

Right To Strike Of Workers: A Psychological Analysis

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ABSTRACT

Strike is a form of industrial dispute and unrest. Strikes are characteristic social cum economic problem an industrial society. They reflect abnormalities in human relationship and inflict injurious consequences upon employers-employee's relationship and impede economic progress. The indirect losses of strike are probably greater than direct losses. Social costs of disrupted industrial relations are heavier than their economic burdens. Serious disorders, even the use of violence, often accompany strikes and lock-outs and tend to alienate public sympathy as they did in the recent strike by workers of public sector banks. Apart from wanton destruction of life and property and disruption of social organizations these strikes impair the economic life of the society. Strikes are becoming quite frequent. For industrial peace and harmony it is absolutely necessary that both employers and employees should know their statutory rights regarding strikes.¹

INTRODUCTION TO STRIKE

In any industrial Endeavour co-operation of labor and capital is quite essential for its success, although they have interest contrary to each other. They have different strategies and weapon to ventilate their grievances and safeguard their interest. This democratic weapon often used by workers is strike. It owes its origin to old English words 'strican to go'. In common parlance it means it impress, occur to, to quit work on a trade dispute. The definition and use of word strike has been undergoing constant transformation around the basic concept of stoppage of work or putting of work by employees in their economic struggle with capital.²

The term strike has been defined in a wide variety of branches of human knowledge viz. etymology, sociology, political economic, law and political science. Webster's dictionary defines the terms strike as "the act of quitting work done by mutual understanding by a body of workman as a

means of enforcing compliance with demand made on their employers; a stopping of work by workman in order to obtain or resist a change in conditions of employment".³

It shows that strike is adopted as a means to compel the employer to enforce compliance or demands made on their employer. In such an action the work is stopped by the workman under the common understanding. The purpose of strike is always to ameliorate the working conditions or for some gainful objective. Strikes have permeated a wide sphere of life. Children go on hunger strike for satisfaction of their wants. School boys and collegiate walk out of their classes in protest against the behavior of a certain teacher or for similar causes; politician invoke mass strikes to register their protest against the policies of the ruling parties, and it has become a modern art, without criticism, to resort to strike of some sort for redressing grievances of any sort, when one feels helpless. But so far, the greatest impact of strikes has been felt on industrial life, they have been instrumental

¹ D.N.Vohra, *Law Relating to Strike and Lockout* 1 (Labour Law, New Delhi, 1stedn., 1960).

² V.G. Goswami, *Labour and Industrial Laws* 560 (Universal Book Traders, Delhi, 3rdedn., 2011).

³ *Ibid.*

in giving effect to forced readjustment of employment relationship of labor and capital. Strike has not left any walk of life unaffected.⁴

Strike of course, have high attention value. Conflict is always news; disruption of customary routines is quickly noticed. Perhaps strikes receive excessive newspaper publicity precisely because they are unusual. But the net effect is given to general public a perception of a union as group organized primarily to strike, only secondarily to keep work in progress. Yet most unionist dislike strikes intensely; Knowles quote one as saying, "the only man who desires a strike for fun is the man who wants to go to hell for a pastime."⁵

In the recent time psychological factors operating in day to day union management relations, because these are the most important aspect of strike problem. We cannot ignore the strike as a psychological situation of great significance. The events during a strike represents the culmination of the trends on which emphasis has been laid: the building up of aggressive tensions, increasing distortion of perceptions, suspicion and distrust, tactics calculated to strengthen one side and weaken the other. Such psychological factors as union morale play an important part in strike crumble and people stay on the job instead of on the picket line.⁶

1.4.1 The Strike: A Psychological Analysis

1. Perhaps the first observation worth making regarding the strike is that it is essential a crisis situation from the point of view of the participant. Contrary to popular opinion, striking is neither a monthly nor even an annual pattern of behavior for most unionist. Thus neither the executives nor the union members have clear cut perception of what is happening. What is likely to happen, and even on occasion what ought to be happen. The situation therefore is what we have called an ambiguous situation: it is susceptible of a variety of interpretations in accordance with motives, frustration and pre-existing attitudes of the perceiver. This ambiguity leaves ample room for rumors' perceptual distortions and misunderstanding to occur. Communications are likely to be disrupted, not only between management and workers but also between union leaders and workers. This set of characteristic means that strike is an unstable phenomenon in which predictions of behavior are less dependable. Since management and

workers need to be able to predict what is going to happen, this instability increase tension and makes for violent reactions.⁷

2. A second major feature of the strike is that it is an opportunity for expressing aggression. First and foremost, this applies to the workers, who are likely to have bottled up tension based on real or imagined grievances, or on environmental restraints even if these are not perceived as grievances. The strike atmosphere encourages and indeed even seems to sanction the open expression of hostility. Such expression is easier to observe in the workers, but it is also observable among executives. Violence of verbal expression and encouragement of aggressive action by law-enforcement officers and company guards illustrate this point. Aggression is restricted by certain group norms (legal and ethical restrictions) which become internalized as the superego motives. The strike provides a situation in which these norms are seen as inapplicable. Consequently, inhibitions on both verbal and overt hostility are lifted.⁸

3. In terms of group processes, a third feature of the strike is a reduction in the areas overlapping for management and union. Normally a member of management can discuss issue with unionist, socialize with them if he wishes, etc. under strike conditions the number of incompatible activities increase, the rigidity of barriers increase, and the number of negative valence increase. For example: friendly relations between top executives and union officers perceived on a purely personal basis decrease in frequency and are more often perceived as forbidden to members of the group. The strike obviously makes certain activities impossible (work, issuing order etc.). Executive fined new and more rigid barriers to their goal of profitable operations; workers encounter barriers to income aspirations. Those individual who attempt to carry on normally may encounter ridicule, threats, or violence. Pickets also risk violence from police and company guard⁹. All these factors tend to sharpen the perceived separation of the group and decrease the probability of harmonious relations if they continue for more than a few days. It is obvious, for instance, that the individual living within this kind of environment will build up more tension and more hostility, which will be directed against the opposing group. This any long continued strike is likely to leave

⁴ *Supra* note 62 at 561.

⁵ Ross Stranger, *Psychology of Industrial Conflict* 414 (John Wiley & Sons, INC., New York, 2ndedn, 1948.)

⁶ *Ibid.*

⁷ Barkin.Solomon, *A Trade Unionist Appraises Management Personnel Philosophy* 59 (Harvard Bus, 7thedn., 1950).

⁸ *Ibid.*

⁹ *Id.* at 60.

a residue of bitterness which may be greater than the accumulation that precipitated the break.¹⁰

4. The strike is perceived as a major threat to each group. In terms of our homeostatic formulation, the top official and even lower echelons of each group symbols, developing rationalization to justify group policy, and affirming even more emphatically the program that preceded the strike. Members of management who may have seen something of the employee viewpoint, and urged a conciliator policy, characteristically move toward a "firm stand" once the strike is on. These phenomena are especially visible on the union side, where group solidarity is not reinforced by managerial controls. Just as national patriotism is heightened in time of war be intensified in a period of crisis. Since outsiders are likely to be perceived with suspicion at times of conflict and strikes, research data on this point have not been extensive. This exaggerated in group solidarity is, of course, in some degree enemy a byproduct of the displacement of aggression onto the common enemy. Frictions between fractions within the union will be diminished as both groups join in hating the employer. For this reason some union officers have been tempted to risk strikes that were of doubtful validity.¹¹

Perhaps than, the best generalization about the strike is that it represents a sharpening of all factors that we have stressed so far in this volume as bases for division and conflict within industry. Difference in perception, motivation, and aggression become intensified. Group solidarity is strengthened. Attitudes opposing the other group are reinforced. It is hardly surprising that mediators and conciliators strive by every device available to keep the parties talking and avoid the open break involved in a strike.¹²

1.4.2 Strike as Perceived

We have defined a strike as an ambiguous event, readily perceived as a different phenomenon by different observers. This strike is an excellent example, since it was seen differently by various groups among management as well as among the union. One section of the top management viewed the strike as a calculated stratagem on the part of the workers. These executives called attention to the export order and to the fact plan was already closed

down, indicating that these factors gave the "Oscar center" employees a tactical advantage. These some executives were prone to see the strike as a struggle for control, an expression of a desire on the part of the workers to run the plants.¹³

Another secret within management viewed the strike as an irrational, emotional outburst. They looked upon events as in the nature of catharsis, and referred to the necessity for letting the men "blow off steam" before seriously attempting to breach a settlement. Some executive accepted both this and calculated power struggle interpretation; the apparent contradiction they resolved by referring the irrational emotion to the rank and file, deliberately strategy to the officer.¹⁴

Union views of the strikes were also divergent. One perception focused on the violation of customary practices, the ending of the "indulgency pattern"; the other stressed business minded concepts and the alleged violations of the contract. When the tradition-minded group spoke of management "broken promise", they referred to breaking long-established traditions, to demotion of supervisor with 20 years' seniority, to excessively close supervision of employees, and other violated expectations. When the contract oriented group spoke of "promise broken", they were more often pointing to practice for bidden by the contract. Thus even the same phrase did not indicate the same percept in this case.¹⁵

Naturally enough, these two groups desired different outcomes from the strike. The tradition-centered men wanted a return to the old "indulgency pattern" the removal of the efficiency engineer, the restoration of the informal program that had run the plant for years until the new impersonal program had been instituted. The contract-oriented members wanted to change the formal organization to insure themselves against further frustrations. They asked for control of speed of operations to share with the union, and for other changes in the contract to protect the members. These divergent contribute in considerable measures to problems of resolving the differences in strike.¹⁶

1.4.3 The strike as a weapon

¹⁰ Barbsh.Jack, *Labour Unions in Action* 316 (Harper & Bros., New York 4thedn., 1948).

¹¹ Neil W. Chamberlain, *Social Responsibility and Strikes* 78 (Harper & Brothers, New York, 1stedn., 1969).

¹² *Id.* at 81.

¹³ *Supra* note 65 at 414.

¹⁴ *Ibid.*

¹⁵ Charles E.Lindblom, *Unions and Capitalism* 123 (Yale University Press, London, 2ndedn., 1950).

¹⁶ H.J. Laski, *Trade Unions in the New Society* 219 (George Allen and Unwind Ltd., London, 5thedn., 1950).

The strike is very flexible weapon. It is also a very powerful one and is therefore hedged with legal restriction and managerial reciprocity. The strike is the union major weapon, organized labor has been extremely jealously of its protection and sensitive to any attempt to curtail it is on any grounds whatever. A typical statement of view is the following words "strike never welcomed by the public and seldom desired by industry or labor. But they may a necessary to promote the general welfare and to establish justice for workers. The right to strike as weapon is separable from human freedom. No genuine democracy will consider outlaws strike, but ample facilities for helping to adjust issues and problem that because strikes should provide. Introduction to labor economics.¹⁷

1.4.4 Strikes as a part of collective bargaining:

It is common in the press to characterize a strike as a breakdown in collective bargaining. However, on closer analysis it will be found to be a continuation of collective bargaining. A strike represents the ultimately display of power on the part of a union in an attempt to force an employer to grant concessions. The object in undertaking a strike is to win concession. The objective of the employer in permitting the strike to occur is to defeat the union by forcing it to use its economics power and then fail to achieve its goal. Thus, side undertakes a strike with the hope and anticipation that results will be victory for itself.¹⁸

The strike is used by both sides a weapon for achieving a solution to issues in dispute. Viewed from this standpoint it becomes perfectly clear that a strike is a continuation of collective bargaining at the level of overt display of naked power. It is totally unrealistic to view a strike as a breakdown in collective bargaining. This confusion results from the belief that collective bargaining only discussion of issues in a peaceful manner across a bargaining table.¹⁹

Strike regarded as a lawful and powerful weapon in the hand of workman in dealing with an employer referring to accept their demand. However, strikes are in themselves economically wasteful and productive of hardship. They involve economically drastic consequences both employers and employees. In the absence of state intervention, the basis of resolution of dispute between the parties is the give and take induced by an assessment of strength of each

party the economic fears of drastic consequences of strike actions. Use of strike action ay thus is regard as an important element in the bargaining process. Use of the weapon of strikes with all its attendant hardship induces a realization on the part of the parties that it is better to secure an agreed solution by bargaining than be involved in conflict. The very prospect of adversity which strike will bring provides a prop to compromise. Even when strike occurs, every financial pressure of the strike acts as a catalyst which makes compromise feasible. "As the strike progresses, the employee saving vanish, the union fund dwindles, and organization faces mounting losses. Demands are tempered, offers are extended, and compromise, beforehand unthinkable becomes acceptable". Strike is therefore, recognized as an essential elements in the process by which union-management agreement is reached in countries like united- kingdom and United State where wages and conditions of work are primarily settled by direct collective bargaining.²⁰

1.4.5 Strike as a union tactics

Union tactics are the methods the unions use to put over their program. The tactics are related to collective bargaining. They consist of strike, picketing, boycotts, newspaper and other propaganda, strategic moves in employer- employees' negotiations, member rallies and political action. They are the activities with which everyone is familiar, the drastic occurrence that are played up in the news and made the subject of radio discussion, magazine articles, and popular novels.²¹

Unions use weapons of force like strike, the slowdown, and jamming of the grievances procedure. Management's comparable weapons are lockout, arbitrary reinterpretation of a bargaining agreement, and tough grievance decisions. These tactics of force all have one element in common. They are weapons for maximizing industrial disorder.²²

It is obvious that the strike and lockout halt production completely. This is complete industrial disorder from our standpoint. A slowdown introduces disorder while the organization continues to function (striking on the job). Arbitrary management reinterpretation of the union agreement will also be disorder producing for the union and its member while the work organization continues to function. When either or both parties use the grievance machinery as an instrument to gain power, they are attempting to

¹⁷ Orme. W. Phelps, *Introduction to Labour Economics* 300 (McGraw Hill Book Company, Inc, New York, 2ndedn., 1955)

¹⁸ Robert Dubin, *Working Union-Management Relations* 208 (Prentice Hall. INC, 1stedn., 1958).

¹⁹ *Id.* at 209.

²⁰ V.P Arya, *Strike and Lockout Law & Practice* 45 (Oxford & IBH publishing Co., New Delhi, 2ndedn., 1972).

²¹ *Supra* note 77 at 297

²² *Supra* note 78 at 206

convert machinery for social adjustment into an instrument of force. Robert Dubin. Union tactics highlights conflicts; they appear at times when the diversity of interest of employers and employees is being stressed. They are countered by employer tactics of equal variety and determination, and the result naturally draws the interest of bystanders. In a country where so much emphasis is put upon rivalry and competition, the annual round of union-management contest belongs-and- is found in the centre ring under the big tent.²³ The relationship between union management, union program and union tactics is as follows:

1. The union program is the final. Long-range objective. It is what the unions was created for and exists for, its reason for being.
2. Union tactics are the immediate objectives, by, means of which the union can advance toward its real goal of security, a good contract and acceptance as agent of the employees. In military terminology, the union program is the campaign; the tactics' moves such as strikes or boycott are the individual battles, which collectively make up the persecutions of war.
3. Union management in turn is the housekeeping and administration which keeps the union in trim to mount an offensive in the direction of its long-range objectives. Union tactics may be used to strengthen the union internally, as when a strike is called to solidify morale; however, there is a clear line of demarcation between the two. Union tactics are relations with the enemy (employers); they are primarily external in character. Union management, on the other hand, is primarily an internal affair, composed of relations with members and colleagues.

In the light of the above, it is clear that the nature of the union program will dictate the tactics to be used. Most union tactics in this country are pointed at employers and related in some way to strengthening the union in its collective bargaining.²⁴

1.4.6 Factors influencing strike

It is difficult to generalize about union strike policy, except to say that almost any conclusion concerning it

have to be qualified so many times as to be practically useless. The use of strikes by unions range all the way from policies of complete self-denial (found in the constitutions of some unions of government employers) to an attitude of extreme aggressiveness, in which the slightest grievance becomes a pretext for a walkout. Some unions have carried on collective bargaining for years without a shutdown; others (like the United mine workers, with its "no contract, no work" rule) open every bargaining conference with an implied threat of strike, manipulate the strike weapon with imagination and abandon, and almost seem to enjoy breaking of relations with management.²⁵

However, without attempting to establish rules which will apply to all unions, it is possible to point to some of the factors which will influence the strategic use of strikes. Some of leading one is:

1. General economic conditions;
2. Union leadership and morale;
3. The personal policy of employers;
4. Statutory and legal limitations upon strike action;
5. Policies and identification of local law-enforcement;
6. The overall political and social environment.

It is not possible to say in advance which of the above more is and which is less important²⁶. At different times and in different situations, first one and then another may prove controlling. However, it is fair bet that attention to these half-dozen factors will contribute to an understanding of the strike policy of a given union or group of union.²⁷

CONCLUSION:

Right to strike has become an urgent and complex task to reconcile the workers to go on strike, with the right of the community to continue to enjoy, the basis necessity of life interrupted. The right to strike is an integral part of individual freedom and liberty, which man has the right to decide to work or not to work for certain given term of employment. But it is not a fundamental right under constitution of India. Right to strike by workers in Public Sector Banks is not absolute, like all other individual rights. Under

²³ Florence Peterson, *Survey of Labour Economics* 295 (Harper & Brother, New York, 2ndedn., 1951).

²⁴ *Supra* note 77 at 298.

²⁵ *Supra* note 77 at 313.

²⁶ J.M. Dewan and K.N. Sudarshan, *Labour Management* 15 (Discovery Publishing House, New Delhi, 1996).

²⁷ *Ibid.*

Industrial Dispute Act, 1947 workers employed in Public utility service cannot go on strike without fulfill the condition mention unde4r section 22 of ODA, 1947. In other words, IDA, 1947 impose restriction and limitation on the workers right to strike. In India nowhere expressly mention that workers have right to go on strike. it implied statutory right under the IDA, 1947 and Trade Union Act, 1926.in Historic T. K. Rangarajan case, held that Government employee have no fundamental, legal or moral right to go on strike. But Psychology of worker behind the strike is that strike is right of workers as well as strike is a strong weapon by which they can fulfill their demands from the employer or management.