



TRADE UNION ACT, 1926

Trade Unions

- * "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business

CONTD.....

- * Trade unions are formed to protect and promote the interests of their members. Their primary function is to protect the interests of workers against discrimination and unfair labor practices.

DEFINITION OF TRADE UNION

- * A trade union is such an organisation which is created voluntarily on the basis of collective strength to secure the interests of the workers.



SCOPE OF THE ACT

- ⌘ This Act provides for the registration of trade unions and in certain respects in define the law relating to registered Trade Unions.
- ⌘ The act applies to registered Trade Unions.

COVERAGE OF THE ACT

- ❑ This act specifies the mode of their registration:.
- ❑ The act was passed to regulate :
 - a) Conditions governing the registration of a trade union.
 - b) Obligation imposed upon a registered trade unions
and
 - c) Rights and Liabilities of Registered Trade unions.

REGISTRATION OF TRADE UNIONS

Appointment
of Registrars.

Mode of
registration

Application
for
registration

Provisions to
be contained
in the rules of
a Trade Union

Power to call
for further
particulars
and to
require
alterations of
names

Registration

Certificate of
registration

REGISTRAR

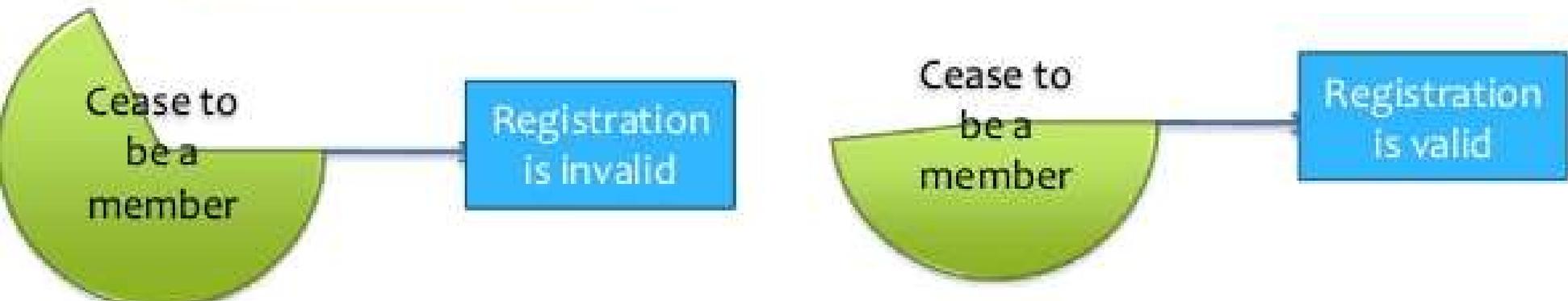
Can be central or state government (in relation to trade union's objects are confined)

1) Appointment of registrar (Sec. 3)

- Appointed by "appropriate Government"
- appropriate Government can also appoint as many additional and Deputy Registrars of trade unions.
- But limits will be defined by Registrar

2) Mode of registration (Sec. 4)

- Any 7 or more members of Trade Union can subscribe to the charter of TU by application and complying with the provisions of this Act.



REGISTRATION OF TRADE UNIONS ...

3) Application for Registration(Sec. 5)

-Application for registration of TU shall be made to Registrar in comply with Rules and statement of following particulars:

Names, Occupations & Address of the members

Name of the Trade Union & Address of its head office

Any member to which TU is entrusted

Titles, Names, Ages, Addresses & Occupations of office Bearers of TU

Where is Existence of TU from past 1 Year before making this application

REGISTRATION OF TRADE UNIONS ...

4) Provisions to be contained in the Rules of Trade Unions (Sec. 6)

Name of TU

list of members of TU and their inspection

Whole of the objects for which the TU has been established.

Whole of the purpose for which the general fund of the TU shall be applicable.

Manner for every appointment and removal of office-Bearer/
Dissolve of TU

admission of ordinary members (employee) to whom TU is connected & the number of temporary members as office-bearers (forms the executive of TU)

Conditions under-benefit entitled to members

Manner of Annual Audit of the account books

REGISTRATION OF TRADE UNIONS ...

5) Power to call for further particulars and to require alterations of names(Sec. 7)

- * If TU is proposed to be registered is identical with that by which any other existing
- * shall refuse to register TU until such alteration has been made.

REGISTRATION OF TRADE UNIONS ...

6) Registration(Sec. 8)

Registrar, on being satisfied that the TU has complied with all the requirements of this Act in regard to registration, shall register the TU within a period of

60 days

 from the date of such compliance.

7) Certificate of registration

in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Act.

CANCELLATION OF REGISTRATION

- ❑ by the Registrar
 - on the application of the TU
 - certificate has been obtained by fraud or mistake
 - TU has ceased to exist or has willfully and after notice from the Registrar contravened any provision of this Act

Provided that not less than 2 months previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union

RIGHTS & LIABILITIES OF REGISTERED TRADE UNION

- ❖ **Objects on which general funds may be spent**
- ❖ **Constitution of a separate fund for political purposes**
- ❖ **Criminal conspiracy in trade disputes**
- ❖ **Immunity from civil suit in certain cases**
- ❖ **Enforceability of agreements**
- ❖ **Right to inspect books of Trade Union**
- ❖ **Rights of minors to membership of Trade Unions**

Objective of Trade Unions

- Wages salaries
- Working conditions
- Discipline
- Personnel policies
- Welfare
- Employee-employer relation
- Negotiating machinery
- Safeguarding organizational health and interest of the industry

TRADE UNION FINANCE AND FUNDS

- A. Rate of subscription of Union Members:-** Section(6)(ee) of the trade union act 1926, provides that the payment of minimum subscription by member shall not be less than;
- I. One rupee per annum for rural workers;
 - II. Three rupee per annum for workers in other un recognized sectors; and
 - III. Twelve rupees per annum for workers in other cases.



B. General Fund

Section 15 of the trade union act, 1926 lays down the purpose for which general fund of a registered Trade union can be utilized namely

1. The payment of salary allowances and expenses to office bears of trade union;
2. The payment of expenses for the administration of the trade union including Audit of the accounts of general funds of the trade union
3. The conduct of trade disputes on behalf of then trade union or any member thereof;



C. Political Fund:-

Trade unions compelled to get into political spheres. Trade Unions which are registered are permitted as per Section 16 of the Act, to raise separate Political Fund for its members.

The political Fund can be used for the following expenses.

1. For holding the meeting.
2. For distribution of any document.
3. For holding Political meeting.
4. For registration of electors.



AMALGAMATION OF TRADE UNION (SEC 24 & 25)

Any Registered trade union may amalgamate with any other union provided that at least 50% of the members of each such union record their votes and at least 60% of votes so recorded are in favour of amalgamation. A notice of amalgamation signed by the secretary and at least seven members of each amalgamating union should be sent to the registrar and the amalgamation shall be in operation after the registrar registers the notice.



DISSOLUTION OF TRADE UNION

A Registered trade union can be dissolved in accordance with the rule of the union. A notice of dissolution signed by any seven members and the secretary of the union should be sent to register within 14 days of the dissolution. On being satisfied The registrar shall register the notice and the union shall stand dissolved from that date.



CASE STUDY OF HOTEL OBEROI

- ❖ The employees of the hotel used to get 65 days holiday per year, but the management wanted to reduce it by 15 days due to some managerial issues.
- ❖ The workers readily and strongly opposed this proposal and approached Maharashtra Samarth Kamgar Sanghatna to solve this issue.
- ❖ MSKS understood the workers dilemma and went to the management to reach an understanding via collective bargaining.

COLLECTIVE BARGAINING PROCESS

1. MSKS agreed to convince the workers but in return asked the management to pay 20 days extra salary in the month of December.
2. The management and workers debated over the issue.
The management found that they had the workers working for 15 extra days and the workers found that they were being paid for 20 days just for 15 days of extra work.
3. Both the parties reached an agreement.
Thus, MSKS was successful in creating a win-win situation via collective bargaining.



**Thank
you**