

Reviewing the Industrial Relations Practices

The adversarial approach to industrial relations which was first practiced some eight decades ago, is now almost a thing of the past. This change has caused labour leaders to rethink their strategies, philosophies, and undertake a review of traditions referred to as custom and practice, along with established precedents. Practicing unionists who continue to promote custom and practice and embrace the notion of antecedents, are being forced to make adjustments to their thinking as changes to the contemporary industrial relations practice take root.

It is accepted that there is a place for custom and practice in the modern-day industrial relations practice. A custom and practice is considered to be an accepted practice which has developed over a period, whether or not it has been agreed upon as a standard within the terms and conditions of service of employment. Simply put, custom and practice refers to the way something has always been done in the past. As it stands, custom and practice is also described as an unwritten and implied contract term that relates to an unofficial practice in the workplace. Antecedents, this is best described as previous or preexisting event in time. Basically, this is about a tradition which has been practiced.

Accepting that the culture in an organization or enterprise is subject to change, it begs the question as to whether custom and practice and preexisting or previous events are expected to remain static. It can be reasonably argued that when any adjustments, alterations or changes to policy and practices in the workplace are being contemplated, any change (s) may be guided by what was custom and practice. It would seem that to hold fast to custom and practice would suggest that in some cases there would be push back against what is perceived as outdated traditions. Those who believe in workplace culture that is grounded in slavishly following custom and practice and holding steadfast to antecedents, are invariably preaching a doctrine of maintaining the status quo ante. In an ever-changing world and workplace environment, it would be farfetched to think that policies and practices that date back to the days of the industrial revolution in Europe, would have the same meaning and impact if they were applied in modern day industrial relations practice. What can be argued is the fact that associated with these customs and practices, are some guiding principles which cannot be overlooked or ignored.

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It is a fact that custom and practice definitely has a place within the practice of industrial relations. Trade unionists are required to make a decision as to how far they are prepared to go in basing their arguments on customs and practices, traditions and antecedents in a revolving world of industrial relations. In a dynamic world, it is logical to assume that commonsense would prevail in the treatment and management of issues, and to do so bearing in mind that external factors tend to inform a change in outlook and thinking. If it were that custom and practice was to the ultimate determining factor in the negotiation of a matter, it would be difficult to understand how this would play out in a globalized world that has been overtaken by new technologies and management practices.

It is difficult to understand how custom and practice would be a significant factor in the negotiations of new terms and conditions of work, where there is a shift to the introduction of working from home / telecommuting and new flexible work arrangements. With the introduction of new technologies and new work arrangements, it is to be expected that a new workplace culture will be created. Whereas it is possible to preserve aspects of the old culture in the new one, it almost inconceivable to expect that a seamless transfer would occur. The distinct possibility exists that the old ways of doing things will be challenged, and so the best response of trade unionists is to stand firm in ensuring that the principles and standards as developed by the International Labour Organization (ILO) are not ignored, but applied. If custom and practice is to feature in any significant way in the new work arrangements, the key to this is solidly entrenched in the observance of existing labour laws. Labour laws go a long way in protecting the shifting in actions by employers and protect workplace systems from being manipulated and unilateral changed.

There is nothing to suggest that custom and practice does not have a place in the modern-day practice of industrial relations. Questions can be raised regarding the importance trade unionists may attach to its application. With the growing need to be more flexible in the response to changes in the labour environment and labour market, it would make good sense for trade unionists to concentrate on new approaches, measures and policies, rather than seeking to hang on to tradition, custom and practice in order to justify and satisfy their claims and positions.

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