

Observing Procedures and Process

In the practice of Industrial Relations, the following of procedures and processes are two of the accepted fundamental operating principles which are known to trade union representatives. Good industrial relations practice requires that employers should provide employees with a handbook which clearly sets out the policies and procedures which guide or regulate workplace matters. This document is sometimes referred to as an Operations Procedurals Manual and/or a Terms and Conditions Document. Irrespective of what name is given, the fact of the matter is that it contains valuable information which helps to acquaint employees of what the workplace expects and requires of them, as well as their obligations, rights, entitlements and privileges.

From a management perspective, the employee's handbook provides a means for management to ensure employees are knowledgeable of both policies and procedures, and will guide management in treating to workplace issues. The employee's hand book is meant to be a regulatory document but most importantly, it is non-discriminatory in its application. It is designed to ensure both fairness and equality of treatment.

All workplaces are advised to have their policies and procedures documented, as to do so will eliminate any doubts and speculation of what should obtain and/or apply. It is best when workplace policies and procedures form part of the collective agreement. This makes it far easier for management and the employees' representative to share an understanding of what is agreed upon, so as to remove any doubt, suspicion, speculation and misinterpretation. Reasons for having the policies and procedures well documented were cited by Carroll O'Dea Lawyers, 2016. It was suggested that:

“Policies and procedures can fulfill employers' obligations and responsibilities under certain legislation such as work health and safety and discrimination legislation. Policies and procedures provide employees with a clear understanding of what is expected of them. Policies and procedures provide a fair, predictable and consistent approach to managing the workplace and workplace issues. Avoiding the need, make it up as you go which in almost all cases will result in a problem. Being able to refer to a set of policies and procedures can save time when inducting new employees and for training purposes. Policies and procedures and a written employment agreement are valuable reference tools in managing workplace issues arising from employee misconduct or inappropriate behaviour.”

Most modern-day employees' handbooks would tend to address the basic issues of Employment and Recruitment, Termination, Sick Leave, Vacation Leave, Maternity and Paternity Leave, Social Security Benefits-pensions and gratuity, Grievance and Disciplinary Procedure and Occupational Safety and Health. One problem which tends to often arise is the failure of some employers to observe the procedures which are set out in the employees' handbook. Others are guilty of not

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having an employees' handbook and are satisfied to operate on what is known as 'custom and practice'.

It is important that employees guard against attempts by employers to circumvent following both process and procedure. In like manner, employees should not short change themselves by acting out of ignorance. For example, employees should be aware that grievance procedure requires that the employee should write a letter to their employer setting out the details of the grievance. In addition, a request is to be made for a meeting with your employer to discuss the issue. The employee should be aware that he/she reserves the right to appeal the employer's decision.

Employees must be made aware that they have a legal right to be accompanied by a trade union representative, attorney-at-law, friend or colleague to the meeting. Courtesy would dictate that you inform your employer that you will be accompanied by the person of your choosing.

It is important that employers undertake to invest in engaging the assistance of an industrial relations and or human resource management practitioner, for the purpose of advising and preparing the employees' handbook. It is important that the contents of the handbook are informed by current labour legislation and the ILO Conventions which the country has ratified.