

Chapter 3 – Resolving conflict (Work place)

Industrial Relations Act 1990

Pay Claims

Cost of Living Claim - This is where employees want an increase in wage in line with inflation.

Comparability Claim - This is where employees want similar pay and condition to worker doing the same job in a different company.

Relativity Claim - This is when one group of workers want to keep higher pay gap than another group.

Productivity Claim - This occurs when workers seek an improvement in pay and condition as a reward for increasing their output.

Causes of conflict

1. Over pay
2. Redundancies
3. working conditions
4. Unfair Dismissal
5. Discrimination of staff.

Types of Strikes

Wildcat strike - is an unofficial strike where no advance warning is given to Management but are resolved very quickly.

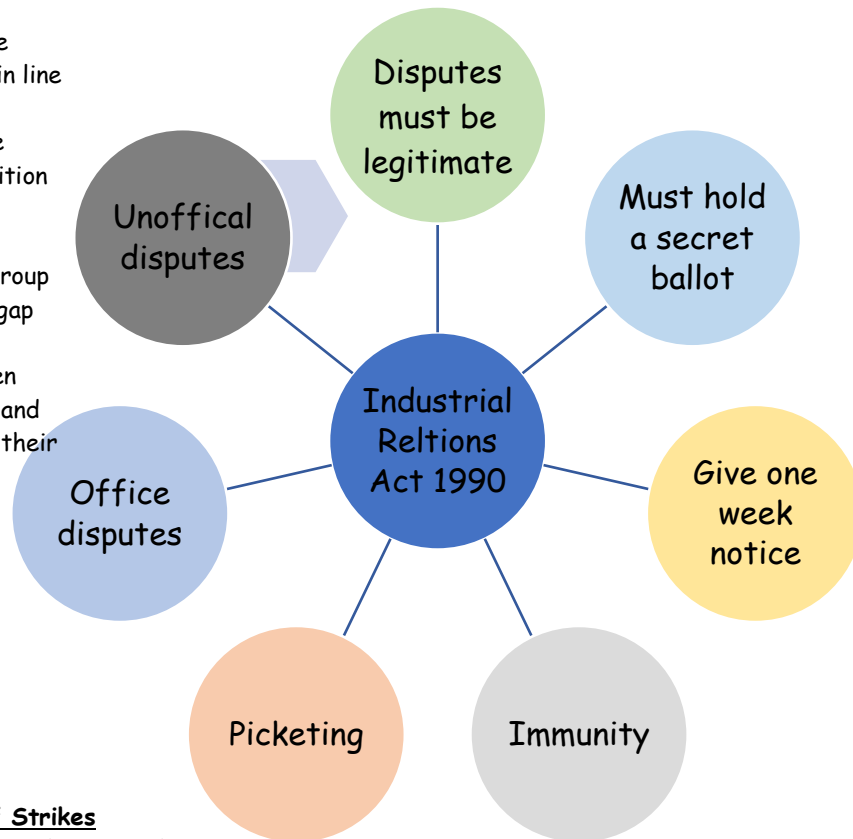
Token Stoppages - involves workers stopping work for a short period of time to demonstrate their unhappiness with the employer

Work to Rule - employee only do their jobs and nothing extra. This can be frustrating for the employer as the employee are not on full strike and are entitled to full pay as they are still doing their job.

Go Slow - employee only carry out the minimum amount of work that they can get away with.

Overtime ban - This happens when employee refuse to do overtime.

All out Strike - All union members are ordered to stop working by ICTU.



Promoting Good IR

1. Paying good Wages
2. Having open communication
3. Building trust and respect
4. Treating staff fairly
5. Having a clear Grievance Procedure.

Consequences of Strike

Business - Operation and production are disrupted which may result in a fall of sales and profits.

Employees - Employee will lose wages and might have to use their savings to help them

Customers - Customer will not be able to get their goods and service and might push them to use competitor's product and service.

Suppliers - Suppliers might not have a market for their product and thus may go out of business.

Investors - will have a reduction in their dividends as the business has lost potential sales due to the strike.

Workplace Relations commission

1. Advisory Services
2. Conciliation
3. Mediation
4. Adjudication
5. Inspection
6. Enforcement of Decisions

The Labour Court - This is a court of Last resort. If the WRC fails to solve a dispute or a decision is appealed, it will be heard here. It provides an arbitration service by listening to both sides and then giving recommendations.

The labour courts

1. Consist of representatives
2. Only get involved
3. Provide and Arbitration service

Arbitration - This is when the court listen to both sides and then gives recommendation a solution to solve the dispute. It is not legally binding.

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Unfair Dismissal Act 1977-2015

Fair Dismissal

- (a) Incompetent/Incapable
- (b) Unacceptable Behaviour
- (c) The job becomes redundant
- (d) Employer followed proper procedures

Unfair Dismissal

- (a) Employer followed proper procedures
- (b) The employer can't prove that the employee conduct was unacceptable.
- (c) any of the following - Maternity, Parental leave, Joining a TU, breach on min wage, Age, Religious beliefs or race colour
- (d) The employee engages in constructive dismissal.

Remedies

- (a) Financial Compensation
- (b) Reinstatement
- (c) Reengagement

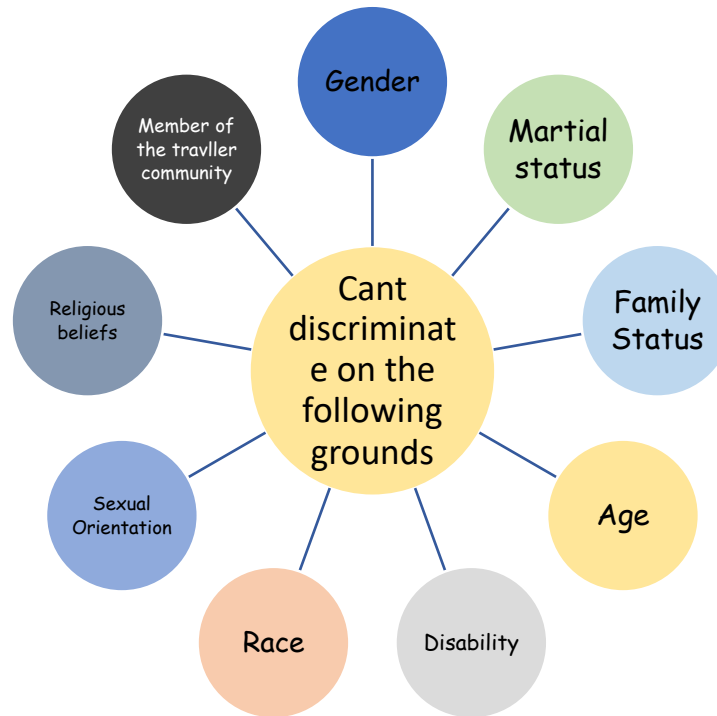
Procedure for dismissing an employee

Counselling and advice
Formal verbal warning
First written warning
Employees right of appeal
Employer duties and responsibilities
Provide employee with written reason of dismissal

Key words

Redundant - This occurs when workers are let go from a job because there is not enough work for them to do.
Voluntary Redundancy - This is offered to those who wish to apply for redundancy.
Compulsory Redundancy - This arise when employee is not given a choice and must leave.
Constructive Dismissal - This means making working condition so difficult that the employee is Forced to leave their job. This could be given them a Hugh workload.
Financial Compensation - This means getting money up to a maximum of 2 years Pay
Reinstatement - This means the employee getting their old job back as well as financial compensation
Reengagement - This means that the employee is given their own job back or a similar job in the company but with no financial compensation

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Dealing with complaints

Legislative

Groups

1. WRC
2. Labour court

Individuals

1. WRC
2. Meditation service

Non- legislative

1. Talk to the employer
2. Seek help from the union

Discrimination

Discrimination - This is when one person is treated less favourable than another
It covers job applicants, full and part time employee and customers.