

## Respecting the Industrial Relations Practice

It has long been accepted that workers resort to forms of industrial action as a legitimate means of calling the attention of their employer to an existing grievance, and moreover, to press their demand to have a matter resolved. In many an instance workers resort to taking strike action, as this is determined as the most effective way to get the employer to respond to the concerns of the employees.

The right to protest is the reserve of employees in much the same way that the right to hire and fire remains that of the employer. The taking of strike action as a matter of choice, though effective, can have a drawback. This relates to the employer being not legally required to pay striking employees. It is however generally the practice in Caribbean that striking employees are paid. This is both prudent and the exercise of a good sense judgment, for it serves the useful purpose of maintaining good employee –employer relations, and the relationship between the trade union and management.

Where it is understandable that employers may have some reservation in paying striking employees who have initiated what is termed as a 'wild cat' strike, this has to be balanced against the reason for the action being taken without the sanction of the trade union which represents the workers. It may be convenient to ignore that in some instances the employer fails to honour a provision(s) of the collective agreement, fails to entertain the union in discussion or negotiation, acts in a manner that is considered not to be in the best interest and welfare of the workers; being unfair, unreasonable, punitive and discriminatory in one way or another.

Many employers fail to respect the trade union as the legal bargaining agent of the employees. The disrespect shown for the collective bargaining process and contempt shown for the negotiation process can be rather disturbing. This is very apparent where the employer acts in a high handed manner and adopts a take it or leave it approach. Government as the largest single employer exercises this in no small measure, when it moves to legislate public sector wages and salaries negotiations. Some will argue that the negotiation process was followed and that government used the ultimate part of the process that gives it the discretion to exercise its parliamentary prerogative.

When this is compared to what happens in the private sector, it seems grossly unfair that a negotiated settlement is reached, while public sector

workers are left to accept what is offered; under the guise that negotiations have broken down. Where there is a breakdown in negotiations within the private sector, mediation and conciliation are used to bring action a settlement. This accommodation is not reflected in public sector wages and salaries negotiations.

Protest actions taken by workers across the world are usually the subject of high drama from the point of view that in many instances, the strong arm of the law is used to intimidate protesting or striking workers. Incidents of brute force are often captured and transmitted across the medium of television networks and social media. The right to collective bargaining and the right to negotiate are principles which are expected to be respected and observed as part of the industrial relations practice. For these to happen, it requires that a premium is placed on dialogue and consultation. If it is that the employees' right to strike or withhold their labour is denounced, then it means that this will make a mockery of the process where collective bargaining and negotiations are supposedly significant features of the industrial relations practice. The power of the employer to manipulate without fear or pressure or reprisal will be the outcome.