**2010 Exam Question – Industrial Relations Act 1990**

**(A) (i) Outline the impact on trade unions of the main provisions of the Industrial Relations Act**

**1990**

The main provisions (any 3 required):

**Answer:**

**Trade Dispute** as defined by the **Industrial Relations Act 1990** is ‘any dispute between employers and workers, which is connected with the employment or non-employment or the terms or conditions of employment of any person’.

**The Industrial Relations Act 1990:**

**1. States Grounds for Legitimate Trade Dispute**

The following issues may give rise to a legitimate trade dispute: dismissal, employment policy, range of duties, trade union membership, pay and conditions, health and safety at work.

**2. Secret Ballots**

Under the provisions of the **Industrial Relations Act 1990** no strike or other industrial action can take place without a secret ballot. All members are given a fair opportunity of voting**.** The act also provides that the union should not organise or participate in industrial action without a majority of votes having being cast in favour of industrial action. The union must make known to the members (entitled to vote) the results of a secret ballot as soon as practicable after the vote. **One week’s notice** of action must be given to the employer involved in a dispute.

**3. Official Disputes/Unofficial Disputes and Injunctions**

**Official dispute** is one where a union has received approval from workers in a secret ballot and is confirmed by ICTU.

**Unofficial disputes** have no ICTU or union approval and workers receive no strike pay. According to the **Industrial Relations Act 1990** organisers of unofficial disputes do not have legal protection against being sued by their employer. If trade union members engage in an illegal dispute then an employer can get an **injunction** (a court order restricting certain activities**)** against the workers involved.

**4. Picketing**

**Primary picketing**. According to the **Industrial Relations Act 1990** it is lawful for workers to picket

peacefully at a place where their employer works or carries on business provided the picketing is for the purpose of peacefully communicating information.

**Secondary picketing**. The **act** provides that secondary picketing (i.e. picketing of an employer other than the primary employer involved in the dispute) is lawful only in situations where it is reasonable for those workers picketing to believe that the second employer was acting to frustrate the industrial action by directly assisting their employer.

**5. Immunity**

The **Industrial Relations Act 1990** states the trade unions and workers are immune from legal

action/prosecution for damages or losses suffered by the employer as a result of a trade dispute. This means an employer cannot sue a trade union and its members for losses suffered as a result of a strike (provided it is an official trade dispute) and a secret ballot (members must have voted in favour of the industrial action) was held

by the trade union before the strike action.

**A (ii) Describe two types of official Industrial action a trade union can undertake as part of a trade dispute**.

**1.** **Work to Rule/ Overtime Ban:**

* They only work as per their contract.
* They follow the rules of their employment contracts to the ‘letter of the law’.

**2. ‘Go Slow’**

* They stay on their jobs but drastically slow down the operations, sometimes making it impossible for the business to operate.
* As they are still at work they are entitled to get paid.

**3.** **Official Strike**

* Is organised, by unions, so as to comply with the law.
* It is a complete withdrawal of labour.
* Workers are entitled to strike pay.
* Certain conditions must be met in advance of any strike taking place.