



RIGHT TO UNIOONISE - POLITY

NEWS: Workers at the Samsung India plant in Sriperumbudur, Tamil Nadu, have been protesting with the demand to form a trade union to bargain for better pay and working conditions.

WHAT'S IN THE NEWS?

Why Samsung Workers are Protesting?

The workers want their union "Samsung India Workers Union (SIWU)" to be officially registered. This would give them legal protection and allow them to engage in collective bargaining; which means negotiating as a group for better wages, safer work environments, and fair treatment.

The state government didn't register their union right, they formed a "workmen committee" to resolve the issue. This committee, according to the protesting workers, wasn't fair, they felt it was composed of employees who sided with the company.

The government used the police to control the protesting workers, which made the situation even more tense.

About Trade Union

- A trade union is a group of workers who come together to safeguard their rights and raise their voices for better wages, work hours, and job security.
- It acts like a representative who speaks for the workers when it comes to dealing with management.
- It is a powerful tool for collective bargaining—where workers negotiate as a group instead of individually.

What are the Legal Issues?

According to the Trade Unions Act (1926), workers have the right to form a union, and only a few members are needed to apply for registration. The law makes it clear that the Registrar of Trade Unions should ensure Trade unions are properly registered.

- In 1989, the Supreme Court maintained that forming a trade union is a fundamental right under Article 19(1)(c) of the Constitution, the court also underlined that this right should only be restricted in extreme cases where public order, morality, or national security is at risk.
- In the case of Samsung workers, experts argue that the state should prioritize registering the union, to allow them for proper collective bargaining, where the workers and company could discuss their differences through legal channels.

Can Samsung Stop the Trade Union from Using Its Name?

Samsung has raised concerns about the union using its name in Samsung India Workers Union (SIWU), saying it violates the Trade Marks Act of 1999. However, trade unions aren't businesses. They're simply groups that aim to protect worker rights.



International courts, especially in the U.S., have allowed what's called "nominative fair use." This means unions can use the company name to identify themselves, as long as it's done reasonably and not to confuse people.

About Collective Bargaining

Collective bargaining is an important mechanism that allows workers to negotiate as a group, and ensure they can stand on equal ground with big companies. This process has been recognized as a critical tool for workers around the world, helping them to ensure better working conditions, fair pay, and job security.

The Industrial Disputes Act (1947) supports this idea. **If collective bargaining fails, the government can appoint a conciliation officer to help resolve the dispute.** If that doesn't work, the matter can go to a labour court or industrial tribunal.

Significance of Workers' Rights

Workers' rights, including the right to unionize and strike, are fundamental in any democracy. **The Supreme Court has even called strikes a legitimate way for workers to demonstrate their rights.** While there are established rules for when and how workers can strike, the right is seen as a key weapon for workers.

The recent Samsung case underlines the **need for a proper system that allows workers to organize and bargain without interference.** Blocking their union registration or using the police to suppress their protest undermines the democratic principle of workers having a voice in their workplace.

About The Right To Unionise

The Right to form a Union provides workers with the power to unite and discuss issues with their employers as a group, which helps them to get better pay and working conditions.

Legal Framework

- The **Indian Constitution, under Article 19(1)(c), provides everyone the right to form associations or unions, which means workers have a constitutional right to start or join a union.** However, the government can limit this right if it affects public order, morality, or the unity and integrity of the nation.
- **Trade Unions Act (1926) permits unions to get official recognition.** It outlines how unions can register and what rights they have. The act encourages peaceful solutions to problems between workers and employers.
- **Rights and Protections for Unions**
- **Workers can create a trade union by registering with the Registrar of Trade Unions.** While registration isn't mandatory, it offers legal protection and recognition.
- **A registered union can negotiate on behalf of the workers with the employer.** They can ask for better wages, safer working conditions, and fair treatment.
- **Employers are prohibited from discriminating against workers for union activities.** This means workers can't be fired, demoted, or treated unfairly for being part of a union.
- Workers have the right to strike as a form of protest, although this is subject to certain legal conditions and procedures.



Significance of Being in a Union

- **Unions often secure better working conditions**, including safer workplaces, reasonable working hours, and fair treatment.
- **Workers who are part of unions usually earn more than those who aren't.** They may also get better benefits like health insurance and retirement plans.
- **Unions frequently negotiate contracts that prevent workers from being fired without a good reason**, giving them more job security.

Challenges

- **Some employers don't like unions because they believe it makes running the business harder.** They may resist union efforts to avoid higher labour costs and losing control over decisions.
- Getting a union registered can sometimes be difficult and take time. In some circumstances, applications are delayed or even rejected.
- **Gig and freelance work presents challenges for traditional union models**, as these employees lack the same protections and benefits as full-time employees.
- Some people believe unions can become too strong and make workplaces less flexible, which can hurt businesses in the long run.

Way Forward

Government should enhance legal protections for Union activities, and ensure timely registration of Trade Unions.

There is a **need to encourage dialogue between employers, employees, and Unions** to resolve conflicts and promote better industrial relations.

Trade Unions should adapt to the changing labour market by finding ways to represent gig and freelance workers and ensure that they also receive fair treatment and benefits.

Increasing awareness about the benefits of union membership and educating workers about their rights can help strengthen the union movement in India.

Learning from the best practices around the world and collaborating with international labour organizations will help India improve the effectiveness of the Union.

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