

LW212 - Labour-Shivaun

Ollscoil na hÉireann, Gaillimh
National University of Ireland, Galway

Semester I Examinations, 2003/2004

Exam Code(s)	3 CL, 2 CW, 3 CW, 2 BL, 3 BL, 4CL2 4 BL, 3 BA6 1EM, 1OA
Exam(s)	Labour Law I
Module Code(s)	LW 212
Module(s)	Labour Law I
Paper No.	1
Repeat Paper	Special Paper
External Examiner(s)	Professor. Aileen McColgan
Internal Examiner(s)	Ms. Shivaun Quinlivan

Instructions:

Please answer three questions. All questions carry equal marks.

Please indicate on your answer books which questions have been attempted.

Duration	2hrs
No. of Answer books	3

Requirements:

Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Employment Equality Act, 1998

No. of Pages	2
Department(s)	Law

1. Patricia works as a columnist for *Entertainment Today*, a Galway magazine. She contributes a regular 'events' column, for which she is paid a monthly salary. She also writes occasional biographies on particular performers, when requested to do so by the editor. She receives an extra payment for these articles. She does not usually work in the magazine's offices, although she has a desk there, as she prefers to work at home, where it is quieter and she can also mind her dog. She does not attend editorial conferences, as only workers of a higher grade do this. She does not receive holiday or sick pay, but does receive a Christmas bonus. She manages her own tax affairs. She also works part time in the local college teaching on a journalism course. Recently Patricia was driving out to cover a story she had been asked to write up when she accidentally knocked down and injured Raymond. Raymond now wishes to obtain compensation for his injuries. Advise Raymond.
2. 'Once again, the social role of parenting has been imposed upon the female by providing leave for adopting mothers only, while their male partners are entitled to leave only in very limited circumstances, thus needlessly perpetuating socially created sex-based differences between men and women.' Bolger & Kimber, *Sex Discrimination Law* (2000).

Discuss this statement with reference to the relevant legislative provisions, case law and academic commentary.

3. **Please Answer either A OR B.**

- A) Marie is employed as a receptionist by 'On Time' a haulage firm. Over the past twelve months she has complained several times to the management about the crude and vulgar way in which the drivers talk to her. Management responded by stating that the drivers are always crude and vulgar and she should pay no attention to them. One of the drivers, Derek, asked Marie to go on a date with him. She refused. He has persisted in asking her out and she has continuously refused. Recently Derek has begun to describe to Marie, in graphic detail, sexual acts he would like to perform with her. Marie has also reported these incidents and the Management response has been to ignore him on the basis that his pride has been hurt. She is unhappy with this response, and feels that something should be done about Derek's actions. She contacts you for your advice as to the legal measures which would assist her, though she is concerned that she might lose her job if she does take any legal action. Advise Marie.

OR

- B) Discuss the law on same sex sexual harassment in both the U.S. and Ireland. Please refer to legal authority in your answer.

PTO

4. Reasonable accommodation is the key to breaking down the walls of myth and prejudice that have limited opportunities for individuals with disabilities. Imposing the duty of reasonable accommodation forces employers to overcome their preoccupied notions about disabilities and focus instead on the capabilities of individual applicants.

Discuss this statement with reference to the relevant legislative provisions, case law and academic commentary.

5. 'In trying to balance the economic interest of the free market with the principles of sex equality, the [European Court of Justice] clearly saw the former as more important.' Bolger & Kimber, *Sex Discrimination Law* (2000).

Discuss this statement with reference to the concept of indirect discrimination and with reference to the relevant legislative provisions, case law and academic commentary.

6. The two new equality Directives from Europe (Council Directive (EC) 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive (EC) 2000/78 establishing a general framework for equal treatment in employment and occupation) are going to bring about numerous changes to the Employment Equality Act 1998. Please discuss the major changes that will be necessary to bring Irish law into conformity with EC provisions.

END