

Go slow - poison to productivity

“working hard is great, being lazy is sometimes great but failed potential is the worst.”

~Campbell scott

Over a period of time, we have experienced that go-slow movement by the workers in various public utility services such as banks, railways, transport services and airports etc. has caused great inconvenience to the users. The workers are resorting to these tactics under the garb of work to rule for redressed of their justified or unjustified demands for which the public at large do not feel much concerned. For the knowledge of common man, it is desirable to know about various legal aspects of the issue on the face of social aspects. Therefore, it is necessary to distinguish go-slow with strike because the general feeling is that go-slow is less harmful to the organization as compared to strike whereas the situation is entirely reverse.

We have seen that the workers take the shelter of go-slow on the pretext of work to rule as if they are following the rules and regulations for performing the particular task and it is not their responsibility if the production goes slow by their act of observing the rules they try to project that their action is natural and not deliberate.

What happens when you deal with the public :

In order to understand the concept of go-slow and work to rule we may take the example of railway computerized reservation counters. When we go to the reservation counter for booking a ticket, normally a queue is selected where less number of people are standing and we stand in the queue with the hope that our turn will come early as compared to the queues where large number of people are standing.

Sometimes it is observed that in spite of selecting the queue with less number of people, the person spends more time for obtaining a ticket as compared to the persons who were standing in the queue with large number of people. Normally in such situations we blame the counter clerk as efficient or inefficient. Here, another significant feature lies besides efficiency, the concept of work to rule is also applicable because a particular clerk may observe the things in a more methodological manner consuming more time as compared to his counterpart, meaning thereby that a clerk may read the full details of journey and amount on the computer as well as on the print out of the ticket carefully and count the currency notes for his satisfaction ascertain from the passenger that he got the exact amount in return giving him the opportunity to count the notes in front of him on the counter, all these processes consumes more time. We cannot call this delay as deliberate unless and until he is absent from the duty place for a long period of time. There may not be any incentive attached for efficient

working by one clerk as compared to another that is why this situation occurs. Though it looks as a go-slow but it is not a misconduct when he is doing as per rules.

The basic criteria for evaluating a particular go-slow on the pretext of work to rule is the motive attached to it. In case it is deliberate and intentional, then it becomes misconduct. In the recent years, the go-slow movement of Air Traffic Controllers at the Airports is also relevant to be studied.

It appears that when the Management felt that the go-slow was deliberate, the action was taken because the efficiency level of almost all the controllers was equal but when go-slow movement started, the work efficiency also reduced in a uniform manner which gave rise to the deliberate attempt on the part of controllers whereas if it would have been a case of work to rule, the efficiency level would not have been uniform like in the case of railway reservation clerks. However, still we cannot give any definite opinion in this case because the matter is subjudice and both parties may have their own opinions.

The Law has its own saying:

Before going into various legal aspects of go-slow and the verdict given by Supreme Court on this uncoded misconduct, it is relevant to discuss about the concept of strike where the entire activity of the organization is stopped. It is important to know about strike vis-à-vis go-slow because both are becoming the form of showing resentment by the workers against the management as a matter of protest for settlement of their justified or unjustified demands and grievances. According to Industrial Disputes Act, 1947, "strike" means "a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment." With this definition, we can see that strike is a planned action and the cause and consequences are decided on the basis ; whether the strike was legal or illegal.

Regarding prohibition of strikes, the provisions have been given in the Act which inter-alia says that no person employed in a public utility service shall go on a strike in breach of contract; - "Without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; Within fourteen days of giving such notice; or Before the expiry of the date of strike specified in any such notice as aforesaid; or During the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings." This provision was given for the condition of strike in the public utility service with the provision that on receipt of strike notice, the employer should report the matter within five days to the appropriate Government. There is general prohibition on strikes and it has been stated that "no workmen who is employed in any industrial establishment shall go on strike in breach of contract; - During the pendency of arbitration proceedings before an arbitrator and two months after the conclusion of such proceedings where a notification has been issued under relevant sections, During any period in which a settlement or award is in operation in respect of any of the matters covered by the settlement or award."

From the above description of strike, it is clear that strike is a recognized weapon in the hands of workers for their resentment and grievances, whereas there is no law, which gives sanctity to go-slow.

The Apex Court gave the real meaning:

In the case of “Bharat Sugar Mills Ltd. v. Jai Singh 1961 II LL.J. 644 (647) S.C.” the Supreme Court held that:

“Go-slow which is a picturesque description of deliberate delaying of production by workmen pretending to be engaged in the factory is one of the most pernicious practices that discontented or disgruntled workmen sometime resort to. It would not be far wrong to call this dishonest. For while thus delaying production and thereby reducing the output, the workmen claim to have remained employed and thus to be entitled to full wages. Apart from this also, ‘Go-Slow’ is likely to be much more harmful than total cessation of work by strike. For while during a strike much of the machinery can be fully turned off, during the ‘Go-Slow’ the machinery is kept going on a reduced speed which is often extremely damaging to the machinery parts. For all these reasons, “Go-Slow” has always been considered a serious type of misconduct”.

In the above matter certain workmen alleged to have been guilty of ‘Go-Slow’ were dismissed and the application for permission to dismiss was filed. Domestic Inquiry was not found proper and the employer adduced evidence before the Industrial Tribunal that some of the concerned workmen were guilty of ‘Go-Slow’. The Industrial Tribunal accorded permission to dismiss only one workmen – on appeal by special leave, the decision of Industrial Tribunal was held wrong and reversed the permission was granted to dismiss the concerned workmen with effect from the date of judgement in the appeal.

The issue was further clarified by Supreme Court in the case of Sesa Musa Works Pvt. Ltd. v. Shobrati Khan and others, reported in 1959, 17 FJR-I. Whereas, it has held that ‘Go-Slow’ is a serious misconduct in its nature and cannot be countenanced and it was not open to the Industrial Tribunal when it was asked to give permission to dismiss 48 workmen who took part in the Go-Slow to substitute some other kind of punishment and give permission for that Under the circumstances, workmen who took part in ‘Go-Slow’ and were found guilty of serious misconduct were dismissed. The dismissal was upheld by the Supreme Court.

Another question came as to whether wages of the workmen adopting ‘Go-Slow’ tactics can be deducted? This position was clarified by the Supreme Court in the case of Bank of India v. T.S. Kelawala, 748, 1991 CLR (S.C.) when it was held “There cannot be two opinions that go-slow is a serious misconduct being a covert and a more damaging breach of the contract of employment. It is an insidious method of undermining discipline and at the same times a crude device to defy the norms of work. It has been recognized as a legitimate weapon of the workmen to redress their grievances. In fact the model standing orders as well as the certified standing orders of most of the industrial

establishments define it as misconduct and provide for a disciplinary action for it. Hence, once it is proved, those guilty of it have to face the consequences, which may include deduction of wages and even dismissal from service”.

The issue regarding Strike – Whether Wages Can be Deducted and legality of strike were also made clear since, legality of strike does not always exempt the employees from the deduction their salaries for the period of strike. It only saves them from a disciplinary action since legal strike is recognized as a legitimate weapon in the hands of the workmen to redress their grievances. Further Right of Employer to deduct wages for absence from duty it was Wages are payable only if the contract of employment is fulfilled and not otherwise. Hence when the workers do not put in the allotted work or refuse to do it they will not be entitled to wages proportionately.

From the foregoing description of strike, go-slow, work to rule and the Supreme Court clarified that rulings on the issue of go-slow, it is clear that a deliberate go-slow tactic on the part of worker is dangerous and unpardonable especially when a recognized weapon such as strike and other grievance redressal machineries are available to them for their justified demands.

Do we really work for national cause?

The above issue mainly relates for demand of higher wages on the face of highly specialized stressful job. For that matter, now the stage has come that leaving the power of bargaining, the workers in the government sector should realize that one thing is supreme above all i.e the interest of the nation and the image in the eyes of public. Certain amount of dedication and devotion to duty should be considered much above the bargaining power of taking the organization at ransom for higher wages, perks and facilities. The workers in any specialized field can always demand the equivalency with their counterparts at the international level in other advanced countries but they forget to understand that our country is still in a developing stage.

What happens if a senior scientist in ISRO, DRDO, BARC, CSIR, NPL, NPC also start demanding wages equivalent to his counterpart at the international level. Because a senior scientist in other countries must be getting very high wages, perks, and facilities which our country may not be able to afford. Still our scientists get the recognition to the extent of getting Noble Prizes and they feel proud of being an Indian. In the case of P. J. Gangadaram v. P.O. II Addl. Labour Court 1996 II LLJ 1234 (Mad.H.C.) it has been held that “Normal production efficiency was 90%. Notices were issued that petitioner was deliberately slowing down production. Even after the notices, petitioner continued to slow down production, while majority of other workmen restored normal production. From the circumstances willfulness has to be inferred. What is in the mind of the person cannot be seen, but it has got to be observed or presumed from the conduct of a person with reference to particular act or incident. Petition is dismissed”.

Go slow which is picturesque description of deliberate delaying of production by workmen pretending to be engaged in a factory is one of the most pernicious practices that discontented and disgruntled workmen sometimes resort to. It would not be far wrong to call this dishonest, for while, thus delaying production and thereby reducing the output workmen claimed to remain unemployed and thus be entitled to full wages.

Go slow is likely to be much more harmful than total cessation of work by strike. During go slow machines are fully turned off, during go slow speed of machineries gets reduced which mostly damages its parts. Go slow always been considered as a serious type of misconduct.