
Collective Agreement And Its Features

Before we go into defusing the tensions between both parties, they must first understand what a Collective Agreement is. A Collective Agreement according to the (Labour Relations and disputes act, 1975), is made (in whatever way and in whatever form) between one or more organizations representing workers and either one or more employers, one or more organizations representing employers, or a combination of one or more employers and one or more organizations representing employers.

Since we have made the two sides aware of what is a collective agreement, we are now going to go through the steps of collective bargaining. Collective bargaining is the negotiation process that takes place when certain issues arise between an employer and a group of employees, according to (Content Team, 2014). Workers depend on a union member to represent them during the negotiation process, and the negotiations also address issues such as working conditions, security of workers, hiring, salaries, and layoffs.

According to (Content Team, 2014), there are five core steps the employees of Dunns Chinese Restaurant and Robert the employer should follow in the bargaining process.

- Preparation – choosing a negotiating team as well as labour and employer representatives. Both sides should be competent in negotiation and labour laws, and both study the information available to determine whether they have a good negotiating position.
- Discussion – Both parties meet to create ground rules for the collective bargaining negotiation process.
- Proposal - Both members make comments about the transparency, choices and potential solutions to the problem.
- Bargaining - Following suggestions, the parties discuss potential approaches and negotiate to develop a suitable compromise for both parties. This becomes a 'draft' agreement, not legally binding, but a step towards the completion of a final collective bargaining agreement.
- Final Agreement - Once an agreement has been reached between the parties, it must be put into effect in writing, signed by the parties.

To order to avoid strikes and lockouts, collective bargaining is used as an effort to reach an agreement. Strike is a work stoppage by a group of employees due to a labor dispute, and lockout is where employers remove employees from the place of employment or termination of a group of employees (Labour Relations and conflicts Act, 1975).

Collective Agreement

According to the Jamaica Labour Relations Code (1976), Section 18, Collective Agreement is define as a written document that enshrined terms and conditions accepted by both employers and workers from the collective bargaining process, and contain substantive and procedural provisions. Copies of Collective Agreements should be submitted to the Ministry of Labor and Employment for their records.

Interpretation and Application of Collective Agreement

Previously the collective agreement was that workers would work on Mondays to Fridays from 10 am to 10 pm. They (workers) receive a 4% increase yearly with a week salary for bonus and from good out of good faith depending on the business performance an additional 2 % for increase. Therefore if Robert is planning on changing these working conditions and salary package he need to meet with the union repetitive in order for them to set a new “collective agreement”. This agreement should incorporate the new working days, overtime, salary packages.

Types of Agreements

There are two types of provisions in the collective agreements, each proving different types of information to the agreement. These agreements are Substantive and Procedural provision. Substantive provisions would be related to all previous agreements make by the previous owner Mr. Dunn and the worker’s trade union, while procedural would relate to new negotiation of terms and procedure to be followed.

The agreement that will be applied in this case is procedural this is because there must be a new arrangement that will incorporate the new working days, hours and salary to be paid.

The scope of collective agreement

Since the concept of the scope for collective bargaining agreement seeks to identify the category of employers and employee that a given collective agreement apply, these categories (group) can be create by geographical area, types of economic activity and or personnel.

The scope of economic activities relates to the process whereby price of labor need to be determine (wages, working hours and other terms) and agreed upon my employers and employee.

Within the given case the scope of the collective agreement is derive by economic activity, this is so based on the facts that Robert wants to open the restaurant on the weekend which would lead to longer working hours. He also wants to cut cost that may come from cutting jobs and lowering people’s pay.

Mechanisms for enforcing compliance of collective agreement

- a. Grievance procedure
- b. Disciplinary procedure
- c. Sanctions
- d. Suspensions
- e. Dismissals
- f. Promotion

Firstly, the core of a grievance procedure is to provide an avenue where employees, without endangering his job, can express a complaint regarding his work or working conditions and obtain an unbiased hearing. (Eaton & Keefe 1999) Grievances are brought to the employee’s

immediate supervisor. This may be either an informal process or the beginning of the formal process. Generally, there will be a requirement that the grievance be submitted in writing (Holley, Jennings & Wolters 2009). If there is no resolution, the grievance may be eventually presented to the highest levels of management. If still unresolved, the assistance of an outside arbitrator may be required.

Secondly, discipline is defined as a 'constructive action instigated by management against an employee who fails to meet reasonable and legitimate expectations in terms of performance, conduct or adherence to rules' (Corbridge & Pilbeam 1998). The disciplinary procedure used in the workplace may encompass an oral warning followed by a warning in writing if there is no sign of improvement. If behaviour persists, a final written warning may be issued, then finally, the employee may be suspended or dismissed. (Holley 2009).

Thirdly, sanctions are disciplinary actions that are imposed on employees, sanctions may be in the form of written or verbal warnings, demotions, transfer to other departments, and loss of privileges like bonuses, suspensions and dismissal. Prior to enforcing any sanction, management must ensure that the employment contract makes allowance for it, and the consequences are duly considered.

Regarding the case study, the best course of action to take is to follow the disciplinary procedure. Once the collective agreement is put in place, the manager, Robert, may advise employees that if they are non-compliant, a series of actions may be taken. These actions may be taken in order of violation, example, first violation would produce a verbal warning, second violation, a first written warning, third violation, final written warning. Continued non-compliant behaviour may eventually result in suspension and then eventually, dismissal.

References

1. Corbridge, M., & Pilbeam, S. (1998). Employment resourcing. London: Financial Times/Pitman Pub.
2. Eaton, A. E., Keefe, J. H., & Industrial Relations Research Association. (1999). Employment dispute resolution and worker rights in the changing workplace. Champaign, IL: Industrial Relations Research Association
3. Holley, W. H., Jennings, K. M., & Wolters, R. S. (2009). The labor relations process. Mason, Ohio: South-Western Cengage Learning.
4. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/13616/116901/F-735077660/JAM13616.pdf>
5. <https://moj.gov.jm/sites/default/files/laws/Labour%20Relations%20and%20Industrial%20Disputes%20Act.pdf>