

# VOLUNTARISM IN INDUSTRIAL RELATIONS

© Regional Management Services Inc.

# Voluntarism in Industrial Relations

## DEFINITION

A system characterized by non-legal intervention, and that is supported by Trade Union Acts and Social Welfare Provisions.

# Principles of the Voluntary System of Industrial Relations

- Free collective bargaining between trade union and employer as opposed to state regulation; non-legalistic - collective bargaining
- Legal Frame work: collective bargaining agreements, constitution, Labour code of practice - Trade Union Act
- Regulation of relations by established procedural rules – procedures for dispute resolution
- Maintaining control in decision making - individual autonomy as opposed to external intervention
- Embodies conciliation, mediation, arbitration
- Minimum legal regulations, judicial involvement and minimum state support
- Reliance on the law of contract and common law to govern employment relations

# Protocol III – Barbados 1998

**SUBSCRIBING** to the principles enunciated in the International Labour Organisation Convention 87, Convention Concerning Freedom of Association and Protection of the Right to Organise, in the International Labour Organisation Convention 98, Convention Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, and the ILO Convention 144 on Tripartite Consultation;

**BELIEVING** that voluntarism, as conceptualised and applied to industrial relations in Barbados, and particularly through those conventions and practices, which have been carefully developed and followed over the years, remains critical to the success of any continued tripartite endeavours

- The right to collective bargaining, collective agreements and joint consultation.

# IMPACT OF LABOUR LAW

- Intervention by politicians and lawyers
- Encroachment of law courts on traditional industrial terrain – Industrial Courts – Increase regulatory labour legislation
- Third party intervention – ADR
- Tribunals

# ROLE OF THE STATE

- Voluntarism exists in a state of free enterprise
- The state acts as a mediator between labour and employers
- Regulates mandatory standards – safety and health, wage protection, welfare protection

# THREAT TO COLLECTIVE BARGAINING

- Lack of a well organized labour movement – downsizing of the workforce
- Individual contract of employment – outsourcing etc.
- Part time employment – flexible work hours
- Concession bargaining e.g. Threatening of closure by businesses – softening of employees position
- Shift from collective bargaining nation wide / industry to enterprise level.
- Movement of labour – multi national corporations

# TEST FOR VOLUNTARISM

- Can either party to a collective agreement reject the outcomes or are they binding?

# CASE FOR UNIONS' SUPPORT FOR LEGISLATION

- Leverage and empowerment of union in collective bargaining / recruitment
- Employment Protection
- Protection / Safeguarding of rights which employers may wish to erode

# INDUSTRIAL COURTS

- A strong legalistic system
- Started in 1965 in Trinidad and Tobago - Industrial Stabilization Act
- ISA replaced by the Industrial Relations Act of 1972, which established the first Industrial Court in the English-speaking Caribbean.

# Threats to the Principles of Voluntarism

- Statutory legislation to modify the regulation of collective bargaining relations
- Provisions for determination of appropriate bargaining units;
- Determination of trade union recognition
- Intervention of the state in the national/community interest
- Established a compulsory dispute resolution machinery in the essential services/industries
- Statutory powers to establish arbitration tribunals or boards of inquiry
- Establishment of final adjudication machinery in the form of Industrial Courts and standing Industrial Tribunals;
- Requirements for greater accountability by trade unions and employer organizations to their membership and for fulfilling statutory obligations
- Greater social protection; and employment protection.

# SUMMARY

- System – partly consensus based – partly political
- Offers concessions to employers
- Provide greater cover for unions through workers protective legislation
- The Caribbean inherited the tradition of voluntarism in industrial relations that is based on good faith, which enabled trade unions and employers to regulate their own relations without interference from public authorities.