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Industrial Relations in Ireland : The Background

by

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INTRODUCTION

This is the first of a series of papers on labour-management relations to be published by The Economic Research Institute. Although the primary purpose of the present paper is merely to describe our system of industrial relations in a general way and thereby to serve as an introduction to the papers which will follow, a tentative appraisal is made of certain aspects of the system where the evidence seemed to warrant it.

A study of this kind cannot be undertaken without the help of those directly concerned with labour-management relations. It is pleasing to record that such help was forthcoming in abundance and has left the writer indebted to a host of trade union officers, officials of employers' organisations, personnel officers, employers, managers and public servants.

Industrial Relations in Ireland: The Background

by DAVID O'MAHONY*

I. THE INSTITUTIONAL SETTING

The legal basis of the employment relation is the contract of service made between the individual employer and the individual employee. In essence this places the employee in a position of subordination to the employer, gives the employer a right to the services of the employee's labour and confers a right to be paid a wage or salary on the employee. These rights and obligations may be enforced in a court of law.¹

Thus in the eye of the law the employment relation differs greatly from what is ordinarily understood by "industrial relations"—namely, the relations between management, whether exercised by an employer in the legal sense or not, and groups of employees. In other words, the term industrial relations refers to the collective relationships which arise between groups of workers, on the one hand, and management, on the other, rather than to the contract subsisting between an employer and an employee.²

Kahn-Freund points out that English law (and this is still our law) unlike most of the European legal systems knows little or nothing of the factory or mine, office or workshop, "as a community organised by legal principles". The legal constitution of the undertaking, he points out, is "still that of an absolute monarchy to the rule of which its members have submitted by contract". He adds, however, that while there exists, in fact, a widespread system of workers' representation through shop-stewards and works councils and while the workshop or factory community is very far from being an "absolute monarchy" the law still reflects a state of affairs which "has long ceased to be the norm of practical life". By refusing to look upon the workers in a factory as one entity the law "dissolves

the existing workshop community in a series of individual contracts, and does not make its sanctions available to those organs of representation and joint consultation which play such an important rôle in the life of industry".³

Only in rare cases are the terms of the individual contract of service explicitly set out. Normally they are implicit, being determined simply by custom. Collective agreements—themselves made as a result of the customary procedure of collective bargaining—are often evidence of what the custom is, but frequently, also, much that is customary is not embodied in collective agreements and is followed just because it is known to both parties. The fact that the terms of an employment contract are customary and implicit does not, of course, take from their legal validity though it may lead to difficulty in establishing what they are.⁴

Collective bargaining is recognised and even encouraged by the law. The legislation governing trade unions, the Industrial Relations Act, the provisions regarding fair wages clauses and several other enactments as well as the basic constitutional guarantee of the right of association are all evidence of the law's regard for collective bargaining as a right which may be exercised by the workers if they so desire. While the law recognises collective bargaining as a right it does not normally impose it as a duty. Except in the case of some of the State-sponsored undertakings, employers are not required to enter into negotiations with their actual or prospective employees or their representatives.⁵ Collective bargaining cannot take place unless employees are organised but as the law does not require employees to organise themselves, so it does not require them to bargain collectively. Furthermore, it may well be that a person has a constitutional right *not* to associate with others, if he wishes, so that it is possible that the law could not require people to organise themselves for the purpose of engaging in collective bargaining without contravening the Constitution.

The contract of service which "looms so large in

*The author of this paper is a Temporary Research Officer of the Economic Research Institute. The paper has been accepted for publication by the Institute. The author is responsible for the contents of the paper including the views expressed therein.

¹O. Kahn-Freund, "Legal Framework", *The System of Industrial Relations in Great Britain*, ed. Flanders and Clegg, Blackwell (1954), p. 45.

²This concept of industrial relations does not, of course, exclude certain factors which concern or affect the employer and an individual employee, e.g. a dispute involving only one workman, from the realm of industrial relations. See also, Behrend, "The Field of Industrial Relations", *British Journal of Industrial Relations*, Vol. I, No. 3, October 1963, p. 383.

³*Ibid.*, pp. 49-50.

⁴*Ibid.*, pp. 59-60.

⁵See, for example, the Railways Act 1924, S. 55 (I), and the Railways Act 1933, S. 10.

the thinking of lawyers" is, as Kahn-Freund says, "almost invisible to the naked eye of the layman".⁶ The reason is that, on the one hand, collective bargaining and the customs and practices of the various industries and trades are much more obvious and, at the same time, are the real determining factors of the contents of the individual contracts, and, on the other, the contractual nature of the employment relationship has been, to a greater or lesser extent, modified by legislation. The individualistic nature of the relationship is not altered by this legislation. What it does, instead, is to provide a legal framework within which employers and employees are free to make any bargains they please with each other, either on an individual or collective basis but beyond which they may not go.

The Legal Framework

This legal framework is embodied in a vast amount of legislation dating from the nineteenth century but which is being continuously added to and brought up to date.

In effect the State says to the employer—"You may employ people as you wish or as you can agree with them—provided you fulfil certain conditions". It is significant that nearly all the conditions are imposed on the employer. There are two reasons for this. One is that many of the conditions relate in one way or another to the property, e.g., machinery and buildings, of the employer. The other is that the principle upon which this legislation was originally based was that the State had the duty of protecting those who needed protection and seeing to it that everyone was guaranteed a certain minimum standard of welfare.⁷ As a general rule it was thought that the workers needed such protection and the guarantee of these minimum standards on the grounds that their bargaining power was less than that of the employers, and that consequently they could not protect themselves. When the principles underlying this legislative framework were being evolved it seemed, therefore, to be necessary to throw the weight of the State's authority on the side of the workers. Hence, while several statutory rights were conferred on the workers, some of which were, of course, simply the obverse of the employers' statutory duties, very few statutory duties were imposed on them. Whether or not this attitude on the part of the State is in tune with modern needs is open to question. However, in the formative years of the legislation under consideration (and it is perhaps necessary to stress that all the important principles upon which it is based were already accepted by the Legislature before the first world

⁶Kahn-Freund, *loc. cit.*, p. 47.

⁷See, Sidney and Beatrice Webb, *Industrial Democracy*, Longmans, Green & Co. (1920), pp. 764-784.

war) trade unions were still very weak, wages generally were low, compared with what they are now, and the social services, at most, were only in their infancy, so that the need for providing a certain amount of protection for the worker was evident.

Though the legal framework does not alter the individualistic contractual nature of the employment relation by imposing minimum standards it does restrict the scope of the individual contracts. In the nineteenth century much of the opposition to the principle of legislative control in this sphere was based on the idea that it interfered with "freedom of contract". It was held to be a mark of progressive societies that they developed from a social system based on status to one based on contract.⁸ But the imposition of statutory requirements on the employers and the conferring of statutory rights on the workers seemed to mark a halt to the progress towards a contractual system and even to indicate a return to status. So strong was the opposition to any inroad on the principle of freedom of contract that the protective legislation originally applied only to women and children on the grounds that they were not really free to make contracts on an equal basis with their employers whereas adult men were.

The argument against legislative control on the grounds that it was incompatible with freedom of contract is also attributable to the typical nineteenth century identification of *laissez-faire* with the market or pricing system. At that time people tended to assume—as some still do even to-day—that the free operation of the market mechanism required a policy of non-intervention by the State in economic affairs. The corollary, therefore, appeared to be that economic transactions should be the outcome only of free bargaining unfettered by any legal limitations. The advocates of free contract and non-intervention failed to see that the market mechanism is itself a social creation and that, like all other social creations, it is no better than those who work it. Hence it can and does work badly and anti-socially. Hence also it needs to be harnessed, as it were, in society's interest if it comes to be dominated by a strong minority. Moreover, in the nature of things the market mechanism cannot be expected to be an adequate basis of itself on which to build an undertaking considered as a community of persons. It is concerned only with the balancing of quantities by means of prices. Thus the most that can be expected of it, as far as industrial relations are concerned, is the establishment of certain relationships between certain magnitudes such as the numbers employed and their wage rates. Even the most ardent admirers of the market mechanism cannot in reason contend

⁸Maine, *Ancient Law*, World's Classics. Oxford University Press (1931), p. 141.

that it can produce a satisfactory state of industrial relations, for to be satisfactory they must meet the demands not only of economic efficiency but of justice as well. It is, of course, equally true that legal compulsion cannot of itself produce satisfactory industrial relations either, but within limits it can help.

Not only did the State seek directly to extend its protection to the worker in the nineteenth century but it sought also to enable him to protect himself and advance his interest through association with his fellow workers. With this end in view certain legal privileges not enjoyed by other citizens were conferred on trade unions and their members. Trade unions were thereby brought within the framework of laws dealing with industrial relations and placed in a position to have a more effective voice in the determination of these relations. Paradoxically enough, the nineteenth century had opened with an attempt to suppress trade unions—partly because they seemed to be incompatible with the doctrine of freedom of contract. A quarter of a century later, however, they were tolerated because the doctrine of freedom of contract itself seemed to demand toleration and half a century later still they advanced from toleration to a position of legal protection and privilege. Early in this century it became necessary to re-define their rights and privileges and this was done by the Trade Disputes Act, 1906—still the definitive piece of trade union legislation.⁹

Ambiguities remain, nevertheless. The recent decision of the Supreme Court in the case of the Educational Company of Ireland *v.* Fitzpatrick, for example, shows that the law is not what it was believed to be in one respect. In this case the Supreme Court held that peaceful picketing designed to enforce trade union membership was not protected by the 1906 Act. The Government has, however, decided to introduce legislation to establish the legal position which was thought to exist before the Court's decision.¹⁰

Apart from the law relating to trade unions and

⁹For an account of the law relating to trade unions in Ireland see, Shillman, *Trade Unionism and Trade Disputes in Ireland*. Dublin Press (1960).

¹⁰In an address delivered on April 29th 1963 the Minister for Industry and Commerce stated—"In regard to the point at issue in the Educational Company case, the Government agreed to try to frame, as an interim measure, legislation which would be in conformity with the Constitution and which would restore the law to the position in which, prior to the Supreme Court's judgement, it was understood to be. This legislation is now being drafted". It may be noted that the House of Lords judgement (January, 1964) in the case of *Rookes v. Barnard* is very similar to that of the Supreme Court in the Educational Company case. Some argue that the workers, through their trade unions, nowadays possess the preponderance of bargaining power and that they no longer require the assistance of the Trade Disputes Act in its present form (see, for example, C. Cuffe, "Has Organised Labour Disorganised Industry?" *F.U.E. Bulletin*, July 1963).

trade disputes, legislation concerning industrial relations may be considered under three main heads, viz., (i) conditions of employment, (ii) wages and (iii) the Labour Court.

What are generally referred to as "conditions of employment", e.g., working hours, holidays, the provision of protective devices for machinery, protective clothing, adequate lighting, etc., are now dealt with by (a) the Conditions of Employment Acts, 1936 and 1944; (b) the Shops Conditions of Employment Acts, 1938 and 1942; (c) the Holidays (Employees) Act, 1961; (d) the Factories Act, 1955; (e) the Office Premises Act, 1958 and by a number of other less important pieces of legislation including one measure which may yet prove to be of great importance, namely the Apprenticeship Act, 1961.

All employees (with the exception of non-manual workers earning more than £800 per annum) are compulsorily insured against sickness, unemployment and old age. This implies that such insurance is automatically a condition of employment in just the same way as the provisions of the Factory Acts, for example. In addition, the insurance premium is a tax which must be paid in virtue of a person's being a worker or employer as such—rather than as a citizen as in the case of other taxes. The Workmen's Compensation Acts are in very much the same category inasmuch as they too confer rights on the workers and obligations on the employers.

As a general rule wages are not regulated by law, but there are some important exceptions. The wages of agricultural employees are governed by the Agricultural Wages Act, 1936 which provides for the establishment of a number of district wage committees and an Agricultural Wages Board. The latter is required to fix, from time to time, the minimum rate of wages to be paid for time work, and may, if it thinks necessary, fix rates for piece work also. Rates fixed by the Board are legally binding. They may apply universally in a district or to any special class of agricultural workers in a district or to any part of a district. If the Board is satisfied that any person is incapable of earning the minimum wage it may exempt his employer from paying it. An officer of the Board may, in the name and on behalf of an agricultural worker, institute proceedings against an employer for the recovery of wages due. This does not prevent a worker from taking proceedings himself if he wishes. Any agreement for the payment of wages in contravention of the Act or for abstaining to exercise any right of enforcing the payment of them is void.

Wages are also regulated in certain other industries by the Joint Labour Committees. To some extent, however, these are akin to joint negotiating bodies and for convenience sake they are referred to as

such below.¹¹ The wages laid down by the Agricultural Wages Board and the joint labour committees and the conditions imposed by the legislation referred to above are all minima. Where workers are organised the legal minimum conditions are often exceeded, as are wages in some instances, but where they are not organised, as in the case of agriculture, the minima are rarely exceeded.

The Labour Court

Although the Labour Court as we know it to-day did not come into existence until 1946 when the Industrial Relations Act was passed its antecedents go back a long way.¹² It performs a variety of functions of which the provision of a conciliation service and the investigation of trade disputes are the most important. Almost all workers, with the exception of civil servants and the employees of certain public bodies, come within its purview.

The Labour Court differs from an ordinary law court in that it does not enforce law. Instead "by a process of inquiry and conciliation, it helps to create a kind of voluntary law or common rule".¹³ It cannot impose penalties for failure to comply with its recommendations or even with such of its directives as have legal force.¹⁴ Again, unlike a law court it can, in certain cases, take the initiative in investigating a dispute without being asked to do so by one or other of the contending parties. Like an ordinary law court, however, the Labour Court is empowered to summon witnesses, take evidence on oath, and require the production of documents.

The Court consists of a chairman, a deputy-chairman and four ordinary members, all of whom are appointed by the Minister for Industry and Commerce. Two of the ordinary members are workers' members and two are employers' members appointed by the Minister on the nomination of a designated organisation or organisations representative of trade unions of workers and a designated trade union of employers.¹⁵

Normally the Court sits in two divisions. One consists of the chairman, a workers' member and an employers' member. The other consists of the deputy-chairman and the remaining ordinary

¹¹See pp. 24-26.

¹²See, for example, the Conciliation Act, 1896 and the Industrial Courts Act, 1919.

¹³Mortished, "The Industrial Relations Act 1946", *Public Administration in Ireland*, Vol. II, p. 85.

¹⁴See p. 5.

¹⁵The rather cumbersome provisions contained in S. 10 (5) of the Industrial Relations Act 1946 were resorted to as a consequence of the existence of two Trade Union Congresses when the Act was passed.

members. When the full Court sits it consists of the four ordinary members and either the chairman or deputy-chairman. The chairman and ordinary members serve in a full time capacity and are paid a salary but the deputy-chairman serves in a part-time capacity only and is paid on a fee basis.

Conciliation officers are civil servants. Normally they serve for only two years in the Labour Court (though some serve for much longer periods) and then leave on promotion to a higher grade in the civil service. Many employers and trade union representatives consider that provision should be made whereby promotion could be secured within the Labour Court so that the services of a good officer would not be lost when the time came for his promotion.

The Court may investigate a dispute which exists, or is apprehended, on its own initiative. If, however, the dispute is between parties who are represented on a registered joint industrial council the Court may not investigate it unless the council so requests or the Court is of opinion that it is likely to lead to a stoppage of work. Similarly the Court is precluded from investigating a dispute in which a trade union is involved if the union establishes to the satisfaction of the Court that there is an agreement in force which provides another method of determining the dispute, again unless the dispute is likely to lead to a stoppage. Likewise, it may not investigate a dispute involving the parties to a registered agreement unless at least one of the parties so requests or a stoppage is likely to take place. Finally, the Court is precluded from investigating disputes in the E.S.B. except at the request of the tribunal established under the Electricity Supply Board (Superannuation) Act 1942.¹⁶ These provisions clearly indicate the desire of the Oireachtas to encourage the settlement of disputes through negotiations and indicate that the Labour Court is properly to be regarded only as a last resort when all else has failed.

Having investigated a dispute the Court is required to make a recommendation thereon "setting forth its opinion on the merits of the dispute and the terms on which, in the public interest and with a view to promoting industrial peace, it should be settled, due regard being had to the fairness of the said terms to parties concerned, and the prospects of the said terms being acceptable to them".

In making its recommendations the Court must, therefore, take four considerations into account, viz., (i) the public interest, (ii) the promotion of industrial peace, (iii) the fairness of the terms and (iv) the acceptability of the terms. These con-

¹⁶This tribunal may also be regarded as one of the antecedents of the Labour Court.

siderations may be incompatible with each other in particular instances. In practice, however, it is likely that the Court has regard primarily to the last, as there would be little point in doing anything else, seeing that its recommendations are not legally enforceable.¹⁷

Before the Court investigates a dispute its mediation service may be resorted to with a view to effecting a permanent or even temporary settlement. This is now a very important part of the Court's work though it receives little or no publicity and is practically unknown to the general public. The purpose of mediation is to bring the parties together and with the assistance of an experienced neutral, in the person of a Court conciliation officer, to try to reach agreement directly between themselves without any further intervention by the Court. There is widespread agreement among employers and trade union representatives as to the value of this service and many would welcome an extension of its scope.

Section 70 of the Industrial Relations Act provides that if all the parties to a dispute which has occurred or is apprehended agree, the Court may refer the dispute to arbitration or may itself arbitrate. The first chairman of the Court, the late R. J. P. Mortished, in the article already referred to, appears to hold that such an award made under this provision is binding.¹⁸ This section has been invoked on a few occasions and arbitration awards made. In no case, however, has the question of its capacity to bind the parties been tested in a court of law so that Mortished's view must be regarded as doubtful.

A detailed procedure is laid down for the Court in regard to unofficial strikes (and to strikes by unorganised workers). It need not investigate such a dispute but if it does, it must first give notice of its intention to do so. The investigations must then take the form of a sitting to take evidence from such persons as are, in the opinion of the Court, concerned with the dispute. Having heard the evidence the Court may decide to take no further action or it may publish a recommendation of the usual type or it may make an award "setting forth the conditions on which, . . . the dispute should be settled".

An award so made remains in force for three months and precludes an employer from employing a worker on any other terms (unless the Court agrees). Failure to comply with an award renders the employer subject to a fine not exceeding £100. In practice, however, the Court does not investigate disputes accompanied by unofficial strikes probably

¹⁷It may be noted that the Industrial Relations Act does not define the term public interest. Accordingly it may be presumed that the Oireachtas intended that the Court should follow its own judgement in this regard.

¹⁸Mortished, *op. cit.*, p. 82 .

because to do so would tend to undermine the position of the union authorities.

The Court's recommendations are not binding. Settlements, therefore, are made freely by the parties concerned though possibly with bad grace in some cases. Should they decline to accept a recommendation they are perfectly free to do so. Hence the Court's authority is a moral one only and is in complete accord with the principle of free collective bargaining. It rests primarily on the confidence of both sides in the Court's ability to give them an impartial hearing. That labour and management, to a very large extent, have, in fact, such confidence in the Court is evidenced by the proportion of disputes settled as a result of the Court's work.¹⁹ Between 1947 and 1962, as Table 1 shows, about 53 per cent of the disputes dealt with by the Court were settled by conciliation and a further 31 per cent by investigation. Success at the rate of more than 4 out of every 5 cases dealt with is by no means unenviable and in the circumstances must be regarded as a considerable achievement which reflects credit not only on the Labour Court itself but also on the good sense of labour and management.²⁰

TABLE 1: LABOUR COURT 1947-62.
NUMBER OF DISPUTES DEALT WITH;
NUMBER OF DISPUTES SETTLED BY
CONCILIATION; NUMBER OF DISPUTES
SETTLED BY INVESTIGATION

Year	Disputes dealt with	Disputes settled by conciliation		Disputes settled by investigation	
	Number	Number	%	Number	%
1947-51*	228	103	45.2	71	31.1
1952-56*	213	118	55.4	52	24.4
1957-61*	249	131	52.6	77	30.9
1958 ..	280	136	48.6	104	37.1
1959 ..	240	125	52.1	58	24.2
1960 ..	246	122	49.6	76	30.9
1961 ..	251	151	60.2	69	27.5
1962 ..	322	214	66.5	92	28.6
TOTAL 1947-62	3,537	1,972	52.8	1,001	30.8

*Annual average.

Source: Labour Court, *Annual Reports*.

The cases where the Court has failed to secure a settlement, though amounting to less than one-fifth of the total dealt with, have attracted far greater public attention than the others. Several of the Court's failures relate to disputes in services, such as transport and power, where the public

¹⁹Instances have, however, come to light where workers urged their representatives not to have recourse to the Court on the grounds that an investigation would weaken their case.

²⁰Recommendations accepted with a certain amount of ill-will are perhaps more aptly described as partial successes rather than successes so that, to some extent, these figures overstate the Court's successes.

was directly involved and have led to a certain amount of impatience and dissatisfaction with the Court. Failure to settle disputes cannot, however, be taken as an indication that the machinery of the Court is defective. Some of its failures are due to the failure of one or other of the parties concerned to act in a responsible fashion—as they have a perfect legal right to. Others are due—and this applies especially to those disputes which directly affect the public—to the practice whereby outsiders intervene in disputes after a Court recommendation has been rejected. Intervention of this kind weakens the moral authority of the Court and diminishes its chances of success in subsequent investigations.

It was pointed out earlier that the clear intention of the Industrial Relations Act is to make the Labour Court a last resort and not merely one of several steps in the process of settlement. Outside intervention has the effect of turning it into an intermediate stage of the process and thereby tends to make it worth while for one or other of the parties to gamble on securing a more favourable settlement at the next stage. Another thing which threatens the authority of the Court is the tendency to seek its intervention before a genuine attempt has been made by the parties to a dispute to settle their differences by negotiations. This again turns the Court into an integral part of the bargaining procedure whereas it is intended to be the method of settling disputes only when bargaining has broken down.²¹

Legal Status and Size of Undertakings

The legal status and size of firms or undertakings colour the employment relation and no less than the legal framework may be regarded as aspects of the institutional setting. A word may, therefore, properly be said about them here.

Perhaps the most important distinction that can be made in respect of legal status is that between the public and private sectors.

According to the 1961 Census of Population about 124,000 people were employed by the State and Local Authorities. Of these some 16,000 were members of the Army and Gardaí, leaving 108,000 in civilian employment.²² Moreover, the State-sponsored bodies employ 45,000–50,000.²³ Directly and indirectly, therefore, the total number employed in the public sector is somewhere round 155,000. The 1961 Census also reveals that the total number of civilian employees in the country, excluding those

²¹See also p. 33.

²²See C.S.O. *Census of Population, 1961*, Vol. IV., Tables 6 and 9.

²³Fitzgerald, *State-sponsored Bodies*, Institute of Public Administration (1961).

employed in agriculture and private domestic service, is about 565,000 (of whom some 22,000 are clergymen, nuns, etc.). Thus we may conclude that more than 25 per cent of all employees other than those engaged in agriculture and private domestic service are employed in the public sector. In all sections of the public sector those at management level are themselves employees so that the opposition of interest between managers and managed, which tends to exist in the private sector, does not prevail. The presence or absence of this division of interest does not, however, appear to be of much consequence as far as industrial relations are concerned so that the public and private sectors are not inherently different.²⁴ Nevertheless, the existence of a large public sector may create special problems. In particular, the question of the relationship between the two sectors in regard to the setting of wages and conditions arises. Two alternative courses of action appear to be open to the public sector in this connection. One is for each of its component enterprises to act on its own independently of all the others. The other is for all the enterprises to act together in accordance with one common policy. Where the public sector is large the latter would enable the State to influence wages and conditions in the economy as a whole to a considerable extent and could be an important aspect of economic policy.

In contrast to its important position in the economy as a whole the public sector accounts for only a very small proportion of those engaged in the transportable goods industries. The latest (and only) date for which data relating to those industries are available is 1952 and they are shown in Table 2.

TABLE 2: LEGAL STATUS OF ESTABLISHMENTS—
TRANSPORTABLE GOODS INDUSTRIES, 1952

Legal Status	Establishments		Average Number of persons engaged %
	Number	%	
Public Companies ..	287	8.3	35.1
Private Companies ..	1,600	46.4	47.3
Total Limited Companies ..	1,887	54.7	82.4
Individuals or Partnerships	1,281	37.2	10.8
Co-operatives	225	6.5	2.8
Statutory Bodies	39	1.1	3.7
Others	18	0.5	0.3
TOTAL ..	3,450	100.0	100.0

Source: Committee of Inquiry into Taxation on Industry, *Report* (Pr. 3512), 1956, p. 12.

What is perhaps most significant about these figures is that only about two-fifths of all those engaged in this group of industries were in public

²⁴See p. 29.

companies, statutory bodies and co-operative societies. This means that the remainder were in forms of enterprise where the top management is almost invariably also the "employer" in the strict sense of the word. Even in many of the public companies that is probably also the case. The rôle of the private company, partnership and single proprietorship is even more marked in the other sectors such as distribution and above all, of course, in agriculture. Thus in a substantial segment of the Irish economy industrial relations are not materially affected by the existence either of outside shareholders or of part-time boards of directors. The ultimate authority is the active employer-management individual or small group and the financial interests of the firm are generally identical with his or their own personal interests. While this, no doubt, tends to emphasise the divergent financial interests of labour and management it also makes for ease of communication between the ultimate decision makers and the employees of the undertakings.

The largest undertakings, by reference to the numbers employed in them, are in the public sector. From the aspect of industrial relations the civil service is the largest single "undertaking" but it is a rather special case both because exceptional conditions prevail in it and also because it may realistically be regarded as a series of undertakings rather than a single one. In point of numbers, C.I.E. is the largest single enterprise in the State, with over 20,000 employees, and the E.S.B., with some 7,000, is probably the next largest. By the standard of many other countries these enterprises are, of course, not by any means large.

In manufacturing there were only 31 establishments employing 500 or more persons in 1958, though they accounted for 21 per cent of the total numbers employed. Further details may be seen in Table 3. It will be noted, in particular, that 81 per cent of all establishments employed fewer than 50 persons but that they accounted for only 26 per cent of the total number employed.

In Table 4 a breakdown of the labour force engaged in manufacturing, according to size of under-

TABLE 3: SIZE OF ESTABLISHMENTS IN MANUFACTURING, (1958)

Number of persons per establishment	Percentage of establishments cumulative total	Percentage of total numbers employed cumulative total
Under 50 ..	81	26
" 99 ..	90	41
" 199 ..	95	56
" 499 ..	99	79
All sizes ..	100	100

Source: Derived from Linehan, "Structure of Irish Industry", *Journal of the Statistical and Social Inquiry Society of Ireland*, 1961-1962, Table A. 1.

taking, in Ireland and certain other countries is shown. Of the countries listed, the Republic is very clearly the one where the larger concerns (i.e. those employing more than 500 persons) are relatively unimportant as sources of employment.

When we take into account that the undertakings in distribution, construction, personal service and transport (other than C.I.E.) are generally very much smaller than in manufacturing and when we remember that the manufacturing sector, included in the Census of Industrial Production, accounts for less than 30 per cent of all employees, outside of agriculture and private domestic service, we are forced to the conclusion that industrial relations must be viewed primarily in terms of undertakings employing dozens, rather than hundreds or thousands of workers. This is not to minimise the importance of the comparatively large undertakings because these are undoubtedly the leaders. To keep our sense of perspective, however, it is well to remember that in the private sector as a whole, excluding agriculture, there are only about 70,000, at the outside, engaged in undertakings employing 200 people or more and that this represents only about one in six of the workers employed in that sector. Or looked at from another point of view, there are probably no more than about 40 undertakings in the country employing more than 500 people each—apart from the Civil Service and Local Authorities.

We cannot exclude agriculture from a survey of industrial relations. An industrial relations situation exists on the farms—even where "hired" labour is not employed. Indeed, one of the most difficult of all our labour-management problems is to be encountered in the family farm where there is no hired labour. The industrial relations aspect of agriculture has received very little attention, probably because it does not normally make the newspaper headlines, but it presents a vital and serious problem which will become increasingly important.

The foregoing brief review reveals that the back-

TABLE 4: PROPORTION OF LABOUR FORCE ENGAGED IN MANUFACTURING IN UNDERTAKINGS EMPLOYING 10-50; UNDER 100; UNDER 200 AND UNDER 500 PERSONS

Country and Date	10-50	Under 100	Under 200	Under 500	All establishments
	%	%	%	%	%
Northern Ireland (1958)	9.2	19.0	33.5	57.5	100
West Germany (1958)	10.4	19.9	32.0	51.2	100
United Kingdom (1954)	10.4	20.4	33.5	53.8	100
Italy (1951)	..	20.8	31.6	n.a.	61.7
France (1958)	..	21.4	33.4	47.6	67.0
Sweden (1958)	..	22.6	35.3	49.0	68.4
Ireland (Republic)(1958)	..	23.1	38.3	54.3	88.2
Belgium (1947)	..	25.7	39.0	54.9	76.7
Norway (1960)	..	30.5	45.7	59.8	78.6

Source: Linehan, *loc. cit.*, Table A.10.

ground to industrial relations in Ireland is one of a large public sector and a private sector in which the small-scale owner-managed undertaking predominates. It is well to bear this in mind because our thinking on industrial relations problems is very largely coloured by a literature which is primarily

concerned with large-scale privately owned undertakings. Though we have much to learn from this literature it seems probable that the solutions to our own industrial relations problems will have to be worked out in terms of the conditions which prevail here.

II. TRADE UNIONS

The term "trade union" is normally used to designate an association of employees formed for the purpose of settling the conditions of employment of its members and possibly, also, of providing them with such services as unemployment and sickness insurance. Legally, however, a trade union is defined as: ". . . any combination whether temporary or permanent, the principal objects of which are under its constitution . . . the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members".²⁵ Hence, employers' associations, whose functions include the settlement of employment conditions, are recognised as trade unions too.

Under the terms of the Trade Unions Act 1871 a trade union *may* be registered at the Registry of Friendly Societies. Registration, while not conferring full corporate being on a trade union, nevertheless, affords it a certain legal existence. In particular, a registered trade union may sue in its own name and vest property in trustees. It is exempt from taxation in respect of its benefit (i.e., subscription) income and in large measure from legal proceeding in regard to its internal affairs. Unregistered unions possess all the civil and criminal immunities of trade unions under the Trade Unions Acts but do not enjoy the extra privileges possessed by the registered unions, e.g., they can sue and be sued only in the names of representative persons.

When the Irish Free State was established a Registry was set up in Dublin. Subsequently, the High Court held that registered trade unions operating in the State must be registered at the Dublin Registry if they wished to enjoy the privileges of registration. Consequently British unions registered in London, but not in Dublin, are unregistered as far as Irish law is concerned.

The Trade Unions Act 1941 provides that no body of persons (with certain exceptions, e.g., civil service associations recognised by the Minister for Finance, house unions and bodies such as registered

joint industrial councils and joint labour committees) may negotiate about wages and working conditions unless it holds a negotiating licence from the Minister for Industry and Commerce. Licences may be issued only to unions registered under Irish law or to unions which, though not registered in the State, are nevertheless recognised as trade unions by the law of another country, provided their headquarters control is situated in that country, and on payment of a deposit to the High Court. The effect of these provisions appears to be that an unregistered union, the headquarters of which are in the State, cannot obtain a negotiating licence even though an unregistered union, the headquarters of which are outside the State, can.

Unions operating in the Republic may, therefore, be (a) unregistered and unlicensed, (b) unregistered and licensed, (c) registered but unlicensed, (d) registered and licensed. Unions in category (a) include certain civil service associations, most house unions and one or two unions which form part of a federated union. Category (b) includes all the unions the headquarters of which are outside the State. In category (c) are to be found registered unions which, though not possessing a licence themselves, are members of a licensed federation. The final category includes the ordinary Irish trade unions, other than those catering exclusively for State employees.

Number and Membership

Even ignoring house unions (of which there are very few in any case) there is room for difference of opinion as to the exact number of trade unions operating in the State. This is because some of the unions, which have joined together in order to secure a negotiating licence, still look upon themselves as distinct entities and because a considerable number of civil service organisations constitute a body known as the Civil Service Alliance, but, at the same time, preserve their separate identities in some respects. The Irish Congress of Trade Unions distinguishes some 123 trade unions, of which forty cater exclusively for State employees, and two others for local authority employees. These figures include

²⁵Trade Union Act 1913, Sections 1 and 2.

the components of the Civil Service Alliance—of which there are twenty-eight—and the three unions forming the Building Workers' Trade Union.

In a recent survey the I.C.T.U. estimated that there were about 328,000 trade union members in the Republic at the end of 1959 or the beginning of 1960.²⁶ It points out, however, that it is by no means easy to obtain accurate data regarding trade union membership. Some unions in furnishing membership figures to the Registry of Friendly Societies or the Department of Industry and Commerce include only benefit members and exclude those who have fallen into arrears with their contributions and who, therefore, are not in benefit, while other unions return all who are in their books. For these and other reasons the Congress figures are based on what was considered the best estimate in the case of each union.²⁷

Table 5 and the chart on page 10 show the membership of Irish registered and British unions operating in the State since 1922. Although the figures shown underestimate the total number of trade union members, as unregistered Irish unions are not included, it is believed that they provide a fairly good indication of the trend over the period.²⁸

TABLE 5: MEMBERSHIP OF IRISH AND BRITISH UNIONS IN THE REPUBLIC 1922-61 ('000)

Year	Irish Unions	British Unions	Total
1922-26*	118	31	149
1927-31*	87	30	117
1932-36*	94	32	126
1937-41*	118	35	153
1942-46*	125	36	161
1947-51*	210	53	263
1952-56*	251	47	298
1957	252	42	294
1958	252	39	291
1959	258	41	299
1960	269	42	311
1961	277	43	320

*Annual Average

Sources: The Irish figures are derived from the *Annual Reports* of the Registrar of Friendly Societies; the British figures were obtained from the Ministry of Labour, Statistics Department.

The fall in the number of members of Irish registered unions in the early 1920's was due in part to internal dissensions and to a decline in the number of organised farm workers—large numbers of whom had been organised a few years previously

²⁶I.C.T.U., *Trade Union Information*, July 1961.

²⁷*Ibid.*

²⁸As far as can be ascertained, the first general review of trade union membership was made in 1918 by the Ministry of Labour. According to the Ministry there were 104 unions in the country as a whole in that year with 76,207 members of whom 48,323 were in what is now the Republic. Of those in this part of the country 31,709 were in Dublin. These figures, however, appear to be quite unreliable as the Irish Transport and General Workers Union alone had more members than the total given by the Ministry. (Ministry of Labour, *Gazetteer of Trade Union Branches, Trades Councils, etc., in the United Kingdom* (1918)).

—and in part to the disruption of economic life resulting from the civil war. Later the world economic depression took its toll also. During this period membership of the British unions remained more steady, due probably to the fact that most of them catered for craft workers, rather than for general workers, as in the case of the larger Irish unions.

During the 1930's the industrialisation policy was accompanied by a growth in membership—slow at first but later increasing rapidly only to be reversed in the early years of the war. From 1942 on, however, membership rose again and became substantially stabilised in the 1950's.²⁹ The factors which favoured the rapid expansion of membership during the early '40's were the rise in living costs and the arrangements made under Emergency Powers Orders for determining wage increases while the recovery in industrial employment in the late '40's and early 1950's provided favourable conditions for its continuation. Membership of the British unions fell between 1952 and 1955 as a result of the withdrawal from the country of two unions.

The proportion of organised non-agricultural employees in Ireland and in a number of other countries is shown in Table 6. It will be noted that by international standards the intensity of union organisation in Ireland is relatively high. In most countries the proportion of total non-agricultural employees in trade unions has been rising since the 1920's with, however, a distinct tendency towards stability in recent years.³⁰ In this country the non-agricultural labour force fell slightly during the 1950's and the total number of trade union members changed very little so that, at most, there was only a very small increase in the proportion organised during this period. Irish experience in this matter is, therefore, not dissimilar to that of other countries.

TABLE 6: PROPORTION OF NON-AGRICULTURAL EMPLOYEES ORGANISED BY TRADE UNIONS (a)

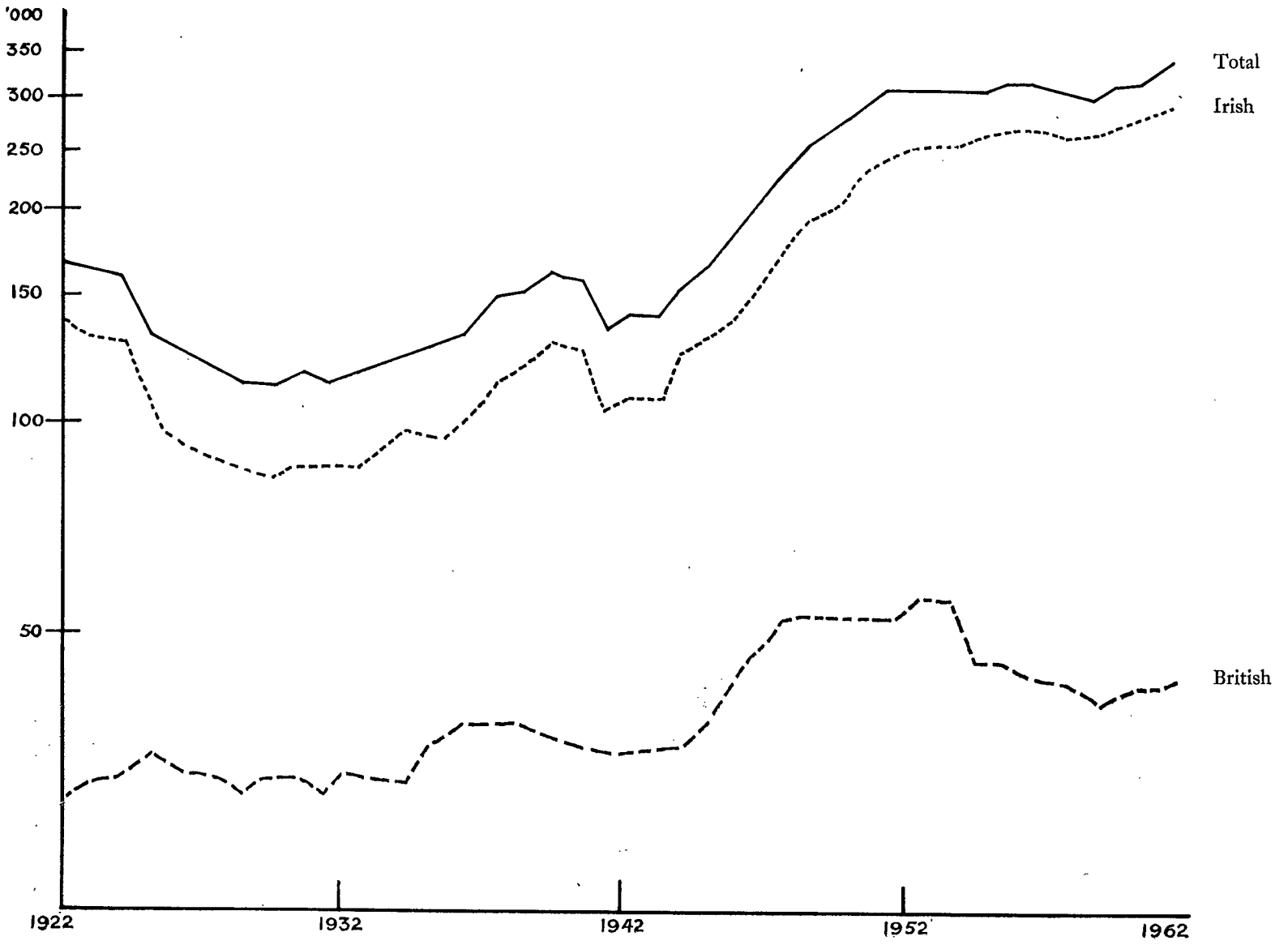
Country	%	Country	%
Ireland ..	53.0	Italy ..	80.2
Denmark ..	56.0	Japan ..	43.1
Netherlands ..	45.6	India ..	15.0
U.K. ..	47.9	U.S.A. ..	31.1
Germany ..	46.0	Canada ..	28.4
Norway ..	56.9	Australia ..	64.3
Sweden ..	58.6	Finland ..	25.7
France ..	41.0	South Africa ..	14.9

(a) Figures for the Netherlands relate to 1952. In the case of Ireland the trade union figures used relate to late 1952 or early 1953, and were obtained from I.C.T.U., *Trade Union Information*, April, 1953, while the data for number of employees relate to 1951. Data for all other countries relate to 1951. Data for all countries except Ireland taken from Ross and Hartman, *Changing Pattern of Industrial Conflict*, John Wiley & Sons, Inc. (1960), Table A.6. These writers point out that the membership claimed by the unions in France and Italy is exaggerated.

²⁹Some unions fail to furnish returns in particular years so that even the slight fluctuations in membership in the 1950's may be overstated.

³⁰Ross and Hartman, *Changing Pattern of Industrial Conflict*. John Wiley & Sons Inc. (1960), p. 16.

TRADE UNION MEMBERSHIP 1922-1961
(Logarithmic Scale)



According to the I.C.T.U. survey the total membership of all Irish unions in 1961 was about 287,000 or about 88 per cent of the membership of all the unions operating in the State. Of the 123 unions operating in the Republic, 94 have their headquarters in the Republic and the remaining 29 have their headquarters in Britain.

Only 3 of the 94 unions having their headquarters in the Republic have members in Northern Ireland but all 29 British unions have members in both parts of the country. Thus 91 unions have members in the Republic only, and 32 have members both in the Republic and Northern Ireland. A number of unions have their headquarters in Northern Ireland but none of them has members in the Republic. As we have already seen no less than 40 of the unions whose headquarters are in the Republic are civil service unions and associations.

Unions vary a great deal in size. The very large number of small unions as shown in Table 7, for the most part, are those catering for the civil service. A number of craft unions are, however, also to be found in the less than 100 and 100-500 categories. At the other extreme are the large general unions—the largest of which is the Irish Transport and General Workers Union with about 150,000 members or not far short of 50 per cent of all the trade unionists in the State. It may be noted that despite the multiplicity of very small unions the nine unions having more than 5,000 members each cater for three-quarters of all organised workers.

TABLE 7: DISTRIBUTION OF UNIONS BY SIZE
(Ca. 1960)

	Number of Unions	Members	
		Number	%
Less than 100	40	2,000	—
100-500	28	6,000	2
500-1,000	16	10,000	3
1,000-2,500	19	29,000	9
2,500-5,000	11	41,000	12
5,000-10,000	5	35,000	11
10,000-25,000	2	25,000	8
25,000-100,000	1	30,000	9
Over 100,000	1	150,000	46
	123	328,000 (a)	100

(a) It should be noted that unregistered Irish unions are included in this table. Hence the total number of members shown exceeds the total given in Table 5 for 1960.

Source: Derived from data obtained from the Registry of Friendly Societies; the Dept. of Industry and Commerce; and Irish Congress of Trade Unions.

Types of Union

The most commonly used method of trade union classification is by type of membership, i.e., craft, industrial and general. Craft unions are organised

on an occupational basis and are the oldest type of union. They are an example of the "strong disposition to form associations reserved to men whose skill in the craft is proved by apprenticeship or experience".³¹ Entrance to these unions is generally by way of apprenticeship and in a few cases preference is given to relatives, e.g., sons and nephews, of those already in the trade. There appears, however, to be some tendency in recent years for unions which were originally strict craft unions to admit semi-skilled workers into their ranks, possibly with a view to becoming something in the nature of industrial unions. Craft unions in the strict sense are confined to manual workers but the trade unions which cater for teachers, civil servants and others who perform a specialised kind of work or service, being organised on an occupational basis, are analogous to the craft unions. These specialist unions, however, do not require apprenticeship as it is not normally appropriate for the occupations for which they cater.

Industrial unions aim to include all those engaged in a particular industry or trade. They are, therefore, organised on an industrial rather than an occupational basis. Owing to the variety of unions in Ireland no union of this type has the exclusive control of any one industry. Several industrial unions exist, such as the Irish Shoe and Leather Workers Union, but they are all to be found alongside craft and general unions.

At least seven general unions operate in the country. One of them—the Irish Women Workers Union—caters exclusively for women. General unions cater mainly for semi-skilled and general workers and for those skilled workers who do not have to serve a formal apprenticeship. Of late years their scope has been extended to certain "professional" groups as well, such as air-line pilots, and to workers in technical and clerical employments. Some of them have secured a virtual monopoly in the organisation of certain industries and most manufacturing firms—apart from the engineering and metal trades—are organised exclusively by them.

The number of unions of the different types together with details of the location of their head offices and estimates of their memberships are shown in Table 8. A fourth miscellaneous category has also been included into which are put the civil service and other unions which do not fit conveniently into the traditional classification. It must be pointed out too that the allocation of certain unions to their appropriate category is not always easy because of the practice referred to above whereby some craft-type unions admit non-craft workers.

³¹Commission on Vocational Organisation, *Report*, p. 183.

TABLE 8: NUMBER, MEMBERSHIP AND LOCATION OF HEAD OFFICE OF UNIONS BY TYPE OF UNION (Ca. 1960)

Type	Number having Head Office in		Membership in	
	Republic	Britain	Republic	Britain
Craft ..	17	18	14,000	18,000
Industrial ..	11	4	37,000	9,000
General ..	6	1	188,000	10,000
Other ..	60	6	48,000	4,000
	94	29	287,000	41,000

Source: Derived from I.C.T.U. *Trade Union Information, op. cit.*, and from data obtained from the Registry of Friendly Societies and the Dept. of Industry and Commerce.

In view of the large proportion of unions in the miscellaneous category and in view also of the blurring of the distinction between craft, industrial and general unions the traditional basis of classification is now rather unsatisfactory. For the purpose of the survey, to which reference has already been made, the Research Department of the I.C.T.U. employed a different classification which might be described as quasi-occupational. It identified seven main union-types as follows:—

- (1) General Unions
- (2) Unions of Manual Workers—
 - (a) Craft—catering solely, or almost solely, for craft workers and usually having a recognised system of apprenticeship.
 - (b) Mixed—including industrial unions—open to all workers in a particular industry, e.g., Irish Shoe and Leather Workers Union, and unions which admit skilled, semi-skilled and unskilled workers, e.g., Irish Engineering Industrial and Electrical Trade Union.
- (3) Postal Service Unions
- (4) Civil Service Organisations

- (5) Unions of Distributive and Office Workers (excluding the Civil Service, Insurance and Banking).
- (6) Unions of Insurance and Bank Employees.
- (7) Unions of Professional and service workers, such as teachers, commercial travellers and journalists.

Estimates are given in Table 9 as to the number of unions in each category and as to their membership, and the location of their head offices is shown.

A complete account of the distribution of trade union members among the various economic sectors cannot as yet be given owing to lack of information. In Table 10, however, preliminary data concerning the distribution of trade unionists among the main branches of economic activity are shown. These data are incomplete and subject to revision but it is believed that the general picture they reveal is fairly accurate.

The low proportion of trade union members in agriculture is to be expected owing to the small size of the "firms" and their wide geographical dispersal, as well as the close personal ties that frequently exist between employer and employees, e.g., workers "living in". Moreover, large numbers of those employed on the land are only part-time workers.

Mines and Quarries are in rural areas where trade union organisation is invariably low. Quarries in particular are, with few exceptions, very small undertakings and are widely scattered throughout the country. Most of the trade union members in the mining, quarry and turf group of industries are employed in the quarries owned by the Local Authorities and the Irish Sugar Company, in the Coal and Gypsum mines and in Bórd na Móna.

The average figure shown for manufacturing is somewhat misleading. It conceals a considerable degree of variation from one industry to another. Thus the proportion of organised workers in the engineering trades is high, while that in clothing

TABLE 9: LOCATION OF HEAD OFFICE AND MEMBERSHIP OF DIFFERENT CATEGORIES OF UNION (Ca. 1960)

Type	Number having Head Office in		Total	Membership		Total
	Republic	Britain		Republic	Britain	
General ..	6	1	7	188,000	10,000	198,000
Craft ..	17	18	35	14,000	18,000	32,000
Mixed-manual ..	9	4	13	23,000	9,000	32,000
Postal Service ..	6	—	6	8,000	—	8,000
Civil Service ..	34	—	34	12,000	—	12,000
Distributive and Office Workers ..	5	1	6	16,000	2,000	18,000
Insurance and Banks ..	2	2	4	9,000	1,000	10,000
Professional and Service ..	15	3	18	17,000	1,000	18,000
	94	29	123	287,000	41,000	328,000

Source: As in Table 8.

TABLE 10: EMPLOYEE LABOUR FORCE AND TRADE UNION MEMBERS IN THE MAIN BRANCHES OF ECONOMIC ACTIVITY, 1961

Branch of Economic Activity	Employees	Trade Unionists	%
Agriculture, Fishing, Forestry	69,000	2,000	3
Mining, Quarrying and Turf	10,000	4,000	40
Manufacturing	176,000	124,000	70
Building and Construction ..	67,000	24,000	36
Electricity, Gas and Water ..	11,000	9,000	82
Commerce, Insurance and Finance	119,000	55,000	46
Transport and Communication	53,000	38,000	72
Public Administration ..	27,000	14,000	52
Other	102,000	58,000	57
TOTAL	634,000	328,000	52

Notes: Employees include those described as "employees", "apprentices and learners", and "out of work" in the *Census*. Members of the Army and Gardaí, clergymen, monks, nuns and private domestic servants are not included in the table.

The distribution of trade union members among the main economic sectors is highly tentative. It should be noted, in particular, that it was not possible to find a satisfactory basis on which to distribute trade union members engaged in clerical and maintenance work. Almost all the members of the Irish Union of Distributive Workers and Clerks have been included in Commerce, Insurance and Finance, while all the members of the unions catering for building and engineering workers (from whose ranks those engaged in maintenance tend to come) have been included in building and manufacturing respectively.

Sources: Number of employees derived from *Census of Population 1961*, Vol. III, Tables 12a and 12b, and Vol. IV, Tables 8a and 9. Number of trade union members derived from data furnished by the I.C.T.U. and the Labour Division of the Department of Industry and Commerce.

is low (see also Appendix II). Moreover, a relatively higher degree of unionisation is to be found in the cities and larger towns than in the smaller towns and rural areas where factories are now to be found.

Building and Construction cover both the public and private sectors and include building and contracting, civil engineering, electrical wiring, painting and decorating. The relatively low degree of trade union organisation in the sector as a whole is attributable in the main to the high proportion of unskilled casual workers employed. Skilled workers, especially in the urban areas, are highly organised.

Electricity, Gas and Water is one of the few sectors made up of a small number of relatively large organisations, of which the E.S.B. is, of course, by far, the most important. Moreover, both the Gas and Electricity industries have a long tradition of trade unionism. For these reasons the high proportion of trade union members is not unexpected.

Commerce, Insurance and Finance is a heterogeneous group. The average of 46 per cent conceals a great deal of variation in the degrees of organisation of the constituents of the group. Banks, for example, are very highly organised. Some branches of commerce, e.g., large retail and department shops, are also well organised but others are not. The vast

multitude of small shops is relatively unorganised even in the main cities and towns.

The Post Office is included in Transport and Communication. Both C.I.E. and the Post Office, which between them account for over half the workers in this group, are very highly organised. The bulk of the private haulier firms are small and the degree of trade union organisation among their employees is relatively low.

The Army and Gardaí are not included in the sector Public Administration as shown in the table. Post Office workers and Local Authority employees engaged in building and construction are also excluded so that the figures given relate only to clerical and administrative workers. The degree of unionisation is rather higher than the average for the economy as a whole.

The professions, personal service, entertainment and sport are included under the heading "Other". All clergymen, monks and nuns are regarded as employees for census purposes but are excluded from the table. Private domestic servants are also excluded as they are wholly unorganised.

It may be noted that if agriculture is also excluded from the total, the proportion of the employee labour force organised amounts to 57 per cent.

Most trade union members are manual workers. It has been estimated that about 20 per cent of all trade unionists in the State are clerical and professional workers.³² As may be inferred from the table, however, the proportion of white-collar employees who are organised is probably not very different from the average for employees as a whole.

Internal Organisation

Trade unions appear to differ a good deal from each other in regard to their internal structure—as might be expected, seeing how much they differ in the matter of size and basis of organisation.

The central executive authority of a union is almost invariably composed of representatives elected either by a delegate conference or else directly by the members. Delegate conferences are held annually in some unions and every second or third year in others. Invariably, however, provision is made for the holding of extraordinary general meetings as well as for the taking of ballot votes of all or of a particular group of the members.

In all but the very small local unions the branch is the basic unit—so that unions may normally be thought of as consisting of a number of branches. In some few cases the branches enjoy a considerable measure of local autonomy and are very much in the nature of independent unions. In others, and this

³²Roberts, "Trade Union Organisation in Ireland," *Journal of the Statistical and Social Inquiry Society of Ireland*, Vol. XX, Part II, 1958-59.

holds especially for the general unions and for some of the industrial or mixed unions, the branches possess very little local autonomy in so far as major decisions, including those relating to strikes, have to be sanctioned or ratified by the executive authority of the union as a whole.

Some of the industrial-type unions and the general unions are sub-divided on an industrial as well as on a geographical basis. Sometimes the industrial groups or sections constitute separate branches. More usually, however, they are simply part of an area branch. Where appropriate, i.e., in point of numbers, a section covers all the firms in a particular industry in an area, e.g., city or town. Alternatively there is a section corresponding to each firm. Representative Committees are elected by all branches and sections and constitute the centre of authority in the branch or section as the case may be.

At branch and section level voting may be either by a show of hands or by secret ballot. It appears that an active or vocal minority is sometimes able to exercise a certain amount of moral pressure over the majority when voting is by show of hands so that the results of a secret ballot and a show of hands on a particular issue may differ.

The central executive authority usually appoints the administrative and other officers of the union as a whole (e.g., secretary, organisers, negotiators, etc.) though in a few cases such officers are elected directly by the members.³³ In some unions branch officers are also appointed by the central executive while in other cases they are appointed by the branch committee or else directly elected. In the craft unions the position generally is that the branch officers are elected for a term of three years or less by the branch members and in some instances are subject to recall at any time. Appointments made by the central authority are permanent as a general rule. In large branches at least one of the officers is usually a wholtime official but where the branches are small they all generally act on a part-time basis only.

At the base of the trade union hierarchy is the shop-steward.³⁴ His status varies a good deal from union to union and depends to a considerable extent also on the individual. In some cases he is the effective spokesman of the workers at the shop-floor level. In other cases he is an active liaison

³³The term officer is frequently, but not invariably, used to denote those paid employees of a union who do more than routine clerical or administrative work. It has been estimated that there are about 300 full-time trade union employees in the country of whom about 170 are officers and the remainder are clerical staff. (Data supplied by education officer, I.C.T.U.) Estimates are not available as to the number of part-time employees. (See also Clegg, Killick and Adams, *Trade Union Officers*, Blackwell (1961), p. 5.)

³⁴The term shop-steward is not very widely used in trade union circles in Ireland, "Collector" and "Part-time representative" are the terms usually used.

between the workers and the officers of their trade union branch. In still other cases he is no more than a collector of union subscriptions. During the last few years the powers and functions of the shop-steward seem to have increased compared with what they were traditionally. This appears partly to be a reflection of developments in Britain and partly the outcome of a possible deficiency in communications between the rank and file members of the trade unions and the full-time officers. On the whole, however, the shop-stewards in Ireland have not attained anything like the influence which their opposite numbers in Britain have attained.

Little is known about communications within the unions or about the degree of member participation in union activities. Obviously the two are closely inter-related. Like the members of other voluntary organisations many, perhaps most, trade unionists are slow to take an active part in union affairs. They tend to regard the union as something distinct from themselves which they join in order to secure some advantage for themselves and leave it to a relatively small minority to attend meetings, offer themselves for election and so on. At the same time it would be a mistake to regard the undoubtedly low attendance at branch meetings as solely indicative of the interest which the average member takes in his union. For one thing, many branches are very large, so that it would be quite impossible for more than a small fraction of their members to fit into the branch meeting place. For another, a great deal of union work is done at section level through the section committees and shop-stewards. Members of section committees and shop-stewards are in close day-to-day touch with those whom they represent and so are in a position to communicate their views to the higher levels of the union hierarchy even though attendance at formal section meetings may be small. Moreover, attendance at section meetings usually appears to be high when issues such as wage claims and strikes are at stake.

Any persons over 16 years of age may join a union. In the craft unions, however, the effective minimum age of membership is higher because of the time spent as an apprentice. Employers sometimes claim that the younger trade union members should not have the same voting rights as older and more responsible people on the grounds that they compel the unions to make irresponsible claims and take irresponsible action.

The unions point out, however, that in the nature of things the proportion of their members under, say 21, is very small because the vast majority of workers are over 21. They also point out that the ages at which workers are most active in union affairs is from the early twenties to the middle or late thirties and that, for the most part, the very

young workers show little or no interest in union activities. Only in the rare cases where the proportion of juvenile employees is very high do the interests of the older and younger workers diverge according to the unions. As far as the unions are concerned the most common divergence of interest is that between male and female workers.

The trade unions are prone to self-examination and on a number of occasions have formulated proposals for the re-organisation of the whole system. Some of the proposals made by them in that connection are examined in another paper in the present series. An outside examination of the trade unions—the only one of its kind—was made by the Commission on Vocational Organisation. Although it is now twenty years since the Commission's report was published its findings in regard to the trade unions are still not without interest to-day and it may perhaps be worth while summarising them briefly.

The Commission came to the conclusion that the trade union system suffered from two fundamental weaknesses—incapacity to secure full membership and an excessive number of unions.³⁵ In regard to the first point the Commission stated that while the majority of trade unionists were in favour of compulsory membership an important element opposed it on the grounds that trade unions were voluntary associations which had been built up on the right of free associations by co-operation and consent. The application of measures of compulsion was said to be largely a matter of practicability, the policy pursued by individual unions being dictated by the degree of organisation and the nature of the employment.

It is very doubtful if the majority of trade unionists nowadays favour compulsory membership. It is true that trade union members will not work with non-members if they are strong enough to compel them to join the union. They hold that improvements in wages and working conditions are won by the trade unions and that non-members who make no contribution to union power benefit from such improvements just as much as those who have contributed to the union funds and perhaps taken strike or other forms of industrial action. But they consider that while the State should ensure that no legal obstacles exist which would hamper the work of the unions, it should not compel people to join unions.³⁶

The multiplicity of trade unions, which the Commission regarded as the second great weakness, is due to different principles of organisation, the existence of national and local unions in some occupations and the co-existence of British and Irish unions catering for the same type of worker.

³⁵Commission on Vocational Organisation, *op. cit.*, pp. 190-191.

³⁶See p. 1.

The operation of the Trade Unions Act of 1941 resulted in the disappearance of some small Irish unions and in the withdrawal from the Republic of a number of British unions having a small membership here. Hence there are fewer unions now than there were twenty years ago. Moreover, the emergence of negotiating groups (see below) and the development of methods of dealing with inter-union disputes have lessened, though not entirely eliminated, many of the difficulties which used to arise as a result of the multiplicity of unions.

British Unions

We have already observed that nearly one-quarter of all the trade unions operating in the Republic are British based though they account for only 12 per cent of trade union members. The origin of these unions—most of which are craft unions—is to be found mainly in the tendency evident in the latter part of the nineteenth century for small local unions to federate or to amalgamate completely with each other. As Ireland formed part of the United Kingdom at that period it was natural for the trade unions here to join with the corresponding British unions. What had formerly been separate local unions both in Ireland and in Britain then became branches of new larger bodies. Owing to the preponderance of the British membership the head offices of these larger organisations were invariably in Britain. In other cases British unions came to Ireland with a view to organising hitherto unorganised workers. That was so especially where the general and industrial unions were concerned.

During this period purely Irish unions continued to exist and others were established. When the Irish Free State was set up in 1922 the British unions continued as before. Shortly before and shortly afterwards, however, a number of new Irish unions were formed to cater for workers who were already being catered for by the British unions. Some of these were regarded as "break-away" unions from the older British bodies and so for a time were held in low esteem not only by the British unions but even by some of the older Irish unions as well.

As might be expected the over-lapping and duplication caused by the two sets of unions led to a certain amount of rivalry and even friction from time to time. Moreover, patriotic arguments were also advanced against the British unions and allegations made that they had used this country on occasions as a trial ground. This is referred to by the Vocational Commission but no real proof ever appears to have been adduced in support of it.³⁷

Part III of the Trade Unions Act 1941 was designed to control inter-union rivalry and gradually to eliminate the British unions. It provided for the

³⁷Commission on Vocational Organisation, *op. cit.*, p. 238.

establishment of a tribunal which was to be empowered to determine that a particular union should have the sole right of organising employees of a particular class and it was proposed that such a determination could be made only in favour of an Irish union. The Supreme Court, however, held that this part of the Act was unconstitutional.

Relations between Unions

Various pragmatic solutions of the problem caused by the multiplicity of unions have been tried out by the trade unions themselves. These may be considered under the following headings—agreement, group negotiation, federation, amalgamation and co-ordination.

Agreement : Unions, especially those catering for the same type of worker, sometimes make agreements laying down the areas in which they will operate or the class of worker they will organise.

Group Negotiation : This implies common action by all or some of the unions in an industry for the purpose of carrying on negotiations. Normally representatives of each union concerned are appointed to a general committee which acts as a negotiating committee and a liaison between the component unions. If necessary this committee may appoint a special negotiating sub-committee. Each union is free to accept or reject decisions of the committees. The Irish Congress of Trade Unions encourages the formation of such groups. A general development of this system would tend to create a set of industrial groups analogous in some respects to a system of vertical unionism.³⁸

Federation : A federation is a permanent alliance of distinct unions in which each retains its separate existence, name, funds, officers and autonomy in regard to matters which concern it alone but forms with the others a permanent joint organisation having its own name, funds and officers for the purpose of taking common action in matters which concern all. The Civil Service Alliance and the Building Workers Trade Union are examples of federation.

Amalgamation : When this takes place hitherto independent unions are completely absorbed into one new union. Most of the British unions operating in Ireland originated in this way. A few Irish unions, such as the Irish Bakers, Confectioners and Allied Workers Amalgamated Union, are amalgamations also.

Co-ordination : This involves simply bringing the unions together for discussion of common interests. No attempt is made to fuse the individual unions or unify their government. The co-ordinating body has no power to enforce the decisions of the

³⁸It may also be mentioned that at the 1962 conference of the I.C.T.U. it was decided to establish national industrial committees which will represent up to 30,000 workers each in the 10 or 12 major industrial groups in the economy.

majority. The trades or workers councils and the Irish Congress of Trade Unions are bodies of this type.

Local Trades Councils are composed of representatives of the trade unions in a town or city. They possess the power of expulsion and this can be a weapon of some force where the council has the support of the majority of the unions. Some councils accept only unions affiliated to the I.C.T.U. but others accept unaffiliated unions also. There are no uniform conditions of membership. In former years the councils helped in the fixing of local inter-union disputes and concerned themselves with other matters affecting the unions in their areas. In recent years, however, the I.C.T.U. has very largely taken over their functions, especially in regard to inter-union disputes.³⁹ Provision is made in the constitution of the Congress for affiliating trades councils and a number are in fact affiliated. Provision is also made for registering councils with Congress. Affiliated councils have the right to send delegates to Congress but registered councils have not.

A substantial proportion of the unions in Ireland—North and South—are affiliated to the I.C.T.U. Table 11 shows the number of affiliated unions operating in Northern Ireland and the Republic together with details of their membership. It reveals that the vast majority of union members belong to affiliated unions and that over one-third of the members of such unions are in Northern Ireland. A Northern Ireland Committee of Congress exists and a Northern Ireland Conference is held annually.

TABLE 11: UNIONS AFFILIATED TO I.C.T.U.
(Ca. 1960)

Area	Unions	Members	Percentage of total union membership
Republic ..	67	395,000	93
Nth. Ireland ..	41	180,000	85
Ireland	85	485,000	90

Source : I.C.T.U. *Trade Union Information*, op. cit.

To be eligible for affiliation to the Congress trade unions must either:

- (a) have their headquarters in Ireland and have their executive control, in respect of industrial, financial and political matters, vested in and exercised by appropriate executive bodies within Ireland; or
- (b) if their headquarters are not in Ireland, they must (i) provide that only members resident in Ireland may be appointed as delegates to an annual or special delegate conference or

³⁹Roberts, "Trade Union Organisation in Ireland," *Journal of the Statistical and Social Inquiry Society of Ireland*, Vol. XX, Part II, 1958-59.

nominated for election to any office in Congress, (ii) provide that decisions on matters of an industrial or political nature which arise out of, and are in connection with, the internal economic and political conditions of Ireland and are of direct concern to Irish members only, shall be considered and decided upon by the Irish members provided that the decisions shall have due regard to and shall not prejudice the position of members outside Ireland, (iii) provide that a delegate conference of Irish members or an Irish committee elected by the Irish membership shall make such decisions, (iv) make reasonable provision whereby the Irish committee or conference may exercise financial control and direction over funds collected from the Irish members at least to the extent of payment of local administrative expenses and benefits.

The Congress is regularly consulted by the Government on matters of interest or concern to labour and especially in regard to industrial relations. It is also the body which proposes names representative of labour for Government nomination as delegates to the International Labour Organisation and as workers members in the Labour Court. In addition its officials act on several official and semi-official committees.

Not being a trade union the Congress does not engage in collective bargaining. Under the terms of its constitution it may, "when requested by affiliated unions, negotiate at national level with employers' organisations on policy and principles relating to wages and conditions of employment". An example of such action has been the participation of Congress in the National Employer-Labour Conference held in the Summer of 1962 between the Federated Union of Employers and the other employer bodies constituting the Joint Consultative Committee of Employers' Organisations.⁴⁰

Congress has no power over the internal affairs of affiliated unions. Resolutions passed by Congress or "decisions" taken by it do not bind the affiliated unions unless ratified by them. Accordingly the Congress depends on the goodwill and co-operation of the unions for the execution of its decisions and the implementation of its resolutions. The unions do, however, cede authority to Congress in regard to their relations with each other in so far as they agree to accept Congress decisions on inter-union disputes.

In so far as Congress may be said to possess any power it is only that of expulsion. The moral effect

⁴⁰The two Congresses which preceded the establishment of the I.C.T.U. and the I.C.T.U. itself entered into negotiations with the Federated Union of Employers which resulted in agreements relating to the general principles to be followed in wage negotiations between the trade unions constituting the congress and the members of the F.U.E.

of a threat of expulsion is, of course, not inconsiderable but unless Congress can make itself indispensable to the member unions expulsion is unlikely to become a sufficiently strong deterrent to a union determined to have its own way. Besides, the connection between the ordinary union member and Congress is remote to say the least. At the same time its moral authority is not lightly to be dismissed and has on many occasions been used to good effect especially in regard to the settlement of inter-union disputes. The initiative it has taken in the formation of negotiation groups and the services it provides to the trade unions by way of information and assistance in negotiations seem likely to increase its stature by making the individual unions, especially the smaller ones, look to it to an increasing extent.

The Irish Conference of Professional and Service Associations, founded in 1945, is in some respects similar to the Congress. It is open to all administrative, clerical, professional and technical organisations. Among its objects are (i) to foster mutual assistance between the constituent associations especially in negotiations with employers and (ii) to organise or assist in the organisation of associations suitable for membership of the Conference. Some of its member organisations are also affiliated to the I.C.T.U. In all it has about 20 member organisations but some of them are not regarded as genuine trade unions by the I.C.T.U.

Trade Union Democracy

A trade union is an association of people formed for the purpose of providing themselves with an instrument for the maintenance and promotion of their interests. It is organised on a co-operative and democratic basis and great stress is laid in trade union circles on the democratic nature of the trade union movement. The principles of democracy prevail not only in regard to the government of the unions but also in regard to the conduct of negotiations.

According to the trade union interpretation of democracy, at least in this country, union officers cannot enter into firm commitments on behalf of those they represent at negotiations and all proposals have to be put to the workers directly concerned for their approval or rejection. All the union officer can do is to advise the members and he is in effect little more than an intermediary between employees and management. On the management side, however, firm commitments can frequently, if not usually, be made so that the negotiators are not of equal standing. Indeed management often claims that the trade union negotiators have not the power to negotiate, that they are not truly representative of those for whom they act, and even that they lack the confidence of the ordinary workers.

The unions point out, of course, that management negotiators are not always in a position to make firm commitments either, as they have to report back to managing-directors or boards of directors. In the nature of things, however, especially where large numbers of workers are involved, the time spent in arranging for a vote to be taken by the workers on an offer is likely to be longer than that required to secure a decision by management. Besides, it is always possible for the decision makers at the highest level on the management side to take part in negotiations whereas it is generally physically impossible for groups of workers to negotiate. Hence the delays involved in reaching settlements during negotiations is due primarily to the practice of referring all proposals back to the workers for their approval before entering into an agreement.⁴¹

How this problem is to be solved, or whether it needs to be solved at all, is difficult to say. Even if it were possible to give the union officer the power to make firm commitments on behalf of the members it is questionable if it would be desirable. To do so would, in last analysis, be to give him powers which even the State does not possess. If the officers are to have the power to negotiate speedily and effectively it would seem that it must be based upon a nice balance between the members' confidence in their representatives and the moral authority of the representatives. This implies that the officers must be in sufficiently close touch with their members to know what they want but, at the same time, strong enough to lead and to bring pressure to bear on them if necessary. Clearly one of the crucial factors in this connection is the personality of the officer himself. Another is the tenure of his office. An officer subject to periodic re-election is obviously in a far weaker position than one who has a permanent appointment in the union.

At the same time, it would obviously be undesirable to enable the trade union officers to be unresponsive to their members. Should that happen informal or unofficial groups would be likely to emerge in opposition to the official union. As a result the union might well find itself acting on behalf of management, or even of the State itself, rather than its own members.

An analogous problem arises in respect of the degree of control a union can, or should, exercise over its members. Management and the general public often complain that the unions, meaning the union authorities, exercise no control over their members as far as the making of claims, resistance to what are considered to be desirable changes in production methods and going on strike are con-

⁴¹In small undertakings, however, the workers' vote is often taken within a few hours of the employer's offer being made. Where management sometimes causes delay is in getting negotiations started.

cerned. The principle of union democracy, however, requires that the union authorities act in accordance with the members' wishes, rather than that the members act in accordance with the advice of the authorities. Union officers sometimes are in a better position than the rank and file members to judge the true interests of the latter and to see where the pursuit of sectional interests may endanger the interests of workers as a whole and the community in general. But if they are to uphold the democratic principles of union organisation they must do what the members want, even if it means pursuing courses of action with which they disagree. They can advise but cannot compel. Nevertheless, the authorities in some unions do exercise a measure of control over their members by reason of the power vested in branch committees or national executives to sanction strikes and through the enforcement of the "closed shop" or "union shop".⁴² Hence, the possibility of bringing pressure to bear on members or resisting their wishes is not altogether absent. The extent to which it is possible to do so, however depends, in the final analysis primarily on the degree to which the union authorities can maintain the confidence of the members, because any group of workers who are dissatisfied with their union can always leave it or organise opposition to the leadership with a view to removing it. The result is that the position of the union officer within his own union is not strong and union government, in general, tends to be rather weak.

Where some members break the rules of the union, e.g., by going on "unofficial" strike, the democratic principles of union organisation require the union authorities to resist and to use such sanctions against those who break the rules as the rules allow.

The manner in which unions, in fact, deal with the particular matter of unofficial strikes varies a great deal from one to the other. Some unions refuse to support unofficial strikers or even to negotiate until work is resumed. Others give what may be termed grants in aid and still others make no real distinction between official and unofficial strikes. In this connection it must, of course, be remembered that the unofficial strike is in no way different from the official strike as far as the law is concerned. It may also be remarked that unofficial strikes are not necessarily always an expression of rebellious irresponsibility. Sometimes they are well founded and reflect a break-down in communications within the union.

Employers' Unions

The number of employers' unions is surprisingly large. In all there are 22 of them holding negotiating licences. Of these the Federated Union of Employers is by far the most important though not the largest

⁴²See p. 36.

in point of members. In addition to their ordinary trade union activities some of the employers' unions engage in "trade" activities as well. The F.U.E. is national in scope as are a number of the others, e.g., the Building, Contractors and Allied Employers of Ireland and The Irish Flour Millers Association. The largest in respect of members is the Retail Grocery, Dairy and Allied Trades Association (RGDATA) with about 4,000 members. This, however, is not purely a trade union as it engages in all sorts of activities connected with its members' business. From the point of view of the numbers employed by members, the F.U.E. is far larger than the RGDATA. The most recent development on the employer side has been the formation of a Joint Consultative Committee composed of 12 employers' unions and representatives of some of the State-sponsored undertakings. The F.U.E. took the initiative in the formation of this body in connection

with the National Employer-Labour Conference.

The F.U.E. has about 80 industrial branches or groups and 10 area branches. These elect the National Council each year. This body meets twice a year and elects the National Executive Committee which meets monthly. Special committees dealing with Finance and Organisation, and Legislation are also elected annually from among the members of the National Council. The individual branches appoint their own officers and committees for carrying out the work of their respective groups. There is a Central Secretariat, at whose head is the "Director-General", which provides negotiation services, keeps records, publishes a monthly bulletin and deals with trade union law. Members of F.U.E. serve on a large number of committees, Joint Industrial Councils and so on and also propose names to the Government for nomination to the I.L.O.

III. COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS

All discussions between organised workers and an employer or employers, with a view to reaching agreement, may be regarded as collective bargaining. Such discussions may relate to—

- (a) the establishment or alteration of wage and salary rates and of conditions of employment applicable to all or to certain categories of workers in the employments in question; or
- (b) the settlement of disputes which arise between an individual employee or a group of employees and their employer.

The first type of negotiations relate to the making or modification of collective agreements and may be regarded as collective bargaining in the strict sense. The second type of negotiations relate to disputes which arise out of the terms of the collective agreement or out of the customary, but implied, terms and conditions of employment which do not form part of the collective agreement as such. In practice the two types of negotiations frequently shade into each other and neither management nor the trade unions make any distinction between them. Nevertheless, they are clearly distinguishable in principle.

As a general rule collective bargaining, as described in (a) above, takes place only during a wage round or when a country-wide alteration in working conditions, e.g., the five day week, is being negotiated. For all practical purposes the only other occasions on which it takes place is when workers in a particular firm are being organised by a trade

union for the first time (this usually occurs in the case of newly established firms) or when an old collective agreement is being replaced by a new one.

Collective bargaining is almost invariably initiated by the trade unions. The number of cases where the employers take the initiative in altering an agreement is very rare though the practice of informing the unions of major changes which management proposes to introduce into the working arrangements within the enterprise appears to be common enough. Management never appears to initiate negotiations in the case of a newly established firm.

Except where negotiations are conducted through joint industrial councils or similar bodies, collective bargaining is usually carried on directly between the trade unions and individual firms whether the employers are organised or not. Employers' organisations do not follow any standard practice regarding the conduct of negotiations. In some cases they merely require their members to notify them as to the trade union claim and as to the settlement reached. In other cases an official of the organisation participates in the negotiations and in still others the employer calls on the official to do all the negotiating for him.

Sometimes identical claims are served on employers in a particular trade in an area, as, for example, the drapery trade in a city or town. In such a case organised employers frequently negotiate as a group through their organisation rather than individually.

In trades where there are national or local collec-

tive agreements, to which several employers are a party, claims are normally served on the appropriate employers' organisation or branch thereof and negotiations are on the same basis. In these cases employers who are not members of the employers' organisation and who, therefore, are not party to the agreement often accept the terms agreed to by the organised employers as a matter of course.

Where there is permanent joint negotiating machinery such as a Joint Industrial Council or a joint negotiating committee, claims are served in accordance with an agreed procedure and negotiated within the council or committee. The employers on being informed of the settlements made adopt them without any further negotiations at the level of the firm. In these cases there is generally a national or local agreement of the type referred to in the preceding paragraph.

In the case of the State-owned enterprises negotiations are generally concerned only with unskilled and semi-skilled manual workers and with clerical workers. Craftsmen employed by these enterprises usually receive the "district" rates established by agreement between the craft unions and employers in the private sector (*see also* Appendix II).

By and large the Local Authorities also accept the district rates for craftsmen and negotiate only in respect of their clerical and unskilled or semi-skilled manual workers.

Collective bargaining between the Government and the various staff associations catering for civil servants takes place via the civil service conciliation and arbitration tribunal. The Post Office, Board of Works and other Government Departments employ large numbers of manual workers. Some of these, such as Post Office engineers, are civil servants and negotiations affecting them are conducted through the tribunal. Others such as carpenters, electricians, plumbers, etc., receive the district rates and there is no collective bargaining (*see also* Appendix II).

The actual process of collective bargaining is carried on between trade union officers, shop-stewards and possibly also other workers' representatives on the one hand and employers or officials of employers' organisations on the other. There appears to be no standard practice as to the rôle of the shop-stewards and other workers' representatives. In some cases they participate right from the opening of negotiations, in others they come on the scene only after the preliminary or exploratory talks and in still others they do not participate at any stage.

Most trade union officers consider that shop-stewards and other workers, if possible, should take part in negotiations except where, on account of the numbers involved, it would be impossible for them

to do so. Some take the view, however, that it is better for workers not to be involved in negotiations concerning themselves and that their presence undermines the position of the negotiating officer. Those who hold this latter view point out that the ordinary worker or shop-steward is usually not very skilled in negotiating methods and consequently tends to misinterpret the tactics employed by the trade union officer, who is invariably a highly skilled professional negotiator. On the other hand, employers seem to prefer to deal with shop-stewards on the grounds that they know the issues involved and are more in touch with the workers than the union officers.

Agreements reached at the conference table are always only of a provisional nature since they have to be ratified by the workers and employers concerned before they can become operative. The negotiators, therefore, are not plenipotentiaries. As we have already seen they are only intermediaries. All they can do is to recommend the acceptance of the agreements they make. In many instances the practice of referring matters "decided on" during negotiations to the workers and employers concerned causes a great deal of delay.

Formal industry-wide bargaining prevails in a number of industries either through permanent joint negotiating machinery or on the basis of direct discussion between the unions and the employers' organisations. On the whole, however, this type of bargaining is only moderately developed in this country.⁴³

The advantages claimed for it are that it enables uniform wages and working conditions to be introduced in a particular trade—without precluding the institution of a rational system of area differentials if necessary—and that this is a protection both for management and workers. Management points out that industry-wide bargaining prevents the unions from concentrating all their power on one firm in an industry so as to secure higher wages or improved conditions and thus using them as a precedent or lever to advance their position in the industry as a whole. For their part, the trade unions take the view that this type of bargaining enables them to establish a reasonable standard for the industry as a whole and thereby to compel individual firms to conform to it. The individual firm is unable to secure an advantage at the expense of the workers because to attempt to do so would provoke opposition not only from the unions but from the other employers as well.

⁴³The total number of workers covered by industry-wide bargaining is tentatively estimated to be about 100,000 or less than one-fifth of the employee labour force (excluding agricultural workers, domestic servants, the Army, Gardaí, clergy, nuns, etc.) or slightly less than one-third of all organised workers. This figure includes construction but not the State-sponsored enterprises and is derived from the *Census of Population* 1961, Vol. IV, Tables 6 and 9.

The reasons generally cited for the relatively slow development of this kind of bargaining are:

- (a) the multiplicity of unions;
- (b) lack of organisation — especially on the management side—in many industries;
- (c) the high degree of uniformity obtaining in several industries, even when negotiations are conducted on the level of the firm owing to the small number of firms in the industry as a whole.

On a few occasions since the end of the war negotiations, whether on the basis of the individual firm or the trade or industry, have been conducted within the framework of the national agreements concluded between the Trade Union Congress and the Federated Union of Employers.⁴⁴

Collective Agreements

Most agreements are of rather limited scope. They do little more than lay down in a general way the wages to be paid, the hours to be worked and the holidays to be given. Some lay down the conditions under which over-time may be worked and the conditions under which extra payments are to be made, e.g., in respect of travelling time, danger money, etc. Where piece-rates are paid the details are invariably covered in the agreement. As a general rule also provision is made for a certain minimum relationship between piece-work earnings and straight-time payment.

Some agreements provide for grievance procedures and disciplinary measures. Very few agreements, however, are specific on these matters. Both sides prefer to deal with problems as they arise on their merits rather than to lay down hard and fast rules as to what is to be regarded as a matter for discipline or grievance or as to what action is to be taken.

Other items occasionally provided for are—trade union membership, allocation of work among various crafts, seniority, redundancy, apprenticeship ratios, etc. As far as can be ascertained agreements never attempt to delimit the sphere of management to lay down what may or may not be bargained about.

Many agreements are merely verbal undertakings. For the most part, however, they are reduced to writing in one way or another, e.g., by way of an interchange of letters or of an agreed memorandum signed by the parties.

Once made agreements remain in force indefinitely as a general rule. A tendency to codify, as it were, the various amendments made over a

period of years, if necessary by way of a new agreement, is to be observed especially in the case of national and local agreements.

A national or local agreement is sometimes made as a result of a dispute affecting an industry as a whole in the country generally or in a particular area. In most cases, however, such agreements appear to have been concluded in order to introduce standard conditions of employment and thereby to prevent individual firms from securing a competitive advantage over the others.

There are very few formal comprehensive agreements covering all aspects of the employment relation such as are to be found in the United States or on the Continent. Foreign firms operating here generally are satisfied to follow the Irish practice though a few of them have pressed for detailed agreements. In a number of cases too they have been negotiated, where relations have been particularly bad, in an attempt to improve the general atmosphere in the firm.

The practice of confining collective bargaining and collective agreements to the wages and general conditions of employment rather than to spell out all the details appears to work well. No good purpose would be served in trying to set limits to the "prerogatives" of management or to the rights of the unions to bargain about anything they feel like. Even if major issues were to be formally excluded from the sphere of bargaining they would tend to cause disputes in any case. Besides great flexibility is needed if management is to be efficient and to tie it down by seeking to confine it within predetermined limits would limit enterprise and innovation. As Ross and Hartman say:

"It is a well-established fact that collective bargaining does not thrive on a diet of principles. In fact, one of the great virtues of collective bargaining is that it permits the formulation of limited issues which are amenable to resolution and blurs over large differences of principle which can never really be settled."⁴⁵

Detailed agreements tend to result in disputes regarding their interpretation and lead to an undue rigidity especially in respect of disciplinary measures.

Defects in the Present System

A possible defect in the present method of conducting negotiations is the absence of an independent chairman and indeed very often of any chairman. If some method could be devised, e.g., through the establishment of joint industrial councils, whereby an independent chairman would preside over important negotiations, it is likely that a good deal of

⁴⁴These National Agreements are examined in another paper in the present series.

⁴⁵Ross and Hartman, *op. cit.*, p. 174.

time would be saved and that each side would develop greater confidence in the other. Such a method of negotiating would be likely also to reduce the number of occasions on which negotiations break down and as a result lighten, and so speed up, the work of the Labour Court both in its conciliation service and in regard to its investigations.

It appears that negotiations sometimes reach deadlock and so result in the emergence of open disputes merely because the parties are at cross purposes. An independent chairman, especially if he were conversant with the industry or trade involved in the negotiations, would help to keep the discussions to the point and would see to it that misunderstandings and arguments at cross purposes were avoided.

It might perhaps be desirable also if agreements were of definite duration, e.g., two years, so as to give management a breathing space within which to plan and so enable it to prepare for the future with greater confidence. On the whole, both the trade unions and management appear to be favourably disposed towards such agreements though with reservations. The trade unions feel that they might put them at a disadvantage especially during periods of rapid increase in the cost of living while management feels that on the termination of a contract the unions would be almost certain to claim revisions in it whether they were justified or not.

Negotiations in some cases, especially where large enterprises such as the State-sponsored bodies are concerned and where changes in working conditions are the subject of negotiation, tend to be very lengthy. Each side tends to blame the other for the protractedness of such negotiations. The employers, as we saw, claim that it is difficult if not impossible to obtain finality with the unions owing to the practice of referring everything back from the negotiations to the workers. The trade union officers, on the other hand, claim that large enterprises do not delegate sufficient power to their personnel officers to enable them to negotiate effectively with the result that all major problems have to be referred back to the board of directors.

One further problem that remains to be noted at this stage is that in many large firms—especially the State-owned ones—there are large numbers of trade unions operating with the result that negotiations of one kind or another are always liable to be taking place. The pressure on management and personnel departments, arising out of the multiplicity of negotiations, tends to result in delays in dealing with disputes and so leads to unofficial strikes. Such disputes are often about trivial matters but, nevertheless, demand immediate attention. For its part the I.C.T.U. is trying to do something about reducing the amount of negotiating by the formation of the group system referred to above.

Registered Agreements

A collective agreement is not a contract of employment. According to an I.L.O. report on collective agreements—“neither the employers’ associations nor the workers’ unions owe wages or services respectively to each other; the collective agreement involves the contingent regulation of the conditions of employment of third persons represented by the parties to the agreement, and these conditions do not come into force until, at some later date, individual contracts of employment are concluded.”⁴⁶

Thus, in principle, a collective agreement is not a contract. It is merely an undertaking that its provisions will automatically form part of the contracts of employment made between individual employers and individual workers.

Collective agreements registered with the Labour Court under the terms of Part III of the Industrial Relations Act, 1946 are, however, given a certain legal sanction.⁴⁷

Any party to an agreement may apply to the Court to register it. The Court will do so if it is satisfied that (a) both parties consent, where there are two parties, and that there is substantial agreement amongst the parties representing workers and employers respectively, where there are more than two parties, (b) the agreement applies to all workers of a particular class and their employers and that it is normal or desirable to have a separate agreement for that class, (c) the parties are substantially representative of such workers and employers, (d) the agreement is not intended, unduly, to restrict employment either in general or as regards particular classes of workers, or to protect uneconomic methods of working, (e) the agreement provides that if a trade dispute occurs, a strike or lock-out will not take place until it has been submitted for settlement in the manner specified in the agreement and (f) the agreement is in a form suitable for registration.

Registered agreements may be cancelled or altered in accordance with the provisions of the Act. Once registered an agreement applies to every worker and employer “of the class, type or group to which it is expressed to apply . . . notwithstanding that such worker or employer is not a party to the agreement”.

Workers, but not employers, may complain to the Labour Court that a registered agreement is being contravened. It then rests with the Court to proceed further in the matter.

⁴⁶I.L.O.—*Collective Agreements*, Studies and Reports, Series A, No. 39 (1936).

⁴⁷The Industrial Relations Act repealed section 50 of the Conditions of Employment Act, 1936. The latter provided that agreements relating to wages might be registered by the Minister for Industry and Commerce. Only one agreement was so registered.

Where a complaint is made that an employer breaks an agreement the Court, if satisfied that the complaint is well-founded, may, by order, direct him to do such things as will, in the opinion of the Court, result in the agreement being complied with by him.

Where workmen go on strike in contravention of an agreement, the Court may, by order, (a) direct their trade union not to pay them strike pay, (b) cancel the registration of the agreement.

In both cases failure to carry out the order is an offence on the part of the person to whom the direction is given and renders him liable to a fine.

A registered agreement as such cannot be directly enforced at law. But as its provisions are deemed to be part of the relevant individual contracts of employment they are legally enforceable in individual cases. If an ordinary action for breach of contract is brought before the Courts the action lies on the individual contract and not on the collective agreement, though the terms of the former arise in virtue of the latter.

The position still obtains, therefore, that the collective agreement is not a contract. This can be most clearly seen by considering what would happen if, let us say, an employer took an action in Court against a workman whom he alleged had broken his contract by breaking the terms of the collective agreement. In such an event, if the employer succeeded in his action he would recover damages only against the workman—not against his trade union even if an officer of the latter had signed the registered agreement.

In this connection it may be pointed out that it is virtually impossible to break a contract of service. Apart from the case of certain very restricted categories of employees, e.g., senior managers, contracts of service are always implicitly of very short duration. Generally it is accepted that their duration is the interval of time on which payment is based. Thus where workers are paid by the hour or week their legal contracts are of an hour's or week's duration respectively. In effect, therefore, the contracts are being continuously implicitly renewed.

Very few collective agreements are registered.⁴⁸ In part, this is because some of the agreements submitted to the Labour Court have not been suitable for registration. In the main, however, it is because there is very little demand for it.

It is rather surprising that greater use has not been made of this method of obtaining legal sanction for collective agreements. Since a registered agreement applies to all the workers and employers in the

industry concerned, in the area to which the agreement applies, it provides a means of preventing employers whose workers are unorganised or who, for one reason or another, pay less than the normal union rates from under-cutting those who pay such rates.

Furthermore, it appears to furnish the workers, in particular, and to some extent also the employers with a means of redress in case of non-compliance by the other party with the provisions of an agreement without having to resort to force. It, therefore, appears to furnish a good basis for stable relations between the two sides.

It has not been possible to discover why there is so little demand for registration. One may, however, conjecture that where an agreement already applies to a substantial proportion of the workers and employers in an industry (one of the conditions required for registration) there is no real need to bother about the minority who are not parties to the agreement. One may also hazard the guess that as most collective agreements are in very general terms and deal only with the most important aspects of the employment relation the possibility of non-compliance by one side or the other is not very great and that direct negotiations are adequate to secure compliance in the few cases of non-compliance. To some extent also the legal enforceability of a registered agreement is something of an illusion because either party can, at any time, terminate the agreement on giving the required notice. Moreover, the unions may feel that registered agreements automatically confer the benefits of union membership on non-members. Finally, registration may not appeal very strongly to management since it has no right of complaint to the Labour Court in the event of non-compliance by the workers.

Just as there is practically no demand for the registration of collective agreements there is no support either for the view that all collective agreements should be made legally enforceable contracts giving each side the right to recover damages from the other in the event of non-compliance.

The view is generally accepted by both sides in industry that legal enforcement is contrary to the voluntary tradition underlying the labour/employer relationship in this country, that it would tend to replace flexibility by rigidity, that it would result in litigation, and that it could not possibly improve relations on the shop-floor, even though it might eliminate unofficial strikes. Besides, it is pointed out also that all contracts are terminable on the expiry of a period of notice and that collective labour contracts could not be an exception. Hence, as in the case of the registered agreements, legal enforceability, in practice, would be very limited and even illusory.

⁴⁸There were only 30 agreements on the Register on the 31st December, 1962—See Labour Court, *Sixteenth Annual Report*.

Joint Negotiating Bodies

As a rule collective bargaining takes place on an *ad hoc* basis as occasion arises. In a number of industries, however, permanent joint negotiating bodies exist either on an area or a national basis. These include (a) Joint Industrial Councils, (b) Joint Negotiating Committees, (c) Joint Labour Committees⁴⁹ and (d) joint negotiating machinery established within a number of the State-sponsored enterprises.

Joint industrial councils consist of representatives in equal number of employers and workers in the relevant industry or trade. The chairman is independent and is agreed between the parties, or failing agreement, nominated by the Labour Court at the request of the parties. Normally the councils have "side secretaries", e.g., an employers' secretary and an employees' secretary (who are members of the council) as well as an official secretary who summons meetings at the request of either side, keeps and circulates minutes of proceedings and generally carries out the instructions of the council. An officer of the Labour Court acts as secretary to a number of councils.

The function of the councils is to agree upon rates of wages and conditions of employment but any other matter likely to lead to a dispute may be dealt with also. That they are primarily negotiating bodies rather than consultative bodies is testified to by the fact that they do not meet to discuss matters which might be deemed to be of general interest to both sides of the industry.

The councils are purely voluntary bodies. Agreements made by them are not binding in law and do not apply to parties not represented on the councils. In other words, they are exactly the same as ordinary collective agreements.

The negotiating procedure followed is that when a question is referred to a council the official secretary, within a certain minimum number of days, calls a meeting and at the same time informs the members of the business to come before it. Then, within an agreed minimum number of working days, the council meets and tries to secure a settlement acceptable to both parties.

As in the case of ordinary collective bargaining, agreements cannot be made final until ratified by the majority of the workers and employers concerned.

Issues affecting only one firm are usually dealt with by negotiating at the level of the firm. If a settlement cannot be reached the matter is referred to the council—the *status quo* prior to the negotiations being maintained.

No coercive or aggressive action may be taken by any party without the stipulated period of notice being given to the council. If a council fails

⁴⁹See also p. 3.

to reach agreement recourse may be had to the Labour Court.

Under the terms of the Industrial Relations Act, 1946 provision has been made whereby the Labour Court may "register" a joint industrial council. The conditions for registrations are—(a) the council must be substantially representative of the workers and employers concerned, (b) its object must be the promotion of harmonious relations between those it represents and (c) its rules must provide that if a trade dispute arises a strike or lock-out will not take place until it has been referred to the council and considered by it.

A registered council differs in no way from an unregistered one except that it is a body which does not require a negotiating licence.⁵⁰ As the employers and workers represented on the councils are, in fact, represented by ordinary trade unions which have negotiating licences this "privilege" is of no consequence and registration is a meaningless formula.

The Joint Board of Conciliation and Arbitration for the Boot and Shoe Industry is the only registered joint industrial council in existence.

Unregistered joint industrial councils for which the Labour Court provides facilities operate in the following:

- Bacon Curing
- Laundries in Dublin
- Linen and Cotton Manufacture
- Hosiery and Knitted Garments Manufacture
- Woollen and Worsted Manufacture
- Flour Milling
- Printing and Allied Trades in Dublin
- Rosary Bead Manufacture
- Nursing Staff of the District Mental Hospitals
- Hotel and Catering Industry
- Cleaning and Dyeing Industry in Dublin.

Joint negotiating committees have been established in the building industry in Dublin, Cork and in a number of other areas. Wages and conditions, however, are determined by negotiations at the Dublin council which is a representative at national level of the Building Employers Federation and the trade unions (see Appendix II). Other joint bodies of this type are—the Joint Industrial Council for the Electrical Contracting Industry, the C.I.E. Staff Relations Scheme, etc.

The joint labour committees are statutory bodies and are the successors of the old trade boards established under the Trade Boards Act of 1909.

⁵⁰Moreover, as was mentioned on page 4, the Labour Court may not investigate a dispute between parties represented on a J.I.C. unless the council requests it to do so, or unless in the Court's opinion the dispute is likely to lead to a stoppage of work.

Although the decisions of these committees are legally binding (if approved of by the Labour Court) and so differ from collective agreements they are, nevertheless, arrived at by what for practical purposes is collective bargaining. It is interesting to note that in moving for leave to introduce the Trade Boards Bill in 1909 Mr. Winston Churchill, then President of the Board of Trade, stated that (among other things) the principles underlying the bill were to endeavour to foster organisation in trades in which no organisation had yet taken root and in which consequently no parity of bargaining power could be said to exist.⁵¹ The joint labour committees may be said to provide for the authoritative regulation of wages and conditions of employment while preserving the methods of collective bargaining.

The establishment of joint labour committees is a function of the Labour Court under the terms of the Industrial Relations Act, 1946. A committee may be set up in respect of any "class, type or group" of workers if (a) existing rates of wages or conditions of employment warrant it, (b) existing machinery for the regulation of wages and conditions of employment is inadequate or (c) employers and workers agree.

The committees consist of independent members appointed by the Minister for Industry and Commerce chosen from persons outside the trade or industry in question and representative members appointed by the Labour Court to represent employers and workers. Before making appointments the Labour Court must, where it is reasonably practicable, consult with the appropriate trade unions and employers' organisations. The chairman is always an independent member. Although the independent members hold the balance of power on the committees they use their power to force a decision only in the event of a deadlock between the representative members.

The procedure followed by the joint labour committee is not conducive to speedy decisions. When a member of a committee gives notice of motion a meeting of the committee is summoned. The motion is then considered by the committee and a decision taken as to the proposals it intends to make concerning the matter at issue. These proposals are then submitted to the Labour Court. If it thinks fit the Court may refer them back to the committee. This requires the summoning of the committee all over again. After the submission to the Court the proposals have to be published. Interested parties may then make representations concerning them over a period of 30 days. The committee has to be summoned again to consider any such representations before the proposals can come before the Court for a final decision. Proposals

confirmed by the Court are made the subject of Employment Regulation Orders which also have to be published and cannot become operative until some time after publication. The enforcement of Employment Regulation Orders is the responsibility of the Department of Industry and Commerce.

Approaches were made to the Labour Court in 1948 with a view to reducing the time required to give effect to proposals made by the committees. The Court pointed out that the procedure to be followed was laid down by statute and that all it would do was to see to it that no unnecessary delays occur.

On one or two occasions the Court has refused to confirm proposals made by the committees. It should be noted that the wages and conditions laid down by Employment Regulation Orders are minima.

Negotiations between employers and unions in the industries concerned take place outside of the committees also. In some cases, therefore, collective agreements provide for better wages and conditions in a trade, or portion of a trade, than those laid down by Employment Regulation Orders.

To some extent the trade union representatives on the joint labour committees are in something of a dilemma. Unless they can secure better wages and conditions for their members in direct negotiations than those laid down by the committees they run the risk of losing members. Hence, they sometimes tend not to press their demands on the committees themselves. On the other hand, the very fact that minimum rates and conditions are laid down by law makes it more difficult to secure higher rates and better conditions through negotiations outside the committees.

According to estimates made by the Labour Court some 43,000 workers are covered by the joint labour committees in the following industries and trades:⁵²

- Aerated Waters and Wholesale Bottling
- Boot and Shoe Repairing
- Brush and Broom
- Button making
- Creameries
- General Waste Materials Reclamation
- Handkerchief and Household Piece Goods
- Law Clerks
- Messengers (4 Committees, viz., one each in Dublin, Cork, Limerick and Waterford)
- Packing
- Shirtmaking
- Sugar Confectionery and Food Preserving

⁵¹Hansard 1909, Vol. 11, 1791-2.

⁵²Data supplied by the Labour Court.

Tailoring
Tobacco
Women's Clothing and Millinery
Provender Milling

There is no real evidence to suggest that the existence of permanent negotiating machinery leads to better (or worse) industrial relations at the level of the firm. The only real difference between the permanent joint bodies and ordinary *ad hoc* bargaining is that the former is supplied with independent chairmen and secretaries. One of the possible defects of normal bargaining is thereby rectified. As already mentioned, a good chairman can help to bring negotiations to a successful conclusion where otherwise they might break down and result in a stoppage of work. But the conduct of negotiations at the level of the industry has little relevance to what happens on the factory floor and on the harmony or disharmony which prevails there. This is but one instance of the probability that the incidence of stoppages, especially on an area or national scale, is not a good indicator of the quality of industrial relations.

Management's Attitude to Collective Bargaining

Management's reluctance to take the initiative in collective bargaining makes the whole process very much a one-way affair and, to some extent, plays into the hands of the unions by enabling them to choose their own time and ground for making claims. As a result management tends to be kept on the defensive.

Were management to take the initiative more often it might be expected to strengthen its own position *vis-à-vis* the unions. Not only could it sometimes choose the time and ground for bargaining but it could keep the unions more fully occupied and so give them less time to advance claims of their own. Moreover, it could well improve relations with the unions, firstly, by acknowledging them as the reality which they are, and secondly, by enabling the individual union officer to have "more to show" his members, as it were, so that he could prove to them that he is promoting and defending their interests even when he is not actually making claims on their behalf.

There are, nevertheless, good reasons for management's attitude. In the first place collective bargaining was, in fact, originated by the trade unions. Formerly management proceeded on the assumption that trade unions did not exist or, if they did, that they had no right to "interfere". The result was that a tradition of union initiative developed in regard to collective bargaining.

In the second place management is still very reluctant to "draw the union on" itself. It fears that

by asking the union for something the union will retaliate by putting up a counter-proposition which may result in management's losing more than it gains. It tends, therefore, to feel its way in the matter of making changes and leaves it to the union to react.

Finally, collective bargaining has to be conducted on the basis of claims. It is easy to formulate the unions' objectives into claims for "better wages and working conditions". Management's objectives are more complex. They cannot easily be made the subject of claims. One of management's functions is to innovate and if it were to wait for the sanction of the unions to every innovation it obviously would have to abdicate from its managerial function altogether. It must be stressed that this is not a matter of managerial privileges or prerogatives—it is a purely functional matter. The position of management and the trade unions is not symmetrical, so to speak.

That is not to say that prior consultation which may lead to bargaining is not desirable or necessary when major innovations are being contemplated by management. To an increasing extent consultation of this kind is tending to take place. No hard and fast rules can be laid down as to when it should take place nor as to what issue arising therefrom may properly be bargained about. Good managers and good trade union officers know where to draw the line.

Where management could perhaps usefully make collective bargaining more of a two-way process is by formulating counter-claims to the unions' claims. Such claims could be made primarily to eliminate restrictive practices, to obtain union support for the particular measures which might have to be introduced to increase productivity in order to meet the unions' claims, and also to get the unions to use the full weight of their influence to secure a greater realisation among workers of the need for cleanliness and good workmanship.

That it is feasible for management to make collective bargaining a two-way process in this way may be seen from recent developments in the United States. Ross and Hartman say that a "more ambitious strategy" has been adopted by management in several industries in an effort to revise work rules and practices especially where employment is shrinking. Their general observations in this connection are worth quoting at some length:

"It was to be expected that employers would eventually take the initiative in making demands on the unions, in addition to collaborating more closely among each other, through joint bargaining committees, strike insurance, etc. Although management's specific demands may or may not

be reasonable, there is nothing immoral or unethical in making them, and no reason why collective bargaining must be a one-way street. Nevertheless, if such demands become at all widespread, several years will probably pass before unions and union members have adjusted to the change and before employers have learned

to avoid romanticism and to settle for what is attainable."⁵³

⁵³ Ross and Hartman, *op. cit.*, p. 180.

The F.U.E. is at present undertaking a survey of restrictive practices with the object of formulating "constructive programmes, to eliminate the most serious features of restrictive labour practices" so as "to assist in improving efficiency in Irish industry". F.U.E. *Bulletin*, May 1963.

IV. DISPUTES AND INDUSTRIAL DISCONTENT

From their study of strikes in fifteen countries Ross and Hartman conclude that: "Man-days of idleness in the late 1950's are fewer than in the late 1940's or the late 1930's despite the increases in population and union membership".⁵⁴ So impressed are they with this tendency for the incidence of strikes to decline that they even speak of the "withering away" of the strike.

Disputes—Number and Incidence

While the number of man-days lost in the Republic from 1954 to 1961 due to work-stoppages, as shown in Table 12, is certainly fewer than during the preceding eight years from 1946 to 1953 the picture presented of the whole period since 1923 shows no definite trend one way or the other. It would, therefore, be premature as yet to include this country among those in which the strike is withering away. At the same time, it is worth noting that there is a greater reluctance on the part of the trade unions to engage in strikes than before. The following quotation from the Rule Book of the

⁵⁴Ross and Hartman, *op. cit.*, p. 4.

Workers Union of Ireland may be cited in this connection as exemplifying the attitude of the trade unions—"By skilful use of negotiating machinery they [i.e., trade union officers] must try to save the workers and their families from the strain and cost of strike action whenever possible".

What is more interesting about this table is that only in 4 years out of the total of 39 were there more than 500,000 man-days lost due to disputes in any one year. The peak figure of 1,755,000 days lost in 1937 represented only about 1 per cent of the total days worked in that year, even if working time in agriculture and private domestic service is excluded.

Another striking fact revealed by the table is that only in 3 years were there more than 150 stoppages per annum and only in 11 years were there more than 100 stoppages per annum. Thus in 28 of the 39 years covered by the table there were fewer than 2 stoppages per week on the average. In 5 of the 39 years more than 20,000 workers were involved in stoppages while less than

TABLE 12: NUMBER OF STRIKES AND LOCK-OUTS, DAYS LOST AND WORKERS INVOLVED

(1923-1961)

Year	Number of Strikes and Lock-outs	Days lost ('000)	Number of Workers involved	Year	Number of Strikes and Lock-outs	Days lost ('000)	Number of Workers involved
1923 ..	131	1,209	20,635	1942 ..	69	115	5,132
1924 ..	104	302	16,403	1943 ..	81	62	5,921
1925 ..	86	294	6,855	1944 ..	84	38	4,387
1926 ..	57	85	3,455	1945 ..	87	244	8,785
1927 ..	53	64	2,312	1946 ..	105	150	10,896
1928 ..	52	54	2,190	1947 ..	194	449	22,253
1929 ..	53	101	4,533	1948 ..	147	258	16,567
1930 ..	83	77	3,410	1949 ..	153	273	9,837
1931 ..	60	310	5,431	1950 ..	154	217	18,559
1932 ..	70	42	4,222	1951 ..	138	545	24,777
1933 ..	88	200	9,059	1952 ..	82	529	14,851
1934 ..	99	180	9,288	1953 ..	75	82	7,144
1935 ..	99	288	9,513	1954 ..	81	67	8,294
1936 ..	107	186	9,443	1955 ..	96	236	11,841
1937 ..	145	1,755	26,734	1956 ..	67	48	4,420
1938 ..	137	209	13,736	1957 ..	45	92	4,059
1939 ..	99	106	6,667	1958 ..	51	126	12,043
1940 ..	89	152	7,715	1959 ..	58	124	9,305
1941 ..	71	77	4,895	1960 ..	49	80	5,865
				1961 ..	96	377	27,437

Source: C.S.O. *Statistical Abstract of Ireland*.

10,000 were involved in 26 other years. The peak year in this respect was 1961 when over 27,000 workers were involved. This figure represents somewhat less than 5 per cent of the employee labour force (excluding agriculture and domestic service) and about 8 per cent of the organised labour force. The average duration of stoppages in 1961 was approximately 14 days. Thus in that year about 5 out of every 100 workers took part in a stoppage of work lasting some 14 days. The total number of days lost between 1923 and 1961 was about nine and three-quarter million.

Some comparisons are shown in Table 13 between the number of stoppages and the number of working days lost in manufacturing in Ireland and certain other countries per 1,000 employees. The number of working-days lost in Ireland and the United Kingdom are almost identical but there are considerably more separate stoppages here. By and large, Ireland may be said to occupy an intermediate position among the countries shown.

International comparisons in regard to work stoppages are not, however, of much consequence. Such data relating to economic growth and the incidence of work-stoppages in different countries as it has been possible to assemble do not reveal any close relation between the absence of work-stoppages and the speed of growth, as may be seen from the figures shown in Table 14. This may seem surprising at first sight but it must be remembered that not only are the data of a very restricted coverage but that strikes (to which the statistics refer) are restricted by law in some countries but not in others. Strikes may not, of course, be a good indication of the usual state of industrial relations

or else good industrial relations may not be necessary for growth. This last supposition, however, is hardly tenable at the level of the individual firm. It may also be that the statistics present a distorted picture of the position because most of the strikes may be concentrated in relatively few industries or even firms, e.g., those which are not growing—indeed their lack of growth or their decline may be one of the factors causing disputes.

TABLE 14: AVERAGE ANNUAL NUMBER OF WORK-STOPPAGES AND WORKING-DAYS LOST IN MANUFACTURING PER 1,000 EMPLOYEES COMPARED WITH INCREASE IN OUTPUT PER HEAD (1953-1960)

Country	Average annual number of disputes	Average annual number of days lost	Percentage increase in output per head
Belgium ..	0.05	605	33
France ..	0.30	322	60
Germany ..	..	110	34
Ireland ..	0.17	270	19
Italy ..	0.28	633	62
Netherlands ..	0.05	86	42
United Kingdom	0.06	275	18

Source: Derived from U.N., *Statistical Yearbook*, 1961, Table 11, and as in Table 13.

The number of work-stoppages is too small to permit conclusions to be drawn as to the incidence or causes of industrial disputes. Disputes concerning which Labour Court Recommendations are made are more numerous but even these do not permit one to make anything more than the most highly tentative generalisations. For what they are worth, however, such data as may be gleaned from the Court's Recommendations during the period 1957-61 are summarised in Tables 15 to 17.

TABLE 13: NUMBER OF WORK-STOPPAGES AND NUMBER OF WORKING-DAYS LOST PER 1,000 EMPLOYEES IN MANUFACTURING IN CERTAIN EUROPEAN COUNTRIES

Country		1953	1954	1955	1956	1957	1958	1959	1960	Average
Belgium ..	Work-stoppages	0.03	0.04	0.07	0.05	0.06	0.01	0.03	0.05	0.05
	Days lost ..	247	402	530	641	2,625	56	72	263	605
France ..	Work-stoppages	0.27	0.23	0.49	0.44	0.38	0.13	0.25	0.24	0.30
	Days lost ..	688	201	496	187	437	81	342	145	322
Germany ..	Work-stoppages	..	..	..	..	..	..	..	..	..
	Days lost ..	204	223	42	204	126	69	6	4	110
Ireland ..	Work-stoppages	0.20	0.27	0.22	0.16	0.14	0.16	0.12	0.11	0.17
	Days lost ..	317	240	422	174	428	184	186	212	270
Italy ..	Work-stoppages	..	..	..	0.31	..	0.26	0.23	0.33	0.28
	Days lost ..	..	..	..	244	..	347	1,259	681	633
Netherlands	Work-stoppages	0.04	..	0.05	0.06	0.03	0.06	0.03	0.09	0.05
	Days lost ..	24	..	81	82	6	27	10	369	86
United Kingdom	Work-stoppages	0.04	0.05	0.05	0.04	0.05	0.05	0.07	0.10	0.06
	Days lost ..	255	121	109	163	1,034	99	176	244	275

Source: Derived from U.N., *Yearbook of Labour Statistics*, 1961, *Monthly Bulletin*, Table 32; U.N., *Statistical Yearbook*, 1961, Tables 6 & 65; and U.K., *Annual Abstract of Statistics*, 1961, Table 152.

TABLE 15: DISPUTES ARISING IN LOCAL AUTHORITIES, STATE-SPONSORED ENTERPRISES AND PRIVATE SECTOR CONCERNING WHICH LABOUR COURT RECOMMENDATIONS WERE MADE (1957-61)

Sector	Disputes		Employees
	Number	%	%
Local Authorities	130	23	10
State Enterprises (a)	75	13	9
Private Sector (b)	359	64	81
TOTAL	564	100	100

(a) E.S.B. excluded because its disputes do not come before the Labour Court.

(b) Agriculture and private domestic service excluded.

Sources: The number of disputes is derived from the Labour Court's *Annual Reports*. The distribution of employees is an estimate based on the *Census of Population 1951*, Vol. III, Part II, Table 14, the *Census of Population 1961*, Vol. IV, Table 9, and G. Fitzgerald, *op. cit.*

Broadly speaking, Table 15 probably indicates no more than that the private sector is relatively more successful in settling disputes without recourse to the Labour Court than the Local Authorities or the State-sponsored enterprises. It would be unsafe to conclude that industrial relations are better in the private sector. It may well be that the relatively higher incidence of disputes in the other sectors is merely a consequence of the reluctance of management in these sectors to take the responsibility of making settlements which might serve as precedents for the economy as a whole. On the other hand they may be indicative of an unwillingness to come to agreement on the part of the unions on the grounds that the Local Authorities and State-sponsored enterprises are politically vulnerable and can be used as a precedent for pushing claims on the private sector. Another factor which tends to make for the relatively bad showing of the public sector is that it is probably more highly organised by the trade unions than the private sector. Where workers are unorganised they cannot bring their case to the Labour Court. Consequently a highly organised sector will always appear to have more disputes than a poorly organised one even though relations in the former may be better than in the latter.

Finally, it may also be mentioned that disputes relating to certain categories of Local Authority employees were brought within the purview of the Labour Court in 1956 for the first time. It is probable, therefore, that the number of disputes involving these workers brought before the Labour Court during the period covered by Table 15 was inflated by a backlog of claims and grievances.

Table 16 shows the number of disputes by main industrial groups which were the subject of Labour Court recommendations. The contrast between construction in the Local Authority sector and in the

TABLE 16: DISPUTES ARISING IN THE MAIN INDUSTRIAL GROUPS CONCERNING WHICH LABOUR COURT RECOMMENDATIONS WERE MADE (1957-1961)

Industrial Group	Disputes		Employees
	No.	%	%
Mining and Quarrying	13	2.3	1.9
Turf (Bórd na Móna)	9	1.6	
Food, Drink and Tobacco	51	9.4	9.4
Textiles	24	4.3	8.3
Boots and Shoes	12	2.1	1.5
Wood and Furniture	12	2.1	1.7
Paper	7	1.3	0.6
Printing and Publishing	7	1.3	1.9
Rubber	—	—	0.4
Chemicals and Fertilisers	15	2.6	1.1
Bricks, Pottery, etc.	23	4.3	1.3
Metal, Engineering and Machinery	34	6.0	6.4
Transport Equipment	13	2.3	
Miscellaneous Manufacturing	2	0.4	0.6
Construction—Local Authority	49	8.6	7.0
Construction—Other	7	1.3	9.4
Gas and Water	26	4.8	0.8
Commerce	57	9.8	15.8
Insurance, Banking and Finance	15	2.5	2.3
Transport and Communication (a)	81	14.4	7.8
Local Authorities (b)	57	10.5	1.4
Professions	23	3.8	8.9
Personal Service	8	1.4	7.7
Entertainment and Sport	13	1.8	1.9
Other	6	1.1	1.9
	564	100.0	100.0

(a) Including Petroleum Distribution.

(b) Excluding Hospitals, Gas, Water and Construction.

Sources: Disputes—as in Table 15; Employees—estimated from *Census of Population 1951*, Vol. III, Part II, Table 14 and *Census of Population 1961*, Vol. IV, Table 9.

Other (i.e., private) sector is remarkable but what was said in the preceding paragraph applies here too. This table also reveals that there is a relatively high incidence of disputes in Gas and Water, and Transport and Communication. Some of the Gas undertakings and all water supplies are within the sphere of the Local Authorities while the State-sponsored enterprises account for the greater part of transport and communication. It may be of interest to state that it was found that 13 per cent of all disputes during the period 1957-61 arose in connection with transport *occupations* (i.e., irrespective of industry) but only about 3.5 per cent of all the workers who came within the purview of the Labour Court followed these occupations.

If general disputes involving several firms in an industry are excluded more than half the firms in which there were disputes had only one dispute each as Table 17 shows. What is more significant, however, is that only 218 firms in all were involved in disputes during the five-year period (again excluding general disputes) or an average of only about 40 per annum. In this connection it should be mentioned that each local authority is regarded as a separate "firm".

TABLE 17: NUMBER OF DISPUTES PER FIRM CONCERNING WHICH LABOUR COURT RECOMMENDATIONS WERE MADE (1957-61)

Disputes per firm	Number of firms involved	Number of disputes	Percentage of disputes
1	149	149	26
2	23	46	8
3	15	45	8
4	15	60	11
5	4	20	4
6	3	18	3
7	0	0	0
8	1	8	1
9	4	36	6
10	1	10	2
11-20	2	25	5
21-50	1	41	8
	218		
Disputes involving more than one firm ..	n.a.	106	18
		564	100

Source: Derived from Labour Court Annual Reports.

Cause of Disputes

Some indication as to the cause of disputes is given in Table 18. This table needs to be interpreted with even greater caution than the others because the one thing about which employers, trade union officers, workers and others who are in close touch with industrial relations are unanimous is that very often a dispute which appears to be about a wages matter may well be due to something else. To a not inconsiderable extent the wage issue is merely the means by which dissatisfaction with other matters is expressed in the form of a strike or, if not a strike, a break down in negotiations. This is because the difference about wages is a clear-cut issue and is of sufficient importance to justify recourse to the Labour Court whereas the more fundamental causes of dissatisfaction are frequently

not clear even to the parties themselves and are often of so trivial a nature as to appear insufficient to merit investigation by the Labour Court or perhaps indeed even by management and union at shop-floor level.

Where relations are bad the payment of higher wages does not improve them. Besides as Krech and Crutchfield observe "A wage rate is psychologically inadequate, no matter how large in absolute amount, if it results in a wide discrepancy between the worker's level of aspiration and his level of achievement".⁵⁵ On the other hand, where relations are good they continue to be good even while wage negotiations are in progress.

Among the most frequently cited causes of bad relations are—

1. Delays in attending to claims and grievances. Both unions and management tend to be deficient in this connection.
2. The failure of management to take industrial relations seriously. During a wage-round bargaining is resorted to as a time-wasting but necessary evil. At other times every effort is made to avoid "drawing the union on" itself—a sigh of relief being heaved when the bargain is concluded on the principle that sufficient for the day is the evil thereof.
3. The presence of "trouble-maker" types either among the workers or the management.
4. Incentive schemes which are (a) difficult to understand or (b) a source of wage-drift. In the latter case they tend to occasion dissatisfaction among employees not working under the schemes. The alteration of incentive schemes is also a potent cause of trouble.

⁵⁵Krech and Crutchfield, *Theory and Problems of Social Psychology*, McGraw-Hill (1958), p. 542.

TABLE 18: CAUSES OF DISPUTES INVESTIGATED BY THE LABOUR COURT (1952-1961)

Subject	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961
Wages and money allowances	60	50	40	67	70	57	109	51	76	55
Wages and conditions	2	13	10	14	7	8	6	9	16	14
Conditions only .. .. .	..	7	7	8	4	20	9	23	12	25
Dismissals or demotion	3	2	..	1	7	8	5	17	9	3
Redundancy .. .. .	..	..	..	..	..	7	3	2	..	..
Trade union membership	1	..	2	1	1	..	4	2	..	..
Grading of workers .. .. .	..	..	2	2	..	..	..	..	..	..
Demarcation .. .. .	..	..	4	1	..	..	..	4	2	1
Employment of trainees .. .. .	..	..	1	..	..	..	..	..	..	..
Objections by trade unions to appointment of certain workers .. .. .	..	..	..	2	7	4	..	..	..	..
Seniority .. .. .	..	..	..	..	..	2	..	..	..	..
Refusal of workers to recognise the authority of a representative of management .. .. .	..	..	..	..	..	1	..	..	..	..
Interpretation of agreement (a) .. .. .	..	..	..	..	..	1	..	..	..	..
Non-promotion of workers .. .. .	..	..	..	..	..	..	..	2	..	..

(a) Excluding complaints of non-compliance with registered agreements.

Source: Labour Court, *Annual Reports*.

5. The operation of restrictive practices.
6. Managerial attitudes and practices which, at first sight, appear to promise the workers something but which, ultimately, are seen merely to be a means of getting more production or solving a temporary difficulty.
7. Bad personal relationships either between workers of the same status or between workers and supervisors. Personal relationships seem to be one of the most important factors influencing industrial relations.
8. Confusion and disorganisation—frequently caused by over-lapping of authority or by the inconsistencies of individual managers and supervisors.
9. Boredom and frustration.
10. Paternalism.
11. Favouritism and victimisation.

It is generally agreed that the nature of the industry is irrelevant in regard to the quality of its industrial relations. Moreover, except for transport-type occupations there is no evidence to suggest that there is anything in the nature of a dispute-prone occupation.

There appears to be general agreement too that bad working conditions (in the sense of the physical environment in which the worker operates) where they are inseparable from the nature of the work are not an important source of unrest. Those who work under bad physical conditions, e.g., dock and building workers, know that these conditions are inseparable from the nature of the work and feel no sense of grievance on that account.

Though some writers, e.g., Hare, cite the existence of private enterprise as a source of worker dissatisfaction⁵⁶, and references are often made to excessive profits especially at the national level in labour management discussions the form in which an undertaking is organised does not appear to affect the quality of industrial relations in this country.⁵⁷

By contrast with the conditions which result in bad industrial relations, good relations are likely to prevail where management at all levels from the foreman upwards understands the workers' attitudes, tries to make itself aware of grievances before they erupt into disputes, shows itself to be interested in the workers as persons, is quick to deal with claims and grievances, avoids paternalistic attitudes, takes the trouble to explain the reasons for changes in the business, is frank in its dealings, is consistent and neither favours nor victimises people and is exercised through a clearly defined line of authority.

⁵⁶Hare, *First Principles of Industrial Relations*, Macmillan (1958), p. 97.

⁵⁷See also p. 29.

Good relations do not, of course, depend solely on management. It is a two-way affair. No matter how good management is relations cannot be good unless shop-stewards and union officers are discriminating in regard to the manner in which they deal with claims and grievances, are prepared to uphold agreements once they are made, do not regard all minor managerial lapses as attempts to victimise the workers, do not seek to turn managerial difficulties to the workers' advantage at all times, and discourage careless and irresponsible attitudes on the part of the workers to their work. In large firms a formal system for dealing with grievances appears to be a necessity, though it is most important to make sure that it too does not become a source of grievance either by being too legalistic or by being too dilatory.

Fundamentally the problem of industrial relations is a local personal one involving the relationship between the worker and his fellow workers, on the one hand, and his immediate supervisor or foreman, on the other. Even in large enterprises, where there is room for formal grievance machinery and the like, these relationships are still very personal. This fact underlines the need to select workers who will get on well with each other and supervisors who, while being in a position to exercise their authority, will, nevertheless, not be likely to provoke hostile reactions from the workers and will have the commonsense not to make an issue of every act of indiscipline and every example of incompetence. While it would be going too far to suggest that workers should be selected on the basis of personality tests there are grounds for thinking that where possible workers should be employed initially on a temporary trial basis which should be of sufficient duration to enable an assessment to be made of their capacity to fit in with their fellow workers and with the enterprise generally. Similarly great care needs to be exercised in the selection of supervisors. Their remuneration should be sufficiently higher than those working under them to indicate the importance of their position and degree of authority and to enable them to identify themselves with management.

The basic problem of industrial relations being a human problem cannot be solved by institutional inventions or the development of procedures, formalities, or machinery. If it can be solved at all it is only by identifying the sources of friction and developing ways of dealing with them.

Good personal relationships and a sense of pride in the enterprise build up good morale and are far more important than formal consultative or works councils and the like (good as these are) in promoting a well-integrated working community. At the same time, it must be recognised that there are some sources of friction which are not due to the element of personal relationships and which can,

therefore, be eliminated merely by organisational improvements. Moreover, there may also be some matters which can become sources of friction just because they are dealt with on a personal basis but which would disappear, or at least become less irritating, if they were institutionalised. The advent of trade unions, for example, must have greatly improved relations by very largely taking wages questions out of the sphere of personal relationship and institutionalising them by the collective bargaining process. As a result they are now very much in the nature of an impersonal problem as far as workers and management are concerned within the undertaking. The more the potential sources of personal friction can be removed or reduced by being institutionalised the more harmonious are personal relations likely to be.

Among the organisational changes most frequently suggested are measures to relieve boredom and frustration by enabling the worker to see his work as a whole, the development of spheres of self-government within the enterprise and measures designed to enable the worker to identify himself with the enterprise, e.g., through consultative works councils and the like. The trade union tends to help in this direction too because by depersonalising some of the most contentious matters it thereby prevents them from driving a wedge between the workers and the management of the enterprise. Finally the more the organisational defects, such as delays in attending to grievances, can be settled the less again will be the sources of dissatisfaction. For the rest, the problem is that of recognising the kind of situations which give rise to disputes and trying to show people how to avoid them.

That really good industrial relations would put the trade unions in something of a dilemma is a claim sometimes made. The principle that trade unions exist because of inherent differences between the interests of labour and management (a principle for which there is much to be said) is not uncommonly held. If, therefore, relations were very good this principle would appear not to be true and the need for trade unions would seem to disappear. The fallacy in this argument, however, lies in the failure to recognise the rôle played by the unions in channelling many causes of friction out of the enterprise. Indeed, it is not too much to claim that under modern conditions the trade union is a prerequisite of good relations.

Methods of Dealing with Disputes and Strikes

There can be little doubt that most of the differences which arise between employees and management never develop to the dimensions of an open dispute which may result in a stoppage of work. As we have seen the Labour Court has been estab-

lished to deal with this latter type of dispute and, on the whole, it has succeeded well in doing so.

In addition to the Labour Court there are also a number of conciliation or arbitration boards in a number of the larger undertakings and in some other employments. They generally consist of representatives of both sides and an independent chairman. Some of them do very good work, especially if they confine themselves to disputes involving the interpretation of agreements or customs covering the employment in question.

The experience of the Labour Court, however, is that successful conciliation can be carried out only by one person. A group—even as small as three, i.e., the chairman and workers' and employers' representative—cannot do it. The task of the conciliator is a difficult one and he can fulfil it successfully only if both sides have confidence in him. Where there is a conciliation board consisting of representatives of both sides and an independent chairman the latter becomes the conciliator in practice. Normally he is not a full-time professional conciliator and, therefore, tends to lack the skill and experience required for successful conciliation and does not enjoy the confidence of the employees and management concerned. In one or two instances, however, such boards have had the good fortune to secure the services of chairmen with a flair for conciliation and have as a result been outstandingly successful.

Perhaps the greatest disadvantage inherent in these boards or tribunals is that their awards tend to crystallise the matter at issue and thereby make the task of the Labour Court more difficult should the case come to be dealt with by its own conciliation service or should it come before the Court for investigation.

We have already noted the high regard in which the Labour Court's mediation service is held both by employers and employees. The only real fault that can be found with it is that in some cases it cannot intervene quickly enough to prevent disputes from developing to serious proportions. This defect could easily be remedied by increasing the number of conciliation officers and possibly also by permanently locating a number of officers in various other parts of the country besides Dublin.

As the law stands at present it appears that the conciliation service can intervene only when a dispute is already in existence.⁵⁸ There is much to be said, however, in favour of the maintenance of a continuous liaison between the mediation service and the trade unions and employers' organisations, or even individual firms, with a view to keeping in touch with developments continuously and thereby to be able to anticipate the occurrence of disputes.

⁵⁸Industrial Relations Act, 1946, S. 69

Delay in instituting mediation proceedings can be fatal as it allows the issue to harden and become intractable before talks begin. The enlargement of the conciliation service and the type of liaison suggested would reduce delay to a minimum and so increase the chances of successful conciliation.

The Labour Court is not always successful and stoppages of work do occur. Unfortunately, some of the Court's failures have been in disputes involving the public services and which have caused inconvenience and even hardships to the public. As we have seen, however, the Court itself pointed out that these failures are just as much, if not more, the failures of the parties in dispute as of the Court. It must also be remembered that the practice of going over the head of the Court when its recommendations are rejected itself invites rejection especially in the case of the public services. The rejecting party knows that if a minister or some other public figure intervenes and gets negotiations started again or appoints an *ad hoc* tribunal of inquiry it can be certain of securing a better settlement than the Court's recommendation and accordingly tends to feel that it is worth the gamble, so to speak. The Government cannot entirely ignore work stoppages of great public concern. Direct ministerial intervention or the practice of setting up special tribunals of inquiry are scarcely the best methods of dealing with them, however. This line of approach weakens rather than strengthens the moral authority of the Labour Court and reduces its chances of dealing successfully with disputes of a similar kind in the future. The obvious alternative is for the Government to use its influence to persuade the parties to return to the Labour Court's conciliation service and thereby show its confidence in the Court. The Court would then be in a position to find out why its recommendation was rejected. If the rejection was due to a misunderstanding the Court could clarify its original recommendation or if necessary undertake a fresh investigation if conciliation still failed to secure a settlement.

It must not be forgotten, of course, that Labour Court recommendations are not mandatory and that, as a general rule, workers do not lightly go on a deliberate strike. Hence if a recommendation is rejected there is still some onus both on management and the Labour Court to continue to try to effect a settlement. It is foolish not to make use of the conciliation service for this purpose.

The growth in trade union power together with the apparently ever increasing vulnerability of the public to interruptions in economic activity, especially in such sectors as power and transport, are tending to bring the State's attitude to the trade unions and to the use of the strike weapon into question. It was one thing, it is claimed, to give the trade unions privileges

with a view to fostering their development and to refrain from exercising any control over their internal arrangements when they were weak, but it is another thing to do so now that they are strong. Similarly, it was one thing, it is suggested, to regard all strikes in the same light when they usually affected only the parties directly concerned. It is another thing to do so to-day when some strikes manifestly involve not only the workers and managers directly concerned—but also the whole body of citizens—both in their capacity of worker and consumer.

One possible method of reducing the incidence of strikes is by way of compulsory arbitration. While this has no place in the Irish system of industrial relations it is sometimes suggested that Labour Court recommendations should be given legal force, if not in all cases, at least in disputes involving the public services. Superficially it would seem that a good case can be made for compulsory arbitration where a dispute involves the interpretation of an agreement or of the customary terms of employment. On closer examination, however, one finds that there are relatively few major disputes involving interpretation—no doubt owing to the very general nature of the agreements. Neither are there many disputes regarding departures from established custom—except perhaps where innovations designed to increase output are contemplated. These are in a category by themselves and are considered later. Moreover, all agreements can be terminated on notice and no arbitration award could bind permanently. Hence, if one party or the other were dissatisfied with an award they could always give the required notice terminating the agreement or, if there is no agreement, they could make the matter at issue the subject of a claim. Accordingly, the most compulsory arbitration could do is to introduce an element of delay. Besides, if it is true that the causes of disputes are those already mentioned all arbitration could do is to prevent them from erupting into stoppages—but it could not improve relations.

The Labour Court has expressed the opinion that disputes involving one man could be put to arbitration.⁵⁹ This seems to be sensible enough advice especially as such disputes do, in fact, usually involve an interpretation. These are practical difficulties, however, as it would be very difficult to frame legislation in such a way as to define when a dispute genuinely involved only one person. If this Labour Court proposal is ever to be acted upon it can only be as a result of the development of the practice of freely submitting such cases to arbitration on the part of management and unions. It might perhaps be possible for the National Employer-

⁵⁹See Labour Court, *Eighth Annual Report*, 1954, p. 7, and *Fourteenth Annual Report*, 1960, p. 5.

Labour Conference to draw up a code of conduct in general terms which would provide, among other things, for the submission of disputes of this nature to arbitration and for suitable sanctions for failure to do so.⁶⁰

Two further points relating to compulsory arbitration remain to be considered. The first relates to wage disputes and to disputes regarding general conditions arising, let us say, during the course of a "round" and the second relates to disputes (of any kind) in the "essential" services.

To impose arbitration generally, even in furtherance of a national wages policy, would be unacceptable to the unions (and probably also to the employers) and would be likely to provoke such hostility as to be unenforceable. Other ways must be found of inducing labour and management to keep within the bounds of a wages policy (if one is feasible). The ordinary sanctions of the market, on the one hand, and taxation, on the other, are two approaches to this problem which immediately suggest themselves.

At first sight the case for compulsory arbitration in the essential services seems unassailable. But there are difficulties. How, for example, are essential services to be defined? For how long a period could the arbitration awards be made binding? Should any *quid pro quo* be given in lieu of the right to strike? Could a compulsory system be instituted, even in the restricted field of essential services, against the wishes of the unions? What would happen if large numbers of employees did go on strike? Obviously it would be impossible to put, say, 5,000 striking busmen in gaol. In any case, even if it were possible to do so, industrial relations would hardly be improved as a result.

Other possible lines of approach to the problem of eliminating or reducing strikes in the essential services include:

- (a) The insertion of a no-strike clause in the contracts of service of all new employees—or of all employees after, say, a year's notice—alternative employment being guaranteed for those who wished to leave the service on account of this clause. This would put these services on very much the same footing as the civil service as the corollary to the no-strike clause would be security of employment, pensions, etc., as well as an impartial system of grievance procedure.
- (b) The prohibition of all strikes or lock-outs, unless the matter in dispute has been investigated by the Labour Court.

⁶⁰The Executive Council of the I.C.T.U. advised affiliated unions in September 1960 to consider the possibility of referring disputes coming before the Labour Court, which involved only one member, to arbitration under the machinery provided by the Court.

- (c) The institution of a compulsory "cooling-off" period, analogous to that provided for by the Taft-Hartley legislation in the United States, between the rejection of a Labour Court recommendation and the commencement of a strike or lock-out.

Measures such as these would, no doubt, reduce the incidence of strikes and lock-outs but would not necessarily ensure good industrial relations.⁶¹ Moreover, it is very doubtful if they would have the effect of reducing the power of the unions. Indeed they might well have the opposite effect since the strongest union is the one which strikes least. Only such a union can hope to undertake a successful strike because to be successful a strike usually has to be prolonged. Hence the union has to have ample reserves and these can be built up only by not going on strike. What gives the union its real strength is its capacity to undertake a prolonged strike in a particular enterprise and thereby concentrate all its collective strength against a single firm.

The foregoing considerations suggest that little, if anything, could be gained by seeking to limit strikes or the right to strike. There is, indeed, much to be said in favour of a more positive attitude to strikes and of the recognition that, to some extent, the strike is itself one of the main limitations to the growth of trade union power.

There is, perhaps, a tendency to be too afraid of strikes. It might well be that in some cases they should be allowed to develop—even in the "essential" services. Strikes have taken place in these services on several occasions and though, no doubt, they led to some hardship they did not bring the country to a standstill. The public, indeed, shows a remarkable capacity to adapt itself to the cessation even of essential services once they cease. The truth is that we are in danger of attributing an importance to strikes which, in fact, they do not possess and of assuming that the unions are very much stronger than they really are.

We commonly make the mistake of thinking that a prolonged strike can take place in a *key* enterprise and thereby bring the economy to a standstill. It could not do so, however, for the obvious reason that to bring the economy or even a substantial part of it to a stop would impose such a financial burden on the unions that they would be short of funds in a matter of days. It is significant that the unions stood out resolutely against spreading the bus strike which took place in the Spring of 1963 to other forms of transport.

In the last analysis, the only sphere where union power to call strikes can really be abused is where

⁶¹The adoption of the "cooling-off" period could be on a voluntary basis by agreement between the unions and employers under the auspices of the Employer-Labour Conference. If adopted voluntarily it might well improve relations.

services are rendered directly to the public and where other industries cannot, therefore, be involved. There are very few of these. Indeed they hardly extend beyond passenger transport, gas and hospitals. Only in services such as these can a *prima facie* case be made for the desirability of limiting the right to strike—provided, of course, that satisfactory alternatives are made available.

For the rest, there seems to be no good reason why management, if reasonably well organised, cannot deal with strikes itself or why, in the so-called key industries, strikes should not be allowed to take place. In the latter case we can be certain that they cannot be prolonged. In other words, they automatically regulate themselves as it were.

Thus the strike weapon, which was designed to inflict damage on management, is probably one of the main factors which, in the long run, can limit the power of the union itself. This is one of the great paradoxes of union power and should help us to take a more positive attitude towards the strike.

State action designed to limit trade union power, through the imposition of legal limitations on the "right" to strike, is likely to be self-defeating, because it would tend to prevent the strike from operating in the manner of a self-regulating mechanism as its own sanction.

The strike, even the unofficial strike, also has more positive uses. Indeed, there can be little doubt that on occasions strikes are desirable and may lead to better, rather than worse, industrial relations. It is inevitable that various tensions build up over a period even in the most harmonious enterprise and the strike seems to be one way—though possibly not the best—of relieving them. Besides it is also possible that especially in large organisations the strike may be the only way at present available to the workers to assert their personality and independence. Indeed, it would not be very wide of the mark to say that the need to develop ways and means of resolving tensions and enabling people to express and assert themselves within the confines of the enterprise is one of the main problems of industrial relations.

Once a more positive attitude to strikes is adopted it follows readily that the State can safely leave the settlement of disputes to the trade unions and management and that there is no need for it to limit the right to strike or lock-out, provided it has established some means such as the Labour Court to give an impartial assessment of disputes. A few possible exceptions must, however, be made to this general conclusion. It seems reasonable to suggest that lightning strikes should be forbidden in those services, already referred to above, which are rendered directly to the public by requiring, for example, that at least a week's notice of intention to

strike be given.⁶² It also seems reasonable that arrangements should be made whereby the services in question could be provided on a minimum emergency scale while a strike is in progress. Finally, it may be desirable, in the interests of the unions and workers, to require unions to hold a genuinely secret ballot of all the workers in an enterprise on all proposals regarding strike action.⁶³ If this were done it would ensure that no worker would refrain from taking part in the ballot or would vote against his convictions for fear of reprisals from certain elements among the membership. It would also prevent a minority of workers from going on strike, at least officially, against the will of the majority and so closing down the enterprise as happens, for example, when there are several unions operating in a firm and where the members of one of them decide to go on strike without consulting the others.⁶⁴

Management and Strikes

By and large, the employers, especially in the private sector, are ill-equipped to deal with strikes. They are badly organised and, even when they belong to the employers' organisations, have little or no sense of solidarity. As a rule, individual employers tend to be unconcerned with the difficulties encountered by other employers and each, in turn, knows that the others are not likely to help him should he be faced with a strike. For that reason a dispute affecting only one employer seldom meets with any serious managerial resistance. Management's fear of a stoppage is not concerned with the immediate loss due to the stoppage but to the loss of business to rivals. Consequently, the trade unions have a very marked superiority in bargaining power *vis-à-vis* the single firm. The number of their members likely to be involved is small so that a high rate of strike pay can be afforded without serious loss. In effect the entire power of the union can be mustered against the individual firm. This is what management fears and what sometimes leads it to put off changes in the enterprise designed to increase efficiency. However, with a reasonable amount of organisation and solidarity between firms in the face of strikes called in resistance to changes designed to improve efficiency management fears should be allayed and its reluctance to take the initiative in pressing for greater efficiency dispelled.

⁶²The Commission on Vocational Organisation recommended that all impending disputes be notified to an Industrial Board and that a stoppage of work be prohibited for 15 days thereafter—*Report*, p. 370.

⁶³It would, of course, be preferable if the unions through Congress decided on some such practice as that proposed here instead of requiring them to do it by law.

⁶⁴The trade unions are very much concerned with the problem of passing or not passing pickets at the moment, see I.C.T.U., *Fourth Annual Report*, pp. 76-77.

Another factor which lessens managerial resistance, especially on questions relating to wages, is that it knows that the claim made on it is part of a general claim or is likely to be followed by similar claims on all other firms and industries. Finally management also knows, particularly in those industries such as building and the metal and engineering trades where there is a good deal of coming and going between Ireland and Britain, that it simply has to pay something very close to the wage demanded if it is to retain its workers with the result that the whole bargaining process is very largely a matter of shadow-boxing. Claims affecting a whole industry meet with stronger resistance but

again when they are on wage questions the shadow-boxing situation also arises.

Where the disorganisation of management really shows up is in its inability to make a concerted drive to increase productivity by eliminating restrictive practices and instituting cost saving innovations, on the one hand, or, to make a stand where claims are made on individual employers involving cost increasing conditions, on the other. When all is said and done the wage claims and settlements are really a separate issue. In the long run wages are unlikely to be substantially different from what they are even in the absence of the unions altogether.⁶⁵

⁶⁵See E. T. Nevin, *Wages in Ireland, 1946-62*, Economic Research Institute, Dublin, 1963.

V. INDUSTRIAL RELATIONS WITHIN THE UNDERTAKING

The subject of industrial relations within the enterprise is a highly complex one and although it is the most important of all aspects of labour-management relations no more than the barest reference can be made to it here. It is convenient to consider it under the following headings: (a) personnel departments, (b) hiring, (c) productivity, (d) discipline and grievances, (e) communications, (f) industrial democracy, (g) the small firm, and (h) identity and divergence of interest between Labour and Management.

Personnel Departments

Personnel departments are to be found in some of the larger firms. Their functions and powers vary from full control over the hiring and dismissal of staff, the conduct of negotiations with the trade unions and all matters connected with grievances and discipline to the provision of welfare and canteen services of a routine nature. In some cases they have been set up as a result of a break-down in industrial relations. Under these circumstances experience seems to suggest that they can do little to improve matters without a great deal of patient work on both sides. In other cases personnel departments are said to be a cause of delay in the settlement of grievances either because the power given to them to make decisions is not sufficient or because they employ an unduly "text-bookish" approach. In still other cases, however, especially if the personnel manager has adequate power a personnel department can facilitate and promote harmonious relations.

Hiring

Apart from restrictions imposed by law, there are several types of restrictions imposed by the trade

unions on the employer in regard to whom he may employ. Of these the best known is the "closed shop" which operates in a number of the skilled trades. What the closed shop implies is that a person may not be employed unless he is a member of the appropriate union (or, in some cases of a particular branch of a union). Such membership is normally obtained through serving a period of apprenticeship. The closed shop must be distinguished from the "union shop" though the two terms are often mixed-up. The latter implies that a worker must join a union on becoming employed in a particular firm. There is, therefore, no limitation in this case imposed on the employer in respect of the hiring of any individual. If, however, the worker ceases to be a member of a union the employer is obliged to dismiss him. The union shop is widespread and in some cases is expressly recognised in agreements between the unions and management and so becomes a condition of employment in the enterprise.

The closed and union shop give the union authorities some measure of power over the individual union member because the worker's employment depends on his being in good standing in the union. This may lead to a certain amount of abuse but provided there are adequate safeguards for the worker it has certain advantages in that it may lead to a strengthening of the internal organisation of the unions.

Another method by which control is exercised over the employer in regard to his choice of employees is through the imposition of apprenticeship ratios, ratios of juniors to adults and the like. These restrictions are by no means universal but where they exist management seems to make little or no attempt to have them removed. In some cases they are the subject of agreements between unions and

management, in others they are imposed unilaterally by the unions.⁶⁶

The seniority rule may also be mentioned in this connection. This controls the order in which workers may be laid off during periods of redundancy and thereby limits the choice of the employer as to the composition of his labour force. It seems to be almost universally enforced now. The general unions and many other unions provide for it by agreement with management. Some of the craft unions, however, take the view that as they cater only for craftsmen they do not question the right of the employer to secure the best tradesmen, and consequently do not interfere in the matter of seniority unless convinced that their members are being treated unfairly. In a small concern seniority is based on length of service in the concern. In a large undertaking, however, it may be based on length of service in a particular department or other subdivision of the business.

Rules regarding the manning requirements of machinery, vehicles, etc. and the various demarcation rules also have the effect of determining the size and composition of a firm's labour force. All these tend to restrict labour productivity. On the one hand, they tend to maintain an unnecessarily large labour force within the enterprise in relation to any given level of production and on the other, they introduce an element of rigidity which is inimical to change and to adaptation to new conditions. In general, therefore, they may be regarded as constituting restrictive practices.⁶⁷

Productivity

Productivity is more obviously affected by rules restricting output per worker. There is little, if any, evidence for the existence of overt restrictions of this kind nowadays. Nevertheless such restrictions are indirectly imposed, e.g., through the use of "log-times".

Workers generally tend to suspect measures designed to increase productivity and sometimes openly oppose them. This suspicion on the part of the workers is to be attributed to a fear of redundancy and of being deprived of what they consider their due. In some cases, however, the opposition, as distinct from the suspicion which managerial proposals to increase efficiency provoke, arises not so much because the workers oppose increased efficiency as such but because they feel that they

⁶⁶Restrictions of this kind have the effect of limiting the number of workers in a particular trade and so of enabling them to maintain a relatively higher rate of wages than would prevail if the number of workers in the trade were larger. This may be to the short-run advantage of a particular group of workers but it is not necessarily to their advantage in the long-run and is not in the interests of workers and consumers in general.

⁶⁷In many cases, of course, they are necessary in order to ensure safety and good workmanship.

can turn management's proposals to account as a bargaining factor to secure concessions.

Whatever the reasons for suspicion of, and opposition to, attempts at increasing productivity it is clear that some way by which innovations can be introduced smoothly and expeditiously must be found. The Irish National Productivity Committee recommended in this connection that:

"Consultations between Employers or the Employers' Organisations and the Union or Unions concerned should precede the introduction of productivity schemes in order to ascertain the effects of such schemes on the workers currently employed and to agree on measures which might reasonably be provided to protect their existing interests".

While this, no doubt, is a very laudable aspiration, its implementation could lead to an impossible situation both for management and unions, unless it is very broadly interpreted to refer only to schemes which are likely to result in substantial redundancy. Little real difficulty is likely to be encountered in introducing productivity schemes in large expanding concerns. The real difficulty lies in those large concerns which are not expanding and in small and medium-size concerns even where they are expanding. Whether or not a solution to the problem can be found at the level of the undertaking in these cases is highly doubtful. An approach to the matter at higher levels within the framework of an integrated labour-market policy seems to be called for.⁶⁸

Where workers are incompetent or fail to fit into the undertaking in a satisfactory way the problem of productivity arises too though in a rather different way. Management frequently asserts that incompetent and unsatisfactory workers cannot be dismissed without provoking trouble with the trade unions. The latter, however, claim that they hold no brief for incompetence and that their only concern is to prevent workers from being victimised. The truth is, of course, that a worker does not become incompetent or otherwise unsatisfactory overnight. Hence, it ought to be possible for management and the trade unions to work out some method whereby they could meet from time to time (possibly in conjunction with representatives also of the employment exchanges) to discuss the competence of particular workers and perhaps also their general capacity to fit into the enterprise and to work out ways of dealing with those who are agreed to be unsatisfactory. An undertaking cannot afford to carry incompetent or otherwise unsatisfactory personnel. At the same time, such people cannot be

⁶⁸See also I.L.O., *Termination of Employment at the Initiative of the Employer*, Geneva 1962.

summarily dismissed or left unprovided for. This again, like redundancy, is a general social problem which can probably be solved only at a higher level than that of the enterprise.

Labour is not, of course, the only obstacle to efficiency. There is no doubt that management is often at least indifferent to, if not indeed positively neglectful of, opportunities to increase productivity. In general, however, management's attitude in this regard falls outside the sphere of labour-management relations as such and, therefore, cannot be considered here. Nevertheless, it is relevant to point out that management not infrequently appears to take the line of least resistance in the matter of worker imposed restrictions and justifies its reluctance to press ahead with measures designed to improve efficiency on the grounds that worker opposition will be provoked or because the results of improved efficiency will all go to the workers. Whether these fears are well founded or not is not easy to say but what is certain is that management rarely, if ever, appears to demand the abolition of restrictions or the acceptance of measures to improve efficiency as a *quid pro quo* for wage increases.

Discipline and Grievances

Procedures for dealing with grievances are to be found in most of the larger concerns. The Sub-Committee appointed by the National Employer-Labour Conference to examine this matter reported that the success of any grievance procedure depends on:

- (i) the speed with which the matter at issue is dealt with;
- (ii) the extent to which the parties immediately involved are kept informed as to the progress of negotiations.

The Sub-Committee also suggested a general form of procedure based on these principles and providing *inter alia* for:

- (1) An immediate investigation of the matter at issue by the supervisor of the aggrieved worker;
- (2) The calling-in of the shop-steward should a settlement not be reached at stage (1);
- (3) The preparation of a written statement of the complaint by the aggrieved party if a settlement is not reached at stage (2);
- (4) The transmission of this statement by the supervisor and shop-steward to their respective superiors together with any observations they might wish to make thereon;
- (5) The ultimate reference of the dispute to the highest level of authority on both sides.

A procedure of this kind has much to commend it provided the complaint or grievance is about an easily defined issue. Frequently, however, such is not the case. Not only is the matter complained of by the worker often not the real source of his grievance but a confused situation tends to develop when the matter at issue is first raised and other workers become involved perhaps without knowing either what the immediate or the real cause of the complaint is.

The Sub-Committee's suggestions may, therefore, be criticised on the grounds that they do not deal with the problem of discovering the real cause of a complaint or grievance. They may also be criticised on the grounds, (a) that they fail to provide for disputes between a worker and his supervisor, though there must be very many disputes of this kind and (b) that it would be quite impracticable to get written statements of grievances in many types of employment.

We have noted that it is not customary in this country for disciplinary procedures to be dealt with in collective agreements. The Labour-Management Conference Sub-Committee states that discipline is maintained in the many cases which are of a relatively trivial nature arising from forgetfulness, thoughtlessness, whims, bad communications, etc. by the supervisor dealing with the question as a matter of course on a man to man basis and without rancour. In such cases there is usually no question of punishment or penalty and when a matter has been put right, that is the end of it. The Sub-Committee expressed the opinion that it was desirable that this method of discipline should be used to the utmost.

More serious matters such as the constant repetition of minor offences, negligence, wilfulness or incompetence are dealt with by way of:

- (a) recorded reprimands
- (b) imposition of fines
- (c) recoupment of loss due to negligence
- (d) curtailment of privileges or fringe benefits
- (e) suspension without pay for varying periods
- (f) termination of employment by the usual period of notice or payment in lieu
- (g) summary dismissal—in very serious cases.

The Sub-Committee stressed that where serious breaches of discipline arise the worker concerned should be informed of the exact reason for which he is to be disciplined, should have all the evidence against him made available and should be given the opportunity to justify himself. It considered that he should also have a right to appeal.

The Sub-Committee also considered the matter of the instructions which might be given to foremen and to shop-stewards in regard to their human

relations functions and came to the conclusion that it would be most helpful both to workers and management if such instructions were given in written form. It explicitly stated that it recognised that the preparation "of a manual or manuals for supervisors is a management function and the preparation of a manual or manuals for shop-stewards is a trade union function" but, at the same time, considered that "it would be in the interests of both sides to secure that the direction given on grievances and disciplinary procedure should not conflict". Accordingly, the Sub-Committee went on to suggest that in the event of any such manuals being prepared at national level there should be a further meeting of a committee of the Employer-Labour Conference so that there could be an exchange of views on this aspect of their function before such manuals were published. A similar suggestion was made in regard to the individual firm or industry.

Communications

A system of communications is concerned primarily with information and instruction. Even in the small firm communications can be a source of trouble and a cause of bad industrial relations. The fact that management in such firms is in direct personal contact with the workers does not, of itself, necessarily mean that communication between them is efficient. Other things being equal the larger the firm the more difficult is the problem likely to be because of the multiplicity of intermediaries between top management and the rank and file workers.

Formal communications procedures are not common. As a general rule, communications are an integral part of the managerial function at all levels and there is no need for separate procedures. In some firms, however, particularly the larger ones formal communications procedures have been established. They take many forms ranging from suggestions schemes to works councils.

Joint consultations may be regarded as an aspect of communications but it is something more as well. It implies an attempt on the part of management to get the views and opinions of the workers regarding the operation of the enterprises especially in regard to changes which it is proposed to make. Strictly speaking, joint consultation does not require that agreement be reached between the parties. In principle consultation is not negotiation. Nevertheless, in practice, the distinction is a fine one and it is difficult to differentiate between the two, particularly when changes which management proposes to introduce are in question. Inevitably, there is a great deal of joint consultation carried on between foremen and individual workers or small groups of workers in an informal way where there is no question of

negotiation. Once, however, joint negotiation is carried on at a management and trade union level the two become inextricably intertwined. As we have already seen, in the section on collective bargaining, this type of joint consultation seems to be not uncommon at present. Works councils are also used for the purpose of joint consultation but the important issues tend to be dealt with in discussions with the trade unions rather than through these councils.

Some 40 works councils are known to exist.⁶⁹ Attention is frequently drawn to the relative absence of such councils in this country in contrast to the position on the continent where they are to be found under various forms in almost all firms. The importance of the works council on the continent, however, can easily be exaggerated. In most continental countries they are part of the legal organisation of all but the smallest firms and are not the result of spontaneous co-operation on the part of labour and management. To a very large extent they maintain no more than a mere formal existence. In some cases they perform no functions whatever, in others they have become virtually assimilated to the personnel departments of the firms in which they operate. Only in comparatively rare cases do they appear to work independently and efficiently.⁷⁰

There appears to be little demand for them, either by labour or management, in this country. On the whole, the Irish experience seems to be that it tends to be difficult to find anything for them to do once the initial enthusiasm for them wears off. Nevertheless, there are some highly successful works councils in operation.

The National Employer-Labour Conference Sub-Committee pointed out that success or failure in the functioning of a council is as much a question of practice as of constitution. If a works council is to function effectively it is necessary for management representatives at high level to attend and keep the council aware of company policy on matters which come within its scope. Similarly on the workers side the report points out that it is necessary for the worker members to arrange to keep the workers in the plant informed. It notes also the practice of some councils whereby the period for which a works council member can hold office is limited so as to prevent "the council members becoming a closed circle and failing in their function of acting as a two-way channel of communication".

In some instances, works councils tend to be a cause of friction. This is partly the result of their being monopolised by management and partly

⁶⁹Newman, *Co-Responsibility in Industry*, (Gill & Son Ltd.), 1955, p. 145.

⁷⁰I.L.O., *Labour Management Relations Series*; No. 13, pp. 67-69; Clegg, *A New Approach to Industrial Democracy*, Blackwell, 1960, p. 45; Newman, *op. cit.* pp. 44-45.

the result of a break-down in communications between the councils themselves and the workers. It would seem, however, that if properly approached the works council can play a useful rôle within the enterprise if it is confined to matters where there is no serious friction and which can best be dealt with by those who have an intimate knowledge of the day to day work of the undertaking. In that way it can develop into an expression of the essential unity of those engaged in the enterprise.

Industrial Democracy

The subject of works councils naturally leads to consideration of "industrial democracy". This has two main aspects. The first is the participation of the workers in the management of the enterprise in which they work, and the second involves their participation in its ownership. The one does not necessarily imply the other. There has never been very much demand for industrial democracy, in either of its aspects, in Ireland. Even in countries where there was support for worker participation in management among those connected with the labour movement the recognition that management is a distinct *function* has led to a fairly general abandonment of this view. Nowadays, few would contend that a person can be both worker and manager in any but the smallest concerns. That is not to argue that certain limited managerial functions cannot be transferred to groups of workers thereby creating an element of self-government within the enterprise. This indeed appears to be possible but differs from worker participation in managerial decisions in so far as the workers actually make the decision in the sphere allocated to them rather than share in all decisions primarily made by others. The latter is impracticable. As Clegg says—"To take all decisions jointly . . . is a poor way to run any undertaking".⁷¹

Co-ownership is to be distinguished from profit-sharing schemes. It implies that the workers share in the profits (if any) of the enterprise in virtue of their share in its ownership and not because, as in profit-sharing schemes, part of the profits which would otherwise go to the owners are paid to the workers.

Workers have as a general rule little or no interest let alone enthusiasm for co-ownership. They are primarily interested in their regular "take home" pay rather than in sharing in the fruits and risks of ownership. It is rather surprising that there is not greater interest in this form of business organisation in Ireland. There are, of course, many (and perhaps insurmountable) practical difficulties in its introduction not the least of which is the problem of enabling the workers to purchase an interest in the undertakings. The provision in the Companies

⁷¹Clegg, *op. cit.*, p. 127.

Amendment Act, 1959 whereby a company may advance money to purchase its own shares for, or on behalf of, its employees is one possible line of approach to the problem of finance.

The fact that the workers share neither in the management of the firm nor in its ownership does not mean that industrial democracy in a very real sense does not exist. On the contrary, it exists in this country as in many others on a very wide scale but is exercised by means of control over management in a general way rather than by participation in managerial decisions, and by sharing in the prosperity of industry through rising earnings. Obviously the instrument of industrial democracy in this sense is collective bargaining.

Industrial Relations in the Small Firm

As we have already seen, not only are most of the undertakings in this country medium sized or small, in terms of the numbers employed in them, but most employees work in such establishments. There are no specialised personnel managers or departments in undertakings of this kind. Industrial relations involve direct personal relationships with the owner or manager. As a rule, there is no internal negotiating, grievance or consultative machinery. Everything is dealt with on an *ad hoc* basis as it arises according to the terms of any agreements that may exist and the custom of the trade. In such firms, though material working conditions may be bad, the personal relations between the parties are usually good because of the tendency for the employer or manager to regard each worker as an individual. Indeed, in such situations he can hardly do anything else. He knows each worker individually and possibly also his general family background. In the case of very small concerns employer and employee tend to be of the same social status and the employee may aspire to set up on his own. Moreover, differences of opinion and grievances can be dealt with on the spot without delay. On the other hand, the very closeness of the personal relations may also intensify any friction or tension that exists because they cannot easily be institutionalised in the small undertaking. The possibility of having grievances dealt with at a higher level, for example, does not exist where the owner or manager is also to all intents and purposes the foreman in direct contact with the employees.

Identity and Divergence of Interest

Before leaving the subject of industrial relations at the level of the undertaking it is pertinent to make a few general observations regarding the respective interests and aspirations of labour and management generally.

For the worker the employment relation is the source of his income and through it his place in the

undertaking is determined. These, in turn, very largely determine his place in society. Though workers often remain in the same employment for many years the employment contract is necessarily of short duration—seeing how volatile economic conditions are. Hence, the worker has little security of employment and, therefore, his and his family's whole economic and social position is insecure. Consequently, the fear of unemployment is always with him. This is the root of his fear of technical change—since it so often brings in its train the obsolescence of skills and functions. As a result a worker's rôle within the enterprise may be changed or he may even lose his employment altogether.

For management the labour relationship is mainly an aspect of the organisation of production. Labour is one of the factors of production which, however, differs from the other factors in that labour service—the factor—is inseparable from the person who provides it. Hence a continuing day-to-day personal relationship is established. In the case of the other factors once the contract of sale or hire is completed management has no further connection with the seller or hirer. It is true, of course, that a continuing relationship exists between management and the suppliers of land and capital—but it is an impersonal one involving no more than the payment of the sums agreed upon at stated times. For the rest, the land and the capital pass completely under the control of management and, within the very broad limits laid down by law, it can use them in whatever way it likes. The management and use of labour, however, have to be carried on not merely within the legal framework but also within the framework of customs and conventions established through collective bargaining and trade union action and also having regard to the dignity and personality of the worker as an individual.

Just as the worker fears unemployment, management fears the strike. In the background it is always there. It is not merely the immediate loss of business it fears—as we saw—but the indirect loss arising from the possibility of losing business which will not be recovered to a competitor. Hence, paradoxically, management tends to fear those strikes which may be of great inconvenience to the public, i.e., the industry-wide strike, less than those which affect one firm only and which, therefore, tend not to be unduly burdensome on the public.

Thus labour and management approach the employment relation from different angles and their respective interests tend to diverge to a not inconsiderable extent. That does not mean that these differences are unbridgeable. On the contrary, the mere fact that enterprises continue to live and grow proves that they are bridged. Some enterprises experience bad industrial relations but there is no

case on record in this country of an enterprise coming to an end for that reason. Nevertheless, these divergences lead to the apparently complete break-down of industrial relations in the shape of open disputes resulting in strikes or lock-outs. Both sides are always under the shadow of such disputes and live in fear of them. The paradox, however, is that collective bargaining—the most important of the peaceful methods of bridging the differences—would be well-nigh impossible without strikes and lock-outs. As Kahn-Freund rightly observes:

“. . . collective bargaining cannot work without the ultimate sanction of the strike and the lock-out, no more than the law of, say, the sale of goods could work without the law of bankruptcy”.⁷²

In addition to the divergence of interest between labour and management there are, of course, also large areas where their interest are identical. It is perhaps worth looking a little more closely at these areas of identity and divergence of interest as they go to the root of the problem of industrial relations.

Management implies a hierarchy of authority. This creates tensions if for no other reason than that it introduces a note of inequality within the enterprise (and indeed outside it too) between people who as citizens are equal. Paradoxically the tension tends to be all the greater the more equal in point of education and skill the two sides are and that is why industrial unrest is more common among highly skilled and educated workers than among the unskilled and relatively uneducated.⁷³ At all events, the labour-management relationship seems to be inherently undemocratic. Management may be harsh and overbearing, paternalistic, or may fully accept and acknowledge labour's rights in the enterprise and the right of the trade unions to speak for it. But inevitably there are almost always overtones of the old master-servant relationship—not only in the private enterprise sector but also in the State-sponsored undertakings and public sector.

The recognition that management is of a professional or functional character is one of the most striking developments of recent years. Unlike the nineteenth and early twentieth centuries management is now no longer the prerogative of a particular social class. It requires aptitudes and skills like every other trade or profession. The innate capacities upon which these aptitudes and skills can be developed are not confined to one particular class. Even those who come from the traditional business or owning groups are finding, to an increasing extent, that they too have to acquire the necessary

⁷²Kahn-Freund, *loc. cit.*, p. 101.

⁷³Hare, *op. cit.*, p. 56.

managerial training, just like anyone else, if they are to survive as managers. Moreover, the sphere of management is widening. No longer is it confined to business as such. Rather has it spread into other fields such as public administration and the running of large organisations like trade unions. This tendency towards professionalism on the part of business management and on the part of trade union leadership is helping to take the friction and rivalry—especially the rivalry based on ideological differences—out of industrial relations and must be one of the factors, so readily discernible to-day, which is responsible for the willingness of the leaders on both sides to understand each other's point of view.

Despite this, however, the differences between management and labour, especially within the firm, are deep-seated. Management approaches labour from the cost-aspect—for it labour is a cost and its function is to minimise production costs. For the worker, on the other hand, it is the source of income and his aim is to secure as high an income as possible. These are not necessarily always mutually exclusive objectives—but they may be and frequently are. This is why industrial relations are not fundamentally different in nationalised enterprises from what they are in privately owned enterprises. Management's function is always to minimise costs and as a result its attitude to labour is very much the same in both forms of enterprise. Similarly the employee wants to get the highest possible wage irrespective of whether he works in the private or the public sector.

In effect, both sides want the net product of a firm to be as large as possible—here is perhaps the most important untapped potential source of a fundamental identification of the two in the one overall entity—but they differ as to the way it is to be shared out.⁷⁴ That, indeed, is mainly what they bargain about—though as will be seen later there is a remarkably stable continuity about the relative share of the total going to each side.⁷⁵

The mutual interest of labour and management in maximising the net product may, of course, be contrary to the interest of the consuming public. One of the dangers in seeking to secure harmony in industry through the promotion of co-operation between labour and management, especially on an industry-wide basis, is that one of its by-products may be the establishment of a closed body of firms which come very near to being a monopoly able to buy harmony at the public's expense.

The differences which exist between the interests of individual workers or groups of workers within

⁷⁴See also, Geary, *The Irish Woollen and Worsted Industry*, 1946-59, E.R.I., 1962, p. 18.

⁷⁵This point is dealt with in a forthcoming paper.

the enterprise are a particularly intractable source of difference between the interests of labour and of management. Demarcation differences are obvious—more subtle are the differences to which potential productivity increase give rise. As individuals or small groups, workers want as few as possible in the enterprise. The fewer the workers and the larger the net product the greater is likely to be the income per worker. In principle innovations designed to increase productivity are in the interests of the workers. However, these frequently involve a reduction in the labour force in a particular firm and so create a dissimilarity of interest between the workers who are to be retained and those who are to go. But the workers do not know exactly who is to go and who is not—hence the tendency towards a sometimes aggressive sense of solidarity in the face of proposals to raise productivity; hence also the application of the seniority or similar rules in these cases. Thus, in the case of the workers, a real divergence of interest between them has the effect of bringing them more closely together. There is perhaps a lesson to be learned from this which could be applied to labour-management relations in general.

Labour and management have a mutual interest in the maintenance of good personal relations between workers of the same status within the undertaking and between the workers and the various levels of the management hierarchy. Though this is a common-place, it is probably one of the most important aspects of industrial relations. It is note-worthy, as we indicated already, that harmonious personal relations appear to matter far more to the worker than the material conditions of his work. If personal relations are harmonious a man is likely to be "happy at his work" and he will tolerate unpleasant or difficult material conditions. But the opposite does not appear to hold. Good human or personal relations are not easy to define or describe. The matter is very complex. One thing is certain, however, as far as labour-management relations are concerned and that is that the worker's dignity as a man or an individual must be respected. Another thing that is certain is that personal relationships are neither self-regulating nor can they be consciously organised. Whether they are good or bad depends, in the last analysis, on the character of the individuals concerned and on whether or not they really want relations to be good.

The differences between the interests of management and labour are deep-seated and genuine, but they are capable of being reconciled without necessarily being eliminated through those aspects of the labour relation where the interest of the two sides are similar. A sense of balance and perspective

is necessary in our attitude to the whole problem. We ought neither to gloss over the differences as being no more than unfortunate disturbances of an underlying harmony nor to fall into the trap of accepting the Marxist doctrine of the irreconcilable conflict between the working and managerial "classes".

In this connection the Director General of the International Labour Organisation in a recent report said:

"... the aim should be not only to provide an orderly means of resolving conflicts between workers and employers, but also of harmonising their interests in the broader community of which they are members. For these purposes, labour must be given its proper place in contemporary society; and workers' organisations should be associated in the solution of problems concerning all workers. The requirements of economic progress must be recognised, and some method must be found for workers to co-operate with employers in improving production methods, raising productivity and distributing its benefits equitably.

The means of achieving these objectives must be sought in the light of two generally valid facts of social life. There is a point at which employers' and workers' interests diverge and where potential or actual conflict has to be resolved. But there is also a point where the interests of employers and workers coincides, serving as a foundation for co-operation in a spirit of mutual respect. These two points should be neither over-emphasised nor forgotten".⁷⁶

In order to secure good industrial relations it is not necessary that all the conflicts of interest between labour and management be eliminated. One of the things that distinguishes good relations from bad relations is not so much the absence of differences as the capacity to deal in a rational way with the differences which are bound to occur.

Admittedly there is more to it than that. There must be mutual trust and the will to maintain good relations. Labour must know that it can rely on management's being fair and constant in its dealings.

⁷⁶I.L.O., *Report of the Director General*, Part I, 1961, p. 115.

Management must know that it can depend on securing an adequate return from labour and that it has a reliable means of communication with labour. Both must feel that agreements and undertakings will be honoured once made.

This brings us back again to the rôle of the trade union within the undertaking. Originally the trade union may be said to have been a reaction against bad industrial relations both within the firm and outside it. Being fundamentally a defensive mechanism it acquired a rather negative rôle in relation to production and for long remained what Drucker has termed an "anti body".⁷⁷

As such, it tended itself for a time to be a source of divergence within the firm. In becoming the symbol of conflict it drove a wedge between worker and firm and, therefore, led to bad labour management relations and thereby perpetuated in a different form what it originally reacted against.

Nowadays, however, far from being a disruptive force within the enterprise the trade union is becoming the indispensable means of integrating the worker and the firms as a whole. Management realises this, to an ever increasing extent, and so too do the trade union leaders.⁷⁸ The disappearance, or at least the reduction, of ideological tensions and the professionalisation of management are contributing to the acceptance of this new rôle of the trade unions. But the inherent logic of the situation is the vital factor favouring its emergence. It is only through production and, therefore, only within the enterprise that the trade union can advance the interests of its members. The Director General of the I.L.O. is undoubtedly correct in saying that it seems probable that labour relations will more and more converge at the level of the production unit in coming years.⁷⁹ Hence, in its own interest, the trade union now has to advance the interest of the undertaking and must, therefore, serve as a bridge rather than a barrier between labour and management.

⁷⁷Drucker, *The New Society*, William Heinemann Ltd., New York (1951), p. 47.

⁷⁸See in this connection Fogarty, *The Rules of Work*, Geoffrey Chapman (1963), pp. 12-13.

⁷⁹I.L.O., *ibid.*, p. 116.

SUMMARY AND CONCLUSIONS

We saw at the outset how the present system of industrial relations evolved and we touched on the institutional setting in which it operates. We then very briefly referred to the trade unions and employers organisations and went on to say a word about collective bargaining. This led to a discussion of industrial disputes and to a short account of industrial relations within the undertaking.

It now remains to make some general observations and to refer to matters which it is hoped to deal with more fully later.

The Irish system of industrial relations is far from perfect and is the source of many problems. It is full of anomalies, paradoxes and even down-right contradictions. To all outward appearances it is indeed rather chaotic. Nevertheless it *works* in a

reasonably satisfactory way because it has a certain inner logic of its own. It is not easy to describe or explain this inner logic but there can be no doubt of its existence.

In the last few years there has been a good deal of public discussion about industrial relations and many have asserted that the present system needs to be "modernised" and "streamlined". Much can be said in favour of this point of view but all concerned—workers, management and the State—would do well to think twice before attempting to make any radical changes. The system is much more likely to be improved by making small alterations here and there—by fostering favourable tendencies and discouraging unfavourable ones—rather than by seeking to introduce fanciful nostrums.

When we think of industrial relations we are normally concerned with the manual worker in a factory or in the building or transport industries. While it would be foolish to minimise the importance of such workers, it is well to remember that, even now, they constitute only a minority of all employees and that in the years ahead the importance of the manual worker even in such industries as manufacturing, building and transport is likely to decrease. Moreover, the distinction between the manual and non-manual worker is likely to become increasingly blurred.

The change in the constitution of the labour force which is already taking place, and which is likely to be intensified in the years to come, is but one of the problems facing the trade unions. Perhaps the greatest challenge facing them is that which results from their successful achievement of so many of their earlier objectives. Their very success, however, may well tend to undermine their own existence by calling

into question the need for them. Government policies designed to bring about periodic automatic increases in wages and salaries may have the same effect. The strength of the trade unions is, paradoxically, a further danger to their independent existence. Once the unions become strong it becomes apparent, at least to their senior officers, that a continuous rise in the workers' living standards depends on a continuous rise in production. Production is primarily the responsibility of management but once the unions realise its importance they run the risk of becoming mere appendages to management. Their strength also exposes them to the danger of being used by the State as a means of implementing national economic policies.

It is hoped to probe a little more deeply into the position of the trade unions in a later paper especially to see how they can attract and retain members but, at the same time, be sufficiently strong internally to maintain a certain discipline, and how they can play a positive rôle both within the enterprise and in the economy in general without losing the independence of action which is essential to them.

The importance of the public sector in the Irish economy naturally suggests that an attempt should be made to assess its impact on industrial relations in the private sector and that the possibility of its making useful experiments and innovations in the field of labour relations generally should be examined. It is hoped to do so in another paper. Before embarking on these somewhat detailed studies, however, it is felt desirable to get the economic aspect of industrial relations in perspective and this will be the subject of the next paper to be published on labour-management relations by The Economic Research Institute.

Appendix I

NUMBER OF PRINCIPAL TRADE UNIONS, EMPLOYERS' ORGANISATIONS, JOINT BODIES AND REGISTERED AGREEMENTS IN THE MAIN INDUSTRIAL GROUPS.

Industrial Group	Trade Unions	Employers' Organisations	Joint Bodies*	Registered Agreements
1. Mining, Quarrying and Turf Production	11	1	1	1
2. Manufacture of Food:				
(i) Milling	5	3	2	0
(ii) Bakery and Confectionery Trades	4	3	0	2
(iii) Other food manufacture	19	2	4	2
3. Drink	3	1	1	0
4. Tobacco	3	0	1	0
5. Chemicals, Fertilisers, etc.	3	1	1	0
6. Metal and Engineering	14	2	2	2
7. Manufacture of Paper, etc.	8	1	2	0
8. Wood and Furniture (including Brushes and Brooms) ..	8	2	3	1
9. Motor Vehicle Assembly and Garages	9	1	1	3
10. Printing and Publishing	13	3	4	2
11. Tanning, Leather, Boots and Shoes	4	2	3	1
12. Bricks, Pottery, Stone, Glass, etc.	4	1	0	1
13. Shipbuilding and Repairing	10	1	0	0
14. Electrical Equipment (including Wireless, etc.)	6	1	0	0
15. Textiles and Textile made-up goods	5	1	5	0
16. Clothing	6	2	4	0
17. Electricity, Gas, Water	10	0	1	1
18. Building	14			
19. Electrical Contracting		1	7	3
20. Wholesale and Retail Distribution	9	12	2	7
21. Personal Service	5	3	3	1
22. Entertainment and Sport	9	3	0	0
23. Transport, Storage and Communication	9	3	1	0
24. Insurance, Banking and Finance	6	1	1	0
25. Education, Law, Accountancy, Medicine, Hospitals (not Local Authority)	3	0	1	0
26. Public Administration	42	0	2	0

*Joint Bodies—Joint Labour Management Bodies such as Joint Industrial Councils, Joint Labour Committees, Joint Negotiating Committees, etc.

Appendix II—Survey of Industrial Relations in the Main Industrial Groups⁸⁰

1. Mining, Quarrying and Turf Production

*Workers' Organisations*⁸¹: A.T.G.W.U.; I.T.G.W.U.; W.U.I.; A.E.U.; A.S.W.; B.W.T.U.; F.R.W.; I.N.U.W.; N.E.U.; E.T.U.(I); I.E.I.E.T.U.

Employers' Organisations: F.U.E. (in Mining and Quarrying).

*Joint Bodies*⁸²: None.

Registered Agreements: One—Cork Sand and Gravel Trade.

Remarks:

The craft unions in Bórd na Móna account for the relatively large number of unions operating in this sector. An I.C.T.U. group which operates

there represents nine of the eleven unions catering for the Bórd's employees. There is also an internal system of conciliation.

In mining and quarrying negotiations and agreements are between individual firms and local authorities and the unions concerned. Many quarries and sand and gravel firms in the country areas are unorganised or only partly organised. The registered agreement covers the sand and gravel trade in Cork.

Of the 22 disputes investigated in this sector by the Labour Court during the period 1957-61, 9 arose in Bórd na Móna.

2. Manufacture of Food

(i) *Milling.*

Workers' Organisations: A.T.G.W.U.; I.T.G.W.U.; W.U.I.; F.R.W.; M.P.G.W.U.; Various craft unions.

⁸⁰This survey is based on information obtained directly from the trade unions and employers' organisations and on the C.I.O. Reports.

⁸¹See p. 55 for list of abbreviations.

⁸²See footnote to Appendix I for definition of joint bodies.

Employers' Organisations : I.F.M.U. ; F.U.E. ; L.E.F.

Joint Bodies : Flour Milling—J.I.C. ; Provender Milling—J.I.C.

Registered Agreements : None.

Remarks :

There are two divisions in the milling industries, namely, flour milling and provender milling. The former is highly organised and has a Joint Industrial Council while the latter is less well organised and has a Joint Labour Committee. A national agreement made by the J.I.C. covers the flour milling section of the industry. Some individual mills operate grievance procedures and bonus or incentive schemes. In general, all matters relating to wages and conditions are settled by the Council, whose work over the years is said to have ensured extremely good industrial relations.

(ii) *Bakery and Confectionery Trades.*

Workers' Organisations : I.B.C.A.W.A.U. ; I.T.G.W.U. ; W.U.I. ; I.U.D.W.C.

Employers' Organisations : G.I.B. ; I.A.M.B. (through F.U.E.) ; L.E.F.

Joint Bodies : None.

Registered Agreements : Bakery and Confectionery Trade, Sligo ; Alex. McArthur Bakery, Sligo.

Remarks :

On the workers' side the industry is well organised. It is not "closed" but preference is given to sons of bakers. Small cake shops are generally family-owned and unorganised. The Irish Bakers' and Confectioners' Union, which is the principal union in the industry, accepts clerks, van-men, etc. into membership as well as bakers and confectioners as such. It has about 50 branches and they enjoy a considerable amount of autonomy—some of them being old local unions. The local element is strong on the employers' side too. Negotiations are conducted both on the national and local levels. There is no national agreement. Claims are served nationally on the Employers' Organisations and the details worked out locally by way of amendment of the local agreements. A joint trade union committee operates in Dublin representing the Irish Bakers' and Confectioners' Trade Union; the Irish Transport and General Workers' Union; the Workers' Union of Ireland and the Irish Women Workers' Union, and negotiates with the employers there.

Some years ago the Labour Court attempted to work out a wages structure for the industry based on a zoning arrangement but without much success largely because both large and small firms, which differ widely from each other, exist side by

side in the same zone. The system of payment by reference to output which formerly was widespread is now dying out. Wages in Dublin tend to set the pattern during a wage round.

Of the 16 disputes investigated by the Labour Court in this trade 8 were general and 8 affected one firm only in each case.

(iii) *Other Food Manufacture.*

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; W.U.I. ; I.W.W.U. ; I.C.M.A. ; A.G.E.M.O.U. There are also at least 13 other unions catering for skilled and semi-skilled workers.

Employers' Organisations : F.U.E.—(Sections representing: Bacon Curing, Biscuits, Chilled Meat, Chocolate, Dairies, Jellies and Jams) ; L.E.F.

Joint Bodies : Bacon Curing—J.I.C. ; Creameries—J.L.C. ; Sugar Confectionery and Food Preserving—J.L.C. The Packing J.L.C. also operates in this sector.

Registered Agreements : Two—Ballyclough Co-op. Creamery (Chocolate Crumb Factory) ; Comhlucht Siúicre Éireann Teo.—(Food processing other than the manufacture of sugar and animal feeding stuffs).

Remarks :

The bacon curing industry is well organised by the trade unions. There is a joint industrial council under whose auspices a national agreement covering the industry has been made.

Creameries are fairly well organised especially by the Irish Transport and General Workers' Union. The Amalgamated Transport and General Workers' Union has a creamery membership in County Waterford. There is a J.L.C. which lays down the wages and conditions of manual workers. Some of the larger creameries, however, have made agreements with the unions providing for better wages and conditions than those laid down by the J.L.C. Nearly all creamery managers belong to the Irish Creamery Managers' Association. The terms of employment of the managers are settled by direct negotiation with the co-operative committees.

In the Chocolate, Sugar Confectionery and Chocolate Crumb trades the unskilled workers are very highly organised by the general unions and the skilled and semi-skilled by some 13 other unions. The Ballyclough Co-op. Creamery Chocolate Crumb factory is covered by a registered agreement.

Two Joint Labour Committees function in this section of the industry, one for sugar confectionery and food preserving and the other for packing.

The Irish Sugar Company is the largest employer in the food group of industries. It has a highly developed internal system of consultation and a comprehensive agreement with the unions. Relations are good. It has been excluded from the Sugar Confectionery and Food Preserving J.L.C. in respect of its food processing plants.

3. Drink

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; W.U.I. ; various craft unions.

Employers' Organisations : F.U.E. (Sections for : Bottling and Mineral Waters ; Brewing ; Distilling) ; L.E.F.

Joint Bodies : J.L.C.—Aerated Waters and Wholesale Bottling.

Registered Agreements : None.

Remarks :

In the Brewing industry the workers in Messrs. Guinness belong to the Workers' Union of Ireland. The Irish Transport and General Workers' Union and the Amalgamated Transport and General Workers' Union organise the provincial breweries. The craftsmen in the industry belong as a rule to their own unions. Internal consultation machinery has been established in Guinness's. Negotiations and agreements are on a local basis.

Local negotiations and agreements prevail in the Distilling industry also.

The Mineral Water industry is more extensive in point of number of firms than brewing or distilling. It is fairly well organised by the unions in Dublin and the other cities. A Joint Labour Committee covers Aerated Waters and Wholesale Bottling.

Good relations prevail in the Drink industry in general.

4. Tobacco

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; W.U.I.

Employers' Organisations : F.U.E.

Joint Bodies : Tobacco J.L.C.

Registered Agreements : None.

Remarks :

There is a tobacco Joint Labour Committee though the workers are now highly organised by the unions. Relations are good.

5. Chemicals and Fertilisers, etc.

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; M.P.G.W.U.

Employers' Organisations : F.U.E.

Joint Bodies : Packing J.L.C.

Registered Agreements : None.

Remarks :

This is a rather heterogeneous industry being made up of five or six more or less district branches. All negotiations and agreements are between the unions and the individual firms. In some branches of the industry there are at least 9 unions but as they are mostly craft unions catering for relatively few workers the multiplicity of unions does not lead to undue difficulty in negotiations. As a general rule relations are good. In particular firms, however, they appear to be bad. During the period 1957-61, of 15 disputes investigated by the Labour Court in these trades, no fewer than 7 arose in one firm, while 3 arose in another.

The Packing J.L.C. operates in some branches of the industry.

6. Metal and Engineering

Workers' Organisations : N.U.S.M.W.C. ; N.U.S.M.W.G.M.M. ; A.E.U. ; N.E.U. ; I.E.I.E.T.U. ; A.B.F.S.W.S. ; U.S.B.I.S.S. ; I.U.S. ; I.T.G.W.U. ; M.P.G.W.U. ; W.U.I. ; A.S.W. ; A.T.G.W.U. ; I.W.W.U.

Employers' Organisations : F.U.E. ; L.E.F.

Joint Bodies : General Waste Material Reclamation J.I.C. ; Voluntary Apprenticeship Committee (Limerick Engineering Trades).

Registered Agreements : Two—see below.

Remarks :

On the workers' side, there is a very large number of unions—most of which are craft unions. This situation leads to demarcation troubles between the unions. Restrictions are imposed by agreement between the unions and employers on the number of apprentices who may enter certain of the engineering trades. At present there is a shortage of some categories of skilled men.

There are two registered agreements. One covers the structural steel trade and applies to the whole State in respect of steel erectors and to Dublin City and County in respect of other workers. The other covers scale-making in the whole State. Apart from these two trades negotiations are generally conducted on the basis of the individual firm. As a rule the pattern of wage agreements is set by the settlements reached in Dublin and Cork for fitters' rates. The rates of other skilled workers more or less automatically follow. In many cases the "district" rate is set by negotiations with the principal firms in the area and then simply adopted by other firms. Basic rates tend to be about the same as those in

the United Kingdom but earnings are lower here for the usual reasons.

The General Waste Materials Reclamation J.L.C. operates in some branches of the industry.

7. Manufacture of Paper, etc.

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; W.U.I. ; I.B.A.T.U. ; I.W.W.U. ; F.R.W. ; A.G.E.M.O.U. ; U.S.E.D.F.

Employers' Organisations : F.U.E.

Joint Bodies : General Waste Materials Reclamation J.L.C.

Registered Agreements : None.

Remarks :

The workers are very highly organised in the paper making industry and negotiations are carried on nationally through an I.C.T.U. group to which six unions are affiliated. There is a national agreement.

The paper box section of the industry is covered by its own J.L.C. and the General Waste Materials Reclamation J.L.C. operates in the industry also.

There is said to be little evidence of restrictive practices but opposition tends to be encountered when greater mechanisation is being introduced if redundancy is feared. Up to now, however, redundancy has not been a problem owing to the expansion of the industry.

8. Wood and Furniture

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; A.S.W. ; I.N.U.W. ; I.S.W.M. ; N.U.F.T.O. ; P.C.M.T.U. ; F.R.W.

Employers' Organisations : F.U.E. ; L.E.F.

Joint Bodies : Brush and Broom J.L.C. ; Two Apprenticeship Committees.

Registered Agreements : County Meath Furniture Trade.

Remarks :

In the furniture trades worker organisation is highly developed. A registered agreement covers the trade in County Meath (Navan is an important centre in the industry). There are no national agreements. There are two Apprenticeship Committees. The employers describe the attitude of the N.U.F.T.O. concerning "log" times, i.e., the standard time taken to do certain jobs, as "reactionary".

The box-making trade on the workers' side is organised mainly by the Irish Packing Case Makers' Nailing Machinists' and Box Makers' Trade Union. All negotiations are with the Packing-Case Branch of the F.U.E. An apprenticeship agreement provides for a five year period of

apprenticeship (formerly seven years were required) and for the training and ratio of apprentices. An agreement to allow temporary workers into the trade when there are no idle members on the books of the union is in process of negotiation. Relations with the majority of employers are said to be good.

A Joint Labour Committee operates in the brush and broom trade.

9. Motor Vehicle Assembly and Garages

Workers' Organisations : A.T.G.W.U. ; I.T.G.W.U. ; A.E.U. ; N.U.V.B. ; N.E.U. ; I.E.I.E.T.U. ; A.G.E.M.O.U. ; N.U.S.M.W.G.M.M.I.

Employers' Organisations : I.M.T.A. ; F.U.E.

Joint Bodies : Apprenticeship Committee.

Registered Agreements : Three—see below.

Remarks :

According to the C.I.O. Report on the motor assembly industry, industrial relations generally are governed by an agreement between the unions and the Irish Motor Traders' Association. Assemblers who are not members of the Association normally follow the rates and conditions agreed by that body. In one or two cases, however, agreements have been concluded between the unions and individual firms. Formerly employment in the industry was very much of a seasonal nature but of late years most firms have been able to keep their workers in almost constant employment throughout the year. If anything there is now a shortage of certain kinds of labour in the industry. Relations are very good.

In the garages as distinct from the motor assembly industry organisation is far from complete especially in the smaller towns. Negotiations are generally on a local basis. A comprehensive agreement has been made between the Irish Motor Traders' Association and the Automobile, General Engineering and Mechanical Operatives' Union covering Dublin, Dun Laoghaire and Bray. There are three registered agreements, one each in Limerick, Kilkenny and Cork. Bonus incentive schemes are being introduced in some repair garages. A large and constant volume of certain types of repair jobs is said to be required to justify such schemes.

Joint applications are at present being considered by the Labour Court for the establishment of Joint Labour Committees to cover the trade in Athlone, Mullingar, Letterkenny and Ballina.

The trade of motor mechanic is a designate trade under the Apprenticeship Act and apprenticeship thereto is now under the control of an Ceard Comhairle.

10. Printing and Publishing

Workers' Organisations : S.L.A.D.E.P.W. ; I.B.A.T.U. ; E.S.S. ; A.S.L.P. ; N.U.J. ; I.J. ; G.I.J. ; N.U.P.B.P.W. ; T.A. ; D.T.P.S. ; N.U.P.T. ; I.T.G.W.U. ; I.W.W.U.

Employers' Organisations : I.M.P.A. ; I.P.F. (Dublin City and County) ; F.U.E. (Cork City only).

Joint Bodies : Printing and Allied Trades (Dublin)—J.I.C. ; Joint Negotiating Committee (Provinces) ; Printing Apprenticeship Authority (Dublin) ; Apprenticeship Committee for the Printing Industry outside Dublin.

Registered Agreements : Printing Trade Messengers (Dublin City and County) ; Printing Trade (City and County of Dublin).

Remarks :

This is a very highly organised industry both on the employers' and the workers' sides and relations are very good. In Dublin negotiations are conducted through a Joint Industrial Council which represents the Irish Printing Federation (an employers' association) and 11 trade unions. Questions of an individual character which in the opinion of the Irish Printing Federation are of a domestic nature and do not affect the trade generally may be settled by negotiations between the representatives of the union concerned and the owner or managers of the establishment in which the question originated. If the parties fail to arrive at a settlement the matter is referred to (i) the Executive of the union concerned, (ii) the Council of the Printing Federation. If agreement cannot be reached at this stage the matter is referred to the Joint Industrial Council. An appeal to the Joint Industrial Council must not, however, be made until both sides have exhausted all other means of reaching agreement.

No coercive or aggressive action is taken by any party without two weeks' notice being given to the J.I.C. If the J.I.C. fails to settle a dispute the matter is referred to the Labour Court and no stoppage of work takes place within four weeks of the date of reference to the Labour Court. The Chairmanship of the J.I.C. is a joint nomination of a person from outside the industry.

Agreements may be made at firm level provided they are an improvement from the workers point of view on any agreement made by a union with the Irish Printing Federation. There are two registered agreements. One applies to workers engaged in the production of printed matter (other than newspapers) by plant and equipment in normal use in commercial printing establishments in the City and County of Dublin.

Apprenticeship to the industry in Dublin is under the control of the Printing Apprenticeship Authority. This is a voluntary body at present. An agreement provides for a ratio between apprentices and craftsmen. Each master printer is allowed to nominate a maximum of 3 candidates for each apprenticeship vacancy. In some cases by agreement nominees are confined to the sons of trade union members. All apprentices are required to follow courses at the Technical School, Bolton Street.

The Industry is also highly organised in the rest of the country, i.e., outside the Dublin area. On the employers' side the main organisation is the Irish Master Printers' Association. The F.U.E. represents the industry in Cork. On the workers' side there are several unions the main craft union being the Typographical Association. There are national agreements (excluding Dublin), though in some cases separate agreements cover the Cork area. These agreements are very detailed and deal with all conditions and customs of the trade. The agreement between the T.A. and the I.M.P.A. provides for a joint negotiating committee. There is an apprenticeship committee for the printing trades outside Dublin under an Ceard Comhairle.

Besides the apprenticeship committee and the joint councils there are two joint bodies representative of labour and management in the industry, viz., the productivity committee for the printing industry and the Dublin Printing Development Committee.

Journalists are represented by three organisations. There are separate agreements covering Dublin and the provincial areas.

11. Tanning, Leather, Boots and Shoes

Workers' Organisations : I.S.L.W.U. ; A.T.G.W.U. ; I.T.G.W.U. ; W.U.I.

Employers' Organisations : F.U.E. ; F.B.M.I.

Joint Bodies : Joint Board of Conciliation and Arbitration for the Boot and Shoe Industry ; Boot and Shoe Repairing—J.L.C.

Registered Agreements : Boot and Shoe Manufacturing—whole State.

Remarks :

The Boot and Shoe industry is the only one to have a registered J.I.C. There is a national agreement which is also registered. Provision is made in the agreement for strong action in the event of violation by either side. Relations are said to be good. The industry is also unusual in so far as practically all the workers belong to the Irish Shoe and Leather Workers' Union which is the

nearest approximation to a complete industrial union in the country. One plant in Dublin is organised by the Workers' Union of Ireland. On the employers' side there is only one organisation—the Federation of Boot Manufacturers of Ireland. Both employers and workers contend that it is an advantage to have the main union catering specifically for the workers in the industry because it makes for easier negotiations since each side has an intimate knowledge of the industry.

The basic rates of pay, overtime rates, hours and holidays are laid down in the national agreement. The unions are bound not to accept less favourable terms than those laid down in the agreement without consulting the Federation of Boot Manufacturers. The agreement does not cover piece-work rates—these are worked out between the union and each firm separately.

A considerable proportion of the workers are on piece-work. The agreement provides that where piece-work operates it must give the workers at least 25 per cent more earnings than the minimum wage rates.

Shift working is said to have been reluctantly agreed to by the union—but only where costly plant has to be used, i.e., in vulcanising bottoms to uppers. On the whole, shiftwork does not appear to suit the industry. It operates in only about six firms and concerns only 40 or 50 workers.

The Irish Shoe and Leather Workers' Union is at present negotiating a redundancy insurance scheme with the employers as the industry shows a long run tendency for employment to decline.

The Chairmanship of the J.I.C. rotates annually between the workers' and the employers' representatives. The J.I.C. interprets the national agreement and its decisions bind all the parties thereto.

In the tanning industry there is no national agreement and all negotiations are conducted between the unions and the individual firms. The workers are very highly organised by the I.T.G.W.U. and the A.T.G.W.U.

12. Bricks, Pottery, Stone, Glass

Workers' Organisations : A. T. G. W. U. ; I.T.G.W.U. ; W.U.I. ; F.R.W.

Employers' Organisations : F.U.E.

Joint Bodies : None.

Registered Agreements : Lancegay Safety Glass (Ireland) Ltd., Templemore.

Remarks :

This again is a rather heterogeneous industrial group. Negotiations and agreements are at the

level of the individual firm. In the pottery and allied trades female workers comprise a significant proportion of the total labour force. The industry experiences some difficulty in recruiting them and they usually remain for only a relatively short period in the industry. Training costs are said to be one of the factors contributing towards the comparatively high costs in the industry in Ireland. Incentive payment schemes are operated by several firms.

13. Shipbuilding and Repairing

Workers' Organisations : U. S. B. I. S. S. ; E.T.U.(I) ; I.E.I.E.T.U. ; A.E.U. ; N.E.U. ; S.S.A. ; N.U.S.M.W.C. ; I.T.G.W.U. ; W.U.I. ; P.T.U.

Employers' Organisations : F.U.E.

Joint Bodies : None.

Registered Agreements : None.

Remarks :

Negotiations and agreements are local. A comprehensive agreement covering all workers, and virtually eliminating demarcation difficulties has been negotiated at the Verolme Cork Dockyard. A works council operates there also.

14. Electrical Equipment (including wireless, television, etc.)

Workers' Organisations : I. T. G. W. U. ; A.S.W. ; I.N.U.W. ; N.U.F.T.O. ; I.S.W.M. ; W.U.I.

Employers' Organisations : F.U.E.

Joint Bodies : None.

Registered Agreements : None.

Remarks :

Negotiations and agreements are on a firm by firm basis. Industrial relations appear to be good.

15. Textiles and Made-up Goods

Workers' Organisations : N. U. T. G. W. ; A.T.G.W.U. ; I.T.G.W.U. ; W.U.I. ; I.W.W.U.

Employers' Organisations : F.U.E.

Joint Bodies : Linen and Cotton Manufacture—J.I.C. ; Hosiery and Knitted Garments Manufacture—J.I.C. ; Woollen and Worsted Manufacture—J.I.C. ; Handkerchief and Household Piece Goods—J.L.C. ; General Waste Materials Reclamation—J.L.C.

Registered Agreements : None.

Remarks :

The linen and cotton J.I.C. meets only when wage questions are to be considered though the

unions would like to see it meeting more frequently for purposes of joint consultation on an industry-wide basis. The unions also appear to favour consultation in the individual mills and consider the state of industrial relations to be generally unsatisfactory. A very high proportion of the employees are female and of these the number under 18 years of age is high. In the Dublin area and in the Midlands there is now a shortage of female labour. Labour productivity is said to be low. This is attributable to such factors as the small but highly diverse output of the mills, the age of the machinery used and the quality of the yarn.

Incentive bonus schemes are operated by a number of firms. Larger firms generally pay higher wages than the smaller ones.

In the woollen and worsted industry the workers are well organised mainly by the Irish Transport and General Workers' Union. Negotiations regarding wages and conditions are conducted on a national scale through the J.I.C. Relations are said to be good.

The hosiery and knitted goods trades are made up of a large number of firms most of which are small. Female labour predominates. Difficulties are experienced by many firms in recruiting workers. Productivity is said to be low—partly because of the tendency for some workers to be satisfied with relatively low earnings. Incentive bonus schemes are operated in a few firms. An agreement provides for a certain minimum relationship between piece-rates and time-rates.

Industrial relations are good. The J.I.C. meets 3 or 4 times a year to discuss problems common to the whole industry. The I.T.G.W.U. is the only union represented on it though several other unions also cater for workers in the trade. The union and the employers also meet on a number of occasions each year, apart from the J.I.C., to discuss matters of mutual interest.

16. Clothing Industry

Workers' Organisations : N. U. T. G. W. ; A.T.G.W.U.; I.T.G.W.U.; W.U.I.; I.W.W.U.; I.U.D.W.C.

Employers' Organisations : F.U.E. ; I.C.C.M.A.

Joint Bodies : Shirtmaking—J.L.C. ; Tailoring—J.L.C. ; Women's Clothing and Millinery—J.L.C. ; Button-making—J.L.C.

Registered Agreements : None.

Remarks :

The industry is also characterised by a very large number of small firms and female labour again predominates. The degree of worker organisation varies from one section of the industry to

another. Member firms of the Irish Cap and Clothing Manufacturers' Association make trade union membership a condition of employment though in practice this condition is not fully observed. The degree of organisation in the women's clothing trade is very low while in shirt-making it is higher but still quite low compared with industry generally. In all, six unions operate in the industry but the vast bulk of the membership is in the Irish Transport and General Workers' Union and the National Union of Tailors and Garment Workers. There are four J.L.C.'s—in Shirtmaking, Tailoring, Women's Clothing and Millinery and Button-making.

Difficulty is experienced in recruiting girls. As a general rule firms appear to pay more than the rates laid down by the J.L.C.'s. Productivity is said to be low. Some employers claim that their workers do not respond to incentives being satisfied with relatively low earnings. There are said to be no restrictive practices. To some extent the trade is seasonal. Formerly this led to lay-offs—but now firms try to avoid laying people off in order not to lose their staff.

17. Electricity, Gas, Water

Workers' Organisations : M. P. G. W. U. ; A.T.G.W.U. ; I.T.G.W.U. ; I.M.E.T.U. ; W.U.I. ; I.E.I.E.T.U. ; E.T.U.(I) ; E.P.E.A. ; E.S.B.O.A. ; F.R.W.

Employers' Organisations : None.

Joint Bodies : Consultative Council (Dublin Gas Co.).

Registered Agreements : City of Waterford Gas Co.

Remarks :

The E.S.B. has its own arbitration tribunal. Save in cases involving other employers, e.g., disputes in the Electrical Contracting Trades, disputes to which it is a party do not go before the Labour Court. Industrial relations in the E.S.B. have recently been investigated by a commission of inquiry and proposals concerning the re-organisation of its tribunal system are at present under consideration. Two I.C.T.U. groups operate in the E.S.B.—one for manual workers and the other for salaried staffs. It is hoped to examine the system of industrial relations in the E.S.B. in a later paper.

Relations in the Gas undertakings are fairly good. There is a conciliation and arbitration council in the Dublin Gas Company which issues recommendations for settlement of disputes. The recommendations are not binding on either party, but in practice the company always accepts them while the workers are doing so to an increasing extent.

18. Building, Contracting and Electrical Contracting

Workers' Organisations : B.W.T.U.; A.S.W.; A.S.P.D.; U.H.S.P.D.T.U.; O.P.A.T.S.I.; P.T.U.; I.N.U.W.; A.S.T.R.O.S.; I.S.W.M.; I.T.G.W.U.; A.T.G.W.U.; W.U.I.; E.T.U.(I); F.R.W.

Employers' Organisations : F.B.C.A.E.I.

Joint Bodies : National Joint Negotiating Committee for the Building Industry; Joint Area Councils in Cork, Limerick, Waterford, Dundalk, Drogheda and Dublin.

Registered Agreements : Three—see below.

Remarks :

A National Council for the building industry was set up in 1939 but has since disappeared. It was a temporary body designed to meet war-time conditions. For the past five years or so centralised negotiations have been conducted between the Federation of Builders, Contractors and Allied Employers of Ireland and the trade unions through a national joint negotiating committee. There are also joint area councils in Cork, Dublin, Waterford, Limerick, Dundalk and Drogheda. Decisions arrived at by the national negotiating committee relate primarily to Dublin but are followed by other areas and such local agreements as exist are amended accordingly. The three registered agreements apply to carpenters, labourers, brick and stone layers in building and civil engineering in County Mayo.

There are 32 separate area rates for craftsmen and 26 for labourers. Payments above the agreed rates tend to be paid where labour is in short supply. On the other hand in areas where the unions are not strong lower rates are often paid as a result of which builders who are members of the Builders' Federation may find it difficult to compete in these areas. Basic official rates are very similar to those paid in Britain but there is not much overtime worked here and there is no jointly accepted bonus scheme so that earnings tend to be higher there.

Restrictive practices are said to be common. At the same time industrial relations are said to be good and even excellent—partly because of the personal relationship which exists between employers and men and partly because of the high degree of mobility which characterises the industry.

In the Electrical Contracting industry there is a national joint industrial committee under whose auspices a national agreement has been concluded. This stipulates that all foremen, chargehands, and electricians must be members either of the

E.T.U.(I) or the I.E.I.E.T.U. The E.S.B. is party to this agreement.

19. Wholesale and Retail Distribution.⁸³

Workers' Organisations : I.U.D.W.C.; I.N.U.V.G.A.T.A.; I.B.A.T.U.; C.O.B.S.; M.P.G.W.U.; I.T.G.W.U.; A.T.G.W.U.; W.U.I.; F.R.W.

Employers' Organisations : F.U.E.; C.M.B.A.; S.D.C.I.; W.D.F.I.; I.D.A.; L.E.F.; R.G.D.A.T.A.; L.G.V.A.; M.P.U.; P.E.A.; D.M.V.A.; W.D.A.

Joint Bodies : Messengers—J.L.C.; Dublin Butchers Conciliation Board.

Registered Agreements : Seven—see below.

Remarks :

Distribution both on the Wholesale and Retail sides falls naturally into a number of main divisions, e.g., Grocery and Provisions; Drapery; Fuel; Hardware; Builders Providers; Licensed Trade; Furniture, etc. The department stores combine several branches in one and may be considered to fall into a separate category of their own.

In the grocery and allied trades all the principal employers including the chain and multiple store companies are members of the R.G.D.A.T.A. Negotiations are on a local basis and the vast majority of agreements are in writing. Procedures for dealing with disputes are normally provided for. In Dublin, for example, it is agreed that if a dispute arises a conference will take place within ten days. If this fails to provide a solution a further conference will take place under an independent chairman and should the issue still be unresolved no strike or lock-out may take place for a period of seven days.

In the retail meat trade both workers and employers are highly organised in Dublin and Cork areas. The degree of organisation seems to be less highly developed in the rest of the country. In the Dublin, Dun Laoghaire and Bray areas there is a Butchers Conciliation Board and a Butchers Apprenticeship Board.

The Drapery, Footwear and Allied Trades are fairly highly organised throughout the country by the Irish Union of Distributive Workers and Clerks in the cities and some of the main towns. A joint tribunal has recently completed an investigation of these trades in Dublin. Recommendations made by the tribunal have been accepted by both sides and will form the basis of a registered agreement. Relations in these trades have been very good for the past ten or fifteen years though an occasional flare-up occurs. The war is said to

⁸³Including Petroleum Distribution.

have been a turning point in this respect because in the pre-war years strikes and disputes of a serious nature were a common occurrence.

A national agreement made between the Petroleum Employers' Association, on the one hand, and the Irish Transport and General Workers Union, the Amalgamated Transport and General Workers Union and the Amalgamated Engineering Union, on the other, covers the petroleum distribution trades. The agreement is comprehensive in scope and includes among other matters provisions relating to redundancy and disputes. No strike or lock-out may take place before the dispute is referred to the Labour Court.

The national agreement applies only to manual workers. In some firms the clerical staffs are in trade unions. Negotiations, where they take place, are between the management of the individual firm and the appropriate union.

The employers say that relations are good but claim that the unions are not implementing an agreement regarding lorry help.

Workers in the licensed trade are organised mainly by the Irish National Unions of Vintners', Grocers' and Allied Trades' Assistants. Other unions also operate in the trade. In the small towns and rural areas the degree of organisation is low. Relations are good. A conciliation board was established in 1924 but lapsed in 1938.

20. Personal Service—Hotels and Restaurants

Workers' Organisations : I.T.G.W.U.

Employers' Organisations : I.H.F. ; F.U.E. ; L.E.F.

Joint Bodies : Hotel and Catering Industry—J.I.C.

Registered Agreements : None.

Remarks :

The staffs of most large hotels and restaurants in Dublin, Cork and a few other main towns are highly organised by the Irish Transport and General Workers Union. The employers are represented by the F.U.E. and the Irish Hotels Federation. There is a joint industrial council. Negotiations are on a local basis and conditions vary a good deal throughout the country. The smaller undertakings generally are unorganised; "living-in" is still common in rural areas and the majority of the workers in the industry as a whole are unorganised.

21. Personal Service—Laundries, Hairdressing, etc.

Workers' Organisations : I.W.W.U.; I.T.G.W.U.; W.U.I. ; I.U.H.A.W. ; A.T.G.W.U.

Employers' Organisations : F.U.E.

Joint Bodies : Cleaning and Dyeing Industry (Dublin)—J.I.C. ; Laundries (Dublin)—J.I.C.

Registered Agreements : Hairdressing Trade—Dublin and Dun Laoghaire.

Remarks :

Joint Labour Committees operate in the dyeing and cleaning trades in Dublin and in the Dublin laundries. Hairdressing in Dublin and Dun Laoghaire is covered by a registered agreement. Relations are good. Trade union organisation is well developed in the principal urban areas.

22. Entertainment and Sport

Workers' Organisations : I.A.E.A. ; P.F.A.I. ; I.F.M.; A.I.T.M.; M.P.G.W.U.; I.T.G.W.U.; A.T.G.W.U. ; W.U.I. ; I.W.W.U.

Employers' Organisations : T.C.A.I. ; F.U.E. ; L.E.F.

Joint Bodies : None.

Registered Agreements : None.

Remarks :

This is a fairly highly organised industry both on the employee and employer sides. Negotiations and agreements are on a local basis. A Trade Union Group under the I.C.T.U. operates in Radió Éireann.

23. Transport, Storage and Communication

Workers' Organisations : N.A.T.E. ; T.S.S.A. ; A.S.L.E.F. ; M.P.G.W.U. ; S.U.I. ; A.T.G.W.U. ; I.T.G.W.U. ; W.U.I.

Employers' Organisations : F.U.E. ; I.S.A. ; L.E.F.

Joint Bodies : A number of Joint Tribunals have recently been established in C.I.E. in place of the negotiating system which existed previously.

Registered Agreements : None. An agreement covering the Dublin carriers is in process of registration.

Remarks :

Transport seems to lend itself to industrial disputes more than other industries. As already indicated a considerable number of the disputes in other industries are connected with workers engaged in transport occupations, e.g., lorry drivers.

An elaborate system of internal negotiating machinery has recently been established in C.I.E. in place of the negotiating system which existed previously. Over 30 unions operate in C.I.E., though most of them cater for craft workers whose rates and conditions are determined by

negotiation in the private sector. Nevertheless, the multiplicity of unions is something of a problem which, however, has been eased by the formation of a number of I.C.T.U. groups, viz., the Shop Workers' Group; the Rail Operatives Section Group; Road Freight Operative Group; Catering Trade Group; Clerical and Supervisory Group; Road Passenger Section Group.

In the road transport trade outside of C.I.E. negotiations are on a firm by firm basis except in Dublin where an area agreement exists.

In the Shipping Industry negotiations are on a national basis between the Seamen's Union of Ireland and the Shipowners' Association. Conditions in the docks are settled on the basis of port by port negotiations. In Dublin there are two distinct sections in the docks—cross-channel and deep-sea. At present negotiations are in progress regarding the de-casualisation of the deep-sea docks. A certain amount of tension always is to be found in the docks but on the whole industrial relations seem to be better than might appear at first sight.

Air transport is highly organised on the trade union side. An internal consultative system has been set up in Aer Lingus.

24. Insurance, Banking, Finance

Workers' Organisations: A.R.O.; N.A.U.L.A.W.; N.F.I.W.; I.B.O.A.; I.U.D.W.C.; A.T.G.W.U.; (Dublin Savings Bank).

Employers' Organisations: F.U.E.

Joint Bodies: Bankers Arbitration Board.

Registered Agreements: None.

Remarks:

Negotiations and agreements between the banks and the Irish Bank Officials Association are on a national basis. There is a joint arbitration board. In the Insurance business negotiations are on a firm by firm basis. Trade union organisation is very highly developed in these spheres though the employees are in the "white collar" category.

25. Education, Law, Accountancy, Medicine, Hospitals (other than Local Authority)

Workers' Organisations: I.N.T.O.; V.T.A.; M.U.; (The General Unions cater for the non-professional workers in this sector); I.N.O.; S.T.A.

Employers' Organisations: F.U.E.

Joint Bodies: Law Clerks—J.L.C.

Remarks:

Those engaged in this sector (referred to in the census classification as "professions") fall naturally into two categories—(i) those who follow profes-

sional-type occupations, e.g., teachers, lawyers, medical doctors, nurses, etc., and (ii) those whose occupations belong mainly to the clerical and manual groups. Apart from teachers those who are in the first category are usually workers on their own account or if employees are employed in a managerial capacity. Those in the second category are invariably employees.

Of the twelve disputes investigated by the Labour Court between 1957 and 1961 9 occurred in the private hospitals. Professional staffs were not involved in any of the disputes investigated.

26. Public Administration—

A. CENTRAL GOVERNMENT.

Workers' Organisations: C.S.C.A.; P.O.W.U.; I.P.O.E.U.; I.T.G.W.U.; A.T.G.W.U.; W.U.I.; M.U.; Civil Service Associations; Craft Unions.

Joint Bodies: Civil Service Conciliation and Arbitration Tribunal.

Remarks:

In the case of the various clerical, executive, administrative and professional grades of established civil servants negotiations are carried out through the conciliation and arbitration scheme agreed in 1955. Negotiations are conducted departmentally for departmental classes and with the Department of Finance for general service classes. Collective agreements are in writing. Some of the civil service organisations claim that relations are bad because of an "imbalance" in favour of the State as employer in negotiating and general staff relations arrangements. Manual workers who are established civil servants, e.g., those catered for by the Irish Post Office Engineering Union also come within the scope of the Civil Service conciliation and arbitration scheme.

Other manual workers such as those employed in the Post Office Stores and Factory Departments who are not civil servants have their rates of pay and conditions settled by the rates and conditions which prevail in outside industry.

27. Public Administration—

B. LOCAL GOVERNMENT.

Workers' Organisations: I.M.E.T.U.; I.L.G.O.U.; I.T.G.W.U.; A.T.G.W.U.; W.U.I.; F.R.W.; Craft Unions.

Joint Bodies: Nursing Staff of the District Mental Hospitals.

Remarks:

These include the County and Borough Councils, Health Authorities, Vocational Education Committees, etc.

The Irish Local Government Officials Union caters for clerical and professional workers but is virtually confined to the City and County of Dublin. Negotiations in respect of Local Government Officers are on a local basis but agreement has now been reached by the City and County Managers and the trade unions for the establishment of a system of conciliation and arbitration.

District rates and conditions are followed in the case of craftsmen. Unskilled workers are catered for by a variety of general unions and negotiate separately with each authority. The Irish Municipal Employees' Trade Union caters specially for manual workers employed by the Local Authorities but again is confined to Dublin.

Efforts are being made by some of the unions to introduce a measure of uniformity into the wages and conditions of the workers concerned throughout the country.

Civil Servants and Local Government Officers generally are outside the scope of the Labour Court. There are some exceptions, however, in the case of Local Government, namely mental nurses and public assistance officers. Manual workers employed by the Local Authorities also come within the Court's purview. During the 1957-61 period the Court investigated 125 disputes involving the Local Authorities. Of these 25 involved hospitals.

ABBREVIATIONS

Trade Unions

- A.E.U. : Amalgamated Engineering Union.
A.S.T.R.O.S. : Amalgamated Slaters, Tilers and Roofing Operatives.
A.S.L.P. : Amalgamated Society of Lithographic Printers.
A.S.P.D. : Amalgamated Society of Painters and Decorators.
A.S.W. : Amalgamated Society of Woodworkers.
A.T.G.W.U. : Amalgamated Transport and General Workers Union.
A.G.I.B.S.L.T.U. : Ancient Guild of Incorporated Brick and Stone Layers Trade Union.
A.B.F.S.W.S. : Associated Blacksmiths, Forge and Smithy Workers Society.
A.C.T.A.T. : Association of Cinematograph, Television and Allied Technicians.
A.I.T.M. : Association of Irish Traditional Musicians.
A.R.O. : Assurance Representatives Organisation.
A.S.L.E.F. : Associated Society of Locomotive Engineers and Firemen.
A.G.E.M.O.U. : Automobile, General Engineering and Mechanical Operatives Union.
B.W.T.U. : Building Workers Trade Union.
C.S.C.A. : Civil Service Clerical Association.
C.C.B.S. : Cork Coopers Benevolent Society.
C.H.S. : Cork Housepainters Society.
C.O.B.S. : Cork Operative Butchers Society.
D.D.E.S.A. : Dublin and District Electrotypers and Stereotypers Association.
D.P.D.B.O.A. : Dublin Port and Docks Board Officers Association.
D.T.P.S. : Dublin Typographical Provident Society.
E.P.E.A. : Electrical Power Engineers Association.
E.S.A. : Engineer Surveyors Association.
E.S.S. : Electrotypers and Stereotypers Society.
E.T.U.(I) : Electrical Trades Union (Ireland).
E.S.B.O.A. : Electricity Supply Board Officers Association.
F.R.W. : Federation of Rural Workers.
G.I.O. : Guild of Insurance Officials.
G.I.J. : Guild of Irish Journalists.
I.J. : Institute of Journalists.
I.A.E.A. : Irish Actors Equity Association.
I.B.C.A.W.A.U. : Irish Bakers, Confectioners and Allied Workers Amalgamated Union.
I.B.O.A. : Irish Bank Officials Association.
I.B.A.T.U. : Irish Bookbinders and Allied Trades Union.
I.C.M.A. : Irish Creamery Managers Association.
I.E.I.E.T.U. : Irish Engineering, Industrial and Electrical Trade Union.
I.F.C.T. : Irish Federation of Commercial Travellers.
I.F.M. : Irish Federation of Musicians.
I.L.G.O.U. : Irish Local Government Officials Union.
I.M.E.T.U. : Irish Municipal Employees Trade Union.
I.N.L.B. : Irish National League of the Blind.
I.N.P.D.T.U. : Irish National Painters and Decorators Trade Union.
I.N.O. : Irish Nurses Organisation.
I.N.T.O. : Irish National Teachers Organisation.
I.N.U.V.G.A.T.A. : Irish National Union of Vintners, Grocers and Allied Trades Assistants.
I.N.U.W. : Irish National Union of Woodworkers
I.P.O.E.U. : Irish Post Office Engineering Union.
I.R.B.A.A. : Irish Racecourse Bookmakers Assistants Association.
I.S.L.W.U. : Irish Shoe and Leather Workers Union.
I.S.W.M. : Irish Society of Woodcutting Machinists.

I.T.G.W.U. :
 Irish Transport and General Workers Union.
 I.T.O.G. :
 Irish Transport Officers Guild.
 I.W.W.U. :
 Irish Women Workers Union.
 I.U.D.W.C. :
 Irish Union of Distributive Workers and Clerks.
 I.U.H.A.W. :
 Irish Union of Hairdressers and Allied Workers.
 I.U.S. :
 Irish Union of Scalemakers.
 M.P.G.W.U. :
 Marine Port and General Workers Union.
 M.U. :
 Medical Union.
 N.A.U.L.A.W. :
 National Amalgamated Union of Life Assurance Workers.
 N.A.O.P. :
 National Association of Operative Plasterers.
 N.A.T.E. :
 National Association of Transport Employees.
 N.E.U. :
 National Engineering Union.
 N.F.I.W. :
 National Federation of Insurance Workers.
 N.S.B. :
 National Society of Brushmakers.
 N.S.P. :
 National Society of Painters.
 N.U.F.T.O. :
 National Union of Furniture Trade Operatives.
 N.U.G.S.A.T. :
 National Union of Gold, Silver and Allied Trades.
 N.U.J. :
 National Union of Journalists.
 N.U.P.B.P.W. :
 National Union of Printing, Bookbinding and Paper Workers.
 N.U.P.T. :
 National Union of Press Telegraphists.
 N.U.S. :
 National Union of Seamen.
 N.U.S.M.W.C. :
 National Union of Sheet Metal Workers and Coppersmiths.
 N.U.S.M.W.G.M.M.I. :
 National Union of Sheet Metal Workers and Gas Meter
 Makers of Ireland.
 N.U.T.G.W. :
 National Union of Tailors and Garment Workers.
 N.U.V.B. :
 National Union of Vehicle Builders.
 O.P.A.T.S.I. :
 Operative Plasterers and Allied Trades Society of Ireland.
 P.C.M.T.U. :
 Packing Case Makers Trade Union.
 P.T.U. :
 Plumbing Trades Union.
 P.O.W.U. :
 Post Office Workers Union.
 P.F.A.I. :
 Professional Footballers Association of Ireland.
 R.D.O.C.S. :
 Regular Dublin Operative Coopers Society.
 S.U.I. :
 Seamen's Union of Ireland.
 S.T.A. :
 Secondary Teachers Association.
 S.S.A. :
 Shipconstructors and Shipwrights Association.
 S.L.A.D.E.P.W. :
 Society of Lithographic Artists, Designers, Engravers and
 Process Workers.

S.T.U.I. :
 Stonecutters Trade Union of Ireland.
 T.S.S.A. :
 Transport Salaried Staffs Association.
 T.A. :
 Typographical Association.
 U.H.S.P.D.T.U. :
 United House and Ship Painters and Decorators Trade
 Union.
 U.S.B.I.S.S. :
 United Society of Boilermakers and Iron and Steel Ship-
 builders.
 U.S.E.D.C.F.M.M.T.U. :
 United Stationary Engine Drivers, Cranemen, Firemen,
 Motormen and Machinemen's Trade Union.
 V.T.A. :
 Vocational Teachers Association.
 W.U.I. :
 Workers Union of Ireland.

EMPLOYERS' ORGANISATIONS

C.M.B.A. :
 Cork Master Butchers Association.
 D.M.V.A. :
 Dublin Master Victuallers Association.
 F.B.C.A.E.I. :
 Federation of Builders Contractors and Allied Employers of
 Ireland.
 F.B.M.I. :
 Federation of Boot Manufacturers of Ireland.
 F.U.E. :
 Federated Union of Employers.
 G.I.B. :
 Guild of Irish Bakers.
 I.C.C.M.A. :
 Irish Cap and Clothing Manufacturers Association.
 I.D.A. :
 Irish Drug Association.
 I.F.M.U. :
 Irish Flour Millers Union.
 I.H.F. :
 Irish Hotels Federation.
 I.M.P.A. :
 Irish Master Printers Association.
 I.M.T.A. :
 Irish Motor Traders Association.
 M.P.U. :
 Master Pawnbrokers Union.
 I.P.F. :
 Irish Printing Federation.
 I.S.A. :
 Irish Shipowners Association.
 L.E.F. :
 Limerick Employers Federation.
 L.G.V.A. :
 Licensed Grocers and Vintners Association.
 P.E.A. :
 Petroleum Employers Association.
 R.G.D.A.T.A. :
 Retail Grocery, Dairy and Allied Trades Association
 S.D.C.I. :
 Society of Dublin Coal Importers.
 T.C.A.I. :
 Theatre and Cinema Association of Ireland.
 W.D.F.I. :
 Wholesale Drug Federation of Ireland.
 W.D.A. :
 Wireless Dealers Association.

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