The government as the dominant party in the tripartite system essay

Business, Industries

The importance of authority in the human society has been around for centuries and the need for a leader in every group setting is invaluable. Authority helps to streamline a system’s activities and enhance the achievement of purpose. For this reason, the tripartite system in Australia can only be effective if the government is the dominant player. Dominance in this case can be used to represent more power within the setting such that the government has more control over system. The employers (management) and employees (unions) who make up the tripartite system together with the government would need to be controlled if conflicts that are likely to come up between employers and unions are to be avoided.

The government is the neutral party in this system without which problems between employers and employees would be solved inefficiently either leading to massive oppression of employees or extreme cases of union strikes. The government makes the rules and therefore it is in the best position to interpret these rules and exert any sanctions to offenders. The government also acts as a mediator or arbitrator in solving industrial conflicts between employers and employees. This authenticates why there is no way the three bodies can be at equal levels and the government would have to take an upper hand.

This paper seeks to analyze why the government should be a dominant player in the tripartite system. This is more so given that the government is the source of legislation that governs the other two bodies of the tripartite and the arbitrator in cases that arise between them. Discussion Each of the tripartite system members perform a specific function aimed at

achieving the objective of well balanced industrial relations. While the employers and the employees inter-depend, each has a duty towards the other.

The employer gains from the services of the employee and in return the employee gains from the remuneration resulting from the job done. There are always those conflicts that usually arise between the employers and employee unions which may necessitate the government involvement in solving certain cases. The government's role in the tripartite system is mainly to set regulations and to solve disparities between employers and employees. In other words, the government sets the rules under which each of the parties must operate and provides for steps to be undertaken in case these rules are broken (ILO, 2002). For the government to make rules that govern the employers and employees, there is no way it can be at the same level with them. There needs to be a certain degree of authority in which the more powerful party can effectively influence submission of the other parties to follow the set rules (Briggs and Buchanan, 2005). If the government does not dominate the system, there is no way it can be able to implement sanctions provided under these rules against the employers and the unions.

Government dominance essentially gives it control and aides in the preservation of the industrial relations laws and regulations. Furthermore, implementation of rules is best done by the creator of these rules as he is the one who understands them best. In this case the government plays this role. Most states have taken the initiative to regulate industrial relations and therefore industrial relations do not remain the concern of the

management and the unions alone. The state acts as a legislator, a labour market regulator and a mediator in industrial conflicts (Hurkin, 2003). When the state is referred to as a legislator, it means that the state is responsible for making laws on labour and is in essence the executor of sanctions in case these laws are broken by employers or the employees. The state regulates the labour market through setting of the minimum conditions that are to be fulfilled by employers (Chagla, 2003). At the same time, there are extents to which unions cannot go in their efforts to fight for employee rights (Ford, 2005).

This means that even when the government, the employees and the employers form a team in the tripartite system, the state still retains the power over the other two. As stated earlier, authority plays a role of regulating the activities of individuals and institutions such that there can be specific procedures to be followed in implementing certain actions. The Industrial Relations Act (IRA) governs the activities and sets limits on the employer-employee relations. The Australian Industrial Relations Commission (AIRC) formed under the IRA is vested with the duty of not only setting minimum wages but also in the settlement of disputes between employers and employees (Chagla, 2003; Briggs and Buchanan, 2005). The commission also undertakes the regulation of the activities of labour unions and employer organizations. It must be noted that the commission also protects the freedom of workers to join trade unions as well as of employers to join employer organizations (ILO, 2002). The Australian state requires that employers offer fair and reasonable compensation for the employees. This

may vary from one industry to another with the minimum hourly rate ranging at AU$13.

50. Some of the various labour laws in Australia apart from the Industrial Relations Act include: the workplace relations act, worker's accommodation act, trading (allowable hours) act, child employment act among others. The government constantly revises the regulations incorporating any issues that have been raised. For example, the government in favour of employers increased probationary period from three to six months in the Industrial Relation Amendment Bill in 2005. This is meant to shield employers from the unfair dismissal laws that allow employees to sue employers for unwarranted dismissal once their probationary period is complete (Hurkin, 2003). This law however only applies to those companies that have more than one hundred employees.

The government may make use of bodies such as the O H ; S (Occupational Health and Safety) committees and works council to make sure that the employers maintain the standards required by law. Recently with the government of Kevin Rudd, the Department of Education, Employment and Work Relations has been formed which is going to ensure better protection of employers and employees.   Government dominance in the tripartite system ensures that disputes between the management and the unions are minimized. This is because the government acts as a mediator or arbitrator in industrial conflicts such that they can be solved more easily avoiding serious consequences that may arise (Chagla, 2003). This is achieved through the government's legal framework which lays down the ground rules

of inter-action and collective bargaining which are to be used to solve the disputes. Unions refer to the associations that protect the welfare of employees by continuously lobbying for the improvement of their employment conditions. Examples of Australian labour unions include Australian Workers Union (AWA), Employees are more likely to join unions if they are they feel that the economic aspects of the job are not satisfactory or if they would like to influence certain aspects of their work environment.

Unions therefore act as a medium for the employees to shield themselves from any possible oppression by management strategies likely to be implemented at the workplace. The unions enhance the employee's bargaining power through the power of numbers. Employees may also choose to use non-unionized representation in which case their complaints are channelled through a group of employees elected to lobby for better conditions by fellow employees (Wooden, 2005). A good example of a union strike where the government acted as a mediator is the Rocla Concrete Pipes strike led by the Australian Workers Union in 2003. The workers were protesting for access to financial information on the worker's entitlements. The workers claimed that the company had caused financial hardship to some of its workers when their entitlements could not be traced.

The government provided that the workers had a right to such vital information and that the company is liable for all the workers' entitlements. Employees make up the most important resources that a company has at its disposal yet they prove to be the most complicated resources to manage. The management has the duty to control the

workforce and at the same time ensure that the employee concerns are addressed. Employee dissatisfaction mostly arises when the management strategies do not rhyme with their welfare (ILO, 2002).

For example, economic pressures may cause the management to come up with ways to ensure that profits are maintained. This may necessitate the reduction of costs through various mechanisms. Employees usually fall prey to these as the management undertakes reduction of wages or opts to retrench some of its workers. Such a threat is looming in the steel industry and the Australian Workers Union is lobbying the government to help maintain the industry which is threatening to collapse. The effect is likely to be the massive loss of jobs among the employees in the sector. Retrenchment and wage reduction does not likely to auger well with employees and the direct result is the ganging up of workers through their union to protest against the management's actions. Poor working conditions and excessive management control may also promote union strikes.

The government's role therefore becomes vital in balancing the demands of each of the parties in order to restore peace. If the government does not play the role of an arbitrator, it is likely that the employees may boycott work leading to huge losses to the company involved. Similarly, the company may threaten employees with dismissal so that they agree to go back to the same oppressive conditions. The government recognizes that industrial disputes can cause huge losses to the economy such that it tries its best to prevent and solve industrial disputes quickly before they can cause serious harm (Hurkin, 2003). The government plays the role of ensuring that the two

parties are reconciled without detrimental effects on any of them. The government is the neutral party in the tripartite system and uses its laws to solve disputes as they arise. This is usually done through the use of courts. The Australian Federal Court handles most cases reported under the Workplace Relations Act of 1996 and employment contract cases.

The Industrial Courts and State Supreme court are involved where interpretations of the state legislation is required and in employment contracts and common law cases that do not fall under the jurisdiction of the Federal Court (Hurkin, 2003). Compulsory government arbitration has played a big role in reducing wage disputes (Brennan and Castles, 2002). For example, the ' wage earners' welfare state' was formed as a result of the government's need to protect workers. Manufacturers who gave adequate wages as dictated by the Commonwealth Arbitration Court received protection from imports (Brennan and Castles, 2002). Conclusion The employers and the unions are the two parties in the tripartite whose interests may differ from time to time. The government as a tripartite member therefore serves to balance the two in order to reduce conflicting issues between them.

This it does by creation of rules governing the powers of each and the rules under which they must operate. Dominance of the government in the tripartite system is therefore of great importance if the development of the economy is to be enhanced and if industrial relations are to be preserved. In the event that the three bodies are at par, the authority of the government is likely to be undermined. This means that the government's power to

implement laws against violators belonging to these two bodies could be challenged. As noted in the discussion, the superiority of authority aides in ensuring that regulations are complied to.

Dominance and authority therefore gives the government an upper hand to act in the best interests of the two groups by establishing laws that seek to balance industrial relations. Word Count: 1959ReferencesBrennan, G. & Castles, F. G. (2002). Australia reshaped: 200 years of institutional transformation.

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