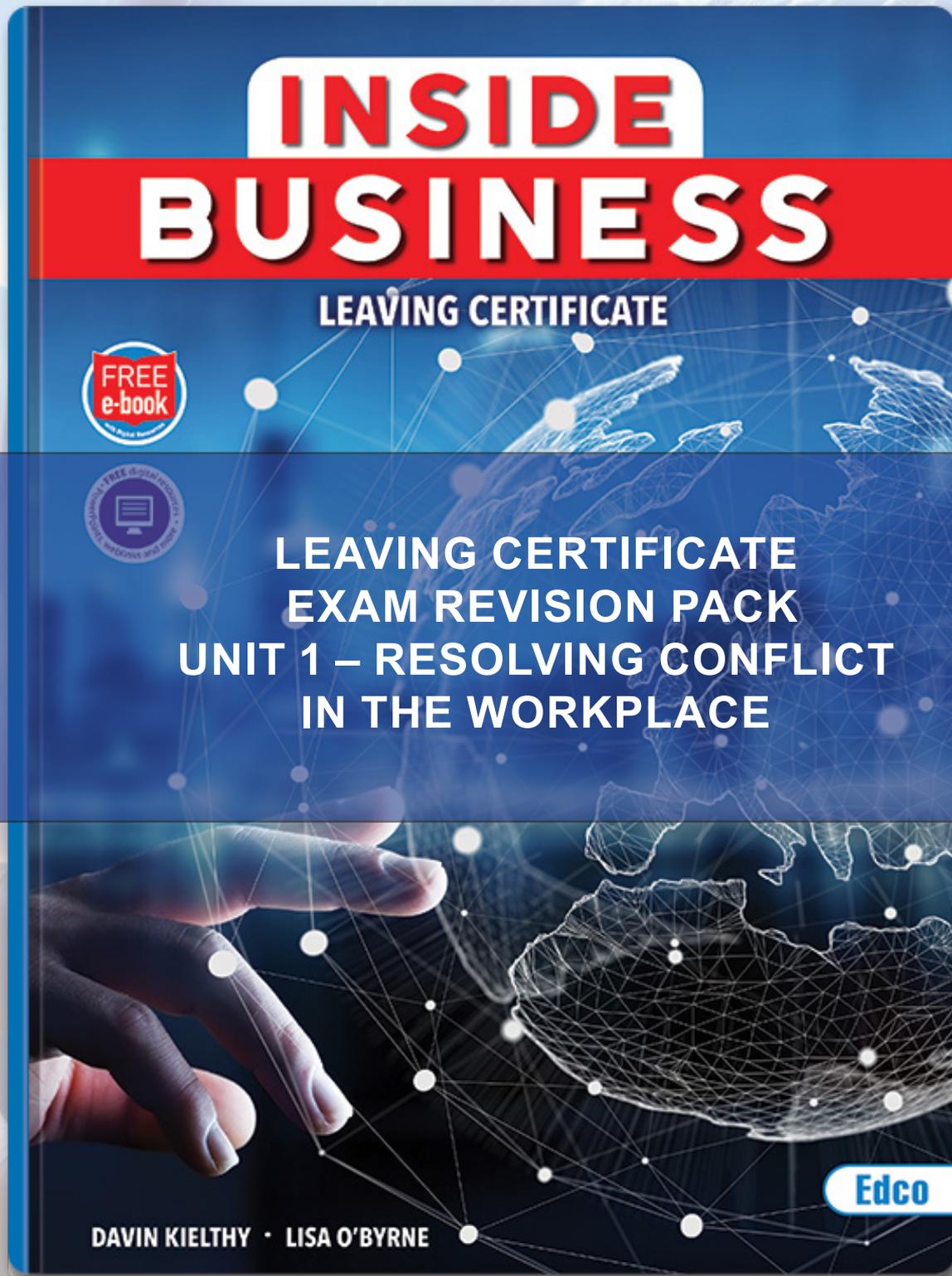


# The Educational Company of Ireland



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# INSIDE BUSINESS

## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

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## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

### Plan for Success: Higher Level Question Frequency Grid

	Industrial Relations	Reasons for Industrial Disputes	Pay Claims	Trade Unions	Bargaining	Types of Industrial Action	Impact of Industrial Action on Stakeholders	Non-Leg. Methods of Resolving Conflict	IRA 1990	WRC	Labour Court	UDA 1977-2015	EE Act 1998-2015
2020										S.3 Q1 (C)		S.1 Q9	
2019		S.3 Q1 (B) (i)							S.3 Q1 (B) (ii)				
2018							S.3 Q1 (B)					S.3 Q1 (C)	
2017								S.3 Q1 (B)					
2016						S.1 Q2 (B)			S.1 Q2 (A)			S.3 Q1 (A)	
2015									S.1 Q9				S.3 Q1 (C) (i)+(ii)
2014		S.3 Q1 (A) (i)				S.3 Q1 (A) (ii)							
2013												S.1 Q7	
2012													S.3 Q1 (A)
2011						S.1 Q7		S.3 Q1 (C)					
2010						S.3 Q1 (A) (ii)			S.3 Q1 (A) (i)			S.1 Q9	
2009								S.2 Part C (i)		S.2 Part C (i)			S.3 Q1 (C)
2008											S.3 Q1 (C)		S.1 Q9
2007									S.3 Q1 (A) (i)				
2006													S.3 Q1 (B)
2005													
2004								S.1 Q1	S.3 Q1 (C) (i)			S.3 Q1 (C) (ii)	

Section	
S.1	Section 1
S.2	Section 2
S.3	Section 3

Question Frequency	
Section 1	11 times
Section 2	2 times
Section 3	23 times

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## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

### Higher Level Exam Paper Analysis (1999 – 2020)

#### KEY POINTS

This topic covers **three pieces of legislation**; the Industrial Relations Act 1990, the Unfair Dismissals Act 1977 – 2015 and the Employment Equality Act 1998 – 2015. It is very important to **know the full names and dates of the various laws** in this topic.

The **verb list** has **appeared four times** on this topic. **List** means that a student must **write down a number of items without providing an explanation**, e.g. the grounds under which employment discrimination is outlawed.

The **most common question** related to the **WRC** (formerly the LRC), which has **appeared nine times** on the HL paper.

#### Section 1 – 10 marks

##### 2020 Section 1 Q9 [n/a]

Distinguish between fair dismissal and constructive dismissal.

##### 2016 Section 1 Q2 [(a) 4 marks (2+2); (b) 2 x 3 marks (2+1)]

- (a) Define the term trade dispute.
- (b) Outline two types of official industrial action available to employees involved in an industrial dispute with employers.

##### 2015 Section 1 Q9 [6 marks (3+3) + 4 marks]

Distinguish between primary picketing and secondary picketing as types of industrial action available to employees.

##### 2014 Section 1 Q8 [2 x 5 marks (3+2)] [No longer examined]

Outline two functions of the Labour Relations Commission.

##### 2013 Section 1 Q7 [6+4]

Explain the term 'Constructive Dismissal'.

##### 2011 Section 1 Q7 [2 x 5 marks (2+3)]

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

##### 2010 Section 1 Q9 [1 x 4 marks (2+2) + 2 x 3 marks (1+2)]

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

##### 2008 Section 1 Q9 [5 x 2 marks]

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

##### 2004 Section 1 Q1 [5+5]

Distinguish between 'Arbitration' and 'Conciliation'.

##### 2002 Section 1 Q1 [6+4]

What is arbitration?

##### 2000 Section 1 Q2 [n/a]

Illustrate your understanding of the term 'Arbitration'.

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### Section 2

#### 2009 Section 2 Part (C) – 30 marks

[(i) Non-Legislative – 10 marks: 2 x 5 marks (2+3); Legislative – 10 marks: 2 x 5 marks (2+3)]

(ii) 1 x 10 marks (2+3) + (2+3)]

- (i) Describe, using the above text, one possible non-legislative and one legislative solution for the industrial relations problems facing RES Ltd.
- (ii) In your view how should Liam have dealt with the issue to lessen the likelihood of an industrial relations conflict?

#### 1999 Section 3 Part (B) – 20 marks [n/a]

Draft a short report for the Board of Directors explaining the legislative methods that could be used to solve the conflicts in the business.

### Section 3

#### 2020 Section 3 Q1 (C) – 20 marks [n/a]

Discuss the services provided by the Workplace Relations Commission (WRC).

#### 2019 Section 3 Q1 (B) – 25 marks [(i) 3 x 5 marks (2+3); (ii) 4+3+3]

Read the information supplied and answer the questions which follow.

Nurses belonging to the Irish Nurses and Midwives Organisation (INMO) are to begin industrial action on 30 January in an escalation of their pay dispute.

- (i) Outline **three** reasons, other than pay, for an industrial dispute.
- (ii) Discuss the procedures which must be followed before official industrial action can take place.

#### 2018 Section 3 Q1 (B) – 15 marks [3 x 5 marks (2+3)]

Illustrate the impact of trade disputes on any three stakeholders in a business.

#### 2018 Section 3 Q1 (C) – 20 marks [2 x 7 marks (4+3) + 1 x 6 marks (3+3)]

Under the terms of the Unfair Dismissals Act 1977 to 2015, explain the grounds for dismissal that are deemed to be fair.

#### 2017 Section 3 Q1 (B) – 20 marks [3 x 6 marks (3+3) + Evaluation – 2 marks]

Evaluate negotiation, conciliation and arbitration as methods to resolve industrial relations conflict in the workplace.

#### 2016 Section 3 Q1 (A) – 20 marks [(i) 2 x 6 marks (3+3); (ii) 8 marks (4+4)]

- (i) Outline **two** reasons for fair dismissal, as set out under the Unfair Dismissals Act 1977 – 2007.
- (ii) Explain the term constructive dismissal, providing an example to support your answer.

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**2015 Section 3 Q1 (C) – 30 marks**

**[(i) 10 marks (7+3); (ii) 9 marks – 3 x 3 marks**

**(iii) 9 marks – 3 x 3 marks + Evaluation – 2 marks] [No longer examined]**

The Director of Equality Tribunal (previously known as the Director of Equality Investigations) published 22 decisions during September 2013 in areas of discrimination that included gender and disability.

- (i) Define employment discrimination as set out in the Employment Equality Act 1998.
- (ii) List **three** grounds other than gender and disability on which discrimination is outlawed under this Act.
- (iii) Evaluate the role of the Director of Equality Tribunal in dealing with discrimination cases under this Act.

**2014 Section 3 Q1 (A) – 25 marks**

**[(i) 12 marks – 3 x 4 marks (2+2); (ii) 7 marks (4+3) + 6 marks (3+3)]**

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

- (i) Outline **three** factors that can lead to industrial disputes in business.
- (ii) Discuss **two** types of official industrial action available to employees involved in an industrial dispute with employers.

**2013 Section 3 Q1 (B) – 20 marks [3 x 10 marks (4+4+2 [Evaluation])]**

**[(ii) and (ii) are no longer examined]**

Evaluate any **two** of the following legislative approaches to solving conflict:

- (i) Small Claims Court
- (ii) Labour Relations Commission
- (iii) Employment Appeals Tribunal.

**2012 Section 3 Q1 (A) – 20 marks [2 x 7 marks (4+3) + 1 x 6 marks (3+3)]**

Outline the procedures an employer should follow under the Unfair Dismissals Act 1977 – 2007, before dismissing an employee.

**2011 Section 3 Q1 (C) – 15 marks [5+5+5]**

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

**2010 Section 3 Q1 (A) – 30 marks [(i) 3 x 6 marks (3+3); (ii) 2 x 6 marks (3+ 3)]**

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.

- (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.

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## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

### 2009 Section 3 Q1 (C) – 35 marks

**[(i) 12 marks (8+4); (ii) 8 marks – 4 x 2 marks;**

**(iii) 10 marks – 2 x 5 marks (2+3) + Evaluation – 5 marks (2+3)] [No longer examined]**

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

### 2008 Section 3 Q1 (C) – 20 marks [4 x 5 marks (2+3)]

Evaluate the role of the Labour Court in dealing with industrial disputes.

### 2007 Section 3 Q1 (A) – 20 marks [(i) 10 marks (5+5)]

**(ii) 2 x 5 marks (2+3) [No longer examined]]**

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.

### 2006 Section 3 Q1 (B) – 25 marks [(i) 3 x 5 marks (2+3); (ii) 2 x 5 marks (2+3)]

- (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.

### 2004 Section 3 Q1 (B) – 20 mark [2 x 7 marks (4+3) + 1 x 6 marks (4+2)]

**[No longer examined]**

Evaluate the role of the Director of Equality Investigations in solving conflicts in business.

### 2004 Section 3 Q1 (C) – 20 marks [4 x 5 marks (3+2)]

Under the terms of the Industrial Relations Act 1990 explain

- (i) The reasons for legitimate trade disputes
- Or**
- (ii) The grounds for dismissal that are deemed to be unfair.

### 2003 Section 3 Q1 (C) – 20 marks

**[Discrimination – 10 marks (4+6); Grounds – 10 marks (5 x 2 marks)]**

Describe what is meant by Discrimination as set out under the terms of the Employment Equality Act 1998. List **five** distinct grounds under which discrimination is outlawed under the Act.

### 2002 Section 3 Q1 (C) - 30 marks [6 x 5 marks (2+3) + Evaluation – 5 marks]

**[LRC – No Longer Examined]**

Evaluate how, under the terms of the Industrial Relations Act 1990, the

- Labour Relations Commission
- and
- Labour Court deal with Industrial Relations conflict.

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### 2000 Section 3 Q1 (A) – 20 marks [n/a]

Read the information supplied and answer the questions which follow.

Telair Products PLC is a new company that has become a large company very quickly. The workforce is not allowed to join a trade union. It is secretive in the way it deals with its staff and minor industrial relations disputes have sometimes grown to become serious ones. There are no grievance procedures in place and the morale of the workforce is being reduced by the way managers are behaving. Future industrial action is a possibility.

Outline **two** legislative methods of solving the above problem.

### 2000 Section 3 Q1 (C) – 20 marks [n/a]

Read the information supplied and answer the questions which follow.

Telair Products PLC is a new company that has become a large company very quickly. The workforce is not allowed to join a trade union. It is secretive in the way it deals with its staff and minor industrial relations disputes have sometimes grown to become serious ones. There are no grievance procedures in place and the morale of the workforce is being reduced by the way managers are behaving. Future industrial action is a possibility.

Under the terms of the Industrial Relations Act 1990 explain:

- (i) The reasons for legitimate trade disputes and
- (ii) The provisions of the act with regard to picketing.

### 1999 Section 3 Q1 (C) – 25 marks [n/a] [No longer examined]

Evaluate the role of the Labour Relations Commission under the Industrial Relations Act 1990.

# INSIDE BUSINESS

## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

### Quick Fire Revision Worksheet

1. Outline your understanding of the term industrial relations.

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2. List three causes of industrial relations conflict between management and employees.

a. \_\_\_\_\_ b. \_\_\_\_\_ c. \_\_\_\_\_

3. Column 1 is a list of business terms; column 2 is a list of explanations. Match the two lists by placing the letter of the correct explanation under the relevant number in the box below.

Pay Claim		Explanations	
1	Relativity claim	A	A claim where workers want an increase in pay as a reward for adapting to change or due to an increased workload.
2	Cost of living claim	B	A pay claim where employees want similar pay and conditions as workers doing similar work in another business.
3	Productivity claim	C	A claim where the pay of one group of workers is linked to another group, even though they are performing different jobs.
4	Comparability claim	D	When employees want a pay increase so that their pay keeps up with inflation.

1	2	3	4

4. Illustrate your understanding of the term *trade union*?

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## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

5. Distinguish between work-to-rule and token stoppage as legal types of industrial action.

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6. What do the following letters stand for?

- a. ERO  
b. WRC  
c. JLC

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7. Identify whether the following statements are true or false.

	Statement	True / False
1	A political strike is a legal form of industrial action.	
2	Collective bargaining occurs when the employer negotiates pay and working conditions with a group of employees.	
3	Conciliation is a non-legislative method of resolving conflict between management and employees.	
4	Primary picketing takes place at the employees' workplace.	
5	A wildcat strike occurs when a warning is given to an employer in advance of strike action.	

8. Outline the following provisions of the Industrial Relations Act 1990, in relation to the following:

Secret Ballot

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Picketing

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## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

9. Using a tick, indicate whether the following functions are provided by the Workplace Relations Commission (WRC) or the Labour Court.

Functions	WRC	Labour Court
1 Establishes Joint Labour Committees		
2 Formulates codes of practice, e.g. disciplinary procedures		
3 Offers an adjudication service when mediation is unsuccessful		
4 Registers Employment Regulation Orders (EROs)		
5 Provides an advisory service to help firms build and maintain positive industrial relations in the workplace		

10. Put the procedure for fair dismissal in the correct order, starting from the first to the last stage.

Verbal warning	Final written warning	Suspension	First written warning	Dismissal	Counsel employee
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1. \_\_\_\_\_ 4. \_\_\_\_\_  
 2. \_\_\_\_\_ 5. \_\_\_\_\_  
 3. \_\_\_\_\_ 6. \_\_\_\_\_

11. Under the Unfair Dismissals Act 1970 – 2015, describe **two** grounds under which dismissal is deemed to be fair.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Discrimination is illegal under which Act in Ireland?

\_\_\_\_\_

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## UNIT 1 – RESOLVING CONFLICT IN THE WORKPLACE

13. List nine grounds under which discrimination is illegal in Ireland.

- |          |          |
|----------|----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ |          |

14. Circle the correct answer in the following sentences.

- ICTU stands for the Irish Committee of Trade Unions / Irish Congress of Trade Unions.
- Industrial action where all employees, even those not directly involved in the dispute, go on strike is known as a lightning strike / all-out strike.
- For an official strike to take place, the employees must give the employer seven / eight days' notice of strike action.
- The Workplace Relations Commission / Labour Court hears appeals from decisions made by adjudication officers.
- The Employment Equality Act was introduced in 1998 / 2008.