

The 20th Countess
Markievicz Memorial Lecture

Reconciliation of Family and Working Life –
Issues and Options

Mervyn Taylor T.D. Minister
for Equality and Law Reform

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The Countess Markievicz Memorial Lecture has been established by the Irish Association for Industrial Relations with the support of the Department of Enterprise and Employment. Countess Markievicz was appointed Minister for Labour in the Executive of the first Dáil Eireann in 1919. The object of the Memorial Lecture is to provide an occasion for a substantive contribution to discussion in the industrial relations area by a distinguished practitioner or academic.

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I would like to express my appreciation for the kind invitation of the Irish Association for Industrial Relations to deliver the Countess Markievicz Memorial Lecture. Prior to the establishment of the Department of Equality and Law Reform, I also had the honour to serve as Minister for Labour. So it is appropriate that having been the last Minister for Labour, I should deliver a memorial lecture in honour of the first Minister for Labour. Now as I am Minister for Equality and Law Reform it is also appropriate that the lecture should be in an equality-related area in memory of the first woman to be a member of an Irish Cabinet, who also displayed an abiding interest in women's rights. In this regard, it is probably somewhat ironic that, to Countess Markievicz's great indignation, the sentence of death imposed upon her for her part in the 1916 Rising was commuted to penal servitude for life because of her sex.

My lecture is about social change. A change from a society that has placed children, domestic duties and the elderly in the sole charge of women. A change from a society that placed men at the centre of economic activity and political life. The process of change is far reaching and on a broad scale. It is a slow and incremental process that is part of the history of this century and that is set to continue to evolve in the course of the 21st century. We are, therefore, at a mid point of a social revolution, and caught up in it ourselves, we are perhaps a little too close to the action to take an objective view of it.

To set the process of change in context, it is worth recalling that married women first secured the right to own property in 1870. In politics, women did not vote in general elections in these Islands until 1918 — the year in which Countess Markievicz became the first woman to be elected to the House of Commons. In the world of work, progress for women has been marked by slow but steady development. It is becoming clear that full participation by women in

the labour force demands a radical re-orientation not just in the workplace but in the distribution between the sexes of domestic responsibilities, especially as regards the care of children and the elderly. These are issues therefore which I believe should be of interest to this audience, for industrial relations are about the relationships between employers and employees and how they may best work together to mutual benefit.

The family context

Insofar as it is the family interest which may not yet have impinged on the consciousness of the industrial relations scene I propose to look briefly at this context before venturing on to the more familiar territory of working life. If it is a truism to say that the family is a fundamental group of society it is one which I make no apology in repeating. I am especially aware of the importance of the family in Irish society. Indeed I might say I am acutely aware of this given my Department's intense programme of family law reform and the very in-depth treatment which family issues received from the Second Commission on the Status of Women.

So important is this field that the Government recently decided to establish a special Commission on the Family. The Commission will be broadly representative of Irish society. Its primary function will be to "raise public awareness and improve understanding of issues affecting families". In the context of reconciling family and working life I believe this to be a very important function and I fully support the Commission in its work.

In the course of this address I will only attempt to draw a very brief picture of family life as it relates to working life. One important feature has been the decline in size of the average family. The total

number of family units with more than two children fell from 270,000 in 1981 to 250,000 in 1991. Joe Durkan, in his recent publication for the Employment Equality Agency, also notes this trend by showing that the number of wives aged 25-34 with no children had risen to 20% in 1991 as compared to 16% in 1966.

This trend is further mirrored in a recorded fall by one third in the rate of marriage since the early 1970s. In 1994 just under 48,000 births were registered in Ireland. This represents a dramatic change from a position where traditionally Ireland had one of the highest birth rates in Europe, to a current rate which is below replacement level. In 1972, the Report of the First Commission on the Status of Women identified the typical family, then as set along traditional sex role lines. That consisted of the father working outside the home "earning the family living" while the mother took charge of all domestic activity on a full time basis. The Second Commission on the Status of Women, which reported to Government in 1993, noted that despite increasing participation of women in paid employment, a high proportion of women was still engaged in full time duties in the home.

Perhaps the change in the circumstances of women in the family is best illustrated by reference to the major increase in the economic activity rates of married women. While in 1971 only 7.5% of married women actively participated in the labour force, by 1993 over 31% were involved and this trend continues to increase annually.

From these very basic observations it is clear therefore that family structures are not static. Family size and family behaviour patterns continue to evolve and this change brings both problems and opportunities.

The work context

With regard to the nature and structure of the world of work some equally interesting observations can be made. A fundamental feature of business activity today is the competitive climate within which it operates. More open markets and much wider production options contribute to greater competition and the very survival of businesses and their capacity to provide employment depends on the responses to this environment. Even public service employments not normally regarded as exposed to competition may not be immune from these pressures and are regularly required to introduce efficiency measures to free up resources for other purposes.

Another obvious fact about work has been sectoral change. In 1971 26% of those at work were employed in Agriculture or Fishing with 31% in industry and 43% in services. In the estimates published by Durkan, based on the 1994 Labour Force Survey material, the distribution of workers across the sectors was 12%, 28% and 60% respectively in Agriculture or Fishing, Industry and Services. These sectoral trends also bear witness to the massive entry of women to the labour market. The phenomenal expansion of the services sector has been particularly significant in attracting women workers.

Female participation in the labour force shows a rising trend over the period since the early 1970s. In 1971, women accounted for approximately 26 per cent of the labour force, while by 1994 this had risen to almost 37 per cent, outpacing total labour force growth by a factor of almost two and a half to one. The number of married women in the labour force as a percentage of the total female labour force has also risen, from around just over one eighth in the early 1970s, to nearly a half of the female labour force in 1993.

Undoubtedly this feminization of the labour force has contributed more than any other development to the relevance and importance of reconciling family and working commitments. Last year the Women's Bureau of the U. S. Department of Labour published a report on the views of some quarter of a million working women. The report draws on the eloquence of individual women to explain the double burden of motherhood and employment. In one mother's words most women were regarded as having jobs not careers.

A telling finding of the Report was that when women rank their problems in the workplace, too much stress from trying to balance home and work demands was the number one problem. They complained that there just wasn't enough time to reconcile these commitments.

Working time

I now propose to look at working time developments in the context of the labour market. On the labour supply side, at the same time as more married women with children have joined the workforce the number of one and two person households without children has risen. For these workers free of family responsibilities, higher standards of living, better education and more opportunities for leisure have prompted a reappraisal of the relative value of working time and free time. This has resulted in a greater willingness in the labour force to trade off income for more personal time.

On the demand side too, employers have become interested in flexible working time arrangements as a means of fully exploiting productive capacity, extending plant utilisation time and shop opening hours and adapting production to seasonal and other demand variations.

In 1986 the ILO examined flexible working time arrangements and identified three different approaches. The first, flexible work scheduling, ranged across flexitime, daily rest periods, staggered hours, annualised hours, shift work, leave scheduling, week end work and shop opening hours arrangements. The second approach was based on employment relationship options such as part-time work, fixed term contracts, temporary and agency employment, on call arrangements and telework. The third approach involved lifetime work scheduling and related to transition from school to work; educational, sabbatical and parental leave as well as pensionable age.

This analysis fairly succinctly captures the working time options available. Of course it leaves unresolved the question of what suits whom best. Earlier this year the OECD published a report on Flexible Working Time which focused on collective bargaining and Government intervention perspectives. It suggested that for employers, extension of operating hours was an increasingly important response to rising capital investment. In addition, more rapid changes in national and international markets often forced employers to temporarily expand or cut back on production. Overtime, shift work, weekend scheduling short or compressed working weeks were all options being considered by employers.

The report observed that trade unions have traditionally defended the collective interest in working time issues. Because of concern not to weaken solidarity the main focus of trade unions has been on reducing the working week without loss of earnings. The two aims of this approach were to redistribute the existing volume of work as a means of job creation and to improve the well being of serving workers.

On the role of Government intervention the OECD pointed to the regulatory framework within which work time scheduling operates. The extent of legal regulation varies widely between countries but there are core aspects of working time arrangements that are regulated in virtually all countries. Maximum weekly hours, minimum rest, annual leave and public holiday arrangements are the mostly commonly regulated issues. At the same time many Governments share employer concerns about achieving economic advantages from changes in working time arrangements.

Family leave

In my own Department statutory intervention on work time arrangements has featured in the Maternity Protection Act, 1994 and the Adoptive Leave Act, 1995. The Maternity Protection Act firmly addresses health and safety concerns in accordance with the E.U. standard of 14 weeks paid absence. The Adoptive Leave Act on the other hand has less relevance to health and safety considerations but rather addresses the need for treatment of adoptive mothers on the same basis as natural mothers. As such therefore both these Acts make significant contributions to reconciling family and work responsibilities all be it in the very specific circumstances of early motherhood.

The concept of working fathers as parents is being given more attention in the context of progressing parental leave provisions. As you know fresh proposals on parental leave are now with the social partners at European level under the Social Protocol to the Maastricht Treaty. I await with great interest what will emerge from these negotiations. In 1993 I confirmed Government support for proposals for a European Directive on this subject. Unfortunately however the proposal failed to get the unanimous support it required. I remain

committed to the adoption of suitable parental leave provisions for Irish parents

The potential contribution of parental leave to reconciling family and work commitments is already on the national agenda under the Programme for Competitiveness and Work. I am satisfied that the deliberations by Employer and Union interests at European level will enable Irish employer and trade union representatives to influence the emergence of European and ultimately national provisions. Whatever is agreed by them, this process of negotiation at European level ensures the social partners a leading role in the development of appropriate statutory proposals.

Equality legislation

Over and above the "family leave" provisions I have mentioned I should point out that the reconciliation of family and working life is also covered in employment equality legislation. This will be reinforced in the revised employment equality legislation which I intend to publish very shortly. Marital and family status will be distinct categories for protection against discrimination. Furthermore there are at least three areas where equality case law both nationally and by the European Court of Justice has made an immediate and significant difference to women atwork and their domestic lives.

Historically, the labour market has been structured to recruit workers in the school leaving years and, thereafter, to demand a full time, life long commitment until retirement. Twenty years ago in Ireland, it was not uncommon for public sector employers to set maximum age limits in recruitment advertisements of as low as 20 in some cases. Case law has been a driving force in a new attitude to age limits for many jobs. A benchmark Irish equality case - North-Western Health

Board v Martyn found an age limit of this kind to be discriminatory against married women under the 1977 Employment Equality Act. Today, if there are maximum recruitment age limits specified at all for appointments like these, they tend to be set around 50 years of age. This change has benefited many people but none more than women whose domestic responsibilities during the child rearing years leave them less available than men to take up jobs during their twenties.

A second area I would mention where equality law has been central to effecting change relates to pregnancy and related absences from the workplace. Equality law has been singularly effective in changing attitudes of employers to women who are pregnant or have recently given birth. In the Dekker case, the European Court of Justice ruled that "only women can be refused employment on grounds of pregnancy and such a refusal therefore constitutes direct discrimination of grounds of sex."

In the Webb case, the Court went on to uphold the right of Member States to provide special protection for women in connection with 'pregnancy and maternity', without breaching the principle of equal treatment. Nowadays, every employer should be aware of the right of pregnant workers to equal treatment including protection against dismissal for pregnancy related reasons.

Lastly, European law has supported women who characteristically take time out of the labour market during the child rearing years or re-enter or remain in the work force on a part-time basis for reasons related to child rearing. In Bilka-Kaufhaus vs Weber, the European Court of Justice found the law sufficiently flexible to take account of the disadvantaged position of women part-time workers compared with their full-time male colleagues precisely because women were more likely to take part-time work so as to enable them to discharge

their domestic responsibilities. The Court ruled that Bilka-Kaufhaus had discriminatory rules for access to an occupational pensions scheme. That was in 1984. Today, the case for pro-rata benefits generally, for groups of part-time workers which comprise mainly women, is not a matter for contention.

Other working time proposals

There are of course many other developments which will contribute to easing time pressures arising in reconciling work and family life. I will not attempt to list them all but I must mention the importance of the proposed introduction of legislation to implement the EU Working Time Directive and in this context the current consideration of the Department of Enterprise and Employment Discussion Paper on Holidays Legislation.

I appreciate that IBEC have particular concerns that any new legislation this area should have due regard for competitiveness. I agree that that is important. However, I have also a concern that such statutory arrangements as are put in place should be sensitive to the needs of workers with family responsibilities. This view I am happy to see is profiled in the Discussion Paper.

Sharing family commitments

I have spoken so far about the organisation of working time as a factor in reconciling work and family commitments. However as we all know reconciliation of these commitments can also be greatly assisted by means of supports or substitutes. In identifying the need for a significant change in attitude to work and family responsibilities the Second Commission on the Status of Women wrote, and here I quote the Second Commission;

"....at work, it must be recognised that both women and men employees have domestic responsibilities and attempts must be made to structure work flexibly to take account of this; at home, men have to assume co-responsibility for domestic and family commitments."

I am afraid that there is little evidence that the sharing of family responsibilities has improved. Men's contribution to the performance of domestic tasks has not increased proportionately as women have joined the ranks of paid employment. This results in a grossly unequal division of family responsibilities and effectively applies a double disadvantage on women. Firstly it leaves them taking on the onerous caring and other duties of the household alongside their employment commitments and secondly it forces many women into atypical work areas or other lower paid employments which enable them better meet family demands but provide little opportunity for advancement or the development of their real potential in the labour market.

In these circumstances it is increasingly important for men to become more willing to substitute for the working woman in the carrying out of home duties. Here working time developments can contribute as standard working hours are reduced and more flexible working time arrangements are opened to men workers as well as women. The introduction of parental leave will also facilitate a greater opportunity for the male to share family responsibilities. However the redistribution of domestic commitments between men and women cannot be imposed through legislation.

Childcare

Of course there are other substitute options to support workers with family responsibilities. Undoubtedly the single most important of these is childcare. It is widely accepted that a lack of childcare support hinders the opportunity for women in the employment market, either by denying them access to jobs or by forcing them out of employment at crucial times in their lives. My principal function in this area is the encouragement of the provision of childcare services as a support to working parents and parents seeking access to employment, training or education opportunities which might otherwise be denied to them. I have been greatly assisted in pursuing policy in this area by the Report of the Working Group on Childcare Facilities for Working Parents which was presented to me last year. One of the first actions taken by my Department in the childcare area was directed towards ensuring the inclusion of a childcare element in the National Development Plan. This was closely followed by the introduction of an initiative taken to develop pilot childcare projects in disadvantaged areas. Exchequer funding of £1m has been provided for over 70 such projects this year.

In initially focusing attention on these matters, I was seeking to prime-start a number of childcare activities including projects supported by local employers, public authorities and voluntary organisations in areas of social disadvantage. Consistent with the National Development Plan the Human Resources Operational Programme of the Community Support Framework has set aside a total of nearly €8 million to support equal opportunities measures including childcare initiatives over the period of the Programme. FAS, in its contribution over the next few years has committed €1.5 million to childcare training measures and will supplement this with support for childcare facilities for its trainees. While these measures are primarily targeted at working parents the State is also involved in childcare provision through the health boards. In 1992, the latest year for which data is available, over 300 centres catering for 9,000 children countrywide were supported by health boards. These services

are essentially for children at risk but undoubtedly assist some working parents.

This reference to children at risk highlights the sensitivity of service provision of this nature. The Government has increasingly been developing its approach to childcare by the implementation of the Child Care Act, 1991. I make no apology for the Government's prioritising of measures to protect children at risk. The acute problems associated with this field must be addressed without delay. I am pleased however that the Minister of State at the Department of Health is now addressing the broader issue of regulation and standards for childcare facilities. Next year he is committed to giving effect to provisions of the 1991 Act on this subject. This will represent a watershed for childcare provision in this country.

Firstly it will oversee the application of standards in childcare services and will greatly enhance the peace of mind of working parents who wish to avail of services to the highest professional standards. From a policy viewpoint it will provide a new insight into the operation and use of these services and for the first time accurate data on supply of the childcare places will be available. This should herald a better informed and more strategic approach by policy makers and others in developing capacity.

It would be naive however to think that the Government will be in a position instantly to supplement the current private sector provision so that any shortfall can be eradicated. For the immediate future it is likely that many working parents will have to continue to pay for these services. However as I have explained infra structural support will be greatly increased both by means of regulatory measures and childcare worker training. In addition other pump priming supports such as my own Department's pilot scheme will be adopted where

possible. Of course there are other possible sources of support for increasing childcare capacity. The social partners must now be well aware of the benefits of the availability of childcare facilities and in future collective agreements, the inclusion of provisions for such facilities should be addressed. Much of the progress that is being achieved at present derives from a partnership of business, worker, community and public authority interests in the context of local enterprise initiatives. Indeed childcare facilities are not exclusively being viewed as supports for workers and their employers. The employment potential of this sector is also being acknowledged and is currently the subject of examination under the PCW. I have earlier given some indication of the complexities and variations of working time options. Equally with childcare provision the range of options is considerable. The Working Group which reported to me last year identified at least 11 different types of childcare service. These involve services based in a care centre or pre-school facilities, others comprising childminding care on a full day or after school basis and others again targeted at occasional rather than regular demands. They vary too between services located in the home in the local community or adjacent to work.

The range of preferences of individual parents will obviously be important in any efforts to increase capacity. A uniform collective approach would be difficult. In many employments it will not be viable for employers to provide work based crSche facilities. Such employers do have the option however to sponsor childcare places in community facilities or indeed support the establishment of local childcare placement services which may better match working parent preferences and the range of services available.

Advantages of family friendly work arrangements

It should be self evident from many of the observations made above that there is profound inequality in the sharing of family and work commitments between men and women. However, the loss to society of this failure to share the benefits and tribulations of working and family life is rarely recognised.

I have little doubt that a fairer distribution of family responsibilities would strengthen and enhance the quality of family life. It is noteworthy that when working women raise the question of childcare it is frequently as a valued responsibility from which much fulfilment and reward arises. Working fathers then are at a loss if they are not involved in sharing this responsibility. Those of you who are parents will already appreciate this.

A better sharing of work responsibilities and opportunities is also warranted. The current disadvantage experienced by women in this regard has detrimental consequences not only for their own development and earnings capacity but also for business itself. Experience has shown, that employees who have the flexibility and support they require for family life are more committed to the employer, with a resultant improvement in productivity. In the UK, the Office of the Minister for the Civil Service and the Treasury has identified the benefits of flexible working hours as including "greater ability to attract and retain the best staff, reduced absenteeism, higher productivity and greater efficiency."

To the manager of an enterprise, the re-organisation of the workplace to suit needs apparently extraneous to commercial imperatives may seem inconsistent with ensuring efficiency allied to profits. However such a perspective completely overlooks the complex motivations of those who work and rear a family. While economic considerations are usually of major importance, the desire for a career or

independence is also significant. If these needs can be made compatible with family responsibilities through flexible arrangements or childcare supports, an employer will reap the benefit of that employee's job satisfaction and loyalty in increased output.

We all know that at certain stages in family life, minor domestic crises and emergencies can often affect attendance at work. If there is no flexibility in the availing of time off, absenteeism results. Flexible arrangements can eliminate such absenteeism and create a more open approach to both sets of responsibilities. In fact, research by existing companies which provide flexibility has shown that flexibility helps retain experienced staff, reinforces loyalties, improves output and efficiency and, ultimately, contributes to the greater success of the firm.

Furthermore the loss of experienced staff to an organisation because of family pressures can be very expensive. In the UK some employers, have assessed recruitment and training costs arising from the need to replace experienced administrative staff as between £5,000 and £10,000 per person. One major bank, which was losing about 1,000 women managers every year because of family care needs, costed such losses at about £17 million annually, or £17,000 per manager due to recruitment and replacement costs.

In Ireland, the size and scale of employments is much smaller than in the UK. Only about 5% of Irish employments have more than 50 workers. However, even in these small firms the cost of lost skill and experience is high. All employers must ask themselves therefore if such costs need to be incurred in the first place.

A message which has become increasingly clear is that a nation cannot afford to ignore the economic contribution of half of its citizens. Certainly, successful nations, from Germany to Japan, all have a much higher proportion of women in the workforce than we do. In Ireland, the proportion of women in the labour force is increasing and the challenge for the future is to successfully harness that quantum increase in economic talent that increased female participation in the labour force has brought. At the level of the firm, there can be no financial sense in discouraging, demotivating or dispensing with the services of highly trained and effective women as has been the case in the past. This means that a more equal society generally, must be reflected in the workplace.

Social Protection

The social history of the 20th Century is marked by the continuing progress of social legislation. The sweatshops and the factories of industrialised Europe and North America at the end of the last century and at the beginning of this one have been replaced by far more benign working environments and a far more humane attitude towards employees on the part of employers and industrialists. This transformation was not achieved overnight. It was achieved by progressive legislation, organised labour and by trades unions as well as by co-operative and forward-looking employers over many years. There can be no turning back to the days of the sweatshop mentality.

I am well aware that there is a catchcry abroad that both trades unions and legislators have been far too intrusive and that social legislation has gone too far. "We've got to get Government off the backs of the people" was the slogan of Ronald Reagan during his first presidential campaign. However, I don't believe that any objective observer would wish to see a return to the bad old days when safety precautions were lax, when the hours were long, when there were no restrictions on the age at which people were employed, and when the worker had little to look forward to but unremitting toil. None of us would like to see a return to that era and I don't believe there will be one.

Nevertheless one of the effects of the breakdown in the traditional structure of employment is that many of the hard won rights of working people may well face new challenges. The increasing use of contract employees, the increasing incidence of homework and various mechanisms which distance the employees' relationships from the employer. The creation, if you like, of a freelance culture, means that the body of legislation which exists to protect employees may have to be updated. Don't get me wrong, I am not trying to engage

in scare mongering. I do not for a moment believe that the world of work in the 21st Century will be as dismal as that which we left behind in the 19th. But I do believe that we should take care to ensure that the rights of workers, irrespective of their precise relationships with their employers, should be protected insofar as is possible.

Protective legislation on the statute books at the moment such as the Unfair Dismissals Act, the Protection of Young Persons Act, and the Redundancy Payments legislation, all assume the existence of employment in the traditional manner. By the same token, directives emanating from the European Union have also presumed in the main that employment is structured in the traditional way

The future challenge

This, as I have said, is changing, and is changing rapidly. Legislators such as myself are not always as keenly aware of these changes as we would like to be. Trade unionists are perhaps more conscious of what's happening but I suspect that even trades unions are frequently unsure as to what action to take to protect their members. In addition, the new work structure poses new challenges in terms of their membership for the trades unions themselves. While changes continue to take place therefore legislation has to catch up.

At the same time however I welcome greater flexibility. I welcome the possibility that people who wish to can work at home or at times which best suit their circumstances. Employers also have concerns about the future. Naturally they do not wish to see a workforce totally out of control. It is very easy and very glib to speak of freedom and independence and more autonomy for workers. But as any employer knows no enterprise can function without management

There are therefore concerns for us all, legislators, employers, trade unions, and of course all of us as members or potential members of the workforce. While, we cannot escape the future we cannot predict it exactly either. We do, however, have some idea of what is coming. We know that the world of work in the 21st century, which is now only 5 years away, and the world of work of today will be very different. If the past teaches us anything, it teaches us that conflict and antagonism between different sections of society is ultimately futile. Social change comes about anyway in the long-run. Let us therefore recognise reality when it stares us in the face

I believe there will be great scope in the future for advancing the well being and happiness of all citizens. New technologies and new methods of work will have the potential to liberate us in a way that is unprecedented in our history. That liberation must be balanced with the needs of society as a whole, with the needs of business, with the needs of Government and with the needs of families. The importance of family life and the responsibility of both parents to enhance it must be made clear to all. Let us ensure that we structure the future world of work where everyone can participate and play the part they choose. Where due respect for shared family roles will strongly feature and where the potential contribution of both genders in the workforce is equally valued.

Many years ago Franklin Delano Roosevelt, speaking about the kind of administration and the kind of America he wished to create, said that he wanted to see an America where no one was left out. I believe that is a most admirable aim. It is certainly an aim my Department espouses for Irish society. I believe that it will continue to be the aim of Governments in the future.

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