

The Employment Relationship

The employment relationship has been described by the International Labour Organization (ILO) as “The legal link between employers and employees. It exists when a person performs work or services under certain conditions in return for remuneration. It is through the employment relationship, however defined, that reciprocal rights and obligations are created between the employee and the employer. It has been, and continues to be, the main vehicle through which workers gain access to the rights and benefits associated with employment in the areas of labour law and social security. The existence of an employment relationship is the condition that determines the application of the labour and social security law provisions addressed to employees. It is the key point of reference for determining the nature and extent of employers' rights and obligations towards their workers.”

The employment relationship in the main is often challenged by legal issues, conflict issues, disciplinary issues and action, attendance or absenteeism matters. The myriad of employment relations issues which occupy the attention of the employer, management and the trade union as the representative of the workers can be distilled to include personality and relationship issues, performance issues, conduct issues, unfair treatment to include allegations of harassment or discrimination, redundancy and retrenchment issues, and matters of wrongful or unjustified dismissal.

The employment relationship can however be compromised or strained where a lack of respect is shown by employers and management to workers and their representatives. In many instances, this is the single contributing factor which inevitably gives rise to unnecessary and unwanted industrial protest action. It can be argued that the demonstration of mutual respect is one sure way of building a healthy relationship.

In the building of the employment relationship, it is paramount that employers and management work to establish open lines of communication with employees and their trade unions representatives. This is a sure way of winning confidence and trust. Where this becomes the norm more than the exception, it lends to employees being kept in the loop about business matters. Moreover, serves as a means of encouraging the input of workers by way of the sharing of ideas and suggestions, and ultimately, participation in the decision making process.

It is rather unfortunate that within both the public and private sectors, there remains the appearance of a top-down approach. In the private sector, decisions are often made in the Board Room by the directorate, and on passed to the Chief Executive Officer and/or Human Resource Manager for implementation. Within the Public Service, it is not uncommon to find memos that originate from within line Ministries or from Heads of Department that address some change(s) to policy matters or procedures.

The irony of this is that there is sometimes the absence of consultation with the workers or their trade union representative. Where this prevails, it is obviously an affront to workers. The absence of the engagement or empowerment of workers is therefore a backward step that has no place in a 21st century work environment. This can however be remedied, but it seems that for this to happen, it requires a change in the mindset of employers and management personnel. This change should represent the move to embrace inclusion, as opposed to adopting a dictatorial or authoritarian style of leadership.

The building of the employment relationship is sometimes marred by the attitude displayed by some individuals who assume leadership and management roles. These persons tend not to appreciate the fact that in a work environment it is important to gain the cooperation, participation, confidence, trust and support of the employees. Based on this, it would be detrimental to the efforts of employers and management if they were not opened to ensuring openness, transparency and accountability.

The building of staff morale is a critical factor that cannot be ignored as a prime factor in the cementing of the employment relationship. This comes about where there is job satisfaction, security of tenure, limited turnover of staff, and an appreciation of the efforts of staff members. This net effect of this is to trigger the reduction in the levels of absenteeism, drive the improvement customer service, and improve worker productivity.

Michael Josephson founder of the nonprofit Josephson Institute of Ethics and Character Counts made the interesting comment that. "The employer has a moral obligation to look out for the welfare of employees. It is not a question only of fair play and good working conditions, there should be a real and enduring concern for employees." This adequately sums up what is required for developing and cementing the employment relationship.