**BUILDING EFFECTIVE SOCIAL DIALOGUE FOR THE ENHANCEMENT OF INDUSTRIAL**

**PEACE AND HARMONY**

A PAPER DELIVERED

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**BUILDING EFFECTIVE SOCIAL DIALOGUE FOR THE ENHANCEMENT OF INDUSTRIAL PEACE AND HARMONY**

Industrial Relations Practice embraces social dialogue as a tool to enhancing peace and harmony at workplace. According to Wikipedia, “Social Dialogue (or social concertation) is the process whereby industrial social partners (trade unions and employer organization) negotiate, often in collaboration with the government, to influence the arrangement and development of work-related issues, labour policies, social protection, taxation or other economic policies”

International Labour Organization (ILO) defines social dialogue to include “all types of negotiation, consultation, or simply exchange of information between, or among, representatives of government, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers organizations), with or without indirect government involvement. Social dialogue process can be formal, or institutionalized, and often it is a combination of the two. It can take place at the national, regional or at the enterprise level. It can be inter-professional, sectorial or a combination of these”. The existence of diverse interests in industrial relations subjects the world of work to experiencing grievances. Onasanya(1999) defines grievance as “a discontent or dissatisfaction, real or alleged, valid or imaginary, whether expressed or not but arising from matters connected with employment of workers which the workers perceived to be unjust and unfair, no matter whether they are right or wrong”. Indeed, a grievance may not necessarily affect the system in achieving set goals until it snowballs into industrial conflict.Industrial conflict is thus defined by Keritner & Kinicki (2010) as “A process at which one party perceived that its interest is being opposed or negatively affected by another party’s action”.

**CAUSES OF INDUSTRIALDISPUTES**

* Unfear dismissal and violation of labour standards
* Rise of precarious employment or short-term labour hiring
* Lack of common understanding of law and their interpretation by industrial partners
* Delay in the process of union recognition and dispute settlement due to deficiencies in the law
* Unclear labour law or inadequate provision of applicable law.
* Rising individual labour disputes due to dismissal, disciplinary measures, unpaid wages, or retirement benefits.

**WORKPLACE COOPERATION**

Considering the inherent challenges of industrial relations,efforts by all social partners must be channeled towardsdiffusingtension to enshrinea conducive workplace peace and harmony. The ideal workplace cooperation amounts to establishing and improving relations between management and employees within the enterprise. It demands that suitable arrangements and processesbe put in place to enable employees and their management to interact for mutual benefits. The expected interaction in this regards involves sharing information, listening, discussing, negotiating, and deciding on matters of great concern.

It requires having suitable system put in place within enterprise to enable positive interaction. Hence, such systems and interaction can:

* Prevent disputes by resolving complaints and preventing them from escalating into conflict;
* Resolve problems quickly by addressing complaints when they arise;
* Improve working conditions and the working environment;
* Increase labour productivity and improve the competitiveness of the enterprise;
* Build trust and confidence between employees and managers;
* Improve decision-making at all levels;
* Promote common interests;
* Increase employee motivation through participation and involvement of all social parties (Labour Union, Management, and Employers’ Associations) and foster inclusiveness of alldiverse interests.

**PREVENTING DISPUTES**

Dispute prevention within an enterprise requires commitment to problem solving approach; it amounts to focusing and addressing issues that have the potentials to escalate into major conflict. The commitment includes:

* Formulating policies on important issues such as safety and health, harassment, bullying, wages, benefits and work discipline;
* Establishing rules that give effect to policy intentions;
* Ensuring rules are communicated to those whom they apply;
* Making frantic efforts with total commitment to obey the rules;
* Developing consultative processes between employees and managers on policy and operational matters;
* Encouraging negotiation and joint-decision making;
* Conducting joint research on issues, rather than employees and employers researching problems separately;
* Encouraging collective bargaining whereby the parties enforce their own agreement.

Collective bargaining as a rule process, establishes the right and obligations of the parties as embodied in their collective agreement. The agreement provides the essential reference points for any problems that arise and thereby play a key role in preventing issues from escalating.

**ENABLING ENVIRONMENT OF PEACE AND HARMONY THROUGH EFFECTIVE SOCIAL DIALOGUE**

Without social dialogue the expected peace and harmony in the world of work might be a mirage, hence achieving the expected result demands that:

* Strong, independent workers’ and employers’ organizations with the technical capability and access to relevant information to participate in social dialogue.
* Political will and commitment to engage in social dialogue on the part of all parties concerned.
* Respect for the fundamental rights of freedom of association and collective bargaining;
* Establishment of strong institutional support for effective monitoring, and implementation of mutually agreed resolutions.

Hence, ILO asserts that certain International Labour Standards are particularly important to social dialogue as they lay down the core principles and elements to guide the implementation of these:

* Freedom of Association and Protection of the Right to Organize Convention, 1984 (No.87)
* Right to Organize and Collective Bargaining Convention, 1949(No. 98)
* Tripartite Consultation (International Labour Standard) Convention, 1976 (No.144)
* Labour Relations (Public Service) Convention, 1978 (No.151)
* Collective Bargaining Convention, 1981 (No.154)
* Workers Representatives Convention, 1971 (No.135)
* Co-operative at the Level of the Undertaking Recommendation,1952 (No.84).

**CHALLENGES FOR EFFECTIVE SOCIAL DIALOGUE**

The ILO in its Condition of Work and Employment Series No.8 examines some probing challenges facing effective social dialogue as follows:

* Undue State intervention in voluntary process (such as collective bargaining)
* Legal restriction on the exercise of the freedom of association and collective bargaining
* Weakness and excessive fragmentation of the social partners (including a proliferation of competing unions)
* Lack of respect of agreements;
* A culture of confrontation Labour-Management relations;
* Narrow membership base leading to weak representation of interests of groups that face particular disadvantage in the labour market (e.g youth, women, migrant workers, informal economy workers, self-employed workers, and home based workers face greater challenges in organizing despite existence of legal rights. etc)

It has been further observed that challenges may also exist at the institutional level thereby including:

* Lack of supportive structure for social dialogue with appropriate resources (e.g premises, staff, and budget);
* Lack of stability and sustainability of operation of dialogue (e.g, in time of economic crisis);
* Lack of enforcement and monitoring mechanism of decisions/agreements;
* Weak integration of tripartite institutions into national policy-making and governance;
* Lack of commitment on the part of technical ministries towards tripartite social dialogue

**INHERENT BENEFITS OF EFFECTIVE SOCIAL DIALOGUE**

The International Labour Organization (ILO) asserts that though there is no universally agreed model of social dialogue tailored at industrial harmony and development, but the specific mechanisms of social dialogue used (Consultation, information exchange, bargaining and negotiation) depends more on the particular national labour context. Hence, the ILO emphasised that: *“Social dialogue and tripartism constitute the ILO governance paradigm for promoting social justice, fair and peaceful workplace relations, and decent work. Social dialogue is a means to achieving social economic progress. The process of social dialogue in itself embodies the best democratic principle that people affected by decisions should have a voice in the decision-making process. Social dialogue has many forms and collective bargaining is at its heart. Consultation, exchange of information and other forms of dialogue between social partners and with government are also important.*

*Social Dialogue is based on respect for freedom of association and effective recognition of the right to collective bargaining. These founding principles as stated in the ILO constitutionand its Declarations of Philadelphia are applicable to all Members, as set out in the ILO Fundamental Principle and Rights at Work. These rights cover all workers in all sectors, with all types of employment relationships, including in the public sector, the informal economy, the rural economy, export processing zones, micro, small and medium-sized enterprise (MSMEs), and domestic and migrant workers”.*

The above position of ILO takes cognizance of the inherent benefits of Social Dialogue as vital means of achieving industrial peace andharmony. Hence,Social Dialogue is primarily seenas:

* Means of establishing formal (and often informal) processes to lessen the capital-labour power imbalance in the labour market;
* Formidable avenue for the concerned social parties to build consensus towards achieving smooth business decisions-making chains;
* Channel for amicable industrial conflict resolution through acceptable resolution mechanism; hence, Social dialogue establishes an important risk mitigation function, managing conflict and strengthening the process for industrial relation peace, and thereby sustaining stable business operations;
* A veritable avenuetowards establishing “power resources” for both employers and workers via strength residingin membership power and institutional power;
* Path tocorrecting power imbalance that may exist between the state and other social partners; for example, it can offer employers’ associations the needed opportunity to have their voice heard in policy debates and labour reform process;
* Enabling environment for the development of small and medium scale businesses;
* Promotions of collective learning which can help address and resolve collective action problems. It reduces business costs by improving information flows. It thus reduces what economists refer to as an asymmetry of information between managers and workers, between policy makers, workers, and employers’ organizations.
* Channel of promoting collective learning across systems (e.g corporate governance or inter-firm contracting), thereby helping to diffuse best practice production techniques, storing knowledge and expertise about effective responses to external shocks.
* Formidable networking channel far beyond just a relationship between employers; employee and, or government representatives, intrinsically, it can involve novel networks collaboration with diverse government agencies, civil society organizations, regional and local government bodies and training bodies. Such efforts at continuously mobilizing interest groups in creating spaces for the interaction of diverse ideas and viewpoints which are a hallmark of paths towards not only industrial or workplace peace and harmony but inclusive development.
* Acceleration of potential benefits through contribution of ideas and initiatives towards raising productivity both by identifying areas of underused capacity (capital and labour) in the firm and establishing trusting relations between management and staff to ensure a smooth transition to higher productivity pathway;
* Due provision for anti-cyclical effect by smoothing business cycles, thereby establishing a more stable platform for strategic business decisions in cost comparative markets;
* Medium of improving quality of decision making, it can also enhance the credibility of decisions thus easing their prompt implementation – on pay, qualifications, working hours and health and safety etc;
* Means of incorporating the interests of workers into business decision-making process, thus social dialogue can act to mitigate against the risks of non-compliant management actions, thus protecting the firm against damage to its brand and reputation;
* Provision of institutional structure and set of processes for establishing mutuality of business and labour interests towards skill investment and thereby underpin innovation in product and process development;
* A springboard for lower turnover; it can lead to the retention of accumulated skills;
* Platform enabling social partners to design enabling regulations towards the development and growth of the industry through supportive legal framework protecting and institutional provisions;
* A medium establishing industrial relations, promote social peace, supports economic and political stability.

**DEMANDS FOR INDUSTRIAL PEACE AND HARMONY**

Industrial harmony implies a healthy and cooperative working relationship between employees and employers. It cares for broad areas of cooperation such as: Responsibilities, employment policy, collective bargaining; communication. In aiming at Industrial harmony, the world of work requires concerted efforts of all social partners on the premise that:

* All management personnel understand their responsibilities and what is required of them and have the training and authority necessary to discharge such duties and responsibilities effectively.
* Duties and responsibilities for each group of employees are stated clearly and simplified in the organizational structure
* Individual work-groups know their objectives and are regularly kept informed of progress made towards achieving them.
* There is an effective link in the inter-change of information and views between senior management and members of work-group
* Supervisors are briefed about new inventions and changes before they occur so they can explain management policies and intentions to the work-group
* Employees cooperate with the In-House-Unions in establishing effective procedures for the negotiation of terms and conditions of employment and for the settlement of industrial disputes.
* Employees encourage establishment of effective procedures among member organizations for the settlement of grievances and disputes at the level of the establishment or undertaking.
* Employers take reasonable steps to ensure the organization observes agreement and agreed upon procedures.
* The organization maintains a communication system which secures the interchange of information and diverse view between different levels in the organization to ensure that employees are systematically and regularly appraised.