargaining happens where the bargaining takes place between the organization of employers of one industry with the unions of that industry. It gives uniformity in labour costs and working conditions.⁷
- c. Corporate-level bargaining is performed between a company with multi-plant enterprise and various unions of all its plants, regarding one agreement. It is most common in public sector undertakings.
- d. Plant-level bargaining is done by most of the private sector companies. It happens mainly between the management of a particular plant or factory establishment.
- e. Craft-level bargaining is between the representatives of the management and the representatives of the craft union.

In UK, the most important level of collective bargaining is at the company or the individual workplace-level in the private sector. The workplace-level is more popular in manufacturing. In private sector industries like construction and portions of arts and entertainment industries, industry-level bargaining is employed. Sometimes this level is supplemented with a more local-level. Some public sector employees involve in single organization-level bargaining. At national-level bargaining, no bargaining has been seen since the 1970s. However, two agreements were made in the years 2003 in the matter of workplace representation⁸ and 2008 in the issue of agency workers.⁹ There does not exist a tripartite forum for dialogues and negotiations in the nation.

III. COLLECTIVE BARGAINING AGREEMENTS IN INDIA AND UK

A collective bargaining agreement is an agreement which is made between an employer and a labour union through the process of collective bargaining.¹⁰ There are different types of collective bargaining agreements.

(A) Types

In India, there are three types of collective bargaining agreements. They are:

- a. '*Bipartite*' or '*Voluntary Agreements*' are formed in voluntary negotiations between the employers and the trade union. They are binding in nature. When it comes to implementation, there are normally no problems due its voluntary nature.

⁷ Thomas Kochan et al, 'Employment Relations in the Growing Asian Economies' [2005]

⁸ Agreement on the manner of implementation of the European Union's information and consultation directive

⁹ Agreement between the TUC (Trade Union Congress) and the CBI (Confederation of British Industry)

¹⁰ Merriam-Webster, <https://www.merriam-webster.com/legal/collective%20bargaining%20agreement> accessed on 16 June 2021

- b. 'Tripartite Agreements' or 'Settlements' are agreements formed by the negotiations involving the employer, trade union and conciliation officers. It is framed as a result of re-conciliation in a specific dispute between the parties. If the parties reach a consensus, then the conciliation officer will withdraw from the process. Since the issues referred to the conciliation officer are specific, these agreements are much more restricted in nature than the bipartite agreements.
- c. 'Consent Awards' refers to the agreements which are reached while the dispute is pending before the adjudicatory authority. It is then integrated into that authority's award.

In UK, most collective bargaining arrangements are voluntary. It is considered that if the employers are good, then they will realize the benefits of voluntary recognition of unions. But the law also provides that the unions can make them recognize the unions, if enough number workers become members of the union. This is also known as 'statutory recognition'. On the recognition of the union, any improvements to the terms of the contract will be automatically integrated into the employment contract.¹¹

(B) Impacts

The collective bargaining agreements contain various clauses with terms governing the relationship between the workmen who are represented by the trade unions and their employers.¹² Those terms would be binding on both of these parties. Therefore, the following are some of the matters in the collective bargaining agreements which will have impacts on the terms and conditions of the employment:

- i. The duration of the settlement which is reached between the parties
- ii. Wages, benefits, allowances, arrears in connection with the payment to the workers, concessions, hours of work, overtime, etc.
- iii. Terms and conditions with respect to strikes and lock-outs by the trade unions and employees
- iv. Duties of the employers
- v. Duties of the workmen
- vi. Penalties for the failure of performance of the duties by both the employers and

¹¹ TUC <<https://www.tuc.org.uk/workplace-guidance/organising-and-bargaining/collective-bargaining>> accessed on 16 June 2021

¹² Preetha S and Ajay Solanki, 'India: Trade Unions and Collective Bargaining' [2019]

workmen

vii. Resolution of disputes

viii. Miscellaneous clauses relating to severability, notice, etc.

IV. LEGAL BOUNDARIES FOR COLLECTIVE BARGAINING IN INDIA AND UK

(A) Legal Framework

The Industrial Relations Code¹³ (hereinafter called the IR Code) is the main law governing collective bargaining in India, along with the Constitution of India. Earlier the three Acts which were subsumed into the Code are the Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946. S. 14 of the Code provides for 'negotiating union' or 'negotiating council'. Under the S. 62 of the Code, the employees should provide sixty days prior notice of a strike, and may do so only fourteen days after providing such notice, which is referred to as a 'cooling off period'.

In UK, the Trade Union and Labour Relations (Consolidation) Act¹⁴ makes it unlawful for employers including agencies, to refuse employment to any workmen on the grounds of union membership. It also provides that the workers may not be subject to any detriment or dismissal. The union members also have a right to be represented by the union officials in any kind of disciplinary or grievance meeting which are held under the Employment Relations Act.¹⁵

(B) Practical Implications

The collective bargaining arrangements at different places depend on the culture, philosophies and attitudes of the management of the organizations as well as the unions. The national-level bargaining is impossible in India due to the large size and lack of uniformity of the workforce. The plant-level bargaining has an added advantage that its negotiations take place independently. National-level and corporate-level bargaining is supported by plant-level bargaining. Craft-level bargaining is not very common in India except for some airlines industries. When bargaining is carried out at corporate-level, there are chances for neglecting significant issues.

(C) Consequences

In India, decentralized and individualized bargaining is taking place instead of industrial

¹³ Industrial Relations Code 2020

¹⁴ Trade Union and Labour Relations (Consolidation) Act 1992

¹⁵ Employment Relations Act 1999

bargaining. Trade unions are getting changed to legal advisors instead of becoming collective bargaining agents. It is also seen in the declining wage share despite an increase in the share of profits.¹⁶ In the UK, some negotiations cover all aspects of pay and conditions of work, but mostly they are also limited to few areas. There is no legally binding provision requiring the employer to negotiate with the unions. Majority of the private sector employees are not under the purview of the process, instead their terms and conditions of work are determined by company and workplace-level agreements. The employers are not bound by the agreement signed under the employers' federation even if they are members of it. So, there exists no mechanism for collective agreements to be extended to non-signatory employers.¹⁷

(D) Cases

In *All India Bank Employees' Association v. N. I. Tribunal*,¹⁸ the Court laid down that the rights of the members of the trade unions are coming under the purview of Article 19(1)(c) of the Constitution of India. In the case of *B.R Singh v. Union of India*,¹⁹ the Court laid down that the strikes are a method of redressal for the grievances of the workers. In *Karnal Leather Karamchhari Sanghatan v. Liberty Footwear Co. (Regd) and Ors.*,²⁰ the term collective bargaining was defined as a technique by which disputes as to conditions of employment are resolved amicably, by agreement rather than by coercion, the dispute is settled peacefully and voluntarily, although reluctantly between labour and management.” In *Tamil Nadu Electricity Workers Federation v. Madras State Electricity Board*,²¹ it was held that “collective bargaining is the foundation of the movement and it is in the interest of the labour that statutory recognition has been accorded to Trade Union and their capacity to represent workmen, who are members of such bodies. But there are limits to this doctrine, for otherwise, it may become a tyranny stifling the freedom of an individual worker”.

In *R (National Union of Journalists) v Central Arbitration Committee*,²² the Court of Appeal held that a recognised union lacking any significant support could block the bargaining claim of a union with support. In *R (Kwik-Fit (GB) Ltd) v CAC*,²³ the Court of Appeal found that its determination that the appropriate bargaining unit was all of Kwik Fit's workers within

¹⁶ Amartya Bag, 'Collective Bargaining in India: Law and Realities' (*iPleaders*, 17 May 2014) <<https://blog.ipleaders.in/collective-bargaining-in-india-laws-and-realities/>> accessed on 16 June 2021

¹⁷ Collective Bargaining (*worker-participation.eu*) <<https://www.worker-participation.eu/National-Industrial-Relations/Countries/United-Kingdom/Collective-Bargaining>> accessed on 16 June 2021

¹⁸ *All India Bank Employees' Association v. N. I. Tribunal* AIR 1962 SC 171

¹⁹ *B. R. Singh v. Union of India* (1989) 4 SCC 710

²⁰ *Karnal Leather Karamchhari Sanghatan v. Liberty Footwear Co. (Regd) and Ors.* 1989 SCR (3) 1065

²¹ *Tamil Nadu Electricity Workers Federation v. Madras State Electricity Board*, (1962) IILLJ 136 Mad

²² *R (National Union of Journalists) v Central Arbitration Committee* [2005] EWCA Civ 1309

²³ *R (Kwik-Fit (GB) Ltd) v CAC* [2002] EWCA Civ 512

the M25 London ring road. The union's recommendation is the starting point and the CAC is entitled to prefer this over an employer's alternative, especially since the employer will often attempt to define a larger unit so as to limit the likelihood of union members holding greater majority support.

V. EFFECTIVENESS OF COLLECTIVE BARGAINING IN INDIA AND UK

(A) Current Trends

In India, the privatization of the public sector modified the industry-level bargaining to the company-level bargaining. Due to the informal workforce and downsizing of the industries, power of the trade unions is reducing. Around 73 million out of the total 173 million wage earners are not getting minimum wages. The new major change is in the unionization process.²⁴

In the UK, the number of employees whose pay and conditions were agreed in negotiations between the employer and a trade union from the period of 1996 to 2020 is decreasing. Just a small portion of employees are covered under the collective bargaining process. Around 8 out of the 10 private sector employees are also not covered. They get their agreements done by company and workplace-level bargaining agreements.²⁵

(B) Challenges

The various challenges posed by the trade unions to effectively do collective bargaining are given below:

- i. Weak financial position, intra-union rivalry, and non-recognition of trade unions
- ii. Weak trade unions are not capable of raising strong arguments
- iii. Absence of strong and unified trade unions
- iv. Governments are not making serious efforts specifically for improving collective bargaining
- v. Legal framework governing the process is rigid and restrictive
- vi. Adjudication is not easily accessible
- vii. Negative attitudes of the organizations
- ii. Employers are ignorant of the negotiating councils clearly
- iii. Conditions of work are fixed under the laws

²⁴ Surendra Pratap, 'Collective Bargaining in India: Recent Trends' (*Asia Monitor Research Centre*, 1 June 2011) <<https://amrc.org.hk/content/collective-bargaining-india-recent-trends>> accessed on 16 June 2021

²⁵ Collective Bargaining (*worker-participation.eu*) <<https://www.worker-participation.eu/National-Industrial-Relations/Countries/United-Kingdom/Collective-Bargaining>> accessed on 16 June 2021

- iv. Political Interference
- v. Outsiders involving in the process of negotiations
- vi. Limited scope of interaction between the parties
- vii. Government policies not supporting collective bargaining
- viii. Other factors

VI. CONCLUSION

(A) Outcomes of the Research

The legal framework for collective bargaining hampers the effect and reach of collective bargaining both in India and the UK. There is not much headway for the process in both the countries. The long and cumbersome process and the various levels in which the collective bargaining is done itself is too much to handle for an alternative dispute resolution mechanism to work efficiently. The several kinds of collective bargaining agreements and lack of a serious law governing the terms and conditions to be included in the agreements is also another reason for its current status. Only legal recognition has been given, no specific legislation is present. For collective bargaining to be successful, a favourable political and social climate should exist. The trade unions should be stable and strong. Management is required to fully accept it as a good method to overcome differences with employees and unions. The unions need to fully understand the rights of the organization to manage and operate the industry. They should also recognize that the welfare of the employees is linked to the successful operation of the industry.

(B) Suggestions and Way Forward

The trade unions and the organization should mutually trust each other. They should adopt and practice a flexible approach by 'give and take' policy. Bargaining outcomes should become a 'win-win' phenomenon. Both the parties should not adopt unfair practices before negotiation, during negotiation, and after negotiation. This process is not just a mechanism of outwitting the opposite party with the use of debating skill, but it is a spirit of mutuality of interests.

Careful thought should be given to the selection of the negotiating team. It should be headed by a person who has adequate knowledge in the issue. It is necessary for the organization to recognize the union and to bargain in more good faith. The members of the bargaining teams must have open minds, to listen and appreciate the other's concern and point of view and to have some flexibility in making adjustments to the demands made. Strikes and lockouts should be resorted to, in the ultimate analysis. Periodic discussions may be necessary between the organization and the unions to interpret the provisions of the contract and clarify any confusions.

Both the parties should keep in mind that they have to resolve their differences on their respective claims quietly and calmly. Both sides should avoid making any irrational or unreasonable demands.

Fixed-term employment causes fear in the minds of the workers that there will be a lack of bargaining power. Covid-19 and the resultant distress in the job market have once again highlighted the importance of trade unions, especially in ensuring that worker welfare becomes a key agenda of policymakers as well as companies. The very absence of collective bargaining powers has exposed these workers to extreme uncertainty, and they fall prey to the draconian measures taken by their companies. The gig economy is a worthy example. Therefore, there should be promotion and improvement of collective bargaining. It forms an essential part of healthy labour relations.

VII. REFERENCES

Primary Sources

1. The Constitution of India
2. The Industrial Relations Code 2020
3. The Trade Unions Act 1926 (Repealed)
4. The Trade Union Act 2016

Secondary Sources

● Books

1. Taxmann, *New Labour & Industrial Laws* (1st edn, Taxmann Publications 2020)
2. Kumar H L, *Compliances Under Labour Laws* (5th edn, Universal Law Publishing 2017)
3. Stephen H, *Labour Law in Great Britain* (5th edn, Kluwer Law International 2012)
4. David L, Malcolm S and Ben S, *Employment Law: The Essentials* (11th edn, McGraw-Hill Education 2012)

● Articles

1. Anshul P and Abhimanyu P, 'Collective Bargaining in India: Procedure and Types' <<http://bwpeople.businessworld.in/article/Collective-Bargaining-in-India-Procedure-and-Types/21-07-2018-155451/>> accessed on 20 May 2021
2. Upasana B, 'What does Collective Bargaining mean?' <<https://lawtimesjournal.in/what-does-collective-bargaining-mean/>> accessed on 22 May 2021
3. Ronil G, 'Pre-requisites and Process of Collective Bargaining' <<http://www.legalservicesindia.com/article/1441/Pre-Requisites-and-Process-of-Collective-Bargaining.html>> accessed on 20 May 2021
4. Madhu D and Animay S, 'The Industrial Relations Code, 2020: An Analysis' <<https://www.simpliance.in/blog/the-industrial-relations-code-2020-an-analysis/>> accessed on 22 May 2021

● Newspaper Articles

1. Gautam M, 'A recipe to tear down trade unions' *The Hindu* (India, 16 Nov 2020)
2. Sharat S S, 'Fixed-term workmen: Trade unions fear for collective bargaining power'

(India, 6 Jul 2020)

3. Jinoy J P, 'Why workers need unions?' *Business Line* (India, 15 Apr 2020)
4. Sarah O C, 'Trade unions are back after a long time' *Financial Times* (London, 9 Mar 2021)

● **Websites**

1. www.arthapedia.com
2. www.gov.uk
3. www.indiankanoon.com
4. www.ilo.org
5. www.iza.org
6. www.labour.gov.in
7. www.prsindia.org
8. www.tuc.org.uk
