

Strikes and Lockouts meaning

Strike and lockout are the actions taken by the **employees and employers** respectively to fulfill their demands. The strike is the remedy for employees while the lockout is the remedy for the employer of the company or industry.

In the struggle between the employers and employees, lockout and strikes work as weapons. Strike makes the effect on the production in the industry whereas the lockout makes the effects on the salary of the employees. Law gives the room for strike and lockout to place in the industry. But both must be peaceful and must fulfill the conditions of the Industrial dispute act, 1947.

Definition of Strike

Section 2(Q) of the industrial dispute act, 1947 defines the Strike that 'Strike is a temporary cessation of the work by the group of the employees of the industry with the same intention to stop the work.

Essentials of strike

There are two essentials of the strike

1. Cessation of work
2. Cessation of work in combination by a group of employed persons in the industry

Cessation of work

Cessation of the work in the industry is the essential element for the strike. Cessation of work means the work of the industry has been stopped. Even the period for the stoppage is only half-hour still it will fall in the definition of a strike if the other requirements of the definition are fulfilled.

Cessation of work in combination by a group of employed persons in the industry

The stoppage of work must be with the common intention of the employees and that too in defiance of the authority of employers.

[Buckingham and Carnatic Co. Ltd Vs. their workmen](#)

The Supreme Court held that if the employees do not stay away from work in pursuance of common intention, it will be not recognized as Strike.

Right to strike is not a fundamental right

In the case of *All India Bank Employees Association VS National industrial tribunal*, it was held by the Court that right to go on strike is not included in the ambit of freedom of speech and expression which is given under article 19 (1)(A) of the Constitution of India.

T.K. Rangarajan VS Government of Tamil Nadu

The SC delivers the strict decision that the Government employees have no legal, fundamental, or equitable right to go on strike even for the just cause.

Types of strike

There are various types of strikes. All the strikes are differing in their mode of actions but all the strikes aim to enforce their demands from the employer.

General strike

The general strike is also known as a legal strike. In the general strike, the workmen give the prior notice to the employer with their demands that they wanted to enforce. If the management of the industry fails to fulfill the demand within the given time in the notice, the workers launch the strike after the expiry of the notice.

Sit down strike

In the sit-down strike, all the employees come on time in the industry normally, take their position in the area which they regularly work, they simply sit there without doing any kind of work. The object of this strike is to cripple the production of the industry.

Pen down Strike

The pen down and sit down strikes are almost the same. The pen-down strike takes place among people with white-collar jobs or the employees who work in the offices. The employees do not touch the pen/tool with they use to do their work.

Go slow strike

In this strike the workmen come to the industry daily, they do the work also, but the speed of the work will as much slow that they are doing nothing productive. The production of the industry will become almost zero even after the working of the workmen.

Sick out strike

It is not a strike, it is just to show the employer that what it would be like if the worker went on strike. In this, all workmen take the sick leave on the same day. They have not broken any rules because they just use leave that was allotted to them.

Definition of Lock-Out

Section 2(1) of the Industrial Dispute Act 1947 defines Lock- Out

Lock-out means temporary closing of the industry, or suspension of work, or the refusal of the work by the employer of the industry to continue employ to any number of workmen employed within the industry.

Essentials of Lock-out

There are two essentials of the Lock-out

- 1) Closing of the industry
- 2) Suspension of work
- 3) Refusal by the employer to continue to employ any number of workmen employed in the industry

The coercion and retaliation are the main elements of the Lock-out which must be used by the employer. The mere suspension of the work without accompanied by an intention to retaliate will not amount to Lock-out.

If the employer of the industry shut down the work because the raw material, or the fuel or any necessary material is not present, it will not amount to Lock-out.

Prohibition of strike and lockout

The stopping or cessations of work whether by the workmen or by the employer of the industry is harmful to the production and economy of the society. For this, the industrial dispute act is providing some prohibition of strikes and lockout.

Prohibition of strikes

The strike is not allowed by the persons employed in public utility services:

1. Without giving the 6 weeks prior notice to the employer before striking,
2. Within 14 days of giving such notice,
3. Before the expiry date of the strike which was given in the notice,

4. During the pendency of any proceedings under conciliation,
5. Before the seven days of the decision of the conciliation officer.

Prohibition of lock-out

The lock-out shall not allow the employer carrying on any public utility service:

1. Without giving the 6 weeks prior notice to the employees before lock-out,
2. Within 14 days of giving such notice,
3. Before the expiry date of a lock-out which was given in the notice,
4. During the pendency of any proceedings under conciliation,
5. Before the seven days of the decision of the conciliation officer.

Illegal strikes and lock-out

Section 24 of the act defines the illegal strikes and lockouts that a strike and lock-out is illegal if it is:

- Declared without the prior notice of 6 weeks,
- Declared during the pendency of conciliation proceeding,
- If it is continually contravention the boundaries of strikes and lockouts

Conditions where the strike and Lock-out is not deemed to be illegal

- The strike or lock-out which is already commenced before the reference of the dispute
- A lock-out declared by the employer in the consequences of an illegal strike
- Strike declared by employees in the consequences of an illegal lock-out

Penalties for illegal strike and lock-out

There are various penalties has been given in the act for illegal strikes and illegal lock-outs

Penalty for commencing

- a) Imprisonment for one month,
- b) Fine up to fifty rupees,
- c) Both

Penalty for instigation

- a) Imprisonment for 6 months,
- b) Fine up to one thousand rupees,
- c) Both.

Penalty for giving financial aid

- a) Imprisonment for 6 months,
- b) Fine up to one thousand rupees,
- c) Both

Justified and unjustified strikes

The strike where the strike is legal and the motive or reason behind the strike is realistic, the strike is justified.

Where the strike is commenced by the employees to intimidate the employer is an unjustified strike.

Difference between strikes and lockouts

Difference between lockout and strike. Let's discuss the strike and lockout difference:

S. No.	STRIKE	LOCK-OUT
1	It is the weapon of employees against employers.	It is the weapon of the employer against employees.
2	Cessation of work by employees.	Cessation of work by the employer.
3	It is a full cessation of work by employees until the fulfillment of their demands.	It is a temporal shutdown by the employer, refusal of employ.
4	The reasons are often economic.	Reasons can be economic or non-economic
5	The strike is of various types.	The lock-out does not have varieties.
6	The strike is conducted to gain a concession from the employer.	Lock-out is used to enforce the terms of employment during the dispute.