

GX 1808

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BL1, 2BL2, 2CW1, 3BA6, 3BL1, 3BL2, 3CL1, 3CW1, 4BA8, 4BL2, 4CL2
Exams(s)	2 nd 3 rd & 4 th LL.B. 2 nd & 3 rd Bachelor of Civil Law 3 rd Bachelor of Corporate Law 3 rd & 4 th Bachelor of Arts (Public & Social Policy) Erasmus & Occasional Students
Module Codes(s)	LW216
Module(s)	Labour Law II
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Aileen McColgan
Internal Examiner(s)	Ms. Lucy-Ann Buckley
<u>Instructions</u>	Answer THREE questions. All questions carry equal marks. Where a question contains more than one part, all parts carry equal marks.
Duration	TWO Hours
No. of AnswerBooks	
<u>Requirements:</u>	
<i>Handout</i>	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
No. of Pages	3
Department(s)	Law

1. Mary works as a quantity surveyor with Danger Construction Ltd. She has become increasingly concerned at safety standards on a development where she has been based in recent months. While coming onto the site last week, she tripped and fell over some fallen scaffolding, which had been improperly erected by some new employees. Scaffolding has also been erected around the outside of the site, which faces onto a busy street. Mary fears for the safety of the scaffolders, as they do not seem to have sufficient expertise, and Mary knows of a worker's death on another site 6 months ago in similar circumstances. She is also concerned that many of the workers on the site do not wear safety equipment, although this is provided for them. The workers argue that the equipment is cumbersome and uncomfortable, and some feel that their personal safety equipment is in such disrepair as to render it almost useless. Mary has notified the site manager, Joe, about her concerns but he says that he cannot deal with safety issues at the moment as there is enormous pressure to finish this stage of the construction. Mary herself has become very stressed due to her heavy workload. She has repeatedly asked Joe for an assistant, and has told him she feels she will soon have a nervous breakdown if she does not get help. Joe replied that pressure came with the job, and that if she could not cope, maybe she should reconsider her career. Advise Mary.

2. Critically discuss the principal provisions of the Transfer of Undertakings Directives and implementing Regulations in Ireland. In your opinion, is it true to say that the provisions unjustly discriminate against employers' interests in the restructuring of enterprises? Give reasons for your answer.

3. Mary was hired as a machine operator in Cheap Knits, a knitting factory in Galway, in June 2002. Although happy enough with her job and her working conditions, Mary, a keen socialist, continued her membership in the Rights for Knitters Union (RKU), in which she had been active for some months. While meeting colleagues for drinks after work, she frequently spoke to them about the benefits of union membership and encouraged quite a number of them to join the RKU. Since Mary's employment began, her employer has received letters from the RKU inquiring into certain terms and conditions of her contract of employment. In addition, Cheap Knits has also overheard some of Mary's colleagues commenting during their lunch break on the benefits of union membership in strengthening their negotiating powers. Last month Mary was dismissed from her position. Her employer explained that the reasons for her dismissal were incompetence and a failure to meet production targets. Mary was unaware that any such targets existed and suspects that the real reason for her dismissal was her union membership. She is however unsure as to whether she can take any action as she has on a regular basis classed a certain portion of her salary as expenses in order to avoid the payment of tax. Advise Mary as to any action she can take.

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4. Kate recently applied for a job as a lecturer at the University of Conamara. She did very well at the interview until she was asked if she was planning to have children. When she said that she was in fact pregnant, she was told it was University policy not to hire pregnant applicants, as the pressures of coping with the University's very rowdy students could lead to health risks. Lisa was recently offered a temporary job in the University library, replacing someone on maternity leave. Shortly afterwards, she informed the University that she too was pregnant, and would be taking maternity leave a month before the usual librarian returned. The University immediately withdrew the job offer, stating that it needed someone who could work the full maternity leave period. Claire, who works in the University canteen, was recently dismissed for taking too much sick leave. She suffered complications during her pregnancy last year which have left her with persistent health problems. The University was sympathetic at first, but eventually said it could not continue to employ someone whose work attendance was unreliable. Jane, who also works in the canteen, has also been dismissed for taking too much sick leave during her pregnancy. Her sickness was due to the sight of the canteen food, which turned her stomach, which was especially delicate due to her pregnancy. Advise Kate, Lisa, Claire and Jane.
5. *'Although the Industrial Relations Act 1990 appears to secure the right of unions to take industrial action, this is undermined by the Act's interference with internal trade union affairs and by the need to comply with formalities to obtain full legal protection'.*
Do you agree? Discuss critically, supporting your answer by reference to appropriate legal authority.

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