A SURVEY REPORT ON WORKERS RIGHTS BASED ON HUMAN RELATIONS VIEWPOINT

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ABSTRACT

Human Resource Management (HRM) is a relatively new approach to managing people in any organization. People are considered the key resource in this approach. it is concerned with the people dimension in management of an organization. Since an organization is a body of people, their acquisition, development of skills, motivation for higher levels of attainments, as well as ensuring maintenance of their level of commitment are all significant activities. These activities fall in the domain of HRM. Human Resource Management is a process, which consists of four main activities, namely, acquisition, development, motivation, as well as maintenance of human resources.

Workers' rights are human rights: "When their rights are violated, when they are marginalized and excluded, migrants will be unable to contribute either economically or socially to the societies they have left behind or those they enter. However, when supported by the right policies and human rights protections, migration can be a force for good for individuals as well as for their countries of origin, transit, and destination." (U.N. Secretary General Ban Ki-moon, Message for International Migrants Day, December 18, 2011)

Objectives of the Study:
1. To know the Human Relations Perspective at work place
2. To observe the attitude towards the worker rights and working conditions at work place
3. To know the knowledge levels of workers in understanding the Legal Rights and human rights

Research Design & Type of Study: The study was adopted **descriptive research design** based on secondary data sources and used nominal statistical tools.

(**Key Words:** Human Rights, Legal Rights of Workers, Human Relations Perspective, Worker)

INTRODUCTION

Human Relations Perspective in Management

The human relations perspective is a way to manage a corporation where the employees are viewed as social beings with complex needs and desires as opposed to just units of production. It is based on the works of Abraham Maslow and Douglas McGregor in the mid twentieth century. This perspective places an emphasis on the social networks

found in a corporation and uses gratification, not depravation, to provide motivation in the workplace.The human relations perspective developed in the mid twentieth century and was an extension of the behavioral viewpoint. Prior to the behavioral, almost all management was looked upon through the classical viewpoint. This viewpoint specifically focused on how to create higher efficiency though technical processes with little regard to the social aspect of work. It wasn't until after the Hawthorne experiments that people began to realize that the happiness of the worker has a major effect on overall productivity. The experiment began as a test on the effects of different working environments on productive.

THE HUMAN RELATIONS APPROACH

Theory accounting for relations among management, frontline staff, and clients is the human relations school. It emphasizes that the job requirements and the conditions of work have profound psychological consequences on staff, especially in terms of their ability to fulfill their own needs (ranging from physical to self-actualization).These, in turn, influence their attitudes toward their work and their coworkers and ultimately affect how they perform their jobs (Porter, Lawler, & Hackman, 1975). The underlying assumption is that organizational effectiveness is a function of the complementarily and congruency between the goals of the organization and the personal needs of the workers (Argyris, 1962).There is an accompanying assumption

in the human relations school that states that the nature and quality of the organization's leaders is an important determinant of the performance and job satisfaction of their subordinates (see Schmid on leadership, this volume). Glisson (1989) showed that the power, maturity, and intelligence of the leader influence workers' commitment to the organization. In general, it is assumed that leadership that promotes a democratic atmosphere in the organization will improve workers' productivity. The human relations approach is particularly important in the human services because it is assumed that the attitudes of the staff to their work situation and their co-workers will have direct consequences on how they relate to their own clients. Trust, positive values, and caring emotions are assumed to be determined by how workers feel about their work, how their self-actualization needs are being met, and how the organization facilitates and supports their work. Perhaps because client-worker relations are central to human service effectiveness, much research from the human relations perspective has been done in the human services. Some research on human service workers finds that role conflict and lack of support from colleagues and supervisors are the main determinants of burnout (Maslach&Schaufeli, 1993). Workers who experience burnout become detached and withdrawn from their clients; postpone client contacts; and assume cynical, negative, and inflexible attitudes toward them. Participatory management, often recast in the human services as the empowerment of workers, has been shown

to contribute to organizational effectiveness (Whiddon& Martin, 1989).Guterman and Bargal (1996) found that there is a relationship between the sense of empowerment social workers feel and their perceptions of service outcomes. Keller and Dansereau (1995) argue that empowering leadership aligns subordinates in accordance with the preferences of supervisors. Glisson(1989) showed that the more workers perceive their leaders to have power and maturity, the greater their commitment to the organization. The research on burnout does seem to support the notion that job satisfaction is associated with jobs that provide autonomy, participation, challenge, promotional opportunities, and financial rewards (see Jayaratne& Chess, 1983; Pines & Aronson, 1988).The linkage between the well-being of the staff and of the clients is an important contribution of the human relations approach. As noted in the previous chapter, the core work of human service organizations occurs through client-worker relations, and undoubtedly, the quality of these relations is influenced by the morale and job satisfaction of the workers. There is also good evidence to suggest that job satisfaction is influenced by the nature of the task and by an organizational culture that is constructive (i.e., promotes positive proactive behavior and encourages interactions among the workers that meet higher satisfaction needs; see, e.g., Glisson& James,2002; Whiddon& Martin, 1989). Indeed, applied to caseworkers in child welfare and juvenile justice, an organizational intervention known as Availability, responsibility, and Continuity

(ARC), which relies on human relations strategies such as teambuilding, participatory decision making, conflict resolution, feedback system, and job redesign, has been shown to reduce staff turnover, role conflict, overload, emotional exhaustion, and depersonalization(Glisson, Dukes, & Green, 2006).Nonetheless, the human relations app -roach suffers from some fundamental limitations, mostly because its level of analysis is social-psychological. The organization is still viewed as a closed system, and the political, economic, and institutional dimensions of the macro-environment are ignored. Consideration of the impact of the environment on structure and processes is relegated mainly to the recognition that leaders and workers bring into the organization their own personal dispositions and predilections.Furthermore, although the model places importance on worker-client relations, it is silent on the moral choices that underlie the service delivery system and the specification of desirable outcomes. Most problematic is the potentially misplaced emphasis on the psychological needs of the workers and on democratic participation as determinants of organizational effectiveness. These factors may pale in the face of strong environmental factors such as political and economic constraints. It is hard to imagine, for example, that democratic participation is going to significantly alter those features of the welfare department that workers find especially alienating, such as extensive paperwork, inability to respond to the many dire needs of the applicants, pressure to

reduce error rates, low wages, and poor working conditions. Nor is it always possible, given the nature of the technology of the organization, to create job conditions that provide for autonomy, creativity, and promotional opportunities. Indeed, the ARC intervention failed to change organizational culture that reflects more enduring structural features of the organization (Glissonet al., 2006). Similarly, studies of home care workers indicate how the inherent attributes of the work itself—low skill, part-time, isolated—coupled with poor wages and benefits create low morale and high turnover. Moreover, demonstration projects to improve the conditions of homecare work through job enrichment and training and supervision, although are having beneficial results, ultimately failed to alter the organization of home care work because of the basic economic and political forces controlling the home care industry (Feldman, 1990). Ironically, the democratic ideology reflected in the human relations approach could act as a tool of domination by shifting attention from broader conditions of in -equality in the organization to interpersonal relations.

Human Rights:

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations. Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Interdependent and indivisible

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and

cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

Equal and non-discriminatory

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights."

Both Rights and Obligations

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

CLASIFICATION OF LABOUR LAWS IN INDIA: Labor Laws may be classified under the following heads:

I. Laws related to Industrial Relations such as:

- Trade Unions Act, 1926
- Industrial Employment Standing Order Act, 1946
- Industrial Disputes Act, 1947

II. Laws related to Wages such as:

- Payment of Wages Act, 1936
- Minimum Wages Act, 1948
- Payment of Bonus Act, 1965.
- Working Journalists (Fixation of Rates of Wages Act, 1958

III. Laws related to Working Hours, Conditions of Service and Employment such as:

- Factories Act, 1948.
- Plantation Labour Act, 1951.
- Mines Act, 1952.
- Working Journalists and other Newspaper Employees' (Conditions of Service and Misc. Provisions) Act, 1955.
- Merchant Shipping Act, 1958.
- Motor Transport Workers Act, 1961.
- Beedi& Cigar Workers (Conditions of Employment) Act, 1966.

- Contract Labour (Regulation & Abolition) Act, 1970.
- Sales Promotion Employees Act, 1976.
- Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
- Dock Workers (Safety, Health & Welfare) Act, 1986.
- Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996.
- Building and Other Construction Workers Welfare Cess Act, 1996
- Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act,1981
- Dangerous Machines (Regulation) Act, 1983
- Dock Workers (Regulation of Employment) Act, 1948
- Dock Workers (Regulation of Employment) (Inapplicability to Major Ports)Act, 1997
- Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- Industrial Employment (Standing Orders) Act, 1946
- Mines and Mineral (Development and Regulation Act, 1957
- Plantation Labour Act, 1951
- Private Security Agencies (Regulation) Act, 2005

IV. Laws related to Equality and Empowerment of Women such as:

- Maternity Benefit Act, 1961
- Equal Remuneration Act, 1976.

V. Laws related to deprived and Disadvantaged Sections of the Society such as:

- Bonded Labour System (Abolition) Act, 1976
- Child Labour (Prohibition & Regulation) Act, 1986
- Children (Pledging of Labour) Act, 1933

VI. Laws related to Social Security such as:

- Workmen's Compensation Act, 1923.
- Employees' State Insurance Act, 1948.
- Employees' Provident Fund & Miscellaneous Provisions Act, 1952.
- Payment of Gratuity Act, 1972.
- Employers' Liability Act, 1938
- Beedi Workers Welfare Cess Act, 1976
- Beedi Workers Welfare Fund Act, 1976
- Cine workers Welfare Cess Act, 1981
- Cine Workers Welfare Fund Act, 1981
- Fatal Accidents Act, 1855
- Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act, 1976
- Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 Limestone and Dolomite Mines Labour Welfare Fund Act, 1972

- ➤ Mica Mines Labour Welfare Fund Act, 1946
- ➤ Personal Injuries (Compensation Insurance) Act, 1963
- ➤ Personal Injuries (Emergency Provisions) Act, 1962
- ➤ Un Organized Workers' Social Security Act, 2008.

Conclusion

The need for relief workers to increase their knowledge and understanding of human rights standards arises from at least two factors: (i) the need to be accountable, and hold others accountable, to existing standards which recognize humanitarian rights; and (ii) the corresponding possibilities for more focused and effective advocacy at all levels on humanitarian issues. It is legitimate to see the provision of humanitarian relief as part of a spectrum of human rights activity. But assistance activities have too often been conducted without an analysis of the protection issues which often make such assistance necessary in the first place. Protection activities relate to the whole spectrum of rights which guarantee physical, economic, social and political security. Assistance activities are concerned with the fulfillment of physical and economic needs at one end of this spectrum; but as was argued in an earlier section, the full filment of these subsistence rights may be dependent on the recognition of social, legal and political status and the rights that go with it – as a civilian, as a refugee, as a woman, as a worker, as a child, and so on. The two cannot be divorced. Relief agencies should be held accountable for

the protection implications of their work, just as they are increasingly being asked to demonstrate the beneficial impact of the relief assistance provided. But that accountability should probably be limited to the obligation to eliminate or mitigate the potential negative protection consequences of their interventions. They are at present answerable to no-one in this respect. The following recommendations for action follow from the argument of this paper:

1. An assessment of needs should always include an assessment of protection needs –including issues of civil and legal status as well as physical and economic security. How people's rights are threatened, who is the responsible authority, and what steps can be taken to ensure that protection is given?
2. Following on from this, it is suggested that given the potential negative implications for people's protection of providing relief assistance, agencies should work to the following principle: an assessment should always be made of the protection implications of providing relief in a particular form in a given context; and steps taken to minimize the potential negative side effects for the target population posed by such intervention. This may, ultimately, involve a decision not to intervene.
3. The ability to make a general assessment of protection needs assumes a basic grounding in the

relevant legal standards (international and national) as well as familiarity with the relevant structures and responsibilities. The need for appropriate training follows from this. Training should involve materials which relate to situations that relief workers will actually face in the field.

4. People need information about their own rights. New ways need to be explored by which people can be helped to pursue advocacy on their own and others' behalf. Leaflets, advice centers, formal training, etc. may all be part of this.

5. As well as understanding the basic principles of human rights, and the legal standards which reinforce them, relief workers should understand the specific role and formal mandate of agencies like UNHCR and the ICRC. Though not always described in these terms, their mandates are intrinsically concerned with the protection of human rights. This may imply the need to relate rather differently to these agencies, and in particular to recognize the significance of their protection role and of their negotiating status. It is suggested that insufficient recognition is given to – and use made of – these existing channels by those relief agencies concerned with human rights advocacy. Their mandates are weakened as a result.

6. Complementing the relevant legal provisions are a number of codes of conduct, declarations, working principles and similar, which seek to regulate the way in which relief is delivered, the conditions attached to the provision of relief, minimum technical standards, and minimum humanitarian standards that ought to be universally applied. Some of these are already quite well established, others are currently being evolved. They deserve to be more widely known and applied by humanitarian agencies. The following should be mentioned:

(i) The Red Cross / NGO Code of Conduct

(ii) The Turku Declaration on Minimum Standards (1991)

(iii) (Under development) minimum technical and general standards for relief provision, under the auspices of the Steering Committee for Humanitarian Response and Inter Action.

(iv) Various context-specific initiatives, of which those in South Sudan and in Liberia have been mentioned above, which seek to apply some form of human rights conditionality to the provision of relief assistance – or to incorporate minimum protection standards – in negotiation with the controlling authorities.

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