

## CONCILIATION DURING PANDEMIC COVID-19

Grievances and conflicts are an inevitable part of the employment relationship. Therefore, effective prevention and settlement of labour disputes are significantly important. There are various forms of dispute resolution mechanism namely negotiation, conciliation, mediation and arbitration, each with their own distinct approaches and outcomes. One of the most prevalent method in Industrial Relations is conciliation, it is a dynamic, structured, voluntary and confidential process where the parties seek amicable settlement with the assistance of the conciliator. Robert & Caroline (1999) quoted, "*conciliation is a form of dispute resolution where a third, neutral party, the conciliator assists the parties reaching agreement of finding an amicable solution. Conciliation services can be provided by a private person or government*".

As an Industrial Relations Officers are empowered by the Industrial Relations Act 1967 [Act 177] to conciliate dismissal and trade disputes under Section 20(1) and 18(1) of Act 177 respectively. In general, the conciliation meetings were held through face to face meetings which has been the classic approach to resolve disputes and the Department of Industrial Relations had significantly resolved number of cases through this approach all these years.

Industrial Relations Officers are trained to be empathy, courteous, firm and trustworthy not only in terms of the choice of words but with the facial expression as well. We tend to read parties behaviours, intentions just by observing their conduct and expression though not a single word were uttered. These skills are nurtured after number of years of experience.

As the 2019 Novel Coronavirus (COVID-19) continues to spread across the world, businesses are facing significant levels of instability and uncertainty caused by weakened financial markets and disruption to workplace operations and business pipelines. Little did we realized that one unprecedented event would cause a profound impact in the way we been doing our job so far. Pandemic Covid-19 have taken a toll in our lives since 18th March 2020, where several measures been taken by the government to contain the virus right from the introduction of Movement Control Order (MCO), Conditional Movement Control Order (CMCO), Enhanced Movement Control Order (EMCO) and Recovery Movement Control Order (RMCO). Numerous businesses were temporarily shut down, restructured, relocated or permanently closed

for good, unemployment rate surged to staggering figure and number of cases filed, spike to huge number, namely in few states. People are advised to abide strict SOP's regulated by the government and huge part of it, is to restrict our movement.

These new norms not only change of lives but it changed the way we worked as well as a conciliator. Our traditional approach seems not practicable anymore and we are compelled to shift to a new digitalized arena where meeting is conducted through video-conferencing / tele-conferencing. Platforms such as Zoom, Google Meet, Skype now turn to be common word among us.

Questions arise, either this approach will be as effective as the face to face meetings. We are not only dealing with single individual case but disputes involving trade union as well where some issues need to be deliberated and discussed with parties present physically. Some companies impose strict rules where their people are not allowed to travel to red zone area whereas the claimant in the other hand, whining not to have the meeting through online because of the poor network connections.

We are in dilemma and were pushed to find the balance, as we have a dispute to resolve within a stipulated dateline. Though legally there is no restriction in terms of the way we conduct a meeting but nothing is holding us back from giving it a try. Some states have done exceptionally well through this approach even before the pandemic itself.

Online conciliations, which is currently in operation across much of the world, may also see significant growth and in my opinion, it is the time for us to embrace the changes and explore the possibilities of using the said platforms to see the effectiveness in settling disputes in our country. Conciliation is an art and it doesn't matter whether the meetings are face to face or through online, what matters most are the conciliators' ability develop the necessary skills to be effective and maintain good relationships and give fundamental importance of impartiality, confidentiality and commitment.

Reference:

Robert, H., & Caroline, V. (1999) Labour Dispute Resolution An Introductory Guide. Bangkok, Thailand. International Labour Office.

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