

Industrial Relations in the United States

Name

Institutional Affiliation

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Question 1: Public Sector Industrial Relations System in the United States

County authorities in the United States (US) refer to shifting of powers to lower levels of the main state. Precisely, public sector industrial relations get managed by local states, where collective bargaining leads the process. The key players in the industry involve unionized workers, teachers, police and firefighters, and other state employees. It is worth noting that the right to seek collective bargain and the permission to issue strike by unions get determined by both state and case laws. However, the process of jurisdiction interpretation of labor sanctions has suffered confusion and lack of clear set-out procedures. Notably, the Dunlop Systems of industrial relations elaborates structures and development strategies that are employed by labor, management, and government agencies (Kaufman, 2004). Therefore, the organizations solve human resource problems by applying agreed resolutions on sets of given stalemates across the states.

Question 2: Main Stages of Public Sector Dispute Resolution

Arbitration refers to a binding consensus initiated by a third party. Employers have prioritized the method because it is more efficient than the court system that consumes many public funds in settling labor disputes (Friedland, 2007). On the contrary, employees blame arbitration as a fixed regime that does not give ways for challenging the unsuitable decisions. It is worth noting that there are three steps in the arbitration process, and the first one is prehearing of briefs by the committee. At this stage, all parties present their dissenting views and pieces of evidence to the arbitrator. This first action assists the judge to understand the case, thus directing all parties towards the subject. The arbitration hearing is the second stage in the process. During this session, all players have a chance to deliberate on their requirements, and pieces of evidence

are explained. The parties can invite their representatives who provide the information to support their cases. Commonly, the pieces of evidence are issued in the form of time cards and performance appraisals. In addition, the releasing of closing remarks happens after the conclusion of all the briefs. To end the case, the arbitrator gives his/her decision regarding the matter, and this is usually the third and last step. Nonetheless, when there are no specifications about time in the contract, the judge issues the resolution in either thirty minutes after the hearing or takes a long time if the case requires research. Thus, the process is systematic and is often followed to the latter.

Question 3: Interest and Rights Arbitration

Rights arbitration enables parties involved in a dispute to present to the mediator their concern regarding the existing collective bargaining agreement. The arbitrator's role in the process involves applying the terms of understanding to solve the conflict. In contrast, interest arbitration is used to address a deadlock during a deliberation to form contract regulations. The players in the case often require the arbitrator to settle the differences that have resulted to the disagreement (Friedland, 2007). Thus, both interest and right arbitrations involve a mediator.

Question 4: Guidelines Applied by Interest Arbitrators

The guidelines used by interest arbitrators include the impacts of advanced waivers, the independence of administrative procedure, the third-party financing, and the disclosure of matters and evidence presented. The procedure clarifies the issues of uncertainty that get solved between parties. In addition, the rules incorporate both commercial and investment arbitration to solve legal and non-legal career matters. Even though disclosing evidence is a requirement, it does not mean that uncertainty is present in every case. Therefore, if the arbitrator fails to embrace the guidelines, the parties can stay off the process for lack of legal framework.

Question 5: OSHA Safety Regulation Process

OSHA acts are regulations aiming at assuring safe and healthy working conditions by initiating enforcement rules and standards. Under the OSHA act of the United States, enterprise owners have the responsibility of providing safety measures at work environments (Grubbs & Nelson, 2006). As a result, this platform offers human capacity building through training and educational exhibitions. The employees on their part have a responsibility of ensuring that the safety measures get adhered to for their benefit. Thus, the process requires job providers to comply with all stipulated standards that could enable them to curb all dangerous implications in the workplace.

Question 6: Factors Applied by OSHA in Determining Fines for Safety Violators

The secretary in charge of OSHA inspection considers various factors before recommending that the employer is guilty of offenses regarding the stipulated regulations. The first thing to regard includes the obligation of the law, where the company is required to limit workers' exposure to health hazards. The other issue of consideration by the enforcement team includes checking the time when the provider is mandated to comply with the standards. On this note, submissions duration differs depending on the industry set up, thus giving the secretary an opportunity to scrutinize the cause of harm on the victim (Grubbs & Nelson, 2006). Consequently, before an organization is sued for failure to adhere to safety rules, the authority must gather enough evidence showing that civil wrongs were caused harm to the aggrieved parties.

Question 7: Elements in an Alternate Dispute Resolution Process of Non-Union Workplace

Non-union arbitration procedure involves responses to relative environmental conflicts laid by groups of employees. Converse to unionization strategies, private undertakings in dispute

settlement use the peer review methods that respond to emerging issues in both formal and informal sectors. According to Nolan-Haley (2013), the main elements in alternative dispute resolutions include encouraging parties to prioritize out of court mediation procedures to settle their conflicts. Another feature involves the elimination of delays in the judicial process, where the parties enjoy prompt solutions. In addition, there is an instinct of efficiency in the mediation procedure that saves cost, thus maximizing individuals' welfare. As a result, members in dispute resolution do not suffer financial losses as compared to advanced arbitration processes.

Question 8: Criticisms of Alternative Dispute Process

Professional arbitrators have criticized the out of court system as lacking legal consideration in settlement of relevant labor matters. It is worthy to note that the alternative method is based on trust and, in some instances, familiarity favors. Therefore, this has, in some cases, affected adversely the aggrieved parties. In addition, the time that is taken during the process often does not allow for the full adherence to the laws, hence resulting in future conflicts among the same parties (Nolan-Haley, 2013). Consequently, alternative procedures do not provide enough evidence since employees may not accept minimal considerations, and it leads to low motivation and layoffs.

Question 9: Role of Works Councils in Germany

Work councils give representations for workers at their stations conferring significant authority to air the issues affecting them during their operations. According to Ewing (2014), the body got legalized in 1952 through an act that allowed small organizations to choose employee ambassadors to serve as oversight committees in Germany. The councils do not operate as trade unions because the higher bodies lay platforms for them to follow. Notably, the law enables unions to make additional provisions in the legal structure of the entire republic. Hence, rights

and duties of the councils are stipulated in the act, though in some industries, they are acquired through collective bargaining.

Question 10: Purposes of Employee Safety Program

Employee safety program is formed to ensure a productive workplace, with a lasting relationship between the parties in the contract. The regulation also enables emergency management that prevents extreme damages and losses during the unexpected dangers in an office. Moreover, there is an element of workplace housekeeping management that gives employees the responsibility to secure themselves from hazardous activities that might affect their health. In this regard, awareness serves as a significant benefit to workers, where safety measures are stipulated, thus minimizing conflicts and industrial unrest (Gupta, 2006). Some of these measures comprise common knowledge that both the industry and workers possess while entering into the employment contracts.

Question 11: Rights of Employees under the Provisions of OSHA

Employees enjoy the right to file a confidential complaint with OSHA requesting for the inspection of their workplaces. Moreover, they are privileged to receive information and training about hazardous working activities. Such training enables staff to understand the required standards. In addition, employees have the right to review the records of harms that they have suffered while at workplaces. Further, the workforce is privileged to access tests and monitor reports from their stations so that they can know the prominent dangers at their duty environments (Keller, 2010). Most importantly, in instances of the whistleblowers being segregated by management, OSHA allows them to file a complaint seeking security for their jobs.

Question 12: Responsibilities of Employees under the Provisions of OSHA and their Compliance

Employees must comply with set out standards, rules, regulations, and orders stipulated in the employment contract. Importantly, workers are to use safety equipment provided by the employers for their benefits. It is the responsibility of employees to report hazardous working conditions from which they are not protected (Keller, 2010). In addition, experts operating machines should ensure that there are manuals to guide their activities. Overall, the workers have greater responsibilities of complying with all the OSHA regulations at their stations.

Question 13: Approaches Used by Organizations in Dealing with Employee Stress and Their Criticisms

In the current work environments, most employers provide counseling sessions to their stressed personnel. The methods adopted often involve establishing healing units in organizations where affected employees are compelled to seek guidance. Another approach includes offering training and team building sessions outside the workplaces to help the parties forget the problems connected with their duties (Fried, 2008). However, the methods have been criticized by psychologists as temporary measures. Thus, the most recommended solution involves offering prevention measures to curb any causes of employee demotivation. In this regard, the methods suggested include fairness, equity, and safe working conditions.

References

- Ewing, J. (2014). *Germany's economic renaissance: Lessons for the United States*. New York City: Palgrave Macmillan
- Fried, R. M. (2008). *Stress management for success in the workplace*. Freehold, NJ: Robert M. Fried.
- Friedland, P. D. (2007). *Arbitration clauses for international contracts*. Huntington, N.Y.: Juris.
- Grubbs, J. R., & Nelson, S. M. (2006). *Safety made easy: A checklist approach to OSHA compliance*. Lanham, Md: Government Institutes.
- Gupta, A. (2006). *Industrial safety and environment*. New Delhi: Laxmi Publications (P) LTD.
- Kaufman, B. E. (2004). *The global evolution of industrial relations: Events, ideas and the IIRA*. Geneva: ILO, International Labour Office.
- Keller, K. (2010). OSHA regulations simplified. *Electrical Safety Code Manual*, 223-249.
doi:10.1016/b978-1-85617-654-5.00010-8
- Nolan-Haley, J. (2013). *Alternative dispute resolution in a nutshell*. West Academic.