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A Study of statutory bodies, their role & impact on the grievance settlement mechanisms

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Abstract

Research scholar has selected a crucial topic for management and employees to handle based on statutory bodies, their role & impact on the grievance settlement mechanisms. This study is based on secondary data and forty-one references were stated. This research paper has been comprising important points like background and significance of grievance settlement in India, Importance of statutory bodies in addressing grievances, Overview of Grievance Redressal Mechanisms in India, Evolution of statutory bodies for grievance settlement, Role of government agencies, tribunals, and quasi-judicial bodies, Challenges and Limitations of statutory bodies in grievance settlement. Research paper has also included a literature review part which has been restricted to selected research papers only. Different locations have been selected to find out the gap between existing statutory bodies and grievance settlement mechanisms. Previous studies were conducted at Cement industry, hospitality sector, international Airport and IT sector by other research scholars. At the end suggestions were given based on the research gap identified in the existing mechanism of statutory bodies and grievance settlement mechanisms. These suggestions are as introduction of digital technology, alternative dispute resolution etc. researcher has included references at suitable places.

Keywords: grievance settlement, secondary data, digital technology, alternative dispute resolution, research gap

I. Introduction:

When employees experience any disputes, minor or major injustice at the workplace, it is called a grievance. An employee may raise a grievance when they feel the collective agreement has been violated. Usually, any form of grievance is handled with the help of collective bargaining involving representatives from the employer and trade union members. In India, when a grievance is aggravated and heading for a legal course, it becomes an "industrial dispute." The difference between the higher authority, management, and workers related to employment is the main issue in any dispute. Statutory bodies play a significant role in the grievance settlement mechanisms within the manufacturing industry. These bodies are established by law and have specific mandates to regulate various aspects of industrial relations, including the resolution of grievances. The impacts of grievance settlement mechanisms are as follows:

Statutory bodies often have regulatory oversight over industrial relations within manufacturing industries. They enforce labor laws and regulations related to grievance procedures, ensuring that both employers and employees adhere to the prescribed processes. Statutory bodies provide the legal framework within which grievance settlement mechanisms operate. They establish guidelines and procedures for addressing grievances to ensure they are resolved fairly and in accordance with the law. Statutory bodies may act as mediators or arbitrators in the resolution of grievances. They provide a neutral platform for parties to present their grievances and work towards a mutually acceptable solution. This helps prevent conflicts from escalating and minimizes disruptions to production.

Once a grievance has been settled, statutory bodies ensure that the decisions are enforced. They have the authority to implement corrective measures, such as ordering employers to provide remedies compensation to aggrieved employees. Statutory bodies monitor compliance with grievance settlement mechanisms to ensure that manufacturing industries adhere to labor laws and regulations. They may conduct inspections, investigations, and audits to verify that grievance procedures are being followed correctly. Statutory bodies often provide training and guidance to employers and employees on grievance resolution techniques and best practices. This helps promote a culture of constructive dialogue and conflict resolution within manufacturing industries. Statutory bodies may also be involved in the development of policies and guidelines related to grievance settlement mechanisms.

Overall, statutory bodies play a crucial role in ensuring that grievances within the manufacturing industry are addressed promptly, fairly, and in accordance with the law. By providing regulatory oversight, legal framework, dispute resolution services, enforcement mechanisms, monitoring, and guidance, these bodies contribute to maintaining harmonious industrial relations and fostering a conducive working environment for both employers and employees. When discussing the role and impact of statutory bodies on grievance settlement mechanisms in manufacturing industries, it's important to consider various sources that provide insights and data on this topic.

According to the International Labour Organization (ILO), statutory bodies such as labor departments or ministries enforce labor laws and regulations, including those related to grievance procedures (ILO, 2020). (15) The National Labour Law Profile of a country often outlines the legal framework for grievance settlement mechanisms, detailing procedures and regulations established by statutory bodies (ILO, n.d.). (15)."Journal of Industrial Relations," often discussed by Kaufman, B., & Taras, D. (2018) on "Dispute Resolution in Employment Analysis and Policy Implications," Relations: expresses the role of statutory bodies as mediators or arbitrators in grievance resolution manufacturing industries. (18)

The World Bank often highlights the role of statutory bodies in monitoring compliance with labor laws and regulations, including grievance settlement mechanisms. Reports from statutory bodies themselves or government publications provide insights into how decisions related to grievance settlement are enforced (e.g., Annual Reports of Labor Departments). (8) Manuals or guidelines published by statutory bodies or international organizations offer training and guidance on grievance resolution techniques (e.g., ILO publications). The International Labour Organization also gives guidelines on grievance handling. Academic papers and government reports often discuss policy development related to grievance settlement mechanisms, highlighting the role of statutory bodies in proposing reforms (Ministry of Labour reports on Industrial Relations Policy Reform). (16)

1.1 Background and significance of grievance settlement in India

Grievance settlement holds significant importance in the context of labor relations in India due to its various roles in maintaining industrial peace, fostering a conducive work environment, and upholding workers' rights.

Historical Context: Grievance settlement mechanisms in India have progressed over time, influenced by the country's history of labor movements and legislative reforms. The colonial legacy, coupled with the struggles of workers during the pre-independence era, laid the groundwork for recognizing the need for grievance redressal mechanisms (Chadha, 2019). (5)

Legal Framework: In India, various labor laws and regulations like the Industrial Disputes Act, 1947, the Factories Act, 1948, the Trade Union Act, 1926, etc. provide the basis for establishing procedures and mechanisms to address grievances in the workplace (Mishra, 2018). (21)

Industrial Relations: Grievance settlement is crucial for maintaining harmonious industrial relations in India as workforce diversity is seen and it comes under various trade unions. Effective grievance resolution helps to prevent conflicts, strikes, and disruptions in production, contributing to the overall stability of the industrial landscape (Bhatti, 2017). (4)

Worker Welfare: It is essential to safeguard the welfare and rights of workers in India. Grievances related to wages, working conditions, safety, discrimination, and harassment must be resolved in accordance with the law to ensure that workers are treated fairly. (Sinha & Rathore, 2020). (38)

Role of Statutory Bodies: Statutory bodies such as labor departments, labor courts, and industrial tribunals play a crucial role in grievance settlement in India. They provide the institutional framework and legal mechanisms for resolving disputes between employers and employees, thereby promoting industrial harmony and social justice (Singh, 2020).(38)

1.2 Importance of statutory bodies in addressing grievances:

Statutory bodies play a crucial role in addressing grievances in various sectors, including labor relations, consumer protection, and human rights.

Statutory bodies are established by law, granting them the authority to address grievances and enforce regulations. Their existence is mandated by legislation, ensuring that they have the legal power to intervene in disputes and resolve grievances. (Mistry, 2019). (23) Statutory bodies often comprise experts and professionals with specialized knowledge in specific domains. (Devi, 2020). (9) Statutory bodies are typically impartial and neutral entities that operate independently of government and other vested interests. (Sethi, 2018).(30). Statutory bodies have the enforce authority to their decisions ensuring recommendations, compliance with regulations and legal obligations. (Sharma & Sharma, 2017). (29). Statutory bodies help in formulating policies, regulations, and guidelines aimed at preventing grievances and addressing systemic issues. They contribute to the development of frameworks that promote transparency, accountability, and fairness.

II. Overview of Grievance Redressal Mechanisms in India:

Grievance redressal mechanisms in India involve a variety of processes.

Government Institutions: At the national level, the Centralized Public Grievance Redress and Monitoring System (CPGRAMS) provides a platform for citizens to lodge grievances related to central government departments and agencies (Department of Administrative Reforms and Public Grievances, 2020). (13) Ombudsman Offices: Various ombudsman offices, such as the Banking Ombudsman Scheme and the Insurance Ombudsman Scheme, offer grievance redressal mechanisms for consumers in the banking and insurance sectors (Reserve Bank of India, 2020). (25)

Labor tribunals and courts adjudicate disputes between employers and employees, including grievances related to wages, working conditions, and employment contracts. These institutions operate under various labor laws, such as the Industrial Disputes Act, 1947 (Ministry of Labour and Employment, 2020). (18) In 2020, the Government of India. launched a online platform to solve public grievances called "Jansamvad." This is a unique redress portal that offers digital grievance redressal mechanisms for various services and sectors. These platforms streamline the process of lodging complaints and tracking their status (Government of India, 2020). (12) Sarkar, S. in 2018 wrote a corporate grievance redressal mechanism. This case study points out that many companies have internal grievance redressal mechanisms for their employees, allowing them to raise concerns related to workplace harassment, discrimination, or other issues. (27)

2.1 Evolution of statutory bodies for grievance settlement

The evolution of statutory bodies for grievance settlement in India is broadly divided into three categories -

Pre-Independence Era:

Kumar, R. in 2002, wrote a research paper on "Indian Trade Unions: Growth, Development, and Problems," which shows that struggles and demands for better working conditions highlight the importance of addressing grievances. (19)

Post-Independence Legislative Reforms:

After Independence, India enacted various labor laws and regulations to protect workers' rights and establish mechanisms for resolving disputes. These laws are the Industrial Disputes Act, 1947, and the Trade Unions Act, 1926, which provided the legal framework for grievance settlement. (Singh, 2016). (36)

Establishment of Statutory Bodies:

Considering the overload, India has established statutory bodies such as labor departments, labor courts, and industrial tribunals to address grievances in the labor sector. These bodies have been empowered by legislation to adjudicate disputes and enforce labor laws (Government of India,).(11): In recent years, India has emphasized the digitization of grievance redressal mechanisms, which enhances accessibility and efficiency.

2.2 Role of government agencies, tribunals, and quasi-judicial bodies

Government agencies, tribunals, and quasi-judicial bodies in India play crucial roles in various aspects of governance, including dispute resolution, regulatory enforcement, and administrative adjudication. Government agencies, such as the Central Board of Direct Taxes (CBDT) and the Central Board of Indirect Taxes and Customs (CBIC), are responsible for resolving disputes related to taxation. (Government of India, n.d.).(13) Tribunals and quasi-judicial bodies, such as the Securities and Exchange Board of India (SEBI) and the Telecom Regulatory Authority of India (TRAI), play a vital role in enforcing regulations and ensuring compliance within their respective sectors. They have the authority to impose penalties and sanctions for violations of laws and regulations (SEBI, n.d.).(29)

Quasi-judicial bodies, such as the National Green Tribunal (NGT) and the Competition Commission of India (CCI), are empowered to adjudicate disputes and make decisions on matters within their jurisdiction. These bodies have quasi-judicial powers and follow procedural norms akin to courts. (24) Industrial tribunals and labor Courts, are established to adjudicate disputes between employers and employees. These bodies ensure fair resolution of labor disputes and grievances in accordance with labor laws (Ministry of Labour and Employment, 2020). (17)

III. Review of literature:

Vast literature is available on the topic, but selected research papers have been included where studies have been collected at different locations in the cement industry, hospitality sector, international airport, and IT sector.

"A Study on Grievance Handling Measures: a Theoretical Perspective," discussed by Balamurugan and Shenbagapandian (2016) focuses on the theoretical perspective of the grievance handling machinery. The study was intended to determine the effectiveness of the grievance management machinery faced by the employees of the organization. Researchers identified that most of the grievances are related to some common issues like pay, working conditions, lack of interaction, miscommunication, transfer, promotion, relationship with superiors, etc. The study suggested that every organisation must have adequate complaint managing system for their employees which helps to build a strong relationship between them and indirectly helps to improve their

productivity and eliminate the chances of disputes. Researchers also concluded that the employer must detect the reason behind the problem and its solutions. (2)

A case study of Bhilai Jaypee Cement Limited focused on the "Effectiveness of Grievance Handling Procedure" by Sukhdani (2016) studied the awareness, level of satisfaction, effectiveness, and source of grievance towards specific tools of the complaint administration method. This case study is based on primary data collected from 101 employees selected by way of a simple random sampling technique. The findings of the research showed a positive response on present policy for handling grievances. The reasons behind most grievances were promotion, discipline, wages, salary, working conditions, and other factors. Based on finding five steps, a model grievance procedure has been suggested. (39)

Grievance handling is a challenging task for the hospital industry, as mentioned by Aruchamyet al. (2017) in their study, "A Study on the Effectiveness of Employee Grievances Handling Mechanisms in Tertiary Care Hospitals in Cochin." By using primary and secondary data, it has been determined that any kind of grievance related to promotion, transfer, pay, working conditions, and suspension must be resolved by the organizations to make employees satisfied. The purpose of this research was to assess the effectiveness of complaint management by hospitals in Cochin. (10)

Deenathayalan Aruchamy, M Mariappan and Sasmita Palo "A study on the effectiveness of employee grievance handling mechanisms in tertiary care hospitals in Cochin" International Journal of Advanced 5(11):942–947, November Research, Engagement programs, two-way communication, and improving employee-employer relations are the solutions for educated employees at Soft Zeal Technology Pvt. Ltd., Pune, as suggested by Bhagat et al. (2018) through their research study entitled, "Grievance Handling Procedure. A questionnaire was used by the researchers to attain the research objectives. The results of the study showed that employees know the grievance redressal committee, and they are happy with the higher authority and secrecy level. (3)

A study on grievance handling conducted by M.M. Sucharitha, in September 2019 explained the effectiveness of the grievance handling procedure and identified whether the employees are aware of the grievance handling mechanism. The author has suggested the procedure to handle the grievance, and includes defining, expressing, and describing the entire matter clearly as early as possible so that wrong complaints may not be handled. After gathering the relevant facts from all angles, the management may get a real picture of the grievance. The last step is that

management should make a list of alternate solutions. (20)

Taru, March 2020 explained about the grievances faced by employees of International Airport, Tiruchirappalli., examined the relationship between the employer and employees, and found effective redressal of grievances at middle level management. Research methodology is based on secondary data, and solutions have been given to management to improve communication part to their employees about their issues. Suggested solutions are reduce the frequent transfers of employees and provide more training to their employees so that employees will be familiar to handle the task. At the same speed and time of grievances, redressal must be increased to redress the grievance (40)

IV. Research Methodology:

This paper presents a comprehensive review of the literature on statutory bodies, their role, and their impact on grievance settlement mechanisms. Drawing upon empirical studies, theoretical frameworks, and best practices, the paper examines more than forty references. By synthesizing existing research, a research gap has been identified, and a few suggestions have been given.

Research Objectives:

- 1) To review the previous research paper.
- 2) To suggest new ways in the existing statutory body.

Limitations:

1) This research paper has been restricted to secondary data that is available and focuses on Indian authors only.

V. Challenges and limitations of statutory bodies in grievance settlement

While statutory bodies play a crucial role in grievance settlement in India, they also face several challenges and limitations that can impact their effectiveness.

Access to Justice in India: A Critical Review. point out that one of the significant challenges faced by statutory bodies in India is the backlog of cases, leading to delays in grievance resolution. The large volume of pending cases can overwhelm the capacity of these bodies, resulting in prolonged waiting periods for parties seeking redressal (Sarkar, 2018). (28) Sharma & Sharma in 2017 focused on the efficiency and performance of consumer forums in India. A study has been restricted to Delhi State, and it has limited resources, including budgetary constraints and staffing issues. This can hinder their ability to effectively handle grievances and provide timely resolution to parties involved (2017, .(33 and 34) The complexity of legal procedures and formalities involved in grievance settlement can pose challenges for both parties and

statutory bodies. Lengthy and convoluted processes may deter individuals from seeking redress or navigating the system effectively (Garg & Chawla, 2019). (11)

Many individuals, particularly in rural and marginalized communities, may lack awareness of their rights and the grievance redressal mechanisms available to them. This lack of awareness can result in underutilization of statutory bodies and limited access to justice (Sharma et al., 2020).(31) Statutory bodies may face political interference or pressure, which can undermine their independence and impartiality in grievance settlement. Political influence may impact decision-making processes and undermine the integrity of dispute resolution mechanisms (Singh, 2019). (37). Addressing these challenges requires concerted efforts by policymakers, stakeholders, and civil society to strengthen the capacity, efficiency, and accessibility of statutory bodies in grievance settlement.

VI. Conclusion:

The future of statutory bodies in grievance settlement in India is likely to be influenced by technological advancements, legal reforms, and evolving societal needs. These points were focused on by a few authors. Kamble, S., & Patil, A. (2020) take a review of egovernment and e-administration and place emphasis on the upcoming matters of statutory bodies. It involves greater adoption of digital technologies like online platforms, mobile applications, and e-filing systems to streamline grievance redressal processes, which will enhance accessibility, transparency, and efficiency in grievance settlement (17). Bhatia, 2018 mentioned "Alternative Dispute Resolution (ADR) in India: A Step towards Effective Justice Delivery." There may be a growing emphasis on promoting alternative dispute resolution mechanisms, such as mediation and arbitration, within statutory bodies. ADR can offer faster and more cost-effective solutions for resolving grievances, reducing the burden on traditional adjudicatory processes (1). To enhance the effectiveness of grievance settlement, there may be an increased focus on capacity building and training programs for personnel working within statutory bodies. Chatterjee in 2019 will focus on training on conflict resolution, communication skills, and legal procedures to improve the quality of grievance handling (6). "Legal Reforms in India: A Comparative Analysis." written by Sharma, R., and Kumar, aimed at simplifying grievance redressal procedures and reducing procedural complexities, may be on the horizon. Streamlining laws and regulations can facilitate quicker. (32). Roy, in his research paper on 'Strengthening Independence and Accountability' in 2021 Efforts to strengthen the independence and accountability of statutory bodies may be essential for ensuring their effectiveness in grievance settlement. Measures to insulate these bodies from political interference and enhance transparency in decisionmaking can bolster public trust. (26). By incorporating these trends and developments, statutory bodies can adapt to the changing landscape of grievance settlement in India and better serve the needs of citizens and stakeholders.

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