

## Challenges of a Industrial Relations Dispute

A breakdown in negotiations between the employer and the trade union or staff association, the representative body of the workers, forms the basis for the declaration of an industrial relations dispute. This is usually the catalyst for some form of protest action that is taken by the trade union or staff association. This could take the form of picketing of the workplace, a go-slow, demonstration, sickout or a strike. The decision to take a form of protest action usually comes when the parties to the dispute have exhausted the established procedures to be followed. It is generally accepted that the parties will agree to mediation or arbitration as the next step to bring about a resolution.

Whereas this is the ideal, the resort to a form of industrial action is sometimes driven by the failure of one of or both parties to the dispute, to engage in the mediation or arbitration process. The taking of rigid positions by one or both sides, does not lend to compromise being an option. This inevitably contributes to the fallout where one party undertakes to pressure the other to pull back on its positions. Both the employer and/or the workers representative body, use whatever means at their disposal to force the other to return to the bargaining table.

Trade unions may resort to use whatever legitimate protest action(s) they have at their disposal. It may appear that employers are limited in the actions that they can take, but they would argue that they are equipped to respond; particularly when workers withdraw their labour. The fact that the employer may opt not to pay workers who go on strike, would in their view, give them a decisive advantage in breaking the backbone of any protracted strike action. Apart from this, and depending on the nature of the dispute, the employer may resort to a lock out of the employees. None of this should be allowed to break the focus or the resolve of the trade union.

With reference to the non-payment of workers who are on strike, it is for them to be aware of the sacrifice and commitment that is required. Workers at a plant or the body of unionized members should not lose sight of the fact that when they support any action that this is done for a cause. It is for them to ignore threats and acts of intimidation, as these are meant to undermine the solidarity that exists.

At the time of an industrial action and in particular strike action, the importance of a strike fund becomes increasingly evident. The leadership of trade unions and staff associations should give priority to establishing a strike fund, and undertake to educate the members on the importance of the fund. Consideration may be given to allocating a

percentage of monthly union dues to a strike fund. Dedicated fund raising activities may also be a consideration of the leadership.

In any industrial relations dispute, it is important to maintain solidarity within the ranks. Given that this is the intention, it is an appropriate time for trade unions and staff associations to engage in the recruitment of new members. It is an opportunity that should be cashed in upon, as many who feel vulnerable are more likely to join the organization and have the support of their colleagues.

One of the main challenges which is expected to continually face trade unions and/or staff associations in an industrial relations dispute, remains that of the management of media relations. They should be weary of not being drawn into negotiating in the media, and moreover should avoid reacting to propaganda.