



Industrial Relations & Contracts
Business Past Exam Questions
Higher Level

2013

Section 1 - Question 7

7. Explain the term 'Constructive Dismissal'.

Section 3 - Question 1

Question 1

- (A) (i) Explain the term 'data protection' under the terms of the Data Protection Acts 1988 and 2003.
(ii) Discuss the functions of the 'data protection commissioner' under the terms of this act. (20 marks)
- (B) Evaluate any **two** of the following legislative approaches to solving conflict:
(i) Small Claims Court;
(ii) Labour Relations Commission;
(iii) Employment Appeals Tribunal. (20 marks)
- (C) Illustrate your understanding of the following terms in relation to a valid contract:
Agreement; Legality of form; Consideration. (20 marks)
- (60 marks)

2012

Section 1 - Question 7

Question 1

- (A) Outline the procedures an employer should follow under the Unfair Dismissals Acts of 1977-2007, before dismissing an employee. (20 marks)
- (B) A legal contract can be terminated by breach, frustration or agreement. Illustrate your understanding of the underlined terms. (20 marks)

The Consumer Protection Act 2007 came into effect in Ireland on 1st May, 2007. The Act provided for the establishment of the National Consumer Agency, which replaced the Office of the Director of Consumer Affairs.

- (C) Evaluate the role and functions of the National Consumer Agency (NCA) in protecting consumers. (20 marks)

2011

Section 1 - Question 7

7. Outline **two** types of industrial action that employees could take in an attempt to get employers to meet their demands.

(i) _____

(ii) _____

Section 3 - Question 1 C

- (C) Describe how conflict between an employer and an employee could be resolved in a non-legislative manner.

(15 marks)

2010

Section 1 - Question 9

9. Outline **three** grounds for **fair** dismissal under the terms of Unfair Dismissals Act 1977/93.

(i) _____

(ii) _____

(iii) _____

Section 3 - Question 1A

The purpose of the Industrial Relations Act, 1990 is to put in place an improved framework for the conduct of industrial relations and for the resolution of trade disputes.

- (A) (i) Outline the impact on trade unions of the main provisions of the Industrial Relations Act 1990.
(ii) Describe **two** types of official industrial action a trade union can undertake as part of a trade dispute.

(30 marks)

Section 3 - Question 1C

(C) In relation to the Law of Contract, illustrate your understanding of *Capacity to Contract*.

(10 marks)

Section 1 - Question 8

8. (a) Explain the legal term 'consideration'.

(b) Outline **two** other elements of a legally binding contract.

(i) _____

(ii) _____

Section 2

Renewable Energy Solutions (RES) Ltd

Liam Best, an electrical engineer, established Renewable Energy Solutions (RES) Ltd ten years ago. The business imports, supplies and installs energy efficient solar panels that are used to heat homes and businesses. While attending a Trade Fair in Germany on behalf of his previous employer, Liam identified a niche in the market for an Irish supplier of solar panels. With twenty years experience in the heating and plumbing supplies business and with no opportunity for promotion, he decided to start his own business. Impressed with Liam's knowledge and belief in his product, Liam's bank manager and a number of private investors were happy to provide the necessary finance. The business grew rapidly and by the end of 2007 had a turnover of €30 million and a workforce of thirty.

The past year, however, has been difficult for the business. As the construction of new houses has fallen, there has been a steady decline in the sales of solar panels. Costs are rising and the business is finding it more difficult to pass on price increases to customers. Cash flow is tight and Liam is particularly concerned by the fact that two of his largest customers have not paid their bills on time. In addition, the company is finding it difficult to raise short term finance due to the current credit squeeze. Rising stock levels in the warehouse are also causing problems. A number of customers have recently returned solar panels, as a result of damage caused while in storage in the warehouse or in transit.

Liam is confident that the demand for green energy sources in Ireland will increase again. He believes that the government's new Building Energy Rating (BER) regulations, combined with the increasing demand for more cost effective and environmentally friendly heating systems, will provide opportunities for his business.

However, Liam has e-mailed all staff informing them that action will need to be taken swiftly if the business is to survive the current downturn in the economy. To avoid the introduction of compulsory redundancies, Liam explains in his e-mail that it will be necessary to implement a 10% pay cut, with immediate effect for all workers. The staff contacted their trade union to express their concerns about the proposed pay cuts. A trade union meeting has been organised to discuss staff concerns and agree a response to the pay cut proposed by Liam.

- (A) Illustrate, using examples from the above text, **four** enterprising characteristics/skills shown by Liam. (20 marks)
- (B) Discuss **three** types of management control that you would recommend Liam put in place to secure the future of RES Ltd. (30 marks)
- (C) (i) Describe, using the above text, **one** possible non-legislative and **one** legislative solution for the industrial relations problem facing RES Ltd. (30 marks)
- (ii) In your view how should Liam have dealt with the issue to lessen the likelihood of an industrial relations conflict? (80 marks)

Section 3 - Question 1 C

- (C) (i) Explain the term 'employment discrimination' as set out in the Employment Equality Act 1998.
List **four** distinct grounds on which discrimination is outlawed under the Act.
- (ii) Evaluate the role of the Director of Equality Investigations in resolving complaints of discrimination in the workplace. (35 marks)

Section 1 - Question 2

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2. In relation to the law of contract distinguish between the terms 'offer' and 'invitation to treat'.

Section 1 - Question 9

9. List **five** grounds under which **employment discrimination** is outlawed in Ireland.

(i) _____

(ii) _____

(iii) _____

(iv) _____

(v) _____

Section 3 - Question 1C

- (C) Evaluate the role of the Labour Court in dealing with industrial disputes. (20 marks)

2007

Section 3 - Question 1 A

- (A) Under the terms of the Industrial Relations Act 1990, (i) define a legitimate trade dispute and (ii) explain the role of the Labour Relations Commission. (20 marks)

Section 3 - Question 1 C

- (C) *Specific Performance* is a term used in contract law. Explain what it is and when it would be used. (10 marks)

2006

Section 3 - Question 1 B

- (B) (i) Under the terms of the Unfair Dismissals Act 1977/1993, explain the grounds for dismissal that are deemed to be fair.
- (ii) Describe the different types of redress that are available to employees for unfair dismissal. Illustrate your answer with appropriate examples. (25 marks)

Section 3 - Question 1 B

- (C) Explain the elements of a valid contract. (20 marks)