

The Labor Relations Process

Name

Institution

The Labor Relations Process

Arbitration is a dispute settlement process whereby parties have the ability to select their own tribunals (Holley, Jennings, and Wolters, 2011). A tribunal presides over proceedings and ultimately generates a final and binding award on both parties. Arbitrators should remain impartial and independent because lack of autonomy may create the origin of disqualification and challenge. Nevertheless, there exist several factors other than the facts of the case that influences the decision and judgment of an arbitrator.

The first factor that might affect the decision and judgment of an arbitrator includes the “No Predetermined Title of Entitlement” (Cordero-Moss, 2013). Arbitration hearings are considered based on the pertinent circumstances and information presented by involved parties and the witnesses. For instance, arbitrators in a tribunal hearing for a dispute between brokers and his customer may use procuring cause as the main determining facet in compensation entitlement.

The second factor that might affect the decision and judgment of arbitrations in a dispute settlement procedure includes the arbitrability and appropriate parties (Rovine, 2013). An arbitration hearing panel might use questions to determine the existence of an arbitrate matter. The panel may also use questions to determine whether the involved parties are suitable for arbitration. For instance, a broker and his client may have disputes and require arbitrations as the main process to solve their issues. However, the selected arbitrators must ask the broker and the client several questions to determine whether there is/are issue(s) that require the arbitration process.

The third factor that might affect the decision and judgment of arbitrators in a dispute settlement includes admissibility and relevance (Holley et al., 2011). Hearing panels should rule

on relevancy and admissibility questions. State regulations, where pertinent, controls, but the main regulation is that the Hearing panel opinions assist in reaching equitable, knowledgeable, and honest decision. Hearing panels created during the arbitration process tend to determine contractual inquiries, instead of identifying the violation of the Ethics Code or law. For instance, if a consumer has issues with an organization like Sony and both parties decide to use the arbitration process, then the arbitrators involved will ask several questions to the client and the company. The arbitrators will then use these questions to reach an equitable, knowledgeable, and fair decision.

These factors may pose a problem if both parties are involved in the dispute for the wrong reasons. For instance, problems may arise if a client decides to create conflict with an organization for selfish desires. Arbitrators may even force the client to pay damages to an organization for tarnishing its name in the arbitration process. Therefore, arbitrators should be keen when identifying the authenticity of the issues raised and the clients.

The factors have changed for the past ten years. Arbitrators have become keen in identifying the issues at hand. Technology advancements have also helped in presenting admissible evidence to solve the case.

There are several recommendations that the managers and union representatives should consider when preparing for an arbitration case. First, the involved parties must follow the general rule for arbitration (Cordero-Moss, 2013). These rules include having 1-3 arbitrators; failure to agree on the relevant arbitrators, a relevant arbitration organization may select the necessary arbitrators; and when three arbitrators are required, every party suggests one arbitrator who is confirmed by the pertinent arbitration organization. The organization also nominates an arbitrator unless both parties decided otherwise.

Managers should consider several factors when determining the number of members in the tribunal panel. According to Rovine (2013), these factors include the disputed amount, speed, cost effectiveness, and complication of the case (such as identifying whether three arbitrators are necessary). Additionally, the parties should identify the qualities posed by arbitrators. These qualities include; independence, nationality, disclosure, bias, fairness, reasonable chance of presenting a case, and results of impartiality.

In conclusion, an arbitration process is very different from mediation process because it allows parties to choose a tribunal. There exist numerous factors that may affect the decision and judgment of an arbitrator. These factors include “No Predetermined Title of Entitlement,” the arbitrability and appropriate parties, including admissibility and relevance. Nevertheless, managers should consider several things prior to preparing an arbitration process. These factors include following the general rule for arbitration, identifying the number of arbitrators necessary for the case, and identifying the qualities of the arbitrator(s).

References

Cordero-Moss, G. (2013). *International Commercial Arbitration: Different Forms and their Features*. Cambridge: Cambridge University Press.

Holley, W., Jennings, K., & Wolters, R. (2011). *The Labor Relations Process*. Boston: Cengage Learning.

Rovine, A. (2013). Contemporary Issues in International Arbitration and Mediation: The Fordham Papers (2013)