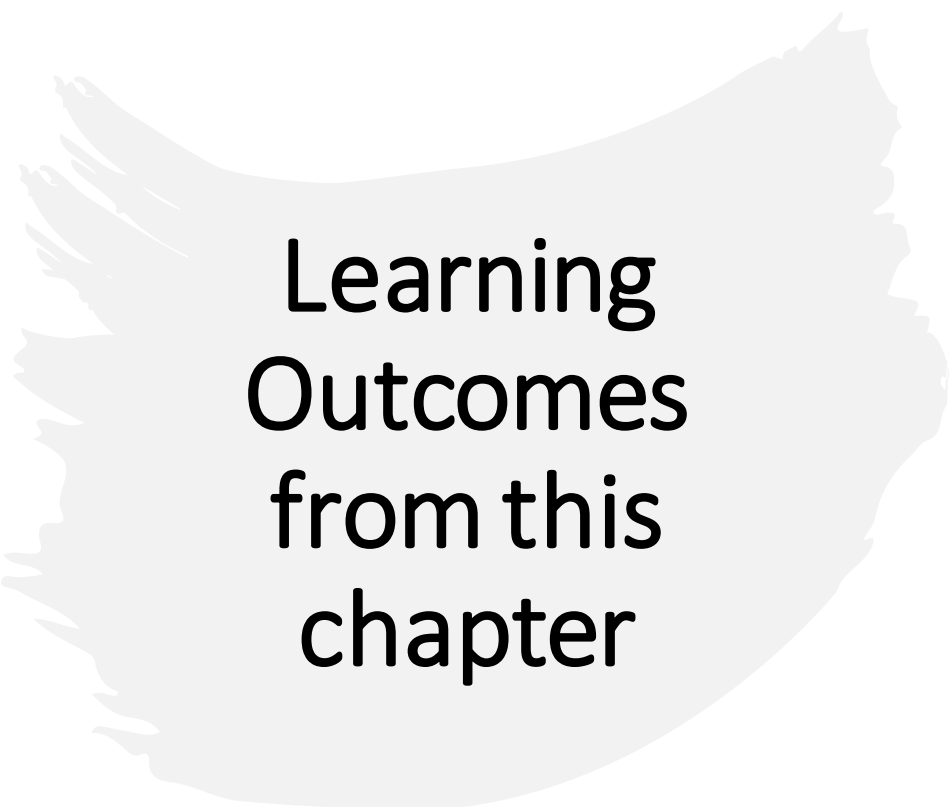


Unit 1: Chapter 3

INDUSTRIAL RELATIONS



Learning Outcomes from this chapter

On completion, you should be able to:

- Describe a possible industrial conflict and show how the law would be used to solve it
- Outline non-legislative ways of solving conflict within a workplace
- Explain what trade unions are, and outline their role in industrial conflict
- Evaluate negotiation, conciliation and arbitration, as they are used to resolve industrial conflict in the workplace
- Illustrate the impact of trade disputes on different stakeholders
- Illustrate how legislation affects different business relationships
- Illustrate both fair and unfair grounds for dismissal from employment
- Outline the impact of legislation on employment equality
- Evaluate the role of the Workplace Relations Commission and the Labour Court in improving workplace relations and solving industrial disputes

Benefits of good industrial relations

1. Improved employee motivation
2. Lower absenteeism
3. Increased productivity
4. Higher retention rates



Factors leading to industrial disputes

- Disputes over pay
- Disputes over working conditions
- Redundancy
- New technology
- Demarcation issues
- Trade union recognition
- Unfair dismissal
- Discrimination



Types of pay claims employees can make

Cost of living claim:

- High prices caused by inflation have made it difficult for a person to maintain their standard of living

Comparability claim:

- Employees compare larger salaries of similar jobs in different sectors

Productivity claim:

- Additional pay for employees with increased output/productivity

Relativity claim:

- Linked professions – if one receives a pay increase, the other might also seek an increase (e.g. Gardaí and nurses)

Trade unions

Trade union:

- An organisation formed to protect the rights and interests of the members it represents, usually employees in a particular industry
- Can be an important source of information for employees
- Can provide employees with protection on employment matters
- Can negotiate with the employer for better pay and conditions

Shop steward:

- An elected union representative and the contact point if a member has any concern in a workplace
- A link between union members and employer



Non- legislative solutions

MEET AND
TALK

DISCUSS, CLARIFY, COMMUNICATE
ISSUES AROUND DISPUTE

Negotiation

Offers, counter-offers, compromise to reach a solution

Conciliation

Unbiased third party encourages parties to listen to each other

Arbitration

Unbiased third party investigates the dispute and offers a solution

**DEFINES
'TRADE
DISPUTE'**

**ANY DISPUTE BETWEEN EMPLOYERS AND WORKERS THAT IS
CONNECTED TO THE EMPLOYMENT OR NON-EMPLOYMENT, OR THE
TERMS OR CONDITIONS OF EMPLOYMENT OF ANY PERSON
(E.G. A DISPUTE OVER PAY OR DISCRIMINATION OF A WORKER OR
GROUP OF WORKERS)**

**Secret ballot
and one
week's notice**

A secret ballot of members takes place: if the majority vote in favour of action, seven days' notice of the strike is given to the employer

**Primary and
secondary
picketing**

It is lawful to peacefully protest outside the workplace with placards (primary) or outside another workplace believed to be frustrating a resolution (secondary)

Immunity

If action is official, employer cannot sue employees for any losses

Industrial Relations Act 1990

Types of industrial action

The industrial actions above are **legal**. Workers are not allowed to engage in a **wildcat** or **lightning strike** (an unofficial strike where **no notice** is given to the employer).

While citizens can legally protest the government, it is illegal for workers to stop work in order to protest a government decision.

Official strike	Employees do not enter their workplace and do not do any work
Work-to-rule	Employees only do the exact jobs written in their contract, without any flexibility
Overtime ban	Refusal to work extra hours, outside contract hours
Token stoppage	Brief stoppage of work, carrying the threat of further action

Unfair Dismissals Act 1977–2015

This legislation protects employees who are unfairly dismissed.

Steps to dismiss a worker

1. Give counselling
2. Give a formal verbal warning
3. Issue a written warning
4. Issue reasons for dismissal in writing
5. Offer the right of appeal

Grounds for fair dismissal

1. Incapable of doing job
2. Incompetent
3. Lacking qualifications
4. Misconduct
5. Redundancy
6. Contravenes the law
(e.g. work permit expires)

Unfair Dismissals Act 1977–2015

Reasons an employee may have been unfairly dismissed

- Steps for dismissal not followed
- Insufficient evidence for dismissal
- Discrimination against worker for dismissal
- Grounds exist for constructive dismissal

Redress for unfair dismissal

1. Reinstatement
2. Re-engagement
3. Compensation (max. two years' pay)



Employment Equality Act 1998–2015

Employment discrimination:

- An employee is said to be discriminated against if they are treated in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine distinct grounds detailed below.
- Advertising that is discriminatory is illegal (e.g. ‘Young staff wanted’).

The nine grounds:

Gender

Sexual orientation

Disability

Civil status

Religion

Race

Family status

Age

Membership of the Traveller Community

Steps for resolution:

Talk it out with employer

Use a third party

Advice or conciliation from WRC

Adjudication services from WRC

Workplace Relations Commission

The WRC aims to promote the improvement of workplace relations, the maintenance of good workplace relations and to encourage compliance with relevant employment legislation.

Functions of the WRC

- 1. Advisory service:** Promotes best practice; provides policy, advice and good industrial relations procedures
- 2. Conciliation service:** Appoints Industrial Relations Officers (IRO) to chair 'conciliation conferences' to provide an impartial, timely and effective conciliation service
- 3. Mediation service:** Helps the parties in a dispute achieve a voluntary resolution of a complaint or grievance
- 4. Adjudication services:** Holds a hearing during which both parties are given an opportunity to be heard and present any evidence relevant to the complaint
- 5. Inspection services:** Carries out inspections, examinations or investigations to monitor and enforce compliance with employment legislation

The Labour Court

A free service that aims to provide high-quality, fair and impartial arrangements to resolve industrial disputes and determine appeals in disputes based on employment law.

Investigates complaints as a court of last resort

- Hearings using WRC services can be referred, if no resolution was reached.

Arbitration

- While not legally binding, it can make recommendations that are normally accepted in advance by both parties.

Codes of practice

- It gives its opinion on any interpretations of the codes of practice in place under the Industrial Relations Act 1990 and investigates reported breaches.

Registers agreements

- It registers agreements for parties to refer back to if future conflicts arise.