

Chapter 3: Industrial Relations

SHORT QUESTIONS: HIGHER LEVEL

(ALL CARRY 10 MARKS)

1. Illustrate the difference between conciliation and arbitration in solving industrial disputes.

Conciliation: An unbiased third party encourages both sides in a dispute to talk and listen to each other in order to decide on a solution themselves. The conciliator facilitates talks but does not offer a solution.

For example: The Workplace Relations Commission appoints an Industrial Relations Officer to conciliate.

Arbitration: An unbiased third party hears arguments from both parties in a dispute and then decides on a recommendation/solution for the dispute. This recommendation/solution can be binding or non-binding.

For example: The Labour Court hears arguments from both sides in a dispute & issues a recommendation.

2. (i) What do the letters WRC stand for? Workplace Relations Commission

(ii) Outline **two** functions of the WRC.

1. Advisory service: Promotes, develops and helps implement best industrial relations policies, practices and procedures for employers, employees and trade unions.

2. Conciliation service: Industrial Relations Officers (IRO) are appointed to chair 'conciliation conferences', to provide an impartial, timely and effective conciliation service. They encourage parties to listen to each other in order to help them reach an agreement.

3. Column 1 is a list of reasons for which an employee can be fairly dismissed. Column 2 is a list of possible explanations. (One explanation does not refer to any of these reasons.)

Column 1: Reasons		Column 2: Explanations	
1.	Redundancy	A.	A worker's work permit expires after two years.
2.	Contravening law	B.	A worker consistently fails to achieve sales targets.
3.	Incompetent	C.	A worker has high absenteeism from work.
4.	Incapable	D.	A worker is caught taking drugs in the workplace.
5.	Qualification	E.	The business needs to let staff go in order to survive.
		F.	A worker lied about having a degree to get the job.

Match the two lists by placing the correct letter under the relevant number below.

1	2	3	4	5
E	A	B	C	F

4. Answer TRUE or FALSE for the following statements. (Circle the correct answer.)

An employee must prove that constructive dismissal occurred.	<input checked="" type="radio"/> T / <input type="radio"/> F
If the conflict is very bad, parties can go straight to the Labour Court for a resolution.	<input type="radio"/> T / <input checked="" type="radio"/> F
Conciliators will offer a solution to parties in a dispute.	<input type="radio"/> T / <input checked="" type="radio"/> F
A sports shop is allowed to advertise jobs specifically for 'young workers only'.	<input type="radio"/> T / <input checked="" type="radio"/> F

LONG QUESTIONS: HIGHER LEVEL

1. Outline your understanding of **any three** of the following terms relating to industrial relations:

(i) Shop steward

(iii) Constructive dismissal

(ii) Secondary picketing

(iv) Employment discrimination

(20 marks)

Marking scheme and tips: 2 @ 7m (4m + 3m) and 1 @ 6m (3m + 3m)

Outline: for this question the headings are given, so you need to give two clear points of information and keywords for each heading.

(i) Shop steward

An employee elected by their fellow workers to represent them in their workplace when discussing work conditions with management. The shop steward is the elected trade union representative in each workplace.

(ii) Secondary picketing

Picketing of another employer (not the primary employer involved in the dispute), where it is reasonable for those workers picketing to believe that the second employer is acting to frustrate the industrial action by directly assisting their own employer.

(iii) Constructive dismissal

A situation where an employer in a workplace makes it so difficult for an employee that the employee feels they have no other option but to resign their position rather than carry on working.

The onus of proof is on the employee to show that they were constructively dismissed.

(iv) Employment discrimination

An employee is said to be discriminated against if he or she is treated in a less favourable way than another person is, has been or would be treated.

The grounds for discrimination include gender, race, sexuality or age.

2. (i) Outline **three** different forms of industrial action that are available to employees in an industrial dispute.
- (ii) Analyse a benefit and a challenge for employees from taking **one** form of industrial action you mentioned in your answer to part (i). (20 marks)

Marking scheme and tips

- (i) 3 @ 4m (2 + 2)
(ii) Benefit 4m, challenge 4m

(i) State: Work-to-rule 2

Explain: This is when employees carry out only the specific tasks outlined in their contract, 2
which can slow down operations because they might not answer phones or emails if it is not
in their contract.

State: Overtime ban

Explain: Workers refuse to work extra hours outside contract hours, which can frustrate their
employer, particularly at peak trading times such as Christmas.

State: Official strike

Explain: Employees do not enter their workplace and do not do their work. They peacefully
picket outside their workplace, holding placards.
To hold an official strike, a trade union must conduct a secret ballot of its members and give 7 days'
notice of the strike.

(ii) Industrial action: Work-to-rule

Benefit: You still get paid all of your wages, unlike if you take part in an official strike, where
you lose pay for any days spent on strike.

Challenge: It may not frustrate your employer enough that they will negotiate with you over
your dispute.

Did I read through my answer after finishing the question?
Student reflection



3. Explain, using examples, the impact of trade disputes on **three** of the following stakeholders:

(i) Government

(iii) Consumers

(ii) Investors

(iv) Suppliers

(20 marks)

Marking scheme and tips: 2 @ 7m (4 + 3) and 1 @ 6m (3 + 3)

The first set of marks is for explaining and the second set is for the example.

(i) Government

The government may lose tax revenue if no sales occur because a business is closed for a strike. It may also lose income tax, as workers won't receive wages for the days they are on strike, so the government won't receive any USC/PAYE for those days.

For example: If an official strike occurs, a business may not be able to open during the strike, as it won't have workers available, so the government won't receive as much revenue for those days.

(ii) Investors

Investors in a company benefit from the company's good public image and higher share prices. Poor industrial relations can damage company performance owing to poor morale and can also generate bad publicity, which may negatively effect the share price.

For example: If workers undertake a work-to-rule, they may not be as productive as usual, reducing the company's output and the potential profits for shareholders.

(iii) Consumers

Consumers buy the goods. If stores are closed or factories aren't open to produce the goods, then there may not be enough stock to meet the demand.

For example: When the IFA were protesting about beef prices, there were some shortages of steak on supermarket shelves, so some consumers couldn't buy beef products.

(iv) Suppliers

Suppliers provide raw materials and finished or partly finished stock to businesses. If a company is involved in a trade dispute/industrial action, this may have knock-on effects on the business's suppliers.

For example: If production is disrupted or stopped because of a trade dispute, the business may have to order fewer supplies than usual. This reduces sales and profits for the company's suppliers.

4. Describe the procedures an employer should follow under the Unfair Dismissals Acts of 1977–2015 before dismissing an employee. (20 marks)

Marking scheme and tips: 4 @ 5m (2 + 3)

This is a procedure, so you need to show the steps in order to score full marks.

State: 1. Offer advice/counselling to the employee

Explain: Advice on how the employee should improve should be given by a supervisor and recorded on the employee's personal record.

The employer should make it clear to the employee how they can improve so that they are aware of what they need to do.

State: 2. Formal verbal warning

Explain: The employer has to inform the employee of the reasons for the possible dismissal, including what evidence they currently have. The employee, with their representative present (another employee, a shop steward or a solicitor), can respond to the allegations. The warning is recorded in the employee's personal record.

State: 3. First written warning

Explain: If there is no improvement, a formal written warning should be issued next. A copy will be given to the employee's representative. It may be followed up with a final written warning, suspension without pay or some other appropriate disciplinary action short of dismissal. The employee will then finally be dismissed.

State: 4. Inform the employee of reasons for dismissal

Explain: A written copy of the reasons for dismissal must be forwarded to the employee within 14 days of the dismissal. They will be offered a right to appeal the decision in an impartial hearing.

AFL	Is there anything I need to ask my teacher about this question?
	<u>Student reflection</u>

LONG QUESTIONS: ORDINARY LEVEL

1. Sarah Murphy has been working at a technology company for four years and recently applied for a promotion to a management position. The position was given to a male colleague who has only been at the company for two years. He is also not as qualified as Sarah.

(i) Name the employment law or act that lists the grounds on which employment discrimination is illegal in the workplace.

Employment Equality Act 1998/2015

(ii) On what grounds is Sarah being discriminated against in this situation?

Gender

(iii) List **five** other grounds on which it is illegal to discriminate.

1. Disability

2. Civil (marital) status

3. Family status

4. Sexual orientation

5. Religion

(iv) Outline your understanding of the term **employment discrimination**. (30 marks)

An employee is said to be discriminated against if he or she is treated in a less favourable way than another person is, has been or would be treated.

2. Workers in a factory have asked for pay increases for the last five years. Their employers told them that they are unable to increase salaries. The workers say that profits are rising due to their increased output and claim that they need higher pay to afford the same lifestyle given rising prices and rents.

(i) What type of pay claim could workers make in this situation?

Productivity claim or cost of living claim

(ii) Outline **two** other types of pay claim that workers can make.

1. Comparability claim: Asking for increased wages because similar workers doing a similar job in the same industry have won a pay increase.

2. Relativity claim: Workers ask for a wage increase because similar workers in a linked industry have received one, e.g. nurses asking for more pay if teachers have recently received an increase.

(iii) Illustrate **two** types of industrial action that workers could take to try to resolve an industrial conflict. (30 marks)

1. Official strike/primary picketing: Employees peacefully protest outside the workplace with placards.

2. Work-to-rule: Employees perform only the tasks laid out in their contracts and no other tasks, e.g. they won't answer phones or respond to emails if these tasks are not in their contract.

3. Paul Parker arrived ten minutes late for work after getting stuck in traffic. When he entered work, he noticed his boss was in a bad mood. Paul then had to take a personal call. Paul was fired on the spot for doing two things wrong that morning.

Was Paul fairly dismissed? (Circle your answer.) YES / **(NO)** (15 marks)

Why? The employer didn't follow a fair procedure to fire him. An employee should be given warnings first unless they have committed a very serious offence.