

## **+CONFLICT AND THE EMPLOYEES**

Circumstances leading to disputes

1. Pay disputes
2. working conditions
3. unfair dismissals
4. Promotion
5. poor industrial relations
6. Introduction to new technology
7. Discrimination

### **INDUSTRIAL RELATIONS**

This is the term used to describe the relations between the management of a firm and its employees. If industrial relations are good employees will be well motivated and as a result morale and productivity will be high. If industrial relations are poor employees will be a lot less motivated and productivity will be low with a high labour turnover.

<b>TRADE UNIONS</b>
Is a body representing employee's views with their employers? Union members elect a shop steward to represent them in negotiations with the employers.
Reasons for joining a trade union
<ol style="list-style-type: none"><li>1. Increased bargaining power – one voice as a representative</li><li>2. Having a skilled negotiator on behalf of employees</li><li>3. Greater job security if the union is powerful</li><li>4. Higher std of living for members</li></ol>



### **Industrial relations act 1990**

**This is the most important piece of legislation concerning workers rights.**

#### **Picketing**

This involves employees gathering outside a workplace in which there is a trade dispute. Striking workers form a picket line, where they attempt to stop other workers, delivery vans, customers from entering

#### **Balloting**

A secret ballot of members must be held before industrial action can take place. If they then engage in industrial action they are legally protected from being sued by their employers for any loss arising from their action.

**Labour relations commission** was est. to assist in settling disputes and to promote good industrial relations. The LRC provides the following services

- ✓ Conciliation service – the LRC provides an Industrial Relations Officer (IRO). He/she listens to both side's arguments and then recommends a settlement.
- ✓ Codes of practice – rules, practices to be followed when dealing with conflict. The LRC offers guidance to firms drawing up code of practice.
- ✓ Equality services - the LRC provides equality officers in investigating disputes under Employment Act (1998). It relates to issues on discrimination in the workplace. When investigating they can enter premises and seek records they need.
- ✓ Rights commissioner service – looks into disputes involving individual workers or small groups of workers concerning unfair dismissals or maternity leave etc. any recommendations of the rights commissioner can be appealed to in the Labour Court.
- ✓ The LRC assists Joint Labour Committees (JLC) and Joint Industrial Councils (JIC). The JLC is a body set up by the labour court to investigate rates of pay, work conditions for workers that have no union.  
A JIC is a voluntary body set up to solve disputes that may arise in a particular industry.
- ✓ The Industrial Relations Advisory Service offers advice to employers and unions on industrial relations matters. It also helps firms to understand the root of the problems that cause conflict.

#### **The Labour Court**

It is a court of last resort in industrial disputes:

##### Functions of the Labour Court

- ✓ To resolve disputes that the LRC feel that they cannot sort out
- ✓ To resolve any conflict that LRC feel they cannot investigate

- ✓ To resolve disputes that are referred to by minister of employment/enterprise
- ✓ To resolve disputes of exceptional circumstances

Court of appeal

The labour court hears appeals against recommendations of equality officers under the Employment Act (1998).

Joint labour committees (JLC) and Employment Regulations Order

The labour court establishes JLC's & employment regulation orders following the recommendations of the JLC.

Enforcement

The labour court has inspectors of the Dept of enterprise, trade and employment; they may begin proceedings on behalf of employees against employers for poor conditions in the workplace.

Investigating breaches of codes of practice

The labour court investigates breaches of codes of practice, provided the LRC has first considered the complaint.

Registering employment agreements

Agreements negotiated between employers and employees can be registered with the Labour court. These agreements once registered become legally binding.

**Unfair Dismissal Acts (1977 – 1993)**

To protect all employees, full time or part time, from being unfairly dismissed from their employment.

Employees <b>cannot</b> be dismissed for the following reasons:	Employees <b>can</b> be dismissed for the following reasons
✓ Pregnancy	✓ Worker is incompetent
✓ Religious/political beliefs	✓ Worker is incapable of doing the job
✓ Race	✓ Worker is being made redundant to make the firm more competitive
✓ Member of traveling community	✓ Unsuitable qualifications for job
✓ Sexual orientation	
✓ Belonging to a trade union	

Proper procedure in a Dismissals Case

1. The employee has a right to know the reason for the dismissal
2. Employee has a right to reply to those and to have their responses listened to
3. Employee has a right to impartial hearing and the right to representation at a hearing

Enforcement of the act

A worker who feels that he/she has been unfairly dismissed can take the case to a rights commissioner or the employment appeals tribunal.

Redress is in the form of reinstatement without financial loss or financial compensation

**Employment Equality Act (1977/1998)**

**Main scope of the Act**

- ✓ Establish the employment equality agency which promotes equality of opportunity between men & women
- ✓ Women not to be treated less favourably than men
- ✓ Job selection cannot be based on the sex of the applicant
- ✓ Promotion/training must be equally available to all members
- ✓ All posts must be advertised to all applicants regardless of sex/marital status
- ✓ Everyone to avail of the same working conditions
- ✓ Sexual harassment is forbidden in the workplace

### **Courses of action**

1. Disputes over discrimination can be referred by an individual to the newly formed Director of Equality Investigations
2. The director will investigate each case and will then issue a decision
3. The decision is enforceable through the circuit court
4. All decisions can be appealed to the Labour Court

Where the director find that there has been discrimination, he or she may order:

- ✓ In an equal pay case – equal pay and arrears in respect of a period not exceeding 3 years preceding the case in question
- ✓ In other cases – equal treatment and compensation up to a maximum of 2 years pay (104 weeks) or €12,700 where the person was not an employee

### **Data Protection Act (1988)**

The data protection act was passed to deal with privacy issues arising from personal information about people kept on a computer, as distinct from manual files.

The act gives rights to individuals and puts responsibilities on those who keep personal information on computers.

#### **Key terms:**

**Data** – information in a form in which it can be processed

**Data subject** – a person who is the subject of personal data, e.g. employee

**Data controller** – a person/firm that controls the content & use of personal data, e.g. a firm/company

**Data processor** – person/firm that processes personal data on behalf of a data controller, e.g. a computer bureau

#### **Enforcement of the Act**

The data protection act established the data protection commissioner. His/her role is to ensure that those who keep personal information on computer comply with the provisions of the act.

### **DEFINITIONS:**

**Bargaining** – this is the process whereby employers & employees in a firm negotiate wages and other conditions of employment.

**National agreements** – these are negotiated every 3 years between the “social partners”. These consist of the Govt., employers (IBEC), employees (ICTU), farmers (IFA), the community & voluntary organizations.

Examples of this – Partnership 2000 which covered the years from 1997 – 2000

- Programme for prosperity & fairness (PPF)
- Programme for national recovery which is in operation at present