

EMPLOYEE & LABOR RELATIONS

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SRM International Labor Standards

International labor standards reflect a consensus about employee rights and employer responsibilities. Even if they are not reflected in a nation's employment laws, they set a recognized bar that ethical employers strive to reach.

International Labour Organization (ILO) core standards relate to:

- Right of workers to organize and bargain collectively.
- Prohibition of forced labor.
- Regulation of child labor.
- Equal pay and benefits for men and women.
- Prohibition of discrimination and promotion of equal opportunity and treatment.
- Occupational health and safety

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SRM Employee Relationship Strategy

The diagram illustrates the components of an Employee Relationship Strategy. It features a central box labeled 'Goals' surrounded by six other boxes: 'Alignment with organizational strategy', 'Alignment with employment laws and business practices', 'Vision describing intended type of workplace culture', 'Values upon which strategy is built', 'Compliance and ethics program', and 'Performance measures'. 'Initiatives for implementation' is shown at the bottom. A blue geometric logo is in the top right corner.

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SIRM Policies, Handbooks, and Manager Involvement




Workplace policies	Employee handbooks	Manager and supervisor involvement
<ul style="list-style-type: none"> Broad statements that reflect the employer's ER strategy. Provide a basis for HRM practices. 	<ul style="list-style-type: none"> Handbooks should reflect the organization's vision and values and be legally compliant. 	<ul style="list-style-type: none"> Must understand how ER strategy aligns with management practices. Should be able to fulfill the ER strategy in daily work.

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SIRM Labor Relations




Refers to the way organizations manage their relationships with employees as a collective group rather than individually

- Frequently involves third parties (for example, labor/trade unions, works councils, professional associations, government ministries)
- Requires direct HR involvement in developing and implementing labor strategy

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SIRM Labor or Trade Unions



Group of workers who coordinate activities to achieve common goals in their relationship with an employer or group of employers

- Members elect representatives to interact with management.
- Membership may include managers and professionals as well as skilled/unskilled workers.

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SIRM Industrial Revolution

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SIRM Industrial Revolution

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SIRM National Labor Relations Act and Amendments

National Labor Relations Act
(Wagner Act) 1935

let's DISCUSS

- Intended to protect and encourage growth of union movement.
- Workers have right to organize and bargain collectively with employers.
- National Labor Relations Board (NLRB).

It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

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SIRM National Labor Relations Act and Amendments

- National Labor Relations Act (Wagner Act) 1935**
 - Intended to protect and encourage growth of union movement.
 - Workers have right to organize and bargain collectively with employers.
 - National Labor Relations Board (NLRB).
- Labor-Management Relations Act (Taft-Hartley) 1947**
 - Significantly amended NLRA to restrict activity and power of unions.
- Labor Management Reporting and Disclosure Act (Landrum Griffin) 1959**
 - Amended NLRA to regulate internal union affairs and the relationship between union officials and union members.

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SIRM AMZ APL SBKS in the Press

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SIRM

LABOR, DEMOCRACY & THE COMMON GOOD

Auto workers win Tennessee union vote, despite opposition from Southern GOP governors, including Kemp in Georgia

by Alessandro Marazzi Sassoon
April 22, 2024

Victory celebrations after Volkswagen workers in Chattanooga, TN successfully voted to join UAW on April 18, 2024. Credit: Maria Huelsa, Creative Commons

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SIRM Know Your Union

- Level at which bargaining occurs
- Focus of bargaining topics
- Union penetration or density
- Membership
- Relationship with management
- Role government will play

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SIRM Governments and Other Groups

- Employer or industry associations**
Negotiation partner when contracts are at industry or national level
- National governments and agencies**
Regulator, representative of social interests
- International groups**
Advisory and expert role (for example, ILO's Global Jobs Pact)
- Local governments, nongovernmental organizations, religious institutions, community groups**
Apply pressure on social issues, participate in task forces on employee relations issues

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SIRM Industrial Actions

Collective or "concerted" employee actions taken to protest work conditions or employer actions

Designed to interfere with employer's ability to fulfill its commercial interests

- General strike
- Sit-down strike
- Sympathy strike
- Wildcat strike
- Secondary action or boycott
- Work-to-rule
- Overtime ban
- Picketing
- LOCKOUT

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SIRM **Unfair Labor Practices**

Employer ULPs	Employee/Union ULPs
<ul style="list-style-type: none"> Interfering with right to join union Discriminating based on union membership Refusing to bargain or provide needed information Refusing to enforce contract Controlling or intervening in union operations 	<ul style="list-style-type: none"> Conspiring with employers to discriminate against employees Interfering with employees' freedom of speech Not responding to member complaints Refusing to bargain in good faith Requiring unreasonable fees Directing prohibited actions

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SIRM **Responding to Work Actions**

- Develop a strike response plan.
- Create supply chain contingency plan.
- Train managers to identify and report signs of union strike campaigns.
- Organize and train managers to take place of workers.
- Set policies to protect non-striking workers.
- Arrange for contingent workers (if legal).
- Educate managers and supervisors on what they are allowed to do.

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SIRM **Workplace Conflict**


HR may have to apply their competencies to manage different types of workplace conflicts.

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graph TD
    Managers --> Employees
    Employees --> Managers
    Employees --> Employees
    Managers --> ThirdParties[Third parties]
  
```

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SIRM **Disciplining Employees** 

Good business practices include:

- Produce persuasive evidence of employee's culpability or negligence.
- Give employee fair opportunity to present his or her side of story.
- Determine penalty appropriate for given offense.
- Impose discipline that is consistent with treatment others have received for similar infractions.
- Incorporate HR review of all material/serious disciplinary actions.

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SIRM **Preventing Disciplinary Situations** 

Review codes of conduct before implementation.

Set clear expectations.


Behave consistently.

Establish a climate of communication.

Maintain an open-door policy.

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SIRM **Tests of Due Process** 

- ✓ Employee is informed of expectations.
- ✓ Employer is consistent and predictable in disciplinary actions.
- ✓ Action is based on facts.
- ✓ Employee is given chance for defense.

- ✓ Employee has right to appeal.
- ✓ Constructive discipline is used.
- ✓ Employee is considered as individual.

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SIRM Constructive Discipline

- Form of corrective action that implements increasingly severe penalties.
- Employer can provide:**
 - Positive punishment or added requirement.
 - Negative punishment or removal of valued stimulus.

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SIRM Constructive Discipline Process

```
graph TD; A[Problem solving: Joint and open dialogue] --> B[First formal warning: Private, oral or written]; B --> C[Second warning: Feature of some systems]; C --> D[Final warning: Written, employee documents understanding]; D --> E[Discharge];
```

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SIRM Dispute Resolution

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graph TD; A[Listen.] --> B[Manage own emotions.]; B --> C[Agree on goals.]; C --> D[Focus on issues and facts, not personalities.]; D --> E[Consider all perspectives.]; E --> F[Engage in problem solving and explore alternatives.]; F --> G[Reach agreement on next steps.];
```

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SIRM Workplace Retaliation 


Retaliation: Unlawful discrimination or other adverse action taken against an employee as a result of a conflict or complaint.

Employers should:

- Adopt and disseminate a strong antiretaliation policy.
- Inform employees about process for reporting retaliation.
- Train managers and supervisors.
- Monitor treatment of employees.
- Investigate allegations and take corrective action if necessary.

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SIRM Conducting Investigations 

1. Ensure confidentiality.
2. Provide protection.
3. Select investigator.
4. Create plan.
5. Develop interview questions.
6. Conduct interviews.
7. Make a decision.
8. Close the investigation.
9. Develop written summary of investigation results.

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SIRM Third-Party Resolution Techniques 

Legal and cultural norms, organizational requirements, and/or collective bargaining agreements can impact the choice and use of ADR.

Open door	Access anyone in chain of command.
Ombudsperson	Neutral third party investigates and mediates.
Single designated officer	Management appoints someone to investigate and resolve.
Chosen officer	Employee selects arbitrator from designated group.
Peer review	Panel of employees (and maybe managers) hears and resolves complaints.
Mediation	Neutral party helps both sides assess positions and reach agreement.
Arbitration	Sides tender dispute to a third-party judge and abide by the decision.

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