

Industrial Dispute Act 1947

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Industrial Dispute Act 1947-Disputes settlement
machineries-Awards and settlements-Strike
and lockout-Lay-off and retrenchment -
Present day industrial worker: A comparison
with his predecessor-Directive principles of
State policy - creating and adopting labour
policy

Industrial Dispute Act 1947

- The Industrial Disputes Act, 1947 extends to whole of India.
- It came into operation on the first day of April, 1947.
- This Act replaced the Trade Disputes Act of 1929.
- The Trade Disputes Act imposed certain restraints on the right of strike and lockout in Public Utility Services.
- But no provision was existing for the settlement of Industrial Disputes, either by reference to a Board of Conciliation or to a Court of Inquiry.
- In order to remove this deficiency, the Industrial Disputes Act, 1947 was passed.

objects of IR

- to maintain industrial peace
- to achieve economic justice.
- to ensure fair wages
- to prevent disputes
- securing and preserving amity and good relations between employers and workmen
- Investigation and settlement of industrial dispute
- The prevention of illegal strikes and lock-outs;
- Relief to workmen in the matter of lay-off, retrenchment and closure of an undertaking
- Collective bargaining.

Features of IDA

- The Salient features of the Industrial Disputes Act, 1947
- 1) Any Industrial disputes may be referred to an industrial tribunal by an agreement of parties to the dispute or by the State Government if it deems it expedient to do so.
- 2) An award shall be binding on both the parties to the disputes for the specified period not exceeding one year. It shall be normally enforced by the Government.
- 3) Strikes and Lock-outs are prohibited:
 - During the pendency of conciliation and adjudication proceedings;
 - During the pendency of settlement reached in the course of conciliation proceeding;
 - During the pendency of awards of Industrial Tribunal declared binding by the appropriate Government.
- 4) In public interest or emergency, the appropriate Government has power to declare the transport (other than railways), coal, cotton textiles, foodstuffs and iron and steel industries to be a public of six months.
- 5) In case of lay-off or retrenchment of workmen the employer is required to pay compensation to them.
- 6) Provision has also been made for payment of compensation to workmen in case of transfer or closure of an undertaking.
- 7) A number of authorities such as Works Committee, Conciliation Officers, Board of Conciliation, Court of Inquiry, Labour Courts, Tribunal and National Tribunal are provided for settlement of Industrial disputes. The nature of powers, functions and duties of these authorities differ from each other but each one of them plays an important role in ensuring industrial peace

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Disputes settlement machineries

- MACHINERIES PROVIDED FOR SETTLEMENT OF DISPUTES BY INDUSTRIAL DISPUTES ACT, 1947. BY MANISHA VAGHELA
- 2. INTRODUCTION TO INDUSTRIAL DISPUTES ACT, 1947. Prior to the year 1947, Industrial Disputes were being settled under the provisions of the Trade Disputes Act, 1929. Experience of the working of the 1929 Act revealed various defects which needed to be overcome by a fresh legislation. Accordingly the Industrial Disputes Bill was introduced in the Legislature. The Bill was referred to the Select Committee. On the recommendations of the Select Committee amendments were made in the original Bill. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 3. 3. The Industrial Disputes Bill having been passed by the Legislature received its assent on 11th March, 1947. It came into force on 1st April, 1947 as THE INDUSTRIAL DISPUTES ACT, 1947. The Industrial Disputes Act, 1947 is a Piece of Central Legislation enacted to both employers and employees and thereby promote industrial progress. The Act extends to the whole of India and applies to every industrial establishment carrying on any business, trade, vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 4. 4. manufacture or distribution of goods and services, irrespective of the number of workmen employed therein. The Industrial Disputes Act, 1947 armed the government with powers which could be used whenever it considered fit to intervene in Industrial Disputes. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 5. DEFINITION OF Industrial Disputes. "Industrial Disputes means any dispute or difference between employers and employees, or employers and workmen or between workmen and workmen which is connected with employment or non-employment or terms of employment or conditions of labour of any person." - Industrial Disputes Act, 1947 [Section 2(k)]. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 6. 6. Industrial Disputes means any conflicts, unrest or dissension between the workers and the management on any ground. Industrial strifes constitute militant and organized protest against existing industrial condition. They are symptoms of industrial unrest in the same way that boils are symptoms of a disorder of body. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 7. ESSENTIALS OF Industrial Dispute Act, 1947. There must be a dispute or difference. The dispute or difference must be between employers & employees or between employers & workmen or between workmen & workmen. The dispute or difference must be connected with employment or non-employment or terms of employment or with the condition of labor of any person. Dispute should be related to working industry. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 8. OBJECTIVES OF INDUSTRIAL DISPUTE ACT, 1947. To make provision for the investigation of settlement of industrial dispute and for certain other purposes. To ensure the industrial peace. To ensure harmonious relations through monitoring of industrial relations in the organization. To implement the settlement of disputes. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 9. RELEVANT ILO STANDARDS. The International Labor Organization [ILO] has set up International Standards related to labor matters including industrial dispute settlement. The ILO conventions and recommendations which are relevant to industrial dispute settlements are as follows: vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 10. 10. The termination of employment convention, 1982. Examination of grievance recommendation, 1967. Voluntary conciliation and arbitration recommendation, 1951. Collective bargaining convention, 1981. The tripartite consultation [International Labor Standards] convention, 1976. Right to organize collective bargaining convention, 1948. The freedom of association and protection of right to organize convention, 1948. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 11. Machineries provided for settlement of disputes by Industrial Disputes Act, 1947. The Industrial Disputes Act provides an elaborate and effective machinery for bringing about Industrial Peace in an organization by setting up the following Authorities for the Investigation and Settlement of industrial Disputes. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 12. 12. Works Committee [Sec. 3]. Industrial Tribunals [Sec. 7(A)]. Conciliation Officer [Sec. 4]. National Tribunals [Sec. 7(B)]. Board of Conciliation. Voluntary Arbitration [Sec. 5]. [Sec. 10(A)]. Courts of Inquiry [Sec. 6]. Adjudication. Labor Courts [Sec. 7]. Mediation. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 13. Works committee. According to Section 3, of the act empowers the appropriate government to require an employer of any industrial establishment where 100 or more workmen are employed or have been employed on any day in the preceding 12 months to constitute a Works Committee. This committee consists of representatives of the employer and the workmen engaged in the establishment so that the number of representatives of the workmen is not less than number of vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 14. representatives of the employer. The representatives of the workmen shall be chosen among the workmen engaged in the establishment and in consultation with their trade unions, if any, registered under the Trade Unions Act, 1926. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 15. 15. The duty of the works committee is to promote measures for securing and preserving amity and good relations between the employer and the workmen, and to that end to comment upon matters of their common interest or concern and endeavor to compose any material difference of opinion in respect of such matters. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 16. Conciliation Officer. According to Section 4, the appropriate government may, by notification in the official gazette, appoint such Conciliation Officers, charged with the duty of mediating in and promoting the settlement of industrial disputes. A Conciliation Officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and his appointment may be permanent or vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA temporary.
- 17. 17. The Conciliation Officer for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the disputes. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA
- 18. Board of Conciliation. According to Section 5, the appropriate government may as occasion arises by notification in the official gazette constitute a Board of Conciliation for promoting the settlement of an industrial dispute. A Board shall consist of a chairman and two or four other members, as the appropriate government thinks fit. vaghela_manisha13@yahoo.com BY:MANISHA VAGHELA

Lay-off and retrenchment

- Distinction Between Lay-off and Retrenchment.
- Term lay-off has been defined in Section 2(kkk) and the term retrenchment' in Section(oo).
- In case of lay-off there is failure, refusal or inability of the employer to give employment to a workmen for a temporary period while in retrenchment the workman is deprived of his employment permanently Lay-off is on account of one or more reasons mentioned in Section2(kkk) while in
- retrenchment the termination is on the ground of service of labour.
- The reasons of lay-off are entirely different as compared to reasons of retrenchment.
- In lay-off the labour force is not surplus but in retrenchment it is surplus which has to be retrenched.
- In lay-off the relationship of employment is not terminated while in retrenchment it is terminated.

Lay-off and retrenchment

- In lay-off relationship of employment is only suspended while in retrenchment it is terminated.
- Consequences of both are different to each other and are governed by different norms.
- Lay-off is for trade reasons beyond the control of the employer i.e it is not intentional act while retrenchment is permanent with the intention to dispense with surplus labour.
- In lay-off there is no severance of relationship of employer and employee while in retrenchment, the relationship of employer and employee is severed at the instance of the employer.
- The right to receive lay-off compensation is subject to certain more stringent restrictions while the right to receive compensation is absolute in retrenchment.
- The right to receive lay-off compensation is subject to certain more stringent restrictions while the right to receive retrenchment compensation is subject to less stringent restrictions.

Directive principles of State policy

- The Constitution of India provides detailed provisions for the rights of the citizens and also lays down the Directive Principles of State Policy which set an aim to which the activities of the state are to be guided.
- These Directive Principles provide:
 - a. for securing the health and strength of employees, men and women;
 - b. that the tender age of children are not abused;
 - c. that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
 - d. just and humane conditions of work and maternity relief are provided;
 - and e. that the Government shall take steps, by suitable legislation or in any other way, to secure
- the participation of employee in the management of undertakings, establishments or other
- organisations engaged in any industry.

Indian Constitution and IR

- Constitutional rights : adequate means of livelihood, equal pay for equal work, similar working conditions, living wages, etc.
- **Article 14** says that the state shall not deny to any person equality before the law
- **Article 16** guarantees equality of opportunity in matters of public employment
- **Article 19** guarantees the right to freedom of speech and expression.
- **Article 24** of the constitution prohibits employment of children below 14 yrs of age in factories.

- **Article 39** deals with same pay for same work.
- **Article 42** ensures good working conditions.
- **Article 43** deals with living wages.

Impact of Liberalization on IR

- LPG?????
- 1991 New Economic reforms were introduced.
- Initial phase of liberalization led to the shock of competition
- Many prosperous family business felt a shock that time
- Consumer truly became empowered
- Markets have become very competitive

- It become difficult to attract, mould, develop and retain human resource.
- In order to survive the companies are reinvesting themselves by revamping their organisational culture and structure.
- Communication barriers have been dismantled.
- Loyalty goes down
- Increase in female participation
- Equal opportunities for male and female.

The Modern IR Concept

	Ownership	Focus	Means	Result / End
Old	Factory owners	Production	Only two layers	Hire and Fire
Classical	Govt & Big Business Houses	Production & Employment	Owners hold top Positions	Labour Unions
Modern	Govt/ Private/ Trust/ MNC	Production and HR Development	Policy to retain employees	Feeling of belongingness

Factors affecting Industrial Relations

- Institutional Factors – State policy, labour laws, collective bargaining agreement, labour unions.
- Economic Factors – type of business organization sole proprietorship, partnership, MNC, Govt Economic Policies, labour supply in market.
- Social Factors – Cast, colour, social values, norms, social status

- Technological Factors – introduction of new and improved technology
- Psychological Factors – owners attitude, perception of workforce, motivation, morale.
- Political Factors – political system, system of government political philosophy, attitude of government towards trade unions.
- Global Factors – international relations, global conflicts, international labour agreements.

International Labour Organisation(ILO)

- Established in April 11, 1919 by the Versailles Peace Conference as an autonomous body associated with the League of Nations.
- Its first assembly took place in Washington on April 29,1919
- There were 45 members of the ILO in 1919.
- India has been a member of the ILO since its inception.

Objectives of ILO

- Full employment and the raising of standards of living.
- Workers must be given that employment in which they can have the satisfaction of giving the fullest measure of their skill and make their contribution to the common well being.
- Facilities for training and the transfer of labour including migration for employment and settlement.

- Policies in regards to wages and earnings bonus and minimum wages.
- Right of collective bargaining.
- Social security measures and medical care
- Adequate protection by the life and health of workers in all occupations.
- Provision for child welfare and maternity protection
- Provision of adequate nutrition, housing and facilities for recreation and culture
- The assurance of educational and vocational opportunity.

- Since 1945 ILO has expanded its working in three major directions:
 - 1) The establishment of Tripartite International Committees to deal with problems of some of the major industries
 - 2) The holding of regional conferences and meetings of experts to study special regional problems particularly those of underdeveloped region.
 - 3) The development of operational activities

ILO Membership

- Today the ILO comprises 183 Member States.
- In addition to the States which were Members of the International Labour Organization on 1 November 1945, any original member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly may become a Member of the ILO.
- Communicating to the Director-General its formal acceptance of the obligations of the Constitution of the Organization.

Organisational Structure

- ILO is a tripartite organisation consisting of representatives of the governments, employers and workers of member countries in the ratio of 2:1:1.
- Three main organs of ILO:
 - i. The International Labour Conference
 - ii. The Governing Body
 - iii. The International Labour Office

International Labour Conference

- The ILC sessions held once a year and is the policy making organ of ILO
- Each member country is represented by four member delegates – two representing the Government, one representing the employers and on one representing the workers.
- Principal function is to formulate international social standards in the form of International Labour Conventions and Recommendations.

The Governing Body

- Governing body is the chief executive body of the organisation and meets several times a year to formulate policy for effective programming of work and setting of agenda for the annual conference.
- Membership of 40.
- 20 Government representatives, 10 employers representatives and 10 representatives of employees

The International Labour Office

- The International Labour office functions as the secretariat of the ILO.
- Its main functions are preparation of the documents on varied items of the agenda of the meeting of the conference collection and distribution of information on all subjects.

Major Activities of ILO

- Creation of International standards of Labour
- Employment Creation
- Collection and Distribution of Information and Publication
- Research & Studies
- Training
- Improvement of Working conditions and working environment

Role of ILO in industrial relations

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- The International Labour Organization (ILO) was created in 1919. Since 1946 the ILO is a specialized agency of the UN.

The Organization aims at promoting social and economic progress and improving labour conditions. The main functions of the ILO are the following:

- creation of coordinated policies and programs directed at solving social and labour issues;
- adoption of international labour standards in the form of conventions and recommendations and control over their implementation;
- assistance to member-states in solving social and labour problems;
- human rights protection (the right to work, freedom of association, collective negotiations, protection against forced labour, protection against discrimination, etc.);
- research and publication of works on social and labour issues.
- The basis of the ILO is the tripartite principle, i.e. the negotiations within the Organization are held between the representatives of governments, trade unions, and member-states' employers.
- 187 conventions and recommendations on social and labour issues have been adopted since 1919.

Role of ILO in industrial relations

- The International Labour Conference (ILC) is the ILO superior body convened at least once a year. The Conference deals with examining and adopting the international norms in the social and labour sphere, and with discussing universally important questions.

The Governing Body is the ILO executive body which directs the Organization's activities in the period between the ILC sessions and defines the order of the Conference decisions' implementation. The Governing Body meets three times a year.

The International Labour Office is the ILO permanent secretariat. The Republic of Belarus has been an ILO member-state since 1954. Belarus ratified 49 ILO conventions, including 8 fundamental conventions.

Membership in the ILO allows Belarus to study and apply the international practice of settlement of social and labor issues, to develop social partnership (government – trade unions – employers), to improve and regulate the labor market. Participation in the work of ILO helps to develop labor laws based on global experience, to promote entrepreneurship, to solve the problems of employment.

The main body cooperating with the ILO is The Ministry of Labour and Social Security of the Republic of Belarus (the resolution No.1504 "On Cooperation of the Republic of Belarus with International Organizations" adopted by the Council of Ministers of the Republic of Belarus on October the 30th, 2002).

Role of ILO in industrial relations

- **International Labour Organization (ILO)**, specialized agency of the [United Nations](#)(UN) dedicated to improving [labour](#) conditions and living standards throughout the world. Established in 1919 by the [Treaty of Versailles](#) as an affiliated agency of the [League of Nations](#), the ILO became the first affiliated specialized agency of the [United Nations](#) in 1946. In recognition of its activities, the ILO was awarded the [Nobel Prize](#) for Peace in 1969.

Role of ILO in industrial relations

- The functions of the ILO include the development and promotion of standards for national legislation to protect and improve working conditions and standards of living. The ILO also provides technical assistance in social policy and administration and in workforce training; fosters cooperative organizations and rural industries; compiles labour statistics and conducts research on the social problems of international competition, unemployment and underemployment, labour and industrial relations, and technological change (including [automation](#)); and helps to protect the rights of international migrants and [organized labour](#).

Role of ILO in industrial relations

- In its first decade the ILO was primarily concerned with legislative and research efforts, with defining and promoting proper minimum standards of labour legislation for adoption by member states, and with arranging for collaboration among workers, employers, government delegates, and ILO professional staff. During the worldwide economic depression of the 1930s the ILO sought ways to combat widespread unemployment. With the postwar breakup of the European colonial empires and the expansion of ILO membership to include poorer and less developed countries, the ILO addressed itself to new issues, including the social problems created by the liberalization of [international trade](#), the problem of [child labour](#), and the relationship between working conditions and the environment.

Role of ILO in industrial relations

- National representatives meet annually at the International Labour Conference.
- The ILO's executive authority is vested in a 56-member Governing Body, which is elected by the Conference.
- The International Labour Office in Geneva, Switzerland, composed of the permanent Secretariat and professional staff, handles day-to-day operations under the supervision of an appointed director general.
- The ILO has international civil servants and technical-assistance experts working in countries throughout the world.
- Among the ILO's many publications are the *International Labour Review* and the *Year Book of Labour Statistics*.

Role of ILO in industrial relations

- Creating more and better employment opportunities
- Respecting and legally protecting workers' rights
- Building and expanding social security systems
- Promoting the social dialogue between employers and trade unions

Role of ILO in industrial relations

- Accordingly, the ILO is obliged to support its members in this regard.
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Role of ILO in industrial relations

- Labour Inspection Convention, 1947 (No. 81) ; Employment Policy Convention, 1964 (No. 122) ; Labour Inspection (Agriculture) Convention, 1969 (No. 129) ; Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)