



## **Industrial Relations Conflicts**

**Business – Leaving Cert**

**Quick Notes**

# Industrial Relations Conflicts

## Importance of good Employer-Employee Relationships

1. Employee morale is increased-willing to do better for the business.
2. Employee productivity is increased.
3. Labour turnover and absenteeism are reduced-saves money.
4. Employees will be delegated work-make a useful contribution.
5. Less chance of strikes-helps reputation, loss on sales etc

## Pay Claims

### **1. Comparability Claim**

- Employees ask for more pay because other employees doing similar work are receiving one. *Dunnes Stores and Superquinn cashiers.*

### **2. Relativity Claim**

- Sometimes pay of certain employees is linked to pay of employees doing completely different jobs. *Civil servants and TD's*

### **3. Productivity Claim**

- Employees ask for rise to compensate them for having to work harder or cope with changes.

### **4. Cost Of Living Claim**

- They ask for a pay rise because they can't afford to live on current wages due to inflation.

## Types of Industrial Action

**Official Strike**-Secret vote, 7 days notice, strike pay, legal.

**Unofficial Strike**-No secret vote or 7 days notice, illegal.

**Wildcat Strike**-strike without any notice, illegal.

**All Out Strike**-all employees in firm go on strike, ICTU permission needed.

**Political Strike**-protest against government, illegal.

**Sympathetic Strike**-employees not involved in dispute strike, illegal.

**Work-to Rule**-Do basic job and nothing else, slows down production, still get paid, *2007 Irish nurses refused to answer phones etc.*

**Overtime Ban**-refuse to do overtime.

**Lockout**-employer locks out employees but are not sacked.

## **Non-Legislative Methods of Solving Conflicts**

### **1. Negotiation**

- Direct negotiations between employer and employees.
- May be represented by trade union. Employers-management.
- When both sides agree it is a collective agreement (not legally binding).

### **Trade Unions**

- Interest group that represents employees' views.
- Employees pay annual subscription.
- *SIPTU-Largest union with 200,000 workers.*

### **Functions of trade Union**

- The Union will fight to get **better pay and working conditions** and provide professional negotiators.
- Union will help an employee with a **dispute** and will pay any legal bills.
- Union will represent employees as **National Pay Agreements**.
- **Protect members' interests**-fight to get best redundancy deal, publicise cause.  
*INO put up posters showing how vital nurses are.*

### **Shop Steward**

- Recruit new members.
- Represent members in negotiations.
- Keep members up to date with information.
- Inform union office about their concerns.

### **ICTU-Irish Congress of Trade Unions**

- **National Pay Agreement Negotiations**-ICTU negotiates at the agreements to achieve best deal for workers. *Current agreement-'Towards 2016' have 10% rise over 27 months.*

- **Give permission for all-out strikes.** *If Aer Lingus pilots are on strike and other workers there want to strike they need permission*
- **Settle disputes between unions-**ICTU will mediate.
- **Provide training to unions.**
- **Promote cause of trade unions-**make submissions to Minister for Finance. Speaks for over 750,000 workers.

## **2. Conciliation**

- Two parties ask conciliator to help them.
- Tries to get them to reach mutually acceptable agreement.
- She does not tell them what to do and her advice isn't legally binding.

## **3. Arbitration**

- Two parties ask arbitrator to investigate and make a ruling.
- Both parties agree whether or not to accept ruling in advance.
- If they agree it is a binding arbitration.

# **Legislative Methods of Solving Conflicts**

## **1. Industrial Relations Act, 1990**

### **1. Trade Disputes**

- ***Law states that employees can take industrial action only in disputes related to their jobs.***
- ***Legitimate:***
  - Pay and Conditions of employment-wages, overtime etc.
  - Dismissal or suspension.
  - Employer refuses to recognise union.
  - Discrimination.
  - Disagree with duties being asked of them.
- ***Illegal***
  - Disputes over a closed shop-only one choice of union.
  - Political Issues.
  - Disagreement about how business should be run.

### **2. Secret Ballot and Weeks Notice**

- Must have secret ballot-YES/NO
- Must give 7 days notice.

### **3. Primary Picketing**

- Allowed to picket peacefully outside business-draw attention and gain sympathy-*Teachers strike in 2000.*

### **4. Secondary Picketing**

- Employees can picket outside another business if they are helping to break strike.
- *Dunnes stores cashiers being sent to Superquinn's to help break strike.*

### **5. Striking Workers can't be sued/stopped/arrested**

- As long as they had secret ballot, weeks notice and are picketing peacefully.

### **6. Labour Relations Commission**

#### **Evaluation**

- Gives workers legal right to protest against employer who won't give in to legitimate demands. Allows them to protest against a business who frustrates their strike. Can put pressure to get own way.
- Employees can't be bullied into striking.
- Irish workers are protected from being arrested or sued from legal and peaceful picketing.

### **2. Labour Relations Commission**

- Set up under Industrial Relations Act to: promote better industrial relations and help solve disputes. It consists of 7 members- chairperson, 2 employee reps, 2 employer reps, 2 government reps.

#### **Functions of Labour Relations Commission**

##### **1. Provides Conciliation Service**

- Encourages both sides to talk to each other and negotiate. Also offers advice.
- **Evaluation**-Over 80% of all conciliation cases are settled. It is free.

##### **2. Provides advisory service**

- Advises employers and employees on how to behave in order to have good industrial relations.
- **Evaluation**-Good as it helps to prevent disputes.

##### **3. Draws up Codes of Practice**

- Generally accepted rules e.g *code that sets out procedures to address bullying in work place.*

- **Evaluation**-Following these will lead to less disputes.

#### **4. Conducts Research**

- Tries to develop new ways of solving disputes.
- **Evaluation**-Good as it helps them to identify future problems and come up with solutions.

#### **5. Provides Rights Commissioners**

### **LRC Rights Commissioners**

- Investigates disputes involving employees but can only deal with unfair dismissal, maternity leave, suspension and disciplinary procedures.
- Invite parties to private hearing, each party can comment and bring witnesses.
- Try to reach mutually acceptable agreement.
- Issues recommendation on dispute-can be appealed to Labour Court (or Employment Appeals Tribunals over unfair dismissals).

### **Evaluation**

- Employees who feel they are victimised that get justice in private.
- Incentive for both parties to use this service as it is free and not legally binding.

### **3. Labour Court**

- Established to provide free service to solve disputes-it is a tribunal not a court of law.
- It issues non-legally binding recommendations (except for cases to do with Employment Equality Act, 1998)
- Court of last resort.
- Consists of chairperson, 3 employer reps and 3 employee reps.

### **Functions of Labour Court**

- 1. To investigate industrial disputes and issue non-binding recommendations.**
  - **Evaluation**-Has power to get to truth in conflict.
- 2. To hear appeals against recommendation of Equality Officer and make legally binding judgement.**
  - **Evaluation**-Deals with discrimination very thoroughly.
- 3. To interpret LRC Codes of Practice and investigate breaches.**
  - **Evaluation**-Ensures that people obey best relations practises.

4. To register collective agreements and make them binding.
- Evaluation-Gives both side the confidence that the agreement can't be broken.

#### **4. Unfair Dismissals Act, 1977/93**

- ***The law states that every sacking is fair and that it is up to the employer to prove that it was fair.***
- ***It applies to everyone with one year's continuous service and who is aged between 16 and the normal retiring age.***

#### **Reasons for Fair Dismissal**

1. ***Incapable of Doing the Job-lateness, absenteeism etc.***
2. ***Not Qualified-lied about qualifications necessary.***
3. ***Incompetent-fails to meet standards required.***
4. ***Misconduct-illegal or inappropriate activity e.g stealing.***
5. ***Redundancies-business going through bad patch.***

#### **Reasons for Unfair Dismissal**

1. ***Pregnancy-Or anything releated such as maternity leave.***
2. ***Union activites-being a part of a union.***
3. ***Beliefs-religious or political.***
4. ***Race-skin colour or ethnic background.***
5. ***Suing boss-or witness against him.***
6. ***Traveller.***
7. ***Sexuality.***

#### **If Unfairly dismissed**

- Take a case to Rights Commissioner or Employment Appeals Tribunal.
- It is up to the employer to prove that the dismissal was fair.
- EAT-Independent body to investigate in a quick and cheap way. It heads the case and makes a final judgement on the case which can only be appealed through the courts.

#### **Redress for Unfair Dismissal**

- ***Re-instatement:***
- ***Same job, same pay, full back pay, improvements in pay conditions.***

- **Re-engagement:**
- *Same job or different but suitable job, not entitled to back pay. Often used when employee contributed to dismissal.*
- **Compensation:**
- *Paid for financial loss, no compensation for stress, max. is 2 years.*

### **Constructive Dismissal**

- Employee resigns from job due to employer's conduct.
- This is illegal.
- The employee must prove that he was forced to resign.

### **Evaluation of Unfair Dismissals Act, 1977/93**

- Employees don't lose jobs for spurious reasons and the employer must have legitimate reason.
- Any worker unfairly dismissed can receive compensation or get job back after taking her case to the free service of Rights Commissioners and has nothing to lose.
- Employees are protected from nasty bosses who make them miserable at work.

### **Employment Equality Act, 1998**

#### **1. Discrimination**

- ***This is treating one person less favourably than another would be treated in same situation due to:***

1. ***Gender***
2. ***Marital Status***
3. ***Family Status***
4. ***Age***
5. ***Disability***
6. ***Race***
7. ***Sexuality***
8. ***Religion***
9. ***Traveller***

- The law makes it illegal to discriminate:
  1. When hiring, training and promoting.
  2. In conditions of employment.
  3. In advertising for employees.
- The law makes 'equal pay for equal work' a legal requirement.

- Positive discrimination is allowed to promote equal opportunities.
  
- The law set up the Equality Authority to:
  1. Eliminate Discrimination.
  2. Promote equal opportunities.
  3. Draw codes of practise.
  4. Give public information.

### **Director of Equality Tribunal**

1. Investigate cases of discrimination.
  - **Evaluation**-good as they investigate for free and make sure it doesn't continue.
  
2. Refer to Equality Mediation Officer if not serious who will try to reach solution.
  - **Evaluation**-good as it is kept confidential.
  
3. Refer to Equality Officer if it is serious who makes a ruling.
  - **Evaluation**-good as case is investigated thoroughly.
  
4. Director makes final decision in all cases which must be obeyed.
  - **Evaluation**-employee can get compensation for suffering and it must be obeyed.

*A teacher was awarded money after she didn't get job of principal because she was woman in All boys School.*

### **Evaluation**

- Ensures employees can't be treated badly by prejudiced bosses.
- Sets out to help 9 categories of people who have historically been victims.
- The Direct of Equality Tribunal is government backed official who will fight for worker and whose ruling must be obeyed.

For even more comprehensive revision notes visit .... [mocks.ie - Leaving Cert Business Notes](https://www.mocks.ie)