

**Impact case study (REF3b)**

<p><b>Institution:</b> Queen's University Belfast</p>
<p><b>Unit of Assessment:</b> 19</p>
<p><b>Title of case study:</b> Enhancing delivery of public employment dispute resolution processes in Ireland</p>
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>A far-reaching restructuring of publicly-funded employment dispute resolution agencies and programmes in Ireland has resulted from a series of research studies on the structure, conduct and performance of such agencies, and on employment dispute resolution within organisations. In particular, the studies:</p> <ul style="list-style-type: none"> <li>• prompted an internal re-organisation of the main employment dispute resolution agency in Ireland, the Labour Relations Commission (LRC);</li> <li>• led to the introduction of innovative disputes resolution programmes, including a new public-funded workplace mediation programme; and</li> <li>• provided evidence for the major overhaul of the public dispute resolution machinery for Ireland.</li> </ul>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>Since 2005 Professor Paul Teague of Queen's University Belfast, in conjunction with researchers from University College Dublin, has been involved in ongoing research with various employment dispute resolution agencies, most notably the Labour Relations Commission and the Department of Jobs, Enterprise and Innovation. The research aimed to guide policy discussions on the actions required to ensure that Irish employment dispute resolution agencies deliver the highest quality of public service.</p> <p>A wide range of Irish government funded, research studies have been completed, including:</p> <ul style="list-style-type: none"> <li>• the first comprehensive account of the activities of the employment dispute resolution and employment-standard setting bodies, their relationship to one another and the problems they face in advancing their missions. This research was funded by Grant 1 and conducted during 2005-2006.</li> <li>• a systematic analysis of over 10,000 referrals to four main employment dispute resolution agencies to obtain a deeper understanding of the parties involved in disputes, the nature of disputes, features of the resolution process (the extent to which parties used solicitors, for example) and how quickly and in whose favour disputes were settled. This research was funded by grant 2 and conducted between 2007-2009.</li> <li>• a representative national survey to provide an anatomy of disputes resolution in unionised and non-union firms and to find out the extent to which firms are diffusing innovative approaches to dispute resolution. This research was funded by grant 2 and conducted between 2007-2009.</li> </ul> <p>The research compiled a detailed evidence base of cases referred to the employment dispute resolution agencies and on the functioning of different parts of the public dispute resolution system. Information was gathered and analysed on:</p> <ul style="list-style-type: none"> <li>• the characteristics of employees taking cases to employment dispute resolution agencies (REFs 4 and 5);</li> <li>• the nature of the cases referred and the employment legislation used to bring the case (REFs 2, 4 and 5);</li> <li>• the processing of the complaint – the agency/process involved, length of time to settlement, the use of solicitors or not, representation (trade union representation/self-representation by employees and employers), comparative efficiency of agencies (REFs 1,2, 4 and 5);</li> <li>• outcomes – the extent to which employees were successful, whether certain</li> </ul>

employees were more likely to win than others (female employees were found more likely to win cases than male employees, for example), whether different forms of representation influenced the success of the outcome, whether employees were more successful using certain pieces of legislation than others, employee success rates across institutions (REFs 2,4 and 5); and

- variation in level of awards across cases, adjusting for legal stipulations, salary levels of employees as well as experience ((REFs 2, 4 and 5).

Systematic evidence was also compiled on the practices and procedures used by firms to address employment grievances and disputes. This included the extent to which they had formal procedures, the importance attached to informal problem-solving, whether firms approached individual and collective disputes differently, whether a firm's characteristics (i.e. union/non-union, domestically/foreign-owned) influenced the type of practices used, and the extent to which innovative policies were diffused (REF 3).

The research led to important insights into the functioning of some of the main public dispute resolution bodies, including:

- A significant decline in the number of collective-based employment dispute cases, but an increase in the number of individual-based employment dispute cases (REFs 1 and 2)
- The fact that some parts of the system were considered to be functioning better than others.

(i) The Rights Commissioner Service – a dispute resolution agency distinctive to Ireland – was considered to be highly effective at solving disputes informally in light of its legal authority to enforce employment legislation; it successfully combined mediation and arbitration (med/arb) in its role (REF 5).

(ii) The conciliation service of the Labour Relations Commission, the State's main employment dispute agency, was considered to be too focused on addressing collective-based employment disputes and doing too little to address the rise in individual-based employment disputes (REFs 2 and 5).

(iii) The Employment Appeals Tribunal had become too cumbersome, with unacceptably long waiting times before cases were heard (REF 4).

(iv) The number of cases going to the Equality Tribunal had fallen, despite an overall increase in the number of cases to public employment dispute resolution agencies (REF 2).

- Public dispute resolution agencies were seen as lacking integration, which was considered to weaken the system's overall efficiency. For example, it was sometimes not immediately apparent to employees (and employers) which agency was the most appropriate to handle their cases. Lack of organisational integration was also seen as increasing the risk of 'dispute shopping' ie the same case being pursued through different agencies (REF 2 and 4); and

- Alternative Dispute Resolution-style innovations occurred more widely in unionised firms than in non-union firms (REF 3).

### 3. References to the research (indicative maximum of six references)

#### Publications:

Ref 1: Paul Teague, 2006, New Employment Times and the Changing Dynamics of Conflict Resolution at Work: The Case of Ireland, *Comparative Labor Law & Policy Journal*, Vol. 28, No. 1: 57-89 2006

Ref 2: Paul Teague and Damian Thomas, 2008, *Dispute Resolution and Employment Standard-Setting in the Republic of Ireland*, Dublin, Oaktree Press

Ref 3: Deborah Hann, Bill Roche and Paul Teague, 2009, *Managing Workplace Conflict in Ireland*, Dublin, Government Stationery Office

Ref 4: Paul Teague and Deborah Hann, 2012, The Changing Role of Employment Tribunals: The Case of the Employment Appeals Tribunal in Ireland, *Economic and Industrial Democracy*,

33: 3: 531–549

Ref 5: Paul Teague and Deborah Hann, 2012, Enforcing Individual Employment Rights: Lessons from the Rights Commissioners in the Republic of Ireland, *Work, Employment and Society*, 26: 4: 623-629

**Grants:**

**Grant 1:**

Paul Teague, Public Dispute Resolution Agencies and Improving Conflict Management at Work; Department of Jobs, Enterprise and Innovation in Ireland, 2005-2006, €20,000

**Grant 2**

Paul Teague (Principal Investigator) and Bill Roche, UCD, The Dynamics of Workplace Conflict Management in Contemporary Ireland; Department of Jobs, Enterprise and Innovation in Ireland, 2007-2009, €180,000

**4. Details of the impact** (indicative maximum 750 words)

The value of this research, which has impacted on employment dispute resolution services in Ireland in several ways, is underlined by the following quotes from successive Chairpersons of the LRC.

In 2008, the then Chairperson of the LRC Board commented on REF2:

*“The study...did note that as employment relations systems become more legalistic there is an even greater need for complementary measures that assist the parties to become more self-reliant in complying with labour standards. Moreover, the authors note a growing emphasis on the evolving pro-active services that focus as much on dispute avoidance as dispute resolution and they cite mediation as one such approach. The bottom line is that we should – and we will - stick to the knitting but we need to develop, expand and improve on service delivery. We are broadly, doing the right thing, but we need to do it better.”*

In 2009, Breege O’Donoghue, Chairperson of the Labour Relations Commission, said:

*“The Board, with the assistance of the Chief Executive and the Senior Management Team, have initiated a review of current trends in human resource management; employment rights dispute resolution and the overall interface of our services with our primary representative clients in the context of the extremely fluid national economic and international outlook. To assist it in its deliberations, the Commission has engaged independent academic expertise ...A number of seminal studies, focus groups and reviews of current trends are being undertaken in order to evaluate the changes underway and identify areas of positive engagement for the future in both our private enterprise sector and state services.”*

The rich evidence base produced by the research was disseminated through several national conferences, organised by the Labour Relations Commission (“New Perspectives on Workplace Change”, Croke Park, Dublin, November 2008, and “Building Better Employment Relations”, 23rd February, 2011, Croke Park Conference Centre (organised by the LRC). Presentations were also made to the Governing Boards of the LRC and Equality Tribunal and to the senior management teams at the Labour Court and Employment Appeals Tribunal. Focus groups and workshops were held with staff of the Rights Commissioners, LRC; the employers’ organisation, IBEC, and the ICTU, the confederal body of Irish trade unions. Detailed internal briefings and presentations were made to senior staff of the Department of Department of Jobs, Enterprise and Innovation as well as the Taoiseach’s office. Discussions were particularly intense inside the Labour Relations Commission about the implications of the research findings for the way it carried out its mandate.

As a result of these discussions, the LRC has introduced a number of important changes since 2008. In particular, its conciliation service, the biggest service within the organisation, was re-organised so that fewer resources were directed to solving collective disputes, the incidence of which was found to have declined substantially. In addition, a publicly-funded mediation

service was created to allow employees and firms to address mainly individually-based problems informally, so that they would not revert automatically to the law. <http://www.lrc.ie/documents/publications/strategy/strategy2008-2010.pdf>.

The research had shown that the LRC's Rights Commissioners service was considered the most efficient and innovative part of the employment dispute resolution machinery. In 2008, the Commission successfully used this evidence to win extra Government resources to increase the numbers of Rights Commissioners from 11 to 18 and to develop a more systematic training and support package for this service.

In 2009, the Department of Jobs, Enterprise and Innovation increased the secretarial support for the Employment Appeals Tribunal (EAT) to address the issue of long waiting times, an important finding of the research.

As a result of the evidence that the legalisation of the EAT process had increased significantly, in 2010 the EAT, the LRC and the national Employment Rights Authority collaborated to launch a pilot early resolution service that would endeavour to bring parties to a dispute together before a Tribunal hearing to explore the possibilities of reaching an informal settlement [http://www.lrc.ie/docs/New\\_Pilot\\_Early\\_Resolution\\_Service/803.htm](http://www.lrc.ie/docs/New_Pilot_Early_Resolution_Service/803.htm).

In 2011, the Department of Jobs, Enterprise and Innovation Minister, Richard Burton TD, announced a major overhaul of public dispute resolution agencies to streamline and simplify the system. This was a main recommendation of the research and the major thrust of a high-level presentation delivered to the Department by the research team six months previously: Civil servants have confirmed in correspondence that the findings emerging from the research heavily influenced the decision to reform established arrangements.

On the back of this research, the United Nations' International Labour Organisation commissioned Teague to produce the discussion paper 'Resolving workplace disputes in Ireland: The role of the Labour Relations Commission', *DIALOGUE Working Paper No. 48* (ILO, Geneva), one of the first publications of the ILO's new initiative on workplace dispute resolution (see <http://www.ilo.org/ifpdial/areas-of-work/labour-dispute/lang--en/index.htm>)

##### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

Chief Executive, The Labour Relations Commission

Chairperson The Labour Relations Commission  
(both can corroborate impact on the LRC)

Head of Industrial Relations Unit, Department of Jobs, Enterprise and Innovation (can corroborate impact on the policy proposal to change radically the public employment dispute resolution system)

Chairperson, Employment Appeals Tribunal (can corroborate impact at the EAT)

Reference to LRC decision to increase the numbers of Rights Commissioners and to develop a more systematic training and support package for this service, as a result of the research. [http://www.lrc.ie/documents/annualreports/2008/LRC\\_AR08.pdf](http://www.lrc.ie/documents/annualreports/2008/LRC_AR08.pdf).

Link to press release on Minister's announcement of overhaul of agencies <http://www.djei.ie/press/2011/20110702.htm>