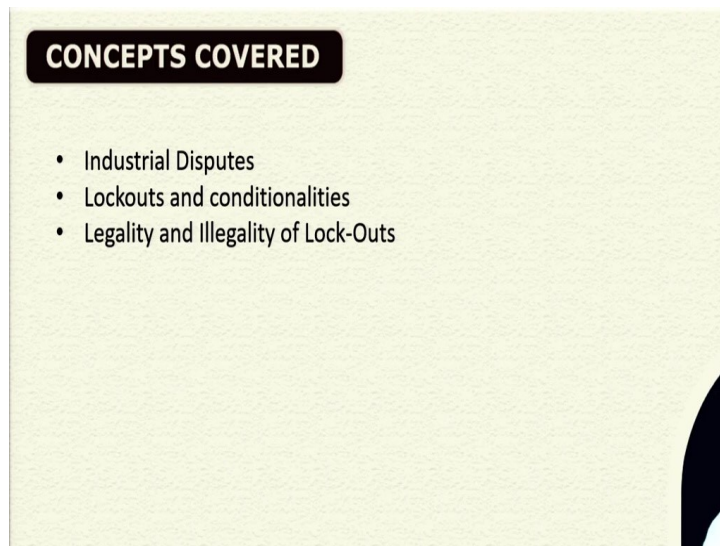


New Labour Codes of India
Professor K D Raju
Rajiv Gandhi School of Intellectual Property Law
Indian Institute of Technology, Kharagpur
Lecture 15
Lock - out

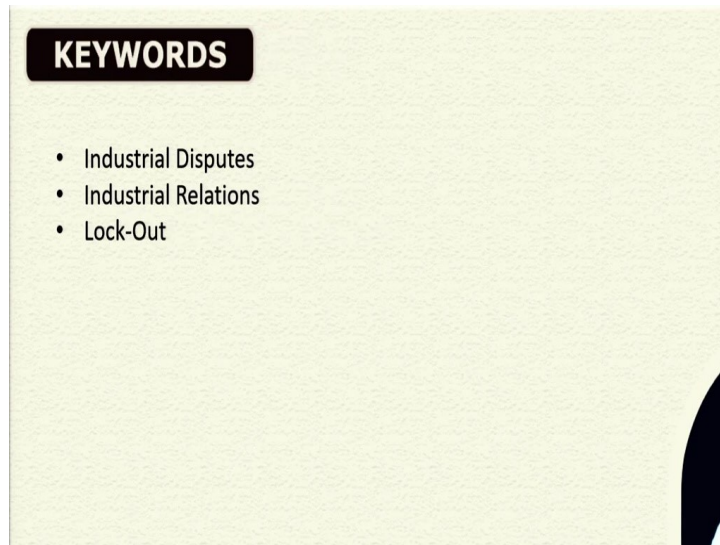
Dear students, today we are going to discuss about Lock-outs. So, what is the meaning of lockout? What is the concept of lockout and when the lockout is declared and whether the employer is justified in declaring lockouts also what are the conditions for declaring lockouts and if it is legal or illegal also, we will look into what are the penalties for illegal lockouts?

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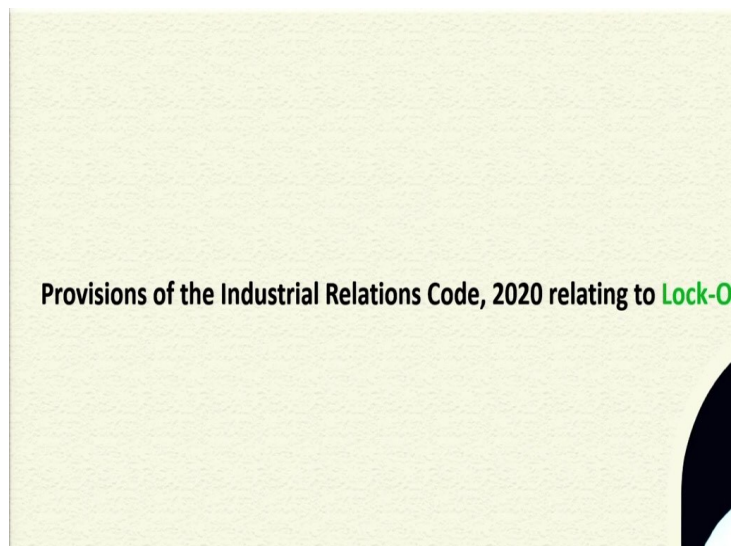
So, last class, we were talking about strikes, here we can see that strikes are done by the employees and lockouts are done by the employers.

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Thus, we can say that it is antithesis to strikes.

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So, it may be used as a weapon in the hands of employers against employees, those who are striking or also other reasons are also possible that a lockout is necessary. So, it is a temporary closure of the establishment or the factory or the company. So, we will see the provisions in the new Industrial Relations Code, 2020 regarding lockouts.

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Provisions of the Industrial Relations Code, 2020 relating to Lock-Out

- 2(u) - Lock-Out Defined
- 62. Prohibition of strikes and lock-outs.
- 63. Illegal strikes and lock-outs.
- 64. Prohibition of financial aid to illegal strikes or lock-outs.
- 86. Penalties
- 93. Protection of Persons
- 99. Power of appropriate Government to make rules.
- The Second Schedule - Unfair Labour Practices

These are the provisions so, which we are going to discuss.

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Section 2 (1) of ID Act: Lock-Out

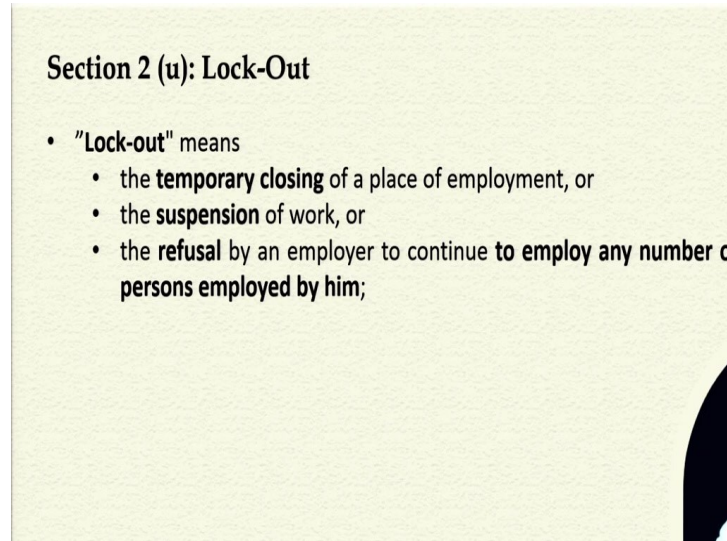
- " **Lock-out**" means :
- Section 2(1) of the Industrial Disputes Act, 1947 defines Lock-out to mean:
- The temporary closing of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him.

So, in the Industrial Dispute Act, we can see that not many substantial changes are made between the definition of the lockout in Section 2(1) of the Industrial Disputes Act and also the new provision in the IR code. So, lockout means, the temporary closing of employment or the suspension of work or the refusal by an employer to continue to employ any number of persons employed by him.

So, this is the definition of the lockout in the old Industrial Disputes Act. So, we can see that importantly, the terminologies, temporarily closing, it is not a permanent closing now, and or

suspension of work or refusal by the employer to continue the employee or some of the employees or a number of persons.

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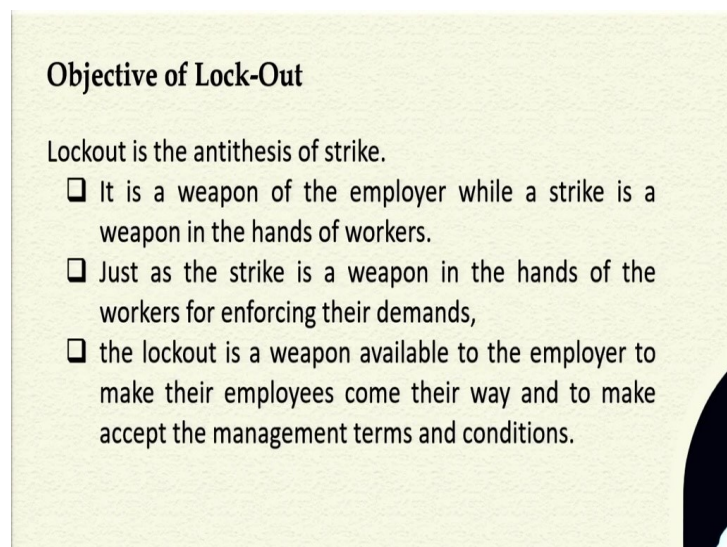


Section 2 (u): Lock-Out

- "Lock-out" means
 - the **temporary closing** of a place of employment, or
 - the **suspension** of work, or
 - the **refusal** by an employer to continue **to employ any number of persons employed by him;**

So, the new definition is also almost the same which is drawn from the Industrial Disputes Act. So, we can say that the old components of the old definition are incorporated into the new definition, there is no change in the definition under the new IR code as well for the lockout.

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Objective of Lock-Out

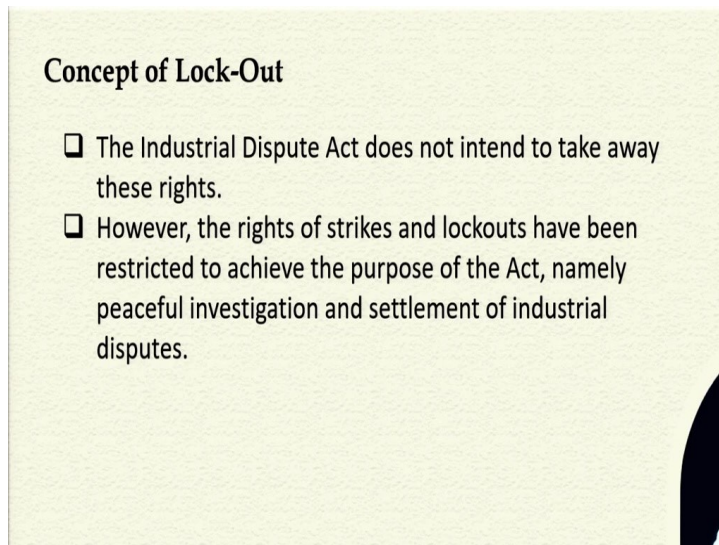
Lockout is the antithesis of strike.

- ❑ It is a weapon of the employer while a strike is a weapon in the hands of workers.
- ❑ Just as the strike is a weapon in the hands of the workers for enforcing their demands,
- ❑ the lockout is a weapon available to the employer to make their employees come their way and to make accept the management terms and conditions.

So, lockout as I already said, is the antithesis of a strike. So, it is used by the employer against the employee in case of a strike. So, it is a weapon in the hands of employers against

employees or workers who are striking and also you can see that the employer may try to compel the employees to come to the negotiating table or accept the conditions of management or the terms and conditions or the management may compel the workers to come to the negotiating table of the striking workmen. So, the lockout is temporary closing down the premises, the working premises.

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Concept of Lock-Out

- ❑ The Industrial Dispute Act does not intend to take away these rights.
- ❑ However, the rights of strikes and lockouts have been restricted to achieve the purpose of the Act, namely peaceful investigation and settlement of industrial disputes.

So, neither the Industrial Disputes Act nor the new Industrial Relations Codes are taking away any of the components of these particular provisions. So, like we saw the legality and illegality or right to strike in the last class and here also so, we can see that there is a statutory provision which provides the employees to go on with legal lockouts. So, we can also see what are the conditions when they can make the lockout when they cannot make the lockout and also what are the prerequisites to be complied with for a lockout.

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Concept of Lock-Out

- ❑ Lockout is the opposite of a strike.
- ❑ Strike is a tool in the hands of the workmen to compel the management to agree to their demands.
- ❑ Similarly,
- ❑ lockout is a tool in the hands of the management to force the workmen to further negotiate on their demands which are related to the terms and conditions of the workers' employment.

So, here we can see these we already said that it is a tool in the hands of the employer.

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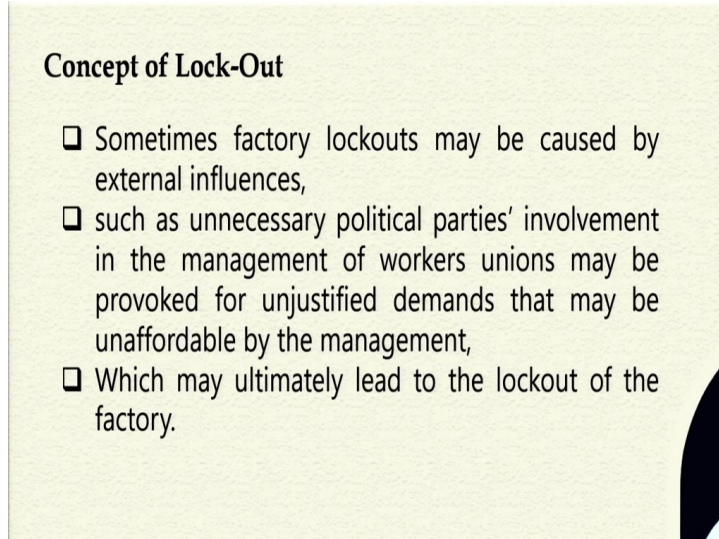
Concept of Lock-Out

- ❑ Lockout of the factory may be happened due to the failure in the management affected by internal disturbances or maybe by external disturbances.
- ❑ Internal disturbances may be caused when the factory management goes into financial crisis or got succumbed to financial debts,
- ❑ disputes between workers and workers, disputes between workers and management or may be caused by the ill-treatment of workers by the management.

This may happen due to various reasons. So, and also sometimes it may be a failure on the part of the management due to internal disturbances or sometimes it may be due to external disturbances. So, we said that it may be due to some financial crisis. So, maybe due to some internal disturbances or internal disturbance can be of many forms or it may be due to the some of the disputes between workers and workers or disputes between workers and the management or mainly the ill-treatment we can see that the always the workers complaining about the ill-treatment of the workers by the management. So, they will go on with strike in

that circumstance sorts of the management can use this particular provision against the workers for locking down the particular establishment.

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And so, as I told you that external influences may be another reason not always the internal reasons afford lockouts. So, mostly now, the trade unions are part of political parties. So, political involvement in factories or establishments is the day-to-day affairs in India. So, all involving them in the management.

So, the interference with the management this political parties interference with the management or the workers' unions and also compelling the workers to go on with unjustified demands, which may be unaffordable by the management, for example, During pandemic time, I have mentioned the Toyota factory what is happened in Bangalore.

So, if there is some, you know, miss measure, so, something happened, which is unexpectedly for a duration, longer period of time or longer duration of time. So, if the management is asking about the case to work for a longer duration of time, whether it is unjustified. So, these are the questions which are arising in the coming days. So, ultimately if the illegal strikes or legal strikes or interference, external interferences. So, vandalism so, the workers go on with vandalism, all these may lead to the lockout of the establishments.

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Concept of Lock-Out

- ❑ ***Management of Kairbetta ... vs Rajamanickam And Others on 24 March, 1960.***
- ❑ **"Just as a strike is a weapon available to the employees for enforcing their industrial demands, a lockout is a weapon available to the employer to persuade by a coercive process the employees to see his point of view and to accept his demands.**

In one of the old cases the case the management of Kairbetta state versus Rajamanickam And Others, 1960 judgment. So, Supreme Court very clearly start this particular concert. So, the Supreme Court said "Just as a strike is a weapon available to the employees for enforcing industrial demands. A lockout is a weapon available to the employer to persuade by a coercive process the employees to see his point of view and to accept his demands."

Kairbetta state is a tea state in Nilgiris. So, if at a tea state like you know, the establishment like tea state if the workers go on with the strike, then India the tea is going to be destroyed, if it is not plugged in time, it is a great loss to the company. So, I think the Supreme Court in many decades back very well accepted and explained the concept of lockout. So, it is the weapon available in the hands of the management against the workers.

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Lock-Out - ID Act

According to Sec. 22(2)

No person employed in a public utility service shall go on Lockout in breach of contract-

- (a) without giving to the employer notice of Lockout, as hereinafter provided, within **six weeks** before a lockout; or
- (b) within **fourteen days** of giving such notice; or
- (c) before the expiry of the date of lockout specified in any such notice as aforesaid; or
- (d) **during the pendency of any conciliation proceedings** before a conciliation officer and seven days after the conclusion of such proceedings.

And we can see in the Industrial Disputes Act what the conditions put forward by the earlier Act and the present Act. So, we said continuously said that no person employed in public utility services can go on with strike the same way we cannot go on with lockout as well in breach of contract. So, they put certain restrictions, and conditions, especially with regard to the public utility services.

So, the timeframe, which is given earlier was 6 weeks before the lockout or giving 14 days after giving such notice. And also, during the pendency of any conciliation proceedings, you cannot go on with a lockout like strike and also 7 days after the conciliation officer has given his report or the judgment also or conclusion of the proceedings also the workers cannot go on with the strike.

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Chapter VIII
Strikes and Lock-Outs

62. Prohibition of Strikes and Lock-Outs

- No employer of an industrial establishment shall **lock-out** any of his workers—
 - without giving them **notice of lock-out**, within **sixty(60)** days before locking-out; or
 - within **fourteen(14)** days of giving such notice; or
 - **before the expiry of the date of lock-out specified in any such notice** or
 - during the **pendency of any conciliation proceedings** before a conciliation officer and **seven(7)** days after the conclusion of such proceedings; or

And the new code IR code also has similar provisions. Section 62 says prohibition of strikes and lockouts. So, no employer of an industrial establishment shall lock out any of his workers without giving proper notice of lockout. So, 60 days, so, we already said that 60 days for a strike now, lockout also 60 days notices are to be given. So, two months' time is sufficient time for the workers also to come to the negotiating table or enough time on the part of management as well as the workers to settle their disputes.

And also, within 14 Days of giving such notice also it is prohibited. And if the before the expiry of the date of the lockout in such notice, or during the pendency of the conciliation proceedings before the conciliation officer seven days after the conclusion of such proceedings, it is almost the same provision which is transplanted to the new code as well.

So, there are certain restrictions with regard to lockout as well. And I think this is a sufficient notice period to take care of the interest of workers as well as the workers as well as their management as well. So, that they get sufficient time to settle their disputes or negotiate with each other as a part of collective bargaining and then make our conciliation proceedings as well. So, that there is the prohibition is absolute with regard to the teams of notice.

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Chapter VIII
Strikes and Lock-Outs

62. Prohibition of Strikes and Lock-Outs

- No employer of an industrial establishment shall **lock-out** any of his workers—
 -
 - During the **pendency of proceedings before a Tribunal or a National Industrial Tribunal and sixty(60) days**, after the conclusion of such proceedings; or
 - During the **pendency of arbitration proceedings** before an arbitrator and **sixty(60) days** after the conclusion of such proceedings

And also, we can see that during the pendency of any of the proceedings before the tribunal or national Tribunal. The same provisions will be applicable 60 days and 60 days before and 60 days after the conclusion of the proceedings as well. So, if a national tribunal comes out with a judgment, the parties will get another 60 days of time and arbitration proceedings.

During the pendency of proceedings of arbitration proceedings and also 60 days after the conclusion of arbitration proceedings also there is a complete prohibition of lockouts. So, this window gap of 2 months is given to settle their disputes amicably whether under proceedings of incarceration proceedings or arbitration proceedings or under judicial proceedings, before the tribunal or before the national tribunal.

So, now, the new code is very clear with regard to the notice period. Now, this is, so, we are talking in all the classes about the objective of this amending these particular legislations and consolidating into these four courts and ease of doing business. Now, you cannot just start the strike one fine morning, know the employees can lock down their establishment and put a notice on the front notice board of the establishment or factory saying that is today onwards it is a lockout. So, they get sufficient time for both parties to negotiate.

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Chapter VIII
Strikes and Lock-Outs

62. Prohibition of Strikes and Lock-Outs

- The notice of lock-out **shall not be necessary** where
- **There is already in existence a lock-out**
- But the employer shall **send intimation** of such lock-out on the day on which it is declared, to such **authority** as may be specified by the appropriate Government either generally or for a particular area or for a particular class of services.

And also, we can see that in certain cases the notice period is you know, this particular notice is not necessary when already there is a lockout going on. And also, such intimations of the lockout on the day which is declared that is why I explained that now there are the employees cannot start lockout in the fine morning. So, sufficient notice is to be given, but if already a lockout is going on, then there is no need for further notice. But there must be an intimation to the appropriate government as well or the appropriate authority as well.

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Chapter VIII
Strikes and Lock-Outs

62. Prohibition of Strikes and Lock-Outs

- The notice of lock-out shall be given in **such manner** as may be prescribed.
- If on any day an employer gives to any person employed by him any such notices he shall within **five(5) days** thereof
- **Report** to the appropriate Government or to such authority as that Government may prescribe and to the conciliation officer, the number of such notices received or given on that day.

And also, we can see that the notice of lockout must be given in a language which is understandable to the workers in the prescribed format to the workers and also a report has to be filed with the appropriate government. Now, the government is going to be completely

digitalized everything online. So, the proceedings are to be informed digitally online to the appropriate officers, whether it conciliation officer and also whether it is inspectors or any other authority which is mentioned by the state governments under the new routes.

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Chapter VIII Strikes and Lock-Outs

63. Illegal Strikes and Lock-Outs

- A lock-out shall be **illegal**, if it is—
 - commenced or declared in contravention of section 62; or
 - continued in contravention of an order made under section **42(7)(Voluntary Reference of Disputes to Arbitration)**.
- Where a lock-out in pursuance of an industrial dispute has **already commenced and is in existence**
- **At the time of the filing of the application** relating to such industrial dispute in the Tribunal or industrial dispute to an arbitrator or a National Industrial Tribunal
- The continuance of such lock-out **shall not be deemed to be**

And so, the question is then, what is legal and what is an illegal lockout? So, which are the circumstances under which the lockout can be illegal? So, if the employer locked out the establishment in contravention of any of the provisions, which is already mentioned, which is already in the IR code, then it is going to be declared as illegal. And we said that reference the already the matters pending for conciliation or arbitration or before the tribunal or the National tribunal, then suddenly if the lockout is made, it is considered as it is going to be illegal.

And also, already, the industrial dispute has already commenced and the proceedings were going on, then going on before the conciliation officer or before the arbitrator or before the tribunals, then it is considered to be illegal and also such orders are passed, such orders are passed by the arbitrators or the tribunals or national tribunals in persons to industrial dispute.

Then continuance of lockout, even after an order to withdraw such lockout or the lockout is declared as illegal, then that shall be also considered as illegal lockout, but the continuance of lockout, see at the time of filing of the application, if already the lockout is made, then only it is not considered to be illegal. That means if already a lockout is continuing, and then the proceedings are started later, then it cannot be considered as illegal otherwise, it will be considered as an illegal lockout.

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Chapter VIII Strikes and Lock-Outs

63. Illegal Strikes and Lock-Outs

- Where a lock-out in pursuance of an industrial dispute has **already commenced and is in existence**
- **At the time of the filing of the application** relating to such industrial dispute in the Tribunal or industrial dispute to an arbitrator or a National Industrial Tribunal
- The continuance of such lock-out **shall not be deemed to be illegal**
- Provided that such lock-out was **not** at its **commencement in contravention of the provisions** of this Code or the continuance thereof was not prohibited under section 42(7)

And also, we can see that in as we already talked about if already commenced. So, the preceding commenced, then there is no lockout, if the lockout is already there, then the proceedings are commenced then there is an illegal lockout. So, also, we can see that we already said that a violation of any of the provisions of the IR code then also, it can be considered as an illegal lockout.

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Chapter VIII Strikes and Lock-Outs

63. Illegal Strikes and Lock-Outs

- A **lock-out** declared in consequence of an illegal strike or
- A strike declared in consequence of **an illegal lock-out**
- **Shall not be deemed to be illegal.**

Chapter VIII Strikes and Lock-Outs

- **64. Prohibition of Financial Aid to Illegal Strikes or Lock-Outs**
- No person shall knowingly spend or apply any money
- In direct furtherance or support of
- Any **illegal lock-out**

And we will quickly go through some of the case laws and case laws are coming. So, and also the provisions very clearly says that if anybody is financing, illegal lockouts or strikes and the two will be considered as illegal lockout.

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Chapter XIII Offences and Penalties 86. Penalties

- Any worker who **commences, continues or otherwise acts** in furtherance of, **an illegal lock-out** under this Code, shall be punishable with fine from **₹1,000 - ₹10,000/-** or with imprisonment upto **one(1) month**, or with both.

So, the penalties, so, we already said that there are penalties are imposed for the commencing, continuing and any other acts in violation of the provisions of the IR code or already declared an illegal lockout. So, continuing with an illegal lockout. So, now the punishment is a fine 1000 rupees to 10,000 rupees or imprisonment for upto 1 month or both. So, now, the contravention of the provisions is absolutely not possible, because it is a fine as well as imprisonment is imposed under Section 86 of the IR code.

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Chapter XIII
Offences and Penalties
86. Penalties

- Any person who **instigates or incites** others to take part in, or otherwise acts in furtherance of, **an illegal lock-out** under this Code, shall be punishable with fine from **₹10,000 - ₹50,000/-** or with imprisonment upto **one(1) month**, or with both.
- Any person who **knowingly spends or applies any money** in direct furtherance or support of, **an illegal lock-out** shall be punishable with fine from **₹10,000 - ₹50,000/-** or with imprisonment upto **one(1) month**, or with both.

And also, we can see that the persons who are instigating or inciting or taking part or to incite others to take part in an illegal lockout. So, it may be associations. So, we talked about the privileges of trade unions, but under we also saw that the illegal activities of trade unions so taking part in illegal activities will be considered as illegal. And here we can see that the punishment is higher. Here the punishment is from 1000 rupees to 50,000 rupees or one-month imprisonment or both.

So, if something continues with an illegal lockout is 1000 to 10,000 rupees but if somebody is instigating or inciting to take part in illegal lockouts, then the fine is from 10,000 rupees to 50,000 rupees and we said that if any person who is knowingly spending money or indirectly in furtherance of support of such kind of lockouts also, there is a fine up to 10,000 rupees to 50,000 rupees or imprisonment up to 1 month or both. So, those who are not really taking part, those who are instigating, and those who are financing such illegal lockouts are also will be caught.

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Chapter XIV
Miscellaneous
93. Protection of Persons

- No person **refusing** to take part or to continue to take part in any **illegal lock-out** under this Code shall,
 - by reason of such refusal or
 - by reason of any action taken by him under this section,
- Be subject to **expulsion** from any Trade Union or society, or
- To any **fine** or **penalty**, or
- To **deprivation** of any right or benefit to which he or his legal representatives would otherwise be entitled, or
- Be liable to be placed in any respect, either directly or indirectly, under any **disability** or at any **disadvantage** as compared with other members of the Union or society.

So, the protection of persons which we talked about already talked about if anybody is refusing to part of a lockout, then so, you cannot compel anybody to part of any kind of illegal lockout. So, we already saw this particular similar provision with regard to the strikes as well. So, you cannot expel somebody from not participating or refuse to participate in such kinds of illegal lockouts. So, expulsion from trade unions or society or imposing any kind of fine or penalty is prohibited under Section 93. So, the people who are not participating in illegal lockouts are protected under the provisions.

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Reasons for Lock-out

- Clashes of interest between workers and employers.
- Continuous financial losses are also a reason to opt for the option of lockout by management.
- There are illegal strikes, regular basis strikes also a reason for lockout of factories and management.
- Due to unstable government industries or factories do a lockout.
- If any industry involves any illegal activity then it was also a great reason to lock out the industries or factories.
- The industry is failing to maintain peace and harmony between the member of industries or factories.

So, if we closely look at the reasons for the lockout, so, we can see that under the Indian circumstances, we can see that there may be clashes of interest between the workers and

employees and continuous financial losses to the establishment and reason so, the management may be taking a decision to lockout so, as a result of illegal strikes.

So, on regular basis, the strikes in establishments are or may be a reason for a lockout at factories, different factories and establishments and the government policies. So, the government policies severely affect the factories not to continue or it will be difficult for them to continue with their business.

And also, if any industry is involved in illegal activity, it can also be the government taking measures or the penalties as a case of penalties or as in the case of or in the form of some other penalty the industries can be lockout also. And mostly industrial peace, maintenance of peace and harmony between the employer and employees or the workers and the management is very important.

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Lakshmi Devi Sugar Mills Ltd. V. Pt. Ram Sarup, Chini Mill Mazdoor Sangh, Attorney General for India(Intervener), AIR 1957 SC 82

- A lockout is neither an alteration to the prejudice of the workmen of the conditions of service applicable to them
- Nor a discharge or punishment whether by dismissal or otherwise of the workmen within the meaning of clause (b) of Section 33 of the Industrial Disputes Act, 1947, or Section 22 of the Industrial Disputes (Appellate Tribunal) Act, 1950
- **No permission of the Conciliation Officer, Board or Tribunal as the case may be is necessary to be obtained before a lockout can be declared.**
- If the lockout is legal, no question can at all arise.

So, quickly we will see the case laws and what the courts said about lockouts in relation to Lakshmi Devi Sugar Mills Limited versus Pandit Ram Sarup. And this is one of the early cases in 1957. So, the court discussed about the pros and cons of lockout. So, the court says a lockout is neither an alteration nor an alteration to the prejudice of the workman of the conditions of service applicable to them.

It is neither a discharge nor punishment nor dismissal nor the termination of service. So, it is neither terminating the employees is neither, they are not discharging the employees for a temporary period of time. There is a cessation of work. So, the question is whether you have to take the permission of the conciliation officer board of tribunal.

So, the court said that no prior approval is required, no prior approval is required to go on with the lockout because if the lockout is legal, absolutely legal on the part of the employer or the management, then no question of prior approval is required. And if the lockout is illegal, then the remedy is provided under Section 26 of the Industrial Disputes Act. So, they can go on with other proceedings against the management.

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**Indian General Navigation & Rly. Co. Ltd. vs. Workmen,
AIR 1960 SC 219**

- A Lock-out within **seven(7) days of conciliation proceeding** not illegal if resulting **as a consequence of illegal strike already started.**

So here case in one of the other cases, the old case the Indian general navigation and Railway Company Limited versus workmen. So, lockout within 7 days of conciliation proceeding is not illegal. And this lockout as the consequences of an illegal strike already started, then the lockout is not illegal.

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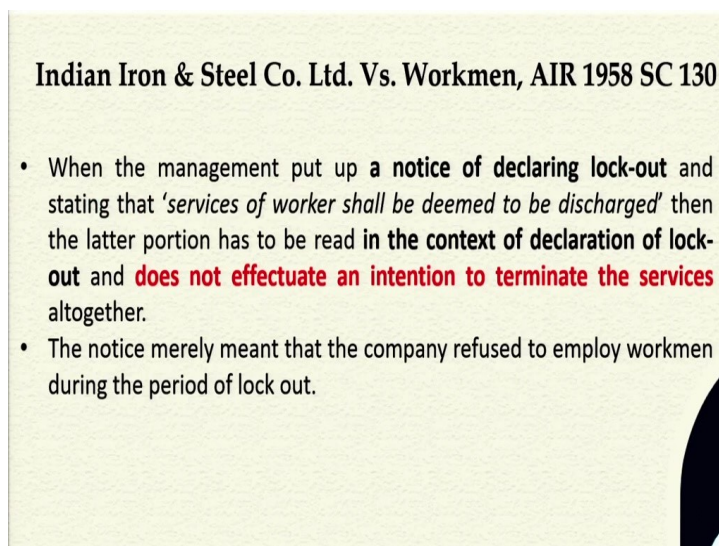
Statesman Ltd. Vs. Workmen, AIR 1976 SC 758

- Legal Lock-out **does not give a license to the management to act unreasonably.**
- The Management cannot behave **unreasonably** merely because the lock-out is born lawfully.
- If by subsequent conduct, imaginatively interpreted, the unions have shown readiness to resume work peacefully,
- The refusal to the restart industry is not right and **the initial legitimacy of the lock-out loses its virtue by this blemished sequel.**

So, it is so we can say very well say that this weapon is in the hands of the employer against the striking employees and one of the famous cases of the Statesman versus its workman. So, here very clearly says that a legal lockout does not mean that gives a license to the management to act unreasonably. So, because only reason that the lockout is legal. So, the management cannot behave unreasonably and take disciplinary actions against the union leaders or against the workers or the workers those who are ready to resume work.

So, they will if the workers are ready to resume work peacefully, then if the lockout is continued by the management, then it will be considered as illegal. So, refusal on the part of the employer to cease the lockout, if the worker says that they will resume the work peacefully then the legitimacy of the lockout is going to have vanished and the lockout will be held as illegal.

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Indian Iron & Steel Co. Ltd. Vs. Workmen, AIR 1958 SC 130

- When the management put up a **notice of declaring lock-out** and stating that '*services of worker shall be deemed to be discharged*' then the latter portion has to be read **in the context of declaration of lock-out** and **does not effectuate an intention to terminate the services** altogether.
- The notice merely meant that the company refused to employ workmen during the period of lock out.

So, it will depend upon the facts and circumstances of each case. In this particular case, the Indian iron steel company limited versus workman. So, the court says the notice with regard to the declaration of lockout. So, the question is, whether it is effective or whether it will amount to the termination of the services.

So, the court said that, so, the lockout is not going to be the termination of the workers. So, it is not permanent closely. So, that means the notice means that the company is going to be closed or cease to be worked for a period of time and that is actually the lockout, the notice is effectuated So, effective notice is required.

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Northern Dooars Tea Co. Ltd. Vs. Workmen of Demdima Estate, AIR 1967 SC 560

- The workers decided to go on a token strike for 3 days.
- The **token strike may be inappropriate** but the grievance by the workers leading to strike was **not wholly unsubstantial or unjustified.**
- The workers had given **one(1) week notice** for going on strike.
- The **management did not intimate** the union that after they went on strike, **lock-out would be declared and a notice was put up at 9 a.m. when strikers were not expected to see the Notice.**
- Held that: **the Lock-out was unjustified** but since the workers were partly to be blamed they are entitled to only 50% of the wages for lock-out period.

And in this particular case, the question is with regard to token strike. So, we know that many times we discussed about the workers going on token strike without proper notice. So, if three days strike, so, you cannot go with a token strike without proper, unjustified or unsubstantiated reasons and also not serving the proper notice. So, 1 week's notice is not sufficient now. Sufficient notice is given as per the IR code and earlier the ID Act as well.

And also, if the lockout if management wants to go on with the lockout, so, proper notice to be given to the workers. So, just a lockout is declared and putting up a notice at 9am in the morning on the notice board is not going to be justified. So, definitely, the court said that such a lockout is unjustified. So, even is even the part of, the blame can be on the workers, the lockout will be considered as illegal.

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Toyota Kirloskar Factory

- Toyota Kirloskar factory lockout was first declared on November 9, 2020 after a group of its employees gathered to talk with its management about issues they have been facing at work.
- TKM's workers alleged that there have been issues of harassment at the workplace, the company was using the COVID-19 pandemic to increase their workload significantly.

So, I was talking about this Kirloskar incident in the Toyota factory. So, we have to see this particular unrest in the background of the pandemic. So, the Kirloskar Toyota Factory, Toyota Kirloskar factory outlet is in Bangalore. In 2020 so, there is a high level of unrest among the employees and they say that there are a whole lot of tactics played by the employer.

And also, we can see if there are a lot of allegations against the management. So, they say that one is harassment and the main allegation against the company was that the management is using the COVID 19 pandemic as protection to increase the workload of the workers significantly without paying any additional benefits.

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Toyota Kirloskar Factory incident

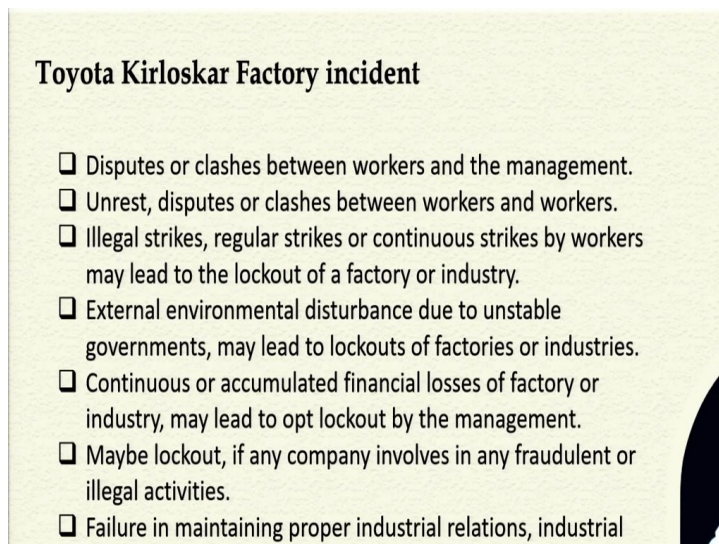
- According to Toyota Kirloskar Motors Employee Union, over 1,000 employees have left in the last two-and-a-half years, and in November 2020, 150 people have left the company by way of a **voluntary separation scheme**.
- Toyota Kirloskar had suspended 39 members of the workers union, alleging that they were involved in acts of **misconduct and indiscipline**.
- Toyota Kirloskar lifted the factory lockout on November 19, 2020 on the Karnataka State government orders but four days later the company recommenced the lockout after members of the union prevented workers from resuming

So, here according to this Kirloskar motors employee union. So, they are saying that 1000 employees have been sent out within a period of two years and also 150 People have been given in 2020 a voluntary separation scheme. The question is whether somebody is opting for a voluntary separation voluntary retirement scheme, whether it is going to be harassment, but if it is imposed.

Now, we know that even public sector undertakings are going on with the privatization and as a part of the scheme and many of them are offering voluntary separation schemes or voluntary retirements schemes and as a result of vandalism, and you know, the repercussions and also the other activities of the workers and the management has suspended more workers, which had also given them notices on the background of misconduct and indiscipline.

And that also increased, the scenario has completely changed and in the Kirloskar Factory has been lifted only the lockout after the Karnataka government issued an order and they opened up on November 19, and immediately after opening the company, again the workers were completely refused to work again the company went on with lockout. So, government interference also is not fruitful.

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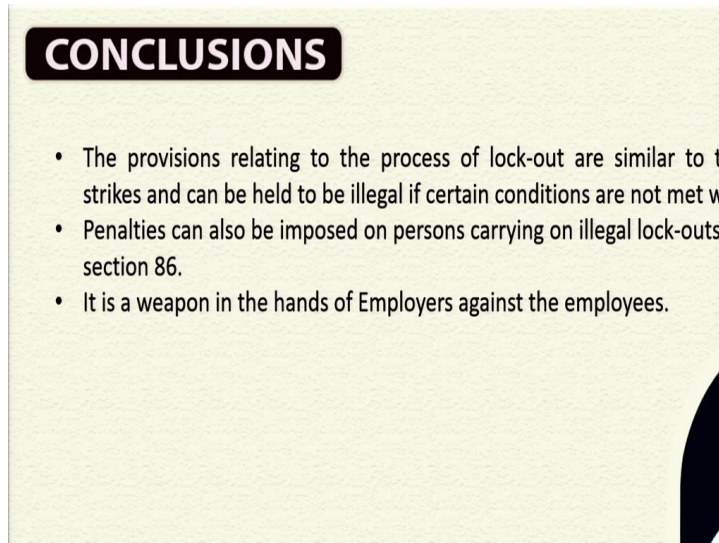
Toyota Kirloskar Factory incident

- Disputes or clashes between workers and the management.
- Unrest, disputes or clashes between workers and workers.
- Illegal strikes, regular strikes or continuous strikes by workers may lead to the lockout of a factory or industry.
- External environmental disturbance due to unstable governments, may lead to lockouts of factories or industries.
- Continuous or accumulated financial losses of factory or industry, may lead to opt lockout by the management.
- Maybe lockout, if any company involves in any fraudulent or illegal activities.
- Failure in maintaining proper industrial relations, industrial

So, in the background of this case, so, we can see that it lockout may be due to different reasons. So, dispute clashes between workers and management, maybe one of the reasons there is unrest, unrest between the management unrest among the employees due to various reasons. So, among the workers and workers unrest, so, illegal continuous illegal strikes, intermittent illegal strikes or continuous strikes by the workers may also lead to the lockout.

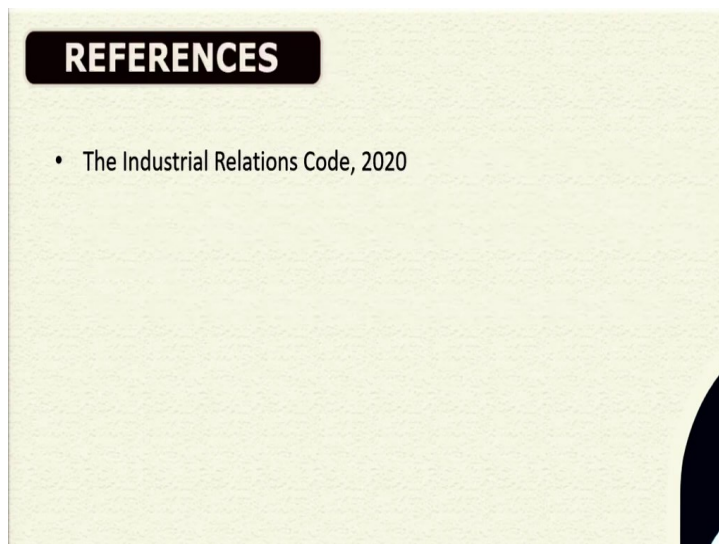
Then external interferences and external disturbances, lack of government interference and policies. So, accumulated losses, especially accumulated financial losses of the company, the management will be forced to lock out and if the company is involved in any kind of illegal activities, then the company will be forced to lock out by the operation of law and most importantly, failure on the part of the management to maintain proper industrial relations, peace and harmony in the companies and factories in the establishment.

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CONCLUSIONS

- The provisions relating to the process of lock-out are similar to the provisions relating to strikes and can be held to be illegal if certain conditions are not met with.
- Penalties can also be imposed on persons carrying on illegal lock-outs under section 86.
- It is a weapon in the hands of Employers against the employees.



REFERENCES

- The Industrial Relations Code, 2020

So, in conclusion, we can say that very well we can say that, yes, the lockout is a weapon in the hands of employers against the employees, but this particular right should be used by the factories or the establishment very sparingly because many of the employees are dependent upon maybe a factory and establishment and their families.

At the same time, it is a loss of business that is a loss to the state by closing down a particular factory even for a shorter period of time and the provisions in the code IR code. Now, some of the provisions are clarified and also very specifically provided the conditions and also penalties are also imposed on illegal lockouts and those who are instigating the illegal lockouts and also those who are financing such illegal lockouts. So, in conclusion, we can very well say that it is a statutory right on the part of the employer to use it sparingly. Thank you.