

**Can the use of mediation as a dispute prevention tool contribute to the maintenance of a positive relationship between PDFORRA and management during the operation of public sector collective agreements within the Defence Forces?**

**Simon Cahill**

**MASTERS OF ARTS IN HUMAN RESOURCE  
MANAGEMENT**

**NATIONAL COLLEGE OF IRELAND**

**Submitted to the National College of Ireland, July 2013**

## **Abstract**

The medium term outlook for state finances within Ireland remains difficult (International Monetary Fund, 2013). Within this environment government policy is to ensure that the provision of state services remains at acceptable levels (Department of An Taoiseach, 2011). To achieve this, it is necessary to extract increased productivity levels from a decreasing pool of state employees (Labour Relations Commission, 2013). As part of this process, it is envisaged that the successful operation of public sector collective agreements will form a key element in achieving this higher productivity. However given the constrained resources available, the operation of these agreements has the potential to generate disputes between employees and management across the range of public sector organisations (Cutcher & Joel, 1991). Included in this is the Defence Forces, which despite its unique industrial relations environment is still subject to the management / employee strains that can arise within traditionally structured organisations. Given this context, it is the intent of this research to explore if the use of mediation as a dispute prevention tool can contribute to the maintenance of a positive relationship between the largest Defence Forces employee representative association 'PDFORRA' and management during the operation of public sector collective agreements?

In order to address this aim, a detailed literature review was conducted that covered previous academic work in the areas of 'Industrial Relations within a Military Environment', 'Public Sector Collective Agreements' and 'Mediation'. The information that was obtained from this review was then complimented by the collection of primary data through a series of semi-structured interviews. These interviews involved the participation of the Labour Relations Commission (LRC) Advisory Service as well as the main actors within the Defence Sector.

As a result of this collection of both primary and secondary data, a number of research findings became apparent. These findings would include; The existence of a positive approach to engagement between management and employee representatives; Management concerns over the delays that can be experienced when attempting to resolve disagreements with representative associations; A willingness on the part of all parties to consider the use of mediation as a dispute

prevention mechanism; A concern on the part of management over the scope of use that would accompany a mediation process; A desire within the LRC to support the use of dispute prevention mechanisms such as mediation in the public sector; A willingness on the part of the LRC to support the use of mediation within the Defence Sector.

Building on these findings four conclusions were drawn from the research that was conducted. Specifically the research identified that there is significant evidence to support the premise that mediation is a suitable tool for use within the unique internal industrial relations process of the Defence Forces. It is also assessed that mediation can have a positive impact on the operation of public sector collective agreements within the Defence Forces. In addition the conclusions recognise that the research which has been conducted has the capacity to contribute to the level of academic knowledge that is available on the use of mediation as a tool to assist in the operation of public sector collective agreements. Then to conclude, the research supports the conclusion that the use of mediation as a dispute prevention tool can contribute to the maintenance of a positive relationship between PDFORRA and management during the operation of public sector collective agreements within the Defence Forces.

## **DECLARATIONS**

I declare the following:

1. That the material in this dissertation is the result of my own work and that where appropriate acknowledgement has been given to all sources.
2. The word count of this dissertation is 19,335.
3. I consent to the dissertation being submitted to a plagiarism test.
4. I have read the National College of Ireland 'A Guide to Avoiding Plagarism'.

Simon Cahill

### **ACKNOWLEDGMENTS**

The completion of this research paper has been a challenging undertaking which has presented many opportunities for both academic and professional development. In achieving my desired goal, I have been greatly assisted by a large number of people who have provided advice and guidance right from the initial research proposal through to the presentation of the dissertation. In particular, I would like to thank my supervisor Dr Thomas McCabe who has been both patient and supportive throughout this journey. I would also like to acknowledge the assistance and cooperation that I have received from a range of different people within the Irish Defence Forces, the Department of Defence, the Permanent Defence Force Other Ranks Representative Association, the Labour Relations Commission Advisory Service, as well as other public sector organisations. Finally to my beautiful wife and baby daughter a simple thank you.

**TABLE OF CONTENTS**

List of Abbreviations _____	vii
1 – Introduction _____	1
1.1 – Background _____	1
1.2 – Public Sector Agreements _____	2
1.3 – Current Structure and Scope of Research _____	4
1.4 – Sustaining Relationships _____	6
2 – Literature Review _____	8
2.1 – Industrial Relations within a Military Environment _____	9
2.2 – Public Sector Collective Agreements _____	11
2.3 – Mediation _____	13
2.4 – Mediation as a Stand Alone Strategy _____	15
2.5 – Potential Impact of Mediation _____	16
2.6 – Mediation and Collective Agreements _____	17
3 – Research Aims and Objectives _____	20
3.1 – Research Rational _____	20
3.2 – Overall Academic Area _____	21
3.3 – Research Aim _____	21
3.4 – Sub-Objectives _____	21
4 – Methodology _____	23
4.1 – Research Design Considerations _____	23
4.2 – Research Approach, Research Design and Methodology Selection _____	25
4.3 – Data Collection Methods _____	28
4.4 – Semi-Structured Interviews _____	29
4.5 – Recording and Analysing Data _____	32
4.6 – Ethical Considerations _____	33
5 – Research Findings and Discussion _____	35
5.1 – Overview _____	35
5.2 – Primary Data Findings _____	36
5.3 – Discussion _____	43
5.4 – Summary _____	48
6 – Conclusions and Recommendations _____	49
6.1 – Research Sub-Objectives _____	49

6.2 – Research Aim _____	54
6.3 – Recommendations and Observations _____	56
References _____	59
Bibliography _____	67
Appendix 1: Grades applicable to Enlisted Personnel _____	81
Appendix 2: Grades applicable to Commissioned Officers _____	82
Appendix 3: Declarations of Conflicts of Interest _____	83
Appendix 4: Sample Data Summary Sheet _____	84
Appendix 5: State sponsored bodies that are involved in the provision of mediation services and were reviewed _____	85
Appendix 6: Interview Participant Information Sheet _____	86
Appendix 7: Proposed Interview Questions, Director of Human Resources, Defence Forces _____	90
Appendix 8: Proposed Interview Questions, Advisory Services, The Labour Relations Commission _____	91
Appendix 9: Proposed Interview Questions, Head of Conciliation and Arbitration Department of Defence _____	92
Appendix 10: Proposed Interview Questions, General Secretary, PDFORRA _____	93
Appendix 11: Proposed Interview Questions, Head of Conciliation and Arbitration, Defence Forces _____	94
Appendix 12: Interview Schedule _____	95
Appendix 13: Interview Transcript, Director of Human Resources, Defence Forces _____	96
Appendix 14: Interview Transcript, Advisory Services, The Labour Relations Commission _____	97
Appendix 15: Interview Transcript, Head of Conciliation and Arbitration, Department of Defence _____	98
Appendix 16: Interview Transcript, General Secretary, PDFORRA _____	99
Appendix 17: Interview Transcript, Head of Conciliation and Arbitration, Defence Forces _____	100
Appendix 18: Data Categories _____	101
Appendix 19: Unitising of Data _____	102

**LIST OF ABBREVIATIONS**

ACAS	-	Advisory, Conciliation and Arbitration Service
ACOS	-	Assistant Chief of Staff
C&A	-	Conciliation and Arbitration
CCR	-	Conciliation Council Report
DCP	-	Designated Contact Person
DFHQ	-	Defence Force Headquarters
DFR	-	Defence Force Regulation
DFTC	-	Defence Force Training Centre
DOD	-	Department of Defence
DPER	-	Department of Public Expenditure and Reform
GOC	-	General Officer Commanding
ICTU	-	Irish Congress of Trade Unions
LRC	-	Labour Relations Commission
NCO	-	Non- Commissioned Officer
OECD	-	Organisation for Economic Co-operation and Development
PDFORRA	-	Permanent Defence Forces Other Ranks Representative Association
PSLRB	-	Public Service Labour Relations Board
RDF	-	Reserve Defence Force



## **Introduction**

### **Background**

The Defence Forces has a unique role in the provision of services to the Irish state. Specifically it is the only state body which is envisaged to have a need to use large scale organised force to fulfil the roles that have been assigned to it by government (Department of Defence, 2000). In order to achieve its tasks, the Defence Forces comprises 9,500 members that are organised into three separate services; Army, Air Corp and Naval Service (Defence Forces Strategic Planning Branch, 2012). Within this overall body of employees there are two distinct groups. The first group is commonly known as 'Enlisted Personnel' and comprises approximately 8,200 staff that serve between the ranks of 'Private' and 'Sergeant Major' (Appendix 1). These workers would traditionally represent a mix of non-management and lower to middle level management within the organisation and would include a varied range of skill sets such as mechanics, drivers and weapon systems operators. The second group consists of approximately 1,300 staff that serve between the ranks of 'Second Lieutenant' and 'Lieutenant General' and would commonly be known as 'Commissioned Officers' (Appendix 2). This group represents the middle to senior level management element of the organisation and would include a range of professional skill sets such as pilots, doctors and engineers.

Due to the robust nature of military activity it is necessary to ensure that there is direct democratic control and accountability of the Defence Forces at all times. Within the framework that achieves this control, are a number of measures which that significantly impact on the industrial relations environment of the Defence Forces and distinguish its members from other public sector workers (Office of the Attorney General, 1954). These measures which apply to all Defence Force members would include;

1. Not permitted by law to be a member of a trade union.
2. Not permitted by law to strike under any circumstances.
3. Not permitted by law to conduct any form of limited industrial action such as work to rule, not answering phone calls or refusing to carry out any lawful tasks that are allotted by management.
4. Liability to military as well as civilian law. In practice this means that members cannot refuse to turn up for work even if they are sick.

5. Members are prohibited from speaking to the press.
6. Members are prohibited from speaking to politicians at any level of government or local government.
7. Members are not permitted to join any political parties or run for public office.

Within these constraints, the government recognised that there was a need to provide Defence Force members with an organised channel through which they could address matters relating to standard human resource issues such as pay, terms and conditions as well as other related matters. To cater for this requirement, sanction was provided for the establishment of two representative associations that would seek to promote the interests of Defence Force members (Office of the Attorney General, 1990). As a result of this initiative the 'Permanent Defence Forces Other Ranks Representative Association' (PDFORRA) was established in 1990 to further the interests of the 8,200 'enlisted personnel' (Defence Forces, 1990). This was followed in 1991 by the establishment of the 'Representative Association of Commissioned Officers' (RACO), which was mandated with representing 'Commissioned Officers' up to the rank of Colonel (RACO, 2013). It is important to highlight that these representative associations are not trade unions and the scope of activity of their membership is constrained by the factors as previously outlined.

### **Public Sector Collective Agreements**

Both within the Defence Forces and across the wider Irish public sector, the development and use of collective agreements has been to the forefront of the employment relationship between the state and public sector workers since the signing of the 'Program for National Recovery' in 1987 (Gunnigle, Heraty & Morley, 2011; Department of An Taoiseach, 1987). The signing of this agreement represented the commencement of a process of engagement between the parties involved which has resulted in the signing of eight separate collective agreements, the latest of which is the 'Public Service Stability Agreement 2013 – 2016' (Labour Relations Commission, 2013). The signing of this latest agreement took place against the backdrop of the 2008 global financial crisis and the severe fiscal contraction which followed within the Irish economy. This period of financial turbulence combined with the active participation of a troika of external bailout

parties in Irish economic affairs has resulted in a significant amount of oversight and commentary on the measures that should be taken in order to regain fiscal stability and economic growth within Ireland. Specifically impacting on collective agreements, external organisations such as the Organisation for Economic Co-operation and Development (OECD) have argued that the ability of the Irish state to achieve durable economic growth and deficit reduction is positively connected with its capacity to improve public sector efficiency and flexibility (OECD, 2011). At the same time internal contributions to this debate such as those made by the Department of Finance have emphasised that the capacity of the state to finance necessary public sector reforms with allocations above or beyond existing levels of budgetary provision is likely to be constrained over the short to medium term (Department of Finance, 2012).

Within this arena of restricted resources, external commentary and heightened economic oversight the capacity for the parties to public sector collective agreements to retain an effective working relationship is under significant pressures. While the government requires higher levels of productivity and service provision, these demands are being met by an ever decreasing number of public sector workers. Furthermore, these workers are experiencing reduced levels of take-home pay at a time when they are being asked to work both longer and harder (Labour Relations Commission, 2013). The resultant strains have the potential to elevate the level and frequency of disagreement between workers and management which in turn may result in associated malign influences on the union-management relationship (Teague, 2009). Given the identified positive correlation between an effective union-management partnership relationship and organisational productivity, there exists a danger that a fractious relationship between public sector unions and management could limit the ability of the Irish state to achieve the durable economic growth and deficit reduction that respected commentators such as the OECD believe are necessary (McKersie & Cutcher-Gershenfeld, 2009). It is therefore appropriate that consideration should be given to the employment of suitable conflict management tools that have the capacity to effectively support a positive relationship between public sector unions and management.

### **Current Structure and Scope of Research**

It is important to acknowledge that an examination of all public sector bodies and organisations would require levels of time and resources that are beyond the scope of this research. Instead it is appropriate that the range of the study undertaken is appropriate to the level of both time and resources that are available. In this regard, it is the intent of this research to focus on the industrial relations environment within the Defence Forces. Specifically this research will explore the relationship between the largest employee representative association 'PDFORRA' and the management element that operates within the Defence Sector. This management element consists of the Department of Defence as well as Military Authorities. Within this relationship the Department of Defence are responsible for setting out Defence policy whilst the Military Authorities are responsible for how that policy is then implemented. The research will not extend to the second employee representative association 'RACO' due to a potential research conflict of interest as highlighted in Appendix 3. In addition to this it is also recognised that 'PDFORRA' represents approximately 87% of Defence Force employees and therefore is by far the dominant employee representative participant within the Defence Forces industrial relations environment. Consequently it is appropriate that available resources are focused on their participation within this research.

As previously outlined, the employment relationship within the public sector has been dominated by the use of collective agreements for the last twenty six years. As a consequence of this, the stages of conflict management that operate within the public sector industrial relations environment in Ireland have been shaped in order to support this process (Gunnigle, et al., 2011). Specifically the institutionalisation of collective agreements has over time led to the creation of processes and bodies through which any disagreements may pass in order to find an appropriate resolution (Teague, 2009). Specific to the Defence Forces these developments have created a three stage process through which disagreements can be addressed (Administrative Section, DFHQ, 2013). These three stages are as follows;

1. Sectoral level Conciliation and Arbitration Forums.
2. Referral to a third party for Conciliation.
3. Referral to a third party for binding Arbitration.

It must be emphasised that by virtue of the limitations imposed on employee representation within the Defence Forces, there is no obligation on the part of management to refer disagreements to a third party. Management can therefore opt to impose their stated intent in the knowledge that the ability of employees to resist such an action is highly constrained. A practical example of this can be found within the recent re-organisation of the Defence Forces that was conducted in 2012. During this process a total of two thousand appointments were eliminated across the organisation (Defence Forces Strategic Planning Branch, 2012). This resulted in a requirement to redeploy personnel to new roles given that their previous position no longer existed. In numerous instances these redeployments required the geographic movement of personnel from one place of employment to another. Examples of this would include moving personnel from Cork to Kildare and from Dublin to Athlone (Defence Forces Human Resource Branch, 2013). Despite PDFORRA's insistence that these movements should only occur on a voluntary basis, military management involuntarily redeployed personnel significant distances in order to ensure the maintenance of operational capabilities.

In addition to this three stage process, under the 'performance verification' provisions of the 'Public Service Agreement 2010 – 2014', an 'Implementation Body' was established to provide a forum for the interpretation of difficulties that may arise during the implementation phase of the agreement at sectoral level (Department of Public Expenditure and Reform, 2010). The role of this body has also been carried forward into the recent 'Public Service Stability Agreement 2013 - 2016' (Labour Relations Commission, 2013). However, it should be highlighted that the 'Implementation Body' has not detracted from the established three stage process for resolving disagreements within the Defence Forces. Instead it has provided an overview for assessing the performance of the agreement against stated objectives (Croke Park Implementation Group, 2012).

Key to the day to day working relationship between PDFORRA and management is the 'Conciliation and Arbitration Forums'. Within this forum all parties have an opportunity to raise issues of concern and seek agreement on possible solutions. This is the metaphorical 'coal face' of industrial relations within the Defence Sector and is the most critical stage in achieving a sustainable working relationship between

representative associations and management. This is due to the fact that it provides the forum in which all matters are raised in the first instance (Administrative Section, DFHQ, 2013). Within this forum, there is no participation by external bodies and it is at the discretion of both sides to either reach agreement or seek to pursue the matter to one of the remaining stages of external conciliation or arbitration.

Under the auspices of the 'Public Sector Agreement 2010 – 2014' a number of organisational wide modernisation programs were proposed by management through the 'Conciliation and Arbitration Forums'. These programs have at times resulted in a certain level of disagreement between management and PDFORRA. Mindful of the limited scope of employee representation within the Defence Forces, management have on certain occasions sought to implement aspects of the modernisation programs without the consent of PDFORRA. This has occurred when agreement cannot be reached within the 'Conciliation and Arbitration Forums' and without referring the matter to an external party. Such actions have on occasion given rise to civil court action by PDFORRA members.

The formalisation of such disputes has the capacity to impact on the operation of public sector collective agreements within the Defence Sector in a number of ways. These would include;

1. Zone of Agreement – As the parties realise that the internal forum will not resolve the matter they may retract from compromising positions so that a 'split the difference' approach by an external third party does not disproportionately impact on their intended end state (Dickinson & Hunnicutt, 2005).
2. Time Delays - The involvement of third parties may delay the implementation of elements of the collective agreement which may have a cumulative effect over time thus undermining the overall aims of the agreement itself.
3. Future Cooperation – The potential for Win / Lose scenarios increases if the parties are unable to mutually agree a position. This in turn may undermine future cooperation.

### **Sustaining Relationships**

Within the wider public sector the 'Labour Relations Commission' (LRC) is tasked with providing external third party conflict management assistance in support of the

operation of public sector collective agreements (Department of Public Expenditure and Reform, 2010). In the provision of these services the LRC does not actively involve itself in sectoral level discussions until requested to do so by one of the parties (Labour Relations Commission, 2013). In the case of the Defence Forces and the manner in which the 'Conciliation and Arbitration Forums' are operated, this has the practical effect of involving the LRC at a stage when a dispute has become formalised. By virtue of this fact, the LRC must then focus its attention on 'dispute resolution' rather than 'dispute prevention' thus limiting the industrial relations tools that are available. Specifically, dispute prevention mechanisms such as mediation play no part in the sustainment of relationships between PDFORRA and management.

In allowing this scenario to develop an opportunity is being lost to provide external assistance to the parties at a time when it may prevent disagreements from evolving into a dispute. Such disputes have the potential to limit the ability of both PDFORRA and management to create mutually acceptable approaches for introducing modernised practices under the auspices of public sector collective agreements. It is therefore appropriate to consider if the use of third party mediation within the Defence Forces 'Conciliation and Arbitration Forums' can assist in the creation and maintenance of a positive relationship between PDFORRA and management.

## **Literature Review**

It is important that the completion of a literature review is appropriate to the research that is being undertaken. To ensure that this is the case, a number of specific themes as well as sub-themes will be explored within this literature review. Specifically the three main areas that will be examined are 'Industrial Relations within a Military Environment', 'Public Sector Collective Agreements' and 'Mediation'.

Under 'Industrial Relations within a Military Environment' the researcher will review applicable literature relating to the conduct of industrial relations within the Defence Forces in Ireland. This review will then be expanded to include the wider international sphere of military organisations. In addition, an overview will be given of the industrial relations environment within other applicable industries whose employees are also subject to restrictions on the form of industrial action that they can engage in.

With regards to 'Public Sector Collective Agreements' the researcher will explore the justification for using collective agreements within a public sector context. This avenue of academic review will then be further developed by examining research undertaken into how agreement is reached on the terms of a collective agreement. The review will then discuss the issue of dispute resolution within collective agreements as well as the extent to which the role of dispute prevention has been assessed in an academic context.

The final subject area of 'mediation' will require a detailed academic review and analysis. This is in order to ensure that there is a comprehensive understanding of the multitude of factors which must be considered when deliberating on its employment as a dispute prevention tool within the operation of public sector collective agreements in the Defence Forces. This process begins with a recognition that there are divergent views of what is meant by the term 'mediation' as well as the approaches that should be adopted when employing it as a conflict management tool. The review then acknowledges that the use of mediation cannot be viewed in isolation. This is due to increasing numbers of companies adopting an innovative approach to conflict management and prevention that involves the use of multiple



tools and practices. The potential benefits as well as detractions of using mediation are then discussed. In order to ensure that the practical application of mediation has also been considered, a review is then undertaken of its use within both private and public sector collective agreements.

### **Industrial Relations within a Military Environment**

Prior to an examination of the available literature pertaining to public sector collective agreements and the use of mediation, it is crucial that an academic review is undertaken of relevant work concerning industrial relations within a military environment. It is pertinent to the basis of this research to note that within a military organisation the conduct of industrial relations occurs in a unique setting that is very distinct from other public and private organisations within the state. This point is emphasised by the strict limitations that are placed on the activities of Defence Force employees as previously highlighted (Office of the Attorney General, 1990). The unique industrial relations environment which these limitations create must be considered in any wider literature review as the relevance and applicability of previous academic work in the areas of public sector collective agreements and mediation must be viewed through this nuanced lens.

Domestically within Ireland there have been moderate levels of academic work undertaken on certain aspects of human resource management within the Defence Forces. Examples of this can be found in areas such as learning and development, performance appraisals and grievance procedures as highlighted by Fitzgerald (2006), Kearney (2006) and Burke (2004). However looking to the areas of industrial relations, public sector collective agreements and the use of dispute prevention tools such as mediation, there is an absence of academic work that is available for review. It should be noted that this absence of available academic work for review does not automatically imply that these subject areas have not been the focus of previous research. Instead it should be highlighted that as a default setting Defence Forces personnel place significant restrictions on the publication and subsequent use of academic work that they have undertaken. It is therefore conceivable that previous academic research in these areas exists but has not been examined within this review. In order to limit the likelihood of this scenario occurring, the HR branch at Defence Force Headquarters conducted a historical search of organisational

sponsored educational programs. This search produced no additional academic work of relevance to this research.

On an international level, it is important to recognise that between individual states there can be significant deviation in the manner in which employee representation is governed within the military. This point is emphasised by the work of Heinecken (2010) who argued that the divergent theoretical approaches that govern the employment relationship within different militaries has a significant impact on the way in which employee relations are managed. For example the 'military covenant' between members of the armed forces and the government within the UK is deemed insufficient within other countries. This position is adopted on the basis that employees do not view it appropriate that a government can set terms and conditions without consulting with the workforce, even within a military context. This point was further explored in the framework of military participation in collective bargaining structures by Heinecken & Nel (2007).

Of course the issue of employee representation does not easily translate into a right to industrial action on the part of military employees. As acknowledged by Lipow, Mealem, & Tobol (2009) the concept of serving members of a military taking any form of industrial action raises significant issues of concern. These concerns are primarily based on both current and historical international experiences of agitation by serving military employees that have morphed into physical violence (Ramesh, 2009; IRIN, 2004). Such violence can be of significant concern to states' institutions due to military employees having ready access to weaponry and their organised training in how to employ physical force (BBC News, 2003).

Beyond the immediate military environment it is worth considering that there are additional areas of the public sector both within Ireland as well as internationally that place restrictions on the type of industrial action that employees can engage in. This is primarily due to the fact that they are regarded as being involved in the provision of 'essential services' (Fontaine, 2008). Domestically examples of this would include 'An Garda Síochana' and the fire service (Brennan, 2010). However, it is worth noting that these restrictions are not as extensive as those imposed on members of the Defence Forces as a consequence of the latter being subject to military law

(Office of the Attorney General, 1954). Internationally many countries also impose restrictive industrial relations practices in other public sector organisations such as rail, healthcare as well as the provision of postal services (National Labor Relations Board, 2012; Lindala-Haumont, 2011).

The scope of academic research that has been conducted on these non-military essential services is extensive with contributions from academics such as Bordogna (2008), Tayo (2008) and Rose (2008). However much of this work has focused on the regulatory measures that govern the on-going provision of essential services at a time of industrial dispute within the organisation or body as highlighted by Cosh (2012) and IBEC (2004). As a result of this focus the available research does not provide any substantial form of in-depth analysis of 'dispute prevention' mechanisms such as mediation that relate specifically to either a 'military' or 'essential services' environment. Instead the academic review has demonstrated that relevant research on the impact of 'dispute prevention' mechanisms such as mediation within a 'military' or 'essential services' environment must be extrapolated from broader research that is carried out in the wider public sector. Examples of this would include research conducted by Lucio (2007), Hebdon & Mazerolle (2003) and Rhyne & Trainer (2003).

### **Public Sector Collective Agreements**

The broad topic of public sector collective agreements has been the subject of significant levels of academic research on both a national and international level. This point is highlighted by the array of available literature which would include work by academics such as Carrell & Heavrin (2009), Lucio (2007) and Casey & Gold (2000). In general this research has tended towards addressing three specific areas of public sector collective agreements; namely the justification for using collective agreements within the public sector, how agreement on the terms of a collective agreement is reached, and finally how disputes are resolved during the operation of the agreement.

As outlined by Teague (2007), collective agreements promote "co-operative interactions between managers and employees so that shared understandings and joint action can be fostered on business and workplace matters". At the same time

McKersie & Cutcher-Gernshenfeld (2009) have argued that collective bargaining can play an increasingly important role in economic activity due to its potential to deliver better outcomes for all stakeholders. It is therefore understandable that certain national governments have formed the view that collective agreements are a positive influence on the public sector industrial relations environment. This viewpoint has resulted in the employment of collective agreements in a public sector setting in countries such as Canada, USA, Singapore, France, Ireland, Sweden, Germany, New Zealand, UK and Italy to name but a few (International Labour Office, 2011).

In tandem with research into the validity of applying collective agreements to the public sector, academics have extensively explored how consensus on the terms of a collective agreement can be reached. Within this sphere, academics such as Kai & Brown (2013), Glassner & Keune (2012) and Adelhelm (2012) have examined the modalities of reaching an agreement. Meanwhile others such as Lucio (2007) have emphasised the politicised nature of public sector industrial relations that exists within many countries. This politicised nature can significantly impact on the practice of 'Interest – Based Bargaining' which is commonly used as a tool during the negotiation element of a collective agreement (Gennard, 2009; Barrett & O'Dowd, 2005). This point was emphasised during the 2013 negotiations on a new public service collective agreement within Ireland. In this instance the political parameters of the initial proposed agreement changed once this proposal was rejected by the public sector trade union movement. These changes facilitated a revision of the terms of the agreement which proved to be more acceptable to the trade union movement (Labour Relations Commission, 2013).

Given the wide spread use of public sector collective agreements, it is not surprising that significant levels of research exist on how disputes are resolved during the operation of such agreements (International Labour Office, 2011). Examples of this can be found within the academic work of authors such as Stokke & Seip (2008), Teague (2007) and Mareschal (2005). These authors along with many others such as Roche & Teague (2011) as well as Dickinson & Hunnicutt (2005) have explored the use of different forms of dispute resolution mechanisms within an industrial relations setting. In so doing they have identified the use of multiple tools such as;

Arbitration, Conciliation, Mediation and Fact-finding. These tools represent the processes through which disputes are resolved within a collective agreement setting and have been the subject of extensive academic interest.

In comparison to this abundance of dedicated research on dispute resolution, little direct research has been carried out on the operation of 'dispute prevention' mechanisms within public sector collective agreements. Academic research in this area is minimal and there is a clear absence of dedicated scholarly literature. However there is a common thread within the work that is available of authors that are addressing the concept of 'dispute resolution' that also then refer to the issue of 'dispute prevention'. Examples of this can be found in Forsyth (2012), Wells (2011) and Lipsky & Seeber (2003). The depth and extent of this academic work can vary with many authors such as Ridley-Duff & Bennett (2011) choosing to initially focus on the role that 'dispute resolution' tools can play in conflict management and then seeking to extend some of the associated findings to the concept of 'dispute prevention'. This limited focus within the literature creates an information vacuum specific to the employment of dispute prevention tools in support of the operation of public sector collective agreements and is an area of concern for this research.

## **Mediation**

In addition to this information vacuum, the level of academic research that has been conducted into the role of mediation within 'dispute prevention' mechanisms is limited. It is therefore important that prior to considering its use as a tool to support the operation of public sector agreements within the Defence Forces, that there is a comprehensive contextual understanding of what is meant by the term 'mediation'. In this regard, the use of mediation as a method of managing conflict is not unique to Ireland and therefore it is appropriate to establish if the domestic and international understanding of this tool are compatible. Developing this point, Teague (2007) provides an explanation of mediation in an Irish context when he defined it as, "A process under the stewardship of a third party designed to help those involved in a dispute reach a mutually acceptable settlement. The third party has no direct authority in the process and is limited to proposing or suggesting options that may open a pathway to a mutually agreeable resolution". This explanation is reflective of

the mediation practices adopted by the LRC within its advisory services as outlined in the LRC's 'Workplace Mediation Service' (2013).

Aligned to this approach yet with slight nuances, Gennard (2009) outlines that within the UK employment relation framework, mediation may with the consent of the parties, involve a positive role that includes the development of recommendations to resolve a dispute. The basis of this approach is that if the parties are unable to develop a path forward then the mediator will produce non-binding recommendations to resolve the dispute. Within the UK, ACAS develop this approach further within their 'Mediation Explained' document (2008).

The variations in these two styles of mediation is reflective of the 'facilitative' and 'directive' approaches as outlined by Ridley-Duff & Bennett (2011), where the main distinction rests on the role of the mediator at the end of the process. This distinction highlights that even within a relatively narrow national comparison, differences can exist in the approach that is taken to mediation.

Expanding the national comparison to the USA, the distinction between mediation approaches orientates away from the mediators role and towards whether or not the mediation process is focused on task or relationship issues (Ridley-Duff & Bennett, 2011; Mahony & Klaas, 2008). In specific the 'problem solving' approach as outlined by Bush & Folger (1994) focuses on 'tasks' by identifying the root causes of a dispute and then establishing an understanding between the parties of the problems which must be resolved. Whilst from a 'relationship' perspective, the 'transformative approach' does not set out to resolve the specific dispute, although this is often an associated affect, but rather seeks to help the parties to reassess themselves, their situation and relationships so that they are equipped to approach and resolve problems that they may encounter (Bingham & Pitts, 2002).

The divergences in mediation approaches as highlighted above are by no means exclusive, with many additional variants existing such as the concept of 'Contextual' and 'Substantive' mediation as highlighted by Martinez-Pecino, Mundate, Medina & Euwema (2008) and the involvement of 'fact finding' as an approach to mediation as

outlined by Dickinson & Hunnicutt (2005). The approach of 'fact finding' is also closely related to the 'evaluative' approach as explained by Schutte (2003).

Variations in the approaches to mediation do not necessarily mean that linkages between the different methods do not exist. This point is emphasised by Poitras (2009), when the author in attempting to briefly reconcile differing approaches to mediation refers to common concepts such as reconciliation, outcomes and relationships. This does not imply however that transition between different approaches is a simple task, with the concept of 'Institutional Lock-In' and the limiting effects that this can have on change having to be considered (Teague, 2009).

### **Mediation as a Stand Alone Strategy**

The need for innovative approaches to conflict management as outlined by Teague & Thomas (2008) suggests that there is no one established practice that will result in conflict resolution and prevention in all instances. This viewpoint is supported by the quantitative analysis conducted by Roche & Teague (2011) which demonstrates that within Irish companies the usage of multiple forms of 'conventional' and 'Alternative Dispute Resolution' based practices to resolve disputes is relatively common. In addition the issue of the 'hybridisation' of HR practices in non-union multinational organisations that are located in Ireland must also be considered as it gives rise to the possibility of mediation not only co-existing with other forms of dispute resolution and prevention but morphing into a tailor made solution specific to a particular set of circumstances (Teague & Doherty, 2011).

Similarly on an international level, the widespread usage of 'Alternative Dispute Resolution' tools highlights the effective resolution of workplace conflict requires the employment of more than one type of approach to conflict management (Mahony & Klaas, 2008). This evolution of multiple approaches to managing conflict has had the effect of crafting state sponsored dispute resolution systems in different countries which although similar in nature still maintain distinct differences in the manner in which they employ relevant practices (Teague & Thomas, 2008). This undermines the suggestion that any one approach to dispute prevention and resolution such as mediation can be applied in any or all circumstances.

Within this established scenario of multiple practices being used within a state sponsored dispute resolution system, concerns have been raised over the possibility of 'dispute shopping' by users (Labour Relations Commission, 2008). It is therefore incumbent upon the relevant bodies to ensure that the inability of any one approach to operate as a stand-alone strategy does not act as a trigger to dilute the impact that a specific practice can have in certain circumstances.

### **Potential Impact of Mediation**

Within Ireland, the LRC has outlined its views on the benefits of workplace mediation in their 'Workplace Mediation Service' document (2013) which emphasises the 'high potential success rate' and capacity to improve 'future working relationships'. Such outcomes could be of particular applicability to the development of a positive relationship between PDFORRA and management in the context of the operation of public sector collective agreements. In addition to this view, Schutte (2003) has also outlined additional benefits such as 'time', 'cost' and the creation of 'win-win' scenarios.

On an international level, Kressel & Pruitt (1989) have also emphasised the positive effect that mediation can have on the future relationship between the parties. However, as highlighted by Mahony & Klaas (2008) the use of 'Internal Mediators' which are sourced within an organisation is likely to have limited impact on 'charged disputes'. Although it must be emphasised that similar to Schutte (2003) the authors do acknowledge the benefits of 'time' and 'cost'.

Other benefits commonly associated with mediation also include the high level of decision control that is exercised by the disputants as outlined by Ross & Conlon (2000), as well as the ability to utilise mediation as an intervention tool before a problem becomes agitated thus increasing the 'integrative' nature of the proposals which are available to the parties (Thompson & Kim, 2000).

Detracting from these identified benefits are concerns such as those highlighted by Dickens (2008) who emphasised the need to exercise caution when considering the impact of mediation in a social setting and then attempting to translate it into workplace based relationships. In addition, Golten & Smith (1999) have expressed



concern regarding the capacity for mediation to ‘undermine legitimate authority’ by facilitating private agreements between parties that undermine the authority of public agencies. These concerns whilst not as universally expressed as the benefits of mediation do warrant consideration in the context of expanding the use of mediation as a tool to enhance the operation of public sector collective agreements in Ireland.

Building on these concerns is the risk that the impact of mediation in terms of both benefits and detractions, may vary between countries. In an attempt to address this issue De Palo & Harley (2005) have suggested that the approach adopted by governments in the promotion of the use of mediation as a tool for managing conflict could be a significant determining factor in the extent of its impact in any one country. The authors go on to develop this theory in the context of ‘Cultural’, ‘Pragmatic’ and ‘Legalistic’ approaches which are used by the state to encourage the use of mediation as a conflict management tool. In the case of Ireland, this proposal should be considered in terms of the limited scope of mediation services which are currently provided by the LRC. These limitations may require a potential change in government policy so that the LRC can expand its services to meet the needs of supporting the on-going operation of public sector collective agreements within organisations such as the Defence Forces.

### **Mediation and Collective Agreements**

Having examined the potential impact that mediation can have, it is necessary to consider to what extent this practice has been employed within the area of both public and private sector collective agreements. For example within Sweden, the ‘National Mediation Office’ provides mediation services on both a voluntary and compulsory basis to manage disputes between trade unions and employers. It must be emphasised however that the focus of this service is on dispute resolution within the context of achieving a collective agreement rather than managing conflict during the implementation of the agreement itself (Teague, 2009). In contrast, within Canada the Public Service Labour Relations Board (PSLRB) provides a mediation service that assist’s the parties in both the bargaining and implementation phases of collective agreements (Teague & Thomas, 2008).

At the same time, it should be acknowledged that in many countries such as the USA and UK, there has been a move away from collective based agreements and towards individualised forms of HR practices owing to the declining levels of trade union membership and the spread of labour market regulation. This has had a negative impact on the use of mediation within collective agreements due to a decline in the number of such agreements, with a knock on effect on the volume of academic literature being developed in this area (Ridley-Duff & Bennett, 2011; Dix, Forth & Sisson, 2008). Given the relatively recent development of 'mediation' within the context of the history of Industrial Relations, the orientation towards individualised HR in many countries appears to have contributed to a significant absence of academic literature beyond the involvement of mediation in the bargaining stage of collective agreements (Mahony & Klaas, 2008).

Despite these limitations, it is possible to examine the impact of mediation within available literature, so for example Rodríguez-Piñero, Del Rey, & Munduate (1993) argue that within collective agreement conflict resolution, mediation plays an important constructive role. Within this role Martinez-Pecino et al. (2008) emphasise the importance of involving the mediator at an early stage in order to avoid either side in the dispute becoming entrenched. Yet at the same time it should be acknowledged that the contribution of mediators is not without danger due to the potential bias that a third party can bring to the table as highlighted by Thompson & Kim (2000).

Building on the PSLRB's use of mediation within collective agreements in Canada there has been an acknowledgement that institutionalising mediation formally within the collective bargaining process has improved the effectiveness of the dispute resolution services (Teague & Thomas, 2008). With this in mind, it is worth noting that within Ireland the move from the traditional social partnership methods of 'Interest Based Bargaining' to a more 'Modified Traditional Bargaining' as employed in the negotiations for the 'Public Service Agreement 2010 - 2014' and the 'Public Service Stability Agreement 2013 – 2016' would suggest that the state sponsored dispute resolution system may be receptive to 'Rapid Institutional Innovation' (Teague, 2009; Barrett & O'Dowd, 2005). This scenario may provide an opening through which change can be affected in terms of expanding the use of mediation

services by the LRC during the implementation phase of public sector collective agreements. Such a scenario would help address the concerns of Lucio (2007) that public sector employment regulation is often seen as 'politicised, centralised and rigid'.

## **Research Aims and Objectives**

### **Research Rational**

The medium term outlook for the governments' fiscal position within Ireland remains significantly constrained (International Monetary Fund, 2013). This is despite the country having already undertaken large scale economic corrections in respect of the level of state expenditure (European Commission, 2013). Within this environment, it is stated government policy to ensure that the provision of state services remains at acceptable levels despite an ever reducing resource envelope (Department of An Taoiseach, 2011). In order to ensure that this is achieved it is necessary to extract increased productivity levels from an annually decreasing pool of state employees (Labour Relations Commission, 2013). One of the principle ways through which this will be achieved is the successful operation of public sector collective agreements.

Within this context, it is proposed that disputes between state employees and management over the implementation of modernised work practices has the potential to undermine the successful operation of public sector collective agreements (Cutcher & Joel, 1991). This places an important emphasis on ensuring that available conflict management tools are utilised in order to ensure that disputes are prevented from arising in the first instance. Given the significant number of state bodies and organisations within Ireland that are subject to public sector collective agreements, it is proposed that a sectoral level approach is the most appropriate manner in which this subject area can be explored (Labour Relations Commission, 2013). Specific to this research, the sectoral level approach will focus on the Defence Sector and the maintenance of a positive relationship between the largest employee representative association PDFORRA, and management during the operation of public sector collective agreements.

It is envisaged that the conduct of this research will seek to build on the previous work of academics such as Roche & Teague (2011), Poitras (2009) and Teague (2009) in the area of innovative industrial conflict management. Specifically this research will further develop the concept of mediation as an innovative dispute prevention mechanism as highlighted by Mahony & Klass (2008). The research will then seek to examine this practice in the context of maintaining a positive

relationship between PDFORRA and management during the operation of public sector collective agreements in the Defence Forces.

### **Overall Academic Area**

It is proposed that the overall academic area that will be addressed as a result of this research is industrial 'dispute prevention' as outlined by academics such as Forsyth (2012), Hetzler & Speth (2008), Lipsky & Seeber (2003) and Moore (2003).

### **Research Aim**

Within the broad subject matter of industrial 'dispute prevention' the primary aim of this research project is as follows;

Can the use of mediation as a dispute prevention tool contribute to the maintenance of a positive relationship between PDFORRA and management during the operation of public sector collective agreements within the Defence Forces?

### **Sub-Objectives**

The sub-objectives that will be examined as a result of this overall research aim are as follows;

1. Is mediation a suitable tool for use within the internal industrial relations process of the Defence Forces?
  - This sub-objective will seek to explore the suitability of mediation for use within a military industrial relations environment. In so doing it will examine the existing characteristics of Defence Forces industrial relations and whether or not these characteristics lend themselves to the use of mediation processes such as those espoused by Mahony & Klaas (2008) and Schutte (2003). Within this context it will also be necessary to ensure that due cognisance is taken of the unique power dynamic that exists within military industrial relations as highlighted by Lipow et al. (2009) and Heinecken & Nel (2007).

2. To explore the potential impact of mediation on the operation of public sector collective agreements within the Defence Forces?
  - This sub-objective seeks to build on the work of academics such as Cloke & Goldsmith (2011), Ross & Conlon (2000) and Thompson & Kim (2000) by seeking to establish the potential impact that mediation can have on the operation of public sector collective agreements within the Defence Forces. In so doing it is intended to explore if any of the commonly associated impacts of this practice can enhance the ability of the parties to sustain the operation of public sector collective agreements.
3. To contribute to the level of academic knowledge that is available on the use of mediation as a tool to assist in the operation of public sector collective agreements?
  - To date research concerning the use of mediation within collective agreements has focused on the bargaining phase, however the employment relationship does not simply end once agreement has been reached (Teague & Thomas, 2008). Rather consideration must be given to the extent to which dispute prevention tools such as mediation can then be employed in order to ensure that the 'Iceberg of Conflict' as outlined by Schutte (2003) does not hinder the actual implementation phase of the agreement.

## **Methodology**

### **Research Design Considerations**

Prior to examining the specific types of methodology that could be employed within this research, it was important to consider the practicalities of any proposed investigation. This was in order to ensure that the subsequent adoption of research methodologies would be tailored to deliver on the overall research aims and objectives. In this regard the researcher analysed the situation from the perspective of 'Who, What, When, Where, Why, and How'.

At the outset it became clear that the 'who' element of the research investigation would include all the main actors within the Defence Sector. This included PDFORRA, Military Management as well as the Department of Defence and was necessary due to the differing perspectives that each brought to the industrial relations environment. It was also important to include the LRC due to the unique role that they play in terms of oversight and research within the state sponsored industrial relations structure within Ireland (Labour Relations Commission, 2010).

Having identified 'what' was to be examined in terms of the overall research aims and objectives, it was important that this informed the selection of appropriate methodologies. In assessing this point the recognised conservative and reserved nature of military personnel must be considered (Krueger & Kazdin, 2000). By virtue of their training and day to day work, military personnel would not normally openly discuss what could be perceived to be sensitive matters that may be placed into an open forum through subsequent research publication. It was therefore necessary to ensure that the trust of potential participants was fostered and that any attempts to conduct research would be accompanied by strong guidelines on data collection, data use as well as storage. This need to build trust and a positive relationship with the potential participants should allow for the specific focused needs of the research aims to be addressed.

Involvement in industrial relations within the Defence Sector is confined to a very limited number of offices and personnel (Defence Forces Strategic Planning Branch, 2012). It was therefore important that any research that was conducted included input from all of these potential participants. To ensure that this was catered for it

would be necessary to allow a sufficiently broad scope of time which would allow for participation from all relevant offices and personnel. Also contributing to the 'When' element of research design was the senior management positions that potential participants held within their organisation. Given the time commitment required to participate in research it was likely that access to the relevant personnel would be quite limited and therefore maximum use must be made of any opportunity in terms of potential data collection.

In considering the 'where' element of the research design it was recognised that methodologies should allow for a focused orientation. This was necessary due to the limited number of personnel that are involved in industrial relations within the Defence Sector. Broad scoping research involving a large number of participants would likely yield low grade data as there is a slow throughput of personnel within relevant appointments in the Defence Sector as well as the LRC (DFTN, 2013). Therefore in order to increase participant numbers it would be necessary to include personnel that are not directly involved in industrial relations. This would consume significant volumes of time in terms of assessment and could potentially detract from the researchers' capacity to commit appropriate levels of resources to offices and personnel within the Defence Sector that are directly involved in industrial relations.

The overriding consideration in 'Why' the research should be conducted related to the need for academia to contribute towards the fostering of positive industrial relations within the Defence Forces. As was highlighted by O'Brien (2009) the Defence Forces has demonstrated itself to be a public sector leader in terms of the adoption of modernised HR practices and improvements in productivity. This has facilitated the adoption of win-win scenarios in a number of areas such as talent development and change management (Defence Sector Conciliation and Arbitration Section, 2012). In the context of a medium term constrained fiscal environment it is incumbent on all parties within the Defence Sector as well as external actors such as the LRC, to try to maintain and improve this positive track record. In order to achieve this there is a necessity to assess existing industrial relations practices and examine potential areas for improvement.



'How' to conduct the research must be guided by the need to satisfy the overall research aim. This can be best achieved by examining available alternative methodologies and assessing the potential implications of their use within the unique environment of military industrial relations. This will require significant amounts of literature review in the area of research design and a willingness to adopt and alter traditional methodologies if required.

### **Research Approach, Research Design and Methodology Selection**

When considering what was the most appropriate methodology to select the researcher undertook an in-depth review of relevant literature in the area of research design and academic investigation. This review examined work by authors such as Graziano & Raulin (2010), Saunders, Lewis & Thornhill (2009), Robson (2002) and Riley, Wood, Clark, Wilkie, & Szivas (2000). From this assessment, it was established that an 'inductive approach' was required to satisfy the overall research aims.

Such a style would permit the researcher to develop a theoretical approach to the overall research aims as additional data was collected (Crowther & Lancaster, 2009). This was important due to the identified literature gap in the use of mediation as a dispute prevention mechanism within collective agreements. This gap meant that existing literature could not be directly applied to the overall research aim. Instead the researcher would have to examine if the process of additional data collection could be used to build on relevant existing literature. Through this process it was envisaged that a theoretical approach could be developed that would satisfy the overall research aim.

Building on the support for an inductive approach was an assessment of the type of data that was available to the researcher and its impact on the research design. Specifically it should be highlighted that the overwhelming body of available data is qualitative and not quantitative in nature. This was a point which similar to the gap in academic literature, was also identified during the literature review. It was noted that the association of a qualitative based research design with the inductive nature of the overall research aims is in keeping with current academic thought relating to research as highlighted by Saunders, Lewis, & Thornhill (2012). Given the lack of

quantitative data, the identified need for an inductive approach and the association of qualitative research with an interpretive philosophy as highlighted by Denzin & Lincoln (2005), the research design will be qualitative in nature.

Given the detailed review that was undertaken on available methodologies, it was decided to adopt an 'exploratory approach' to the research that was to be conducted. This exploratory approach would be in keeping with the design as proposed by academics such as Jackson (2012) and McBurney (1997). The decision to adopt this form of approach was based on a number of factors that included;

1. Flexibility.
2. Adaptability to change.
3. Capacity to move from a broad to narrow focus.
4. Potential to contribute to both national and international academic understanding.

Relating to flexibility, it was important to ensure that the adopted methodology had the capacity to respond to unforeseen events during data collection. For example, the research is attempting to gain a new insight into an area of dispute prevention that has not previously been academically explored. If during the data collection phase a particular source provides very relevant information, then there must be the capacity to commit additional time and resources to exploring this opportunity further. Therefore a certain element of the research must remain somewhat unstructured to allow for new insights to be gained through the exploitation of opportunities that may arise.

Developing the concept of flexibility further, it was important to ensure that the research had the capacity to adapt to changes when necessary. This was important as the academic investigation of an area which has a significant literature gap may give rise to unexpected data. The researcher must then have the capacity to change direction as a result of this new information which could lead to innovative insights concerning the overall research aim. This point was emphasised by academics such as Gill & Johnson (2012) and Ghauri & Gronhaug (2005).

Contributing to the possibility of new insights is the capacity of exploratory research to move from a broad to a narrow focus. This was particularly relevant in the case of mediation as a dispute prevention tool, whereby it would be necessary for the researcher to conduct an initial broad review of relevant literature. Given the identified limited number of actors involved in industrial relations within the Defence Sector, this could then be followed up by a narrow focus on key personnel. This would enable the researcher to present academically based information on the use of mediation within an industrial relations setting to key decision makers that could provide insights into the overall research aim.

In the context of contributing to both national and international academic understanding on the role of mediation within dispute prevention, it is important that the research seeks to provide linkages to existing relevant academic work. Given the identified gap in academic literature this will require an exploration of linkages between the use of mediation in dispute resolution and its potential role within dispute prevention. The use of an exploratory approach can facilitate this by enabling the researcher to move from a broad based literature review encompassing the operation of mediation within dispute resolution, to a focused study of key decision makers within a dispute prevention setting as previously highlighted.

It should be noted that there are also recognised limitations within the chosen methodology which may impact on the ability to fulfil the stated research aim. These weaknesses would include a lack of structure within the research techniques that are used within an exploratory approach. Unchecked this lack of structure could result in significant time overruns (Saunders et al., 2009). This may negatively impact on the quality of the later stages of the research given imposed deadlines. In addition this methodology is highly reliant on the quality of the information that is obtained from participants. It is therefore of critical importance that access is secured to key participants. Should this not be possible, than it would have the effect of seriously undermining the ability of the research to satisfy its overall aims.

Having both identified and examined the chosen exploratory methodology it is also important to highlight the main reasons as to why other methodologies were not selected. In relation to a 'descriptive' methodology, it was recognised that engaging

in a process whereby a situation could be depicted but yet not further explored would not satisfy the overall research aims (Riley et al., 2000). Instead it would create a situation whereby there was an accurate profile of current events but no development of new insights or theoretical approaches. At the same time the adoption of an 'explanatory' approach where the focus would be placed on causal relationships would also not satisfy the research aim (Saunders et al., 2012). The adoption of such a methodology would result in a narrowing of the research parameters which may negatively impact on the development of new insights and theoretical approaches.

### **Data Collections Methods**

As has been previously highlighted, there is an absence of academic research relating to the use of mediation as a dispute prevention tool in the operation of public sector collective agreements. This has impacted on the process of obtaining secondary data by focusing research on associated relevant academic literature. Specifically it has been necessary to examine the role of mediation within the well-researched area of dispute resolution and then seek to extrapolate data for use in dispute prevention. In so doing the secondary data can then help inform the appropriate techniques that should be employed when engaging in primary data collection.

To achieve this, a large scale review was undertaken which examined work from academics such as Cloke & Goldsmith (2011), Moore (2003) and Beer & Stief (1997). This review highlighted a number of factors which should be considered in relation to the employment of mediation such as the need to understand the culture and dynamics of conflict, approaches to managing and resolving conflict, as well as the actual process used during mediation. During this data collection it was noted that there were variations in the format of mediation that were being referred to by different academics. As a result of this, it was necessary to conduct a widespread international review of journal articles to examine the extent to which there were divergent academic views on what constituted mediation. During this process data summary sheets as outlined in Appendix 4 were used to track divergent views from academics such as Ridley-Duff & Bennett (2011), Gennard (2009), Teague (2007) and Bush & Folger (1994).

This secondary data concerning the use of mediation as a dispute resolution tool was then further explored within the context of its use within collective agreements and the public sector both nationally and internationally. This involved an examination of publications from state sponsored bodies that are involved in the provision of mediation services. A table outlining the agencies that were examined is provided at Appendix 5. In addition a review was conducted of academic research that was published independent of the state sponsored bodies referred to in Appendix 5. This would have included work by authors such as Grima & Treppe (2009), Martinez-Pecino, et al. (2008) and Cutcher-Gershenfeld, Kochan, Ferguson, Barrett (2007).

With regards to the collection of primary data the main potential sources can be identified as Military Management, Department of Defence, PDFORRA and the LRC. Given the restricted number of potential contributors, it is critical that access is obtained to each of these actors in order to ensure that relevant primary data is not neglected. It is therefore necessary that the selection of a data collection method is capable of extracting information from each participant whilst at the same time addressing any concerns or reservations that they may have.

With this in mind it is worth noting that Sekaran & Bougie (2010) have previously highlighted that the adoption of an exploratory approach to research is associated with the use of data collection methods such as focus groups, interviews, projective techniques and observation. Having considered the advantages and constraints of these techniques as highlighted by Saunders et al. (2009), Jankowicz (2005) and Ghauri & Gronhaug (2005) the collection of primary data was achieved by 'Semi-Structured Interviews'.

### **Semi-Structured Interviews**

In relation to participation in the interview process the 'Who' element of the 'Research Design Considerations' identified that contributions would be required from PDFORRA, Military Management, the Department of Defence as well as the LRC. Building on this it was necessary to identify which appointment holders within each of these groups could provide maximum impact in terms of data contribution to

the interview process. In this regard the General Secretary of PDFORRA was acknowledged as the main point of contact within the representative association. This was due to the leadership role that they hold within the organisation as well as the significant levels of experience that they have of representing PDFORRA in negotiations with management in respect of the implementation of public sector collective agreements.

Within Military Management the key contributors were identified as the 'Director of Human Resources' as well as the 'Head of the Conciliation and Arbitration Section'. In relation to the 'Director of Human Resources', the introduction of key reforms and practices under the auspices of public sector collective agreements have been channelled through the DFHQ HR Branch (Defence Forces, 2012). Under the implementation of future collective agreements this process is likely to continue. It is therefore appropriate that the appointment holder who has direct responsibility for the implementation of collective agreement provisions within the Defence forces is afforded an opportunity to contribute to this subject area. Similarly in relation to the 'Head of the Conciliation and Arbitration Section', this appointment holder has direct responsibility for the operation of the Conciliation and Arbitration process including the Conciliation and Arbitrations Forums from a Military Management perspective. Within this role they are routinely involved in detailed negotiations and discussions with both PDFORRA and the Department of Defence in respect of the introduction of measures that have arisen through the implementation of public sector collective agreements. It is therefore appropriate that they have an opportunity to comment on the introduction of a mediation based process that they would be intricately involved in.

Concerning the Department of Defence, the Head of the Conciliation and Arbitration Section is responsible for ensuring that measures envisaged under the operation of public sector collective agreements are implemented in accordance with overall government defence policy. This is a key appointment within the Defence Sector industrial relations infrastructure. As a result the support or otherwise of the appointment holder would have significant bearing on the ability to successfully introduce a mediation process in the Defence Forces and therefore warrants inclusion in the interview process.

In relation to the Advisory Services of the LRC, their participation within the interview process was deemed appropriate given the leadership role that this institution plays within the operation of the state sponsored industrial relations framework (Labour Relations Commission, 2013). Through their dispute resolution and dispute prevention activities they have developed a significant amount of expertise in the use of mediation within an industrial relations environment. When this is combined with the identified gap in academic literature, it was deemed appropriate that the research should take account of the views and opinions of the Director of Advisory Services in the LRC.

Given the key role that each of the identified participants would play in the overall research and the potential impact that any one party opting out may have on the validity of findings, it was important that a suitable research technique was employed. Within this environment semi-structured interviews were selected for a number of reasons. These would include the ability of this technique to address concerns relating to participant trust and the need to build a positive relationship within the unique environment of military industrial relations as was previously highlighted. It was also recognised that sufficient account needed to be taken of the subjective nature of industrial relations. In order to allow for this interpretative requirement the research technique employed must facilitate the expression of opinions by participants rather than just statements of fact. In particular given the identified gap in academic literature and the stated intent to move from a broad to a narrow focus within the research, it would be necessary to adopt a technique that allowed for the application of an interpretive paradigm to the responses provided. Such a technique would also contribute towards the exploratory nature of the research by allowing for questions that may be both complex and open ended.

Having identified the use of semi-structured interviews as an appropriate research technique and with due regard to the importance attached to achieving full participation from all identified sources, it was essential that access requests were dealt with in a sensitive manner (Cooper & Schindler, 2008; Creswell, 2003). This approach involved providing a high level of flexibility to participants in relation to timings and location of interviews so that a minimum of inconvenience was caused.

As was previously highlighted the conservative and reserved nature of military personnel as identified by Krueger & Kazdin (2000) also had to be addressed in order to enhance the likelihood of securing access. This was achieved through the provision of detailed 'Interview Participant Information Sheets' as outlined in Appendix 6. This document combined with verbal briefings served to reassure participants in relation to data protection and the subsequent review of information prior to publication. At the same time the interviewer ensured that the actual requests for interview were channelled through an appropriate medium to the intended participant. In certain instances such as the LRC, this necessitated a more formalised request, whereas in other instances such as those concerning Defence Force participants, the requests were delivered in person by the researcher.

In order to help guide the conduct of the semi-structured interviews a list of proposed questions was formulated in advance of each interview. A copy of each of these documents is outlined at Appendices 6 to 10. The construct of these questions was guided by the secondary data which had been collected and as the process evolved, by the data that emerged from interviews that had already taken place. A copy of the interview schedule is outlined in Appendix 12 and a transcript of each interview is provided in the order in which they were held in Appendices 12 to 16. It must be emphasised that the proposed list of questions acted as a guide for the conduct of the interviews so that the researcher would remain on theme in relation to their questioning. As such the researcher retained the ability to exercise discretion in relation to the questions that were asked.

### **Recording and Analysing Data**

Given the exploratory nature of the research methodology, it was necessary to ensure that the methods employed for recording data were tailored around the specific needs of the research questions. This was in keeping with relevant academic practice as highlighted by Davies (2007) and Brannen (1992). As a result data summary sheets as outlined in Appendix 4 were used in order to assist in the capture of relevant secondary data.

In relation to primary data, interviews were digitally recorded with the consent of all participants. In advance of such interviews an 'Interview Participant Information



Sheet' was sent to each contributor which outlined relevant information such as 'The implication of taking part and participants rights' as well as 'The use of collected data and the way in which it will be reported'. A copy of the 'Interview Participant Information Sheet' is outlined in Appendix 6.

The process of analysing data was integrally linked to the on-going exploratory nature of the research that was being conducted. As a result an inductive approach was adopted to the analysis of collected data as outlined by Riley et al. (2000). Within this analytical process key themes and patterns were examined in an effort to engage in theory-building which provided a framework on which findings could be based. Such an approach to data analysis is highlighted by Horn (2009). Included within this process were a number of stages including the categorisation of data, the unitising of data, the recognition of relationships and the development of theories (Saunders et al., 2012).

To begin with a number of data categories were identified from the interviews which were held. These data categories were then laid out in a wire diagram format as highlighted in Appendix 18. The data categories were then populated with relevant key quotations, phrases, and words that emerged from the transcribed interviews. Within Appendix 19, this information has been surmised into the most applicable key points that emerged from this process. This information was then analysed so that any relationships which had emerged between the parties could be identified. The information was then combined with the 'data summary sheets' so that the collected data could be presented in a manner that would facilitate the identification of key themes and patterns. These patterns could then be used as the basis on which theories relating to the overall research aim could be developed including the research findings.

### **Ethical Considerations**

Having reviewed the work of Cooper & Schindler (2008), Robson (2002) and Zikmund (2000), the researcher noted that consideration must be given to the ethical dimension of how the research was to be conducted. A significant proportion of these considerations relating to voluntarism, confidentiality and data management have been addressed within the 'Interview Participant Information Sheet' which is

included at Appendix 6. In addition, to ensure integrity and objectivity the researcher has declared any conflicts of interest within Appendix 3.

## **Research Findings and Discussion**

### **Overview**

During the course of the research two types of data were collected. Initially 'secondary data' such as reports, academic reviews and books were examined in order to provide relevant context and background information on the subject areas that are related to the overall research aim. This information then helped to guide the interview process that was used to obtain primary data. A total of six people participated in this interview process and represented the following appointments;

1. Director of Human Resources in the Defence Forces
2. Head of the Conciliation and Arbitration Section in the Defence Forces
3. Head of the Conciliation and Arbitration Section in the Department of Defence
4. General Secretary of PDFORRA
5. Director of Advisory Services in the LRC
6. Senior Advisory Officer within the LRC.

These appointment holders represent the main participants that would be involved in the introduction and operation of a mediation system within the Defence Forces. Transcripts of these interviews are outlined at Appendices 12 to 16. Once the primary data had been collected it was then analysed with both themes and relationships being identified. This information was then assessed in conjunction with the available secondary data. As a result of this process a total of six key findings have been identified. These findings are as follows;

1. Positive Approach to Engagement
  - All participants interviewed stated that there were significant advantages to be gained from a positive approach to engagement between management and employee representatives.
2. Delays
  - Both Military Management and the Department of Defence are concerned over the delays that can be experienced when attempting to resolve disagreements that arise with PDFORRA.

### 3. Willingness to Use Mediation

- Military Management, Department of Defence and PDFORRA are all willing to consider the use of mediation as a dispute prevention mechanism during the operation of public sector collective agreements.

### 4. Limited Use

- To achieve management support for the introduction of mediation as a dispute prevention mechanism the scope of its use would have to be limited.

### 5. LRC Support for the Public Sector

- There is a desire within the LRC to support the use of dispute prevention mechanisms such as mediation in the public sector.

### 6. LRC Support for the Defence Forces

- The LRC Advisory Services are prepared to support the use of mediation within the Defence Sector.

## **Primary Data Findings**

Specifically dealing with the primary data that was collected during the interview process, a number of themes and relationships were evidently present. In order to facilitate the identification of this information the primary data will be presented within the six key finding sub-categories.

Focusing on finding number one, the 'Positive Approach to Engagement' which all participants expressed towards employee engagement was one of the most discernible features of the interview process. This point is highlighted by a range of participant comments such as;

"I think there is generally positive engagement"

(General Secretary, PDFORRA)

“Everybody buys into it and as a result of that you have a satisfied constituency out there”

(Director of Human Resources, Defence Forces)

“..... you get a gain, a good understanding of the issues, not just from an individual level but from a general, and you can see where the association, where the employees are coming from”

(Head of Conciliation and Arbitration Section, Defence Forces)

and “There has to be buy in by the organisation itself as well as by the representative associations into the complete process, and I think in general there is”

(Head of Conciliation and Arbitration, Department of Defence)

Also contributing to this observation was the comments of the Director of Advisory Services in the LRC who stated that in the context of the broader public sector;

“..... we would feel that the more engagement that there is then probably the less we see of disputing parties coming into the Labour Relations Commission”.

(Director of Advisory Services, LRC)

The emergence of this strong support for engagement between Military Management, the Department of Defence and PDFORRA was evident right throughout the interview process. There was a clear under-current of willing cooperation between all parties that has been fostered over a protracted period of time. On numerous occasions the participants repeatedly emphasised the need to engage with the other actors within the Defence Sector.

Relating to finding number two it is important to emphasise that within the interview process, participants from both Military Management as well as the Department of Defence expressed their at times frustration with the ‘Delays’ that can be associated with the Defence Sectors internal Conciliation and Arbitration process. Both parties comment on how these delays can impact on the introduction of modernised

practices under the auspices of public sector collective agreements. For example the Director of Human Resources within the Defence Forces highlighted that;

“There are issues out there that go on for a long time. We have experienced this. It is one of the frustrating things here that issues, things that seem simple to us, become elongated in the C&A process, and I would contend that decision making for me is very very important. The General Staff demand decisions and some of these decisions are very slow in being arrived at”.

(Director of Human Resources, Defence Forces)

On a similar trend the Head of Conciliation and Arbitration in the Department of Defence when being asked about the potential impact in terms of time delays that could flow from disagreement over the introduction of new measures stated that;

“Yes. Time delays. Particularly if there are High Court judicial reviews taken in relation to decisions that we may have made. You have to go through the whole High Court system and we have a few cases that are going on a couple of years and we can’t actually progress them because of the fact that we are waiting for progression in the courts and for decisions to be made.....”.

(Head of Conciliation and Arbitration, Department of Defence)

Countering this suggestion was the position that was adopted by the General Secretary of PDFORRA in relation to the propensity of both sides to reach agreement;

“..... you never get 100% agreement but there is general agreement usually on the issues. The disagreements will arise in relation to some of the specific measures within it rather than to the, to the principal....., I can’t think of any complete principle where we would have disagreed on. The issues are more to do with some aspect of the detail of it”.

(General Secretary, PDFORRA)

The concerns expressed by both Military Management and the Department of Defence in relation to the delays that they had experienced within the existing

Conciliation and Arbitration process were quite strong. This position is supported by the verbal data which is confirmed within the interview transcripts but was also augmented by non-verbal communication gestures by the participants. These would have included both facial and hand movements that would have served to emphasise the importance which they attached to this point.

The 'Willingness to Use Mediation' on the part of participants as a dispute prevention mechanism during the operation of public sector collective agreements is highlighted in finding number three. This position emerged during the interview process and was somewhat of a surprise to the researcher. As previously highlighted, the conduct of industrial relations within the Defence Forces occurs within a unique environment where conservative traits are commonly associated with military participants (Krueger & Kazdin, 2000). The researcher therefore did not anticipate the expression of strong support for the use of mediation during the interviews. Instead it was deemed as more likely that participants would adopt a non-committal position and seek to receive more information or briefings before expressing an opinion. However as was highlighted by the following comments this was not what actually took place;

"..... I think it would be very useful because there are issues out there that can seem intractable"

(Director of Human Resources, Defence Forces)

"There certainly is scope there for a mediation type process as some sort of alternative dispute resolution process to have in place, to get both sides to actually reach some sort of resolution"

(Head of Conciliation and Arbitration Section, Department of Defence)

"There possibly would be a role, yes, you know, pre-council ..... If there was somebody in between, somebody who could mediate before it came to Council and bring people down to earth"

(Head of Conciliation and Arbitration, Defence Forces)

“Yes ..... I think that sometimes the involvement of third parties provides a reality check for both sides by the way”

(General Secretary, PDFORRA)

Given the potential significance of this data to the overall research it is important to emphasise the unanimity with which the use of mediation within the Defence forces received support from the participants.

Concerning the aspect of ‘Limited Use’ that was highlighted in finding number four, the interview process identified a number of management based concerns with regard to the current process of engagement with PDFORRA. These concerns related to the perceived narrow focus of the issues which were commonly brought to the Conciliation and Arbitration Process. For example, the Director of Human Resources within the Defence Forces stated that;

“The difficulty that I have here is that the type of issues that can be brought to the table can be very individual. You know their focus may be on a very small number of people and a lot of energies are expended on dealing with issues that are small in nature and don’t really affect the larger membership ..... ”.

(Director of Human Resources, Defence Forces)

Supporting this opinion the Head of Conciliation and Arbitration within the Department of Defence stated the following when asked is there a tendency to end up dealing with individual issues within the Conciliation and Arbitration process;

“Yes ..... Again PDFORRA and I wouldn’t necessarily say RACO, bring it down to the individual level ..... ”.

(Head of Conciliation and Arbitration Section, Department of Defence)

Of course it must be emphasised that these comments were made in the context of an overall very positive approach to the process of engagement with representative associations within the Defence Forces. However they do represent a clear concern that was repeatedly expressed by the management element of the Defence Sector.



Balancing this position from the employee representative side, the General Secretary of PDFORRA highlighted that the degree of management control that was exercised over individual members' lives was of significant importance to the association. This in turn led the General Secretary to state that;

"The employer surely does not want to be seen as someone who is acting in an arbitrary or capricious or unfair manner .....".

(General Secretary, PDFORRA)

In relation to finding number five, the primary data indicates that the LRC supports the use of dispute prevention mechanisms such as mediation within the public sector. This position was clearly articulated by the Director of Advisory Services within the LRC when they stated that;

"We would involve ourselves in going out to companies and seeing what went wrong ..... and then trying to work with both sides to engage I suppose in a more productive way if that engagement isn't there.....".

(Director of Advisory Services, LRC)

This point was then reinforced with the following statement from the Senior Advisory Officer within the Advisory Services;

"..... obviously you know that it goes without saying that positive engagement between management and employees is absolutely critical. It's what we do, what we promote, what we believe in".

(Senior Advisory Officer, Advisory Services, LRC)

It should be noted however that the capacity of the LRC to contribute to the effective implementation of such mechanisms within the wider public sector may be constrained by resources. Specifically it was noted that the participants emphasised that although they had, "responded to almost all of the requests that we have received in some sort of shape or form", there was resourcing constraints within the Advisory Services. Such resourcing constraints within the LRC must be considered

when assessing the extent to which the Advisory Services can support an expanded role for mediation within the public sector.

With regards to 'LRC Support for the Defence Forces' the final finding indicates that the LRC Advisory Services are prepared to support the use of mediation within the Defence Sector. This position is adopted due to the information that was obtained during the interview process. For example the Senior Advisory Officer within the Advisory Services when asked about the possibility of the LRC becoming involved as a third party mediator in the Defence Forces stated that;

"The short answer is that there is obviously a capacity issue if it is large scale, but that goes to the heart of what we do. Working out issues at source".

(Senior Advisory Officer, Advisory Services, LRC)

The Senior Advisory Officer then went on to state;

"Yes, there is potential there ..... Well I suppose that we would say in principle yes, we could deliver that sort of service .....".

(Senior Advisory Officer, Advisory Services, LRC)

At the same time it must be emphasised that the participants from the LRC Advisory Services expressed a need for all parties within the Defence Sector to have "a clear understanding of what the nature of that service is". This point was accentuated by the Senior Advisory Officer when they stated that;

"There would have to be a clear understanding that it is actually an informal process. That it is not you know, some sort of a recommendation or something would emanate from it".

(Senior Advisory Officer, Advisory Services, LRC)

Building on this the Director of Advisory Services discussed the need to ensure that the adoption of new practices such as mediation did not step on the toes of the existing Conciliation and Arbitration forum. An example of associated comments would include;

“There might be a sort of piece around trying to choreograph all that”.

(Director of Advisory Services, LRC)

However, it must be emphasised that despite the concerns over the processes that should be adopted, the expectations of the parties and the potential implication on resources, the LRC participants remained positive within the interview process. They repeatedly emphasised their desire to facilitate improved industrial relations practices in organisations within the public sector.

## **Discussion**

In order to provide an appropriate context for the discussion of the research findings, a process will be established which highlights clear connections between the key findings and the intended research aims and objectives. This process will involve building on the primary data that was obtained within the five semi-structured interviews through the examination of pertinent information that was gathered as a result of secondary data collection. This information will then be examined within the framework of the intended research aims and objectives.

In relation to ‘Finding Number One – Positive Approach to Engagement’, the primary data provides substantial evidence to support the contention that the parties within the Defence Sector are positively disposed to engagement with each other. It is worth noting that this positive approach to employee engagement is supported by certain aspects of the secondary data. For example Roche & Teague (2011) emphasise that by positively engaging at an early stage with employees, deadlock within discussions or negotiations can be avoided. Meanwhile McKersie & Cutcher-Gershenfeld (2009) highlighted the benefits when all parties to the employment relationship are positively disposed to engagement when they stated that, “the best productivity outcomes occurred when a union was present and a partnership relationship existed”. Similar views were also identified within the secondary data from academics such as Teague & Thomas (2008), Barrett & O'Dowd (2005) and Poitras (2009). It must also be emphasised that the secondary data also highlighted the constructive effect that mediation can have on sustaining positive relationships within the workplace (Haynes, Hayes & Fong., 2004; Beer & Stief, 1997).

Connecting with research sub-objective number one, the suitability or otherwise of using mediation as a tool within the industrial relations environment of the Defence Forces will be significantly influenced by the degree to which each party is prepared to positively engage with the other participants. This is in keeping with Hebdon & Mazerolle (2003) who emphasised that a significant contributing factor to the failure to reach agreement within public sector labour relations related to the quality of the relationship between management and employee representatives. It should therefore be considered that the identification of a positive approach to industrial relations engagement across the Defence Sector provides a suitable platform for the introduction of mediation as a dispute prevention mechanism.

Concerning 'Finding Number Two – Delays', the qualitative data that was collected within the interview process emphasises significant time based concerns on the part of both Military Management and the Department of Defence. These concerns focus on perceived delays that can arise within the existing Conciliation and Arbitration process. Of particular importance to Military Management is the impact that such delays can have on the decision making process.

Within this environment it is important to establish if there is relevant secondary data which may address some of these concerns. Specific to the use of mediation within conflict management, one of the commonly associated benefits is the speed at which a mediation process can be established and deliver on an agreement (Schutte, 2003). However as emphasised by Moore (2003), for a mediation process to be successful adequate time must be invested in both preparation and delivery in order to ensure that parties are not merely participating out of a sense of obligation.

Linking back to the overall research aim this finding must be considered when examining whether or not mediation is a tool that can contribute towards the operation of public sector collective agreements within the Defence Sector. In particular the concerns that were highlighted within the interview process by both Military Management and the Department of Defence must be assessed. A reduction in the time required to obtain agreement on the introduction of new or reformed measures under the Conciliation and Arbitration process may enhance the

employment relationship from management's perspective. At the same time it must be emphasised that concerns relating to the speed of change and the dangers of reforms having unintended consequences on already financially burdened employees has been emphasised by PDFORRA. It would therefore be important to reflect on the capacity of PDFORRA to have confidence in the introduction of mediation as a dispute prevention tool. This is due to the potential that it may pose in terms of increasing the rate at which reforms are achieved within the Defence Forces. This is in keeping with the concerns regarding the structuring of a mediation process as highlighted by Beer & Stief (1997).

In relation to 'Finding Number Three – Willingness to Use Mediation', the interview process recognised a surprising level of support for the use of mediation during the operation of public sector collective agreements within the Defence Forces. Following an examination of secondary data, the potential implications of this unexpected support were emphasised by the identification that one of the key elements for success in the operation of a mediation process is the willingness of all parties to participate. For example Lipsky & Seeber (2003) emphasise that in order for a conflict management system to be viewed as fair it must have the willing cooperation of those involved. Meanwhile Bush & Folger (1994) highlights that without the cooperation of all parties, mediation processes will be undermined by a lack of trust and an unwillingness to find common ground.

Consequently the prospective influence of both the primary and secondary data is quite significant in relation to exploring the potential impact of mediation on the operation of public sector collective agreements within the Defence Forces, which is sub-objective number two. Specifically the relative openness of all parties to consider the use of this dispute prevention mechanism raises the possibility of the application of such a technique over the short to medium term. At the same time, the willing cooperation of all participants will satisfy one of the key elements of the mediation process as identified within the secondary data and therefore increase the suitability of this dispute prevention tool for use within the Defence Forces.

In addressing 'Finding Number Four – Limited Use', it is important to emphasise that both Military Management and the Department of Defence expressed concern over

the scope of activities that could potentially be addressed by a mediation process. However from a secondary data perspective it has been established that the mediation process involves defining the topic areas and issues that will be discussed (Moore, 2003). Equally, it is important to remember that it is a voluntary process that involves building trust and cooperation between parties (Jones, 2001). It is therefore of recognised importance that any disagreements over the scope of mediation use must be acceptable to all parties concerned and a clear understanding of any such limitations established prior to a mediation process commencing.

Within the umbrella of the overall research aims and objectives this finding has broad application. For example in relation to sub-objective one, can the use of mediation within the industrial relations process of the Defence Forces be deemed suitable if agreement cannot be reached on the scope of its use? At the same time in relation to sub-objective two, the capacity of mediation to impact on the operation of public sector collective agreements within the Defence Forces may be altered if the scope of its use is to be limited to certain areas. Specific to sub-objective three, if limitations are placed on the scope under which mediation will be practiced within the Defence Forces, then this may impact on the level of contribution that this practice may make to academic knowledge.

In addressing 'Finding Number Five – LRC Support for the Public Sector', the primary data demonstrates a clear intent on the part of the LRC to foster improved industrial relations within the public sector through the use of techniques such as mediation. Building on this intent and from a secondary data perspective it is worth noting that within the LRC's 'Strategic Plan 2011-2013, a key strategic objective is identified as 'Promoting dispute resolution, prevention and management / employee engagement' (Labour Relations Commission, 2011). Within the same document the LRC also states that mediation is a key strategic and operational concern for the LRC. This position is perhaps not surprising as the LRC regards disputes as becoming more complex and protracted, therefore within this context the recognised time saving and cost effective characteristics of mediation are appealing (Labour Relations Commission, 2011; Mahony & Klaas, 2008). It is also noted that the LRC's positive approach to mediation is also set within the context of wider governmental

support for the use of 'Alternative Dispute Resolution' mechanisms such as mediation and conciliation. This point was emphasised when the government followed up on the work of the Law Reform Commission by publishing a draft mediation bill in 2012 (Department of Justice, 2012; Law Reform Commission, 2010).

The applicability of this finding to the overall research aims and objectives is significant and broad ranging. This is due to the fact that the LRC represents the state sponsored body that has the primary task of promoting "the development and improvement of Irish industrial relations policies, procedures and practices through the provision of appropriate, timely and effective services to employers, trade unions and employees" (Labour Relations Commission, 2013). Within this role, their support for the use of dispute prevention mechanisms such as mediation in the public sector is critical if the use of such techniques is to become main stream practice in government organisations such as the Defence Forces. Therefore the ability of the stated research aims and objectives to be achieved will be enhanced if the use of mediation has the support of the LRC.

In relation to the last key finding, 'Finding Number Six – LRC Support for the Defence Forces', the LRC have expressed their willingness to provide support to the introduction of a mediation process in the Defence Forces if requested to do so. This position is in keeping with their overall commitment to fostering positive industrial relations in the public sector and is supported by available secondary data. For example Fortgang (2000) emphasised the potential positive impact that mediation could have within the public sector industrial relations environment when they explored the concept of narrowing the 'Zone of Agreement' between unions and management. Similarly Seeber & Lipsky (2006) highlighted the important role that state sponsored bodies can play in the creation of a positive industrial relations environment between employers and unions. Such secondary data indicates that state bodies such as the LRC Advisory Services can positively influence the public sector industrial relations environment by promoting the use of mediation within appropriate settings. This point has been recognised by the LRC themselves and has resulted in them investing significant levels of both time and resources in order

to enhance their capabilities in the area mediation (Labour Relations Commission, 2007).

The significance of this finding for the research aims and objectives is noteworthy. As the leading state body tasked with promoting a positive industrial relations environment within the public sector, the willingness of the LRC to support the use of mediation within the Defence Forces has the potential to reinforce the positive approach to engagement that already exists between all of the main parties. Such support may enhance the ability of parties to the Defence Sector to view mediation as a suitable tool for use within the internal industrial relations process of the Defence Forces, thereby contributing to the first research sub-objective. At the same time the recognised leadership role that the LRC plays within the Irish industrial relations environment may attract additional academic attention to any pilot scheme that is launched within the Defence Forces. This in turn would assist in contributing to the level of academic knowledge that is available on the use of mediation as a tool to assist in the operation of public sector collective agreements.

## **Summary**

During the collection of primary data all of the key participants that would be involved in the introduction and operation of mediation as a dispute prevention mechanism in the Defence Forces were interviewed. It is therefore important to stress that the qualitative data which has been collected has a high level of applicability to the research that is being undertaken. Following an extensive academic review this information has then been combined with relevant secondary data. The subsequent analysis of this combined data has identified six key findings which have strong connections with the overall research aims and objectives.



## **Conclusions and Recommendations**

### **Research Sub-Objectives**

Relating to the first sub-objective, the research that was conducted and the findings that were identified provide significant evidence to support the premise that mediation is a suitable tool for use within the internal industrial relations process of the Defence Forces. For example the first research finding which relates to the 'Positive Approach to Engagement' that was demonstrated by all parties to the Defence Sector, directly impacts on the first research sub-objective. This is due to the fact that this finding establishes that the three parties to the Defence Sector value their relationship as well as a positive engagement between each other. This desire holds a direct correlation with the previously cited work of Haynes, et al (2004) and Beer & Stief (1997) who emphasised that mediation can help sustain positive relationships within the workplace. It would therefore be logical that a dispute mediation tool that has the capacity to reinforce an existing valued aspect of the Defence Forces industrial relations environment would be deemed as a 'suitable tool'.

Simultaneously, the impact of research finding number three which relates to the willingness of all parties to use mediation must be assessed. Specifically the positive response that was given by the interviewees to the use of this dispute prevention mechanism certainly impacts on the 'suitability' consideration of mediation. This is then compounded by the available secondary data such as Lipsky & Seeber (2003) which as previously highlighted emphasises the importance that is attached to the willing cooperation of participants in any conflict management process. Such information compliments the conclusion extracted from the first research finding and supports the view that mediation is a suitable tool for use within the internal industrial relations process of the Defence Forces.

Similarly the support that the LRC has shown for the use of mediation within both the wider public sector as well as in the Defence Forces also supports the contention that this is a suitable tool for use within the internal industrial relations process of the Defence Forces. Both research finding number five and finding number six indicate that as the state body tasked with promoting a positive industrial relations environment, that the LRC attaches significant weight to the benefits that can accrue

from the use of mediation. This is supported by the information obtained through the interviews as well as from the available secondary data such as the LRC's 'Strategic Plan 2011-2013 (Labour Relations Commission, 2011).

Countering this positive uniform viewpoint, it must be highlighted that not all evidence supports the contention that mediation is a suitable tool for use within the Defence Forces as proposed in the first research sub-objective. For example the aspect of 'Limited Use' that was highlighted in finding number four must be reflected upon. As was quite clear from the primary data the management element of the industrial relationship view the scope within which mediation would be used as limited. This position may conflict with PDFORRA's intent and could create difficulties between the parties when trying to reach agreement to define the topic areas and issues to be covered as highlighted by Moore (2003). Taking this into account, it is however concluded that the volume of data gathered supports the contention that mediation is a suitable tool for use within the internal industrial relations process of the Defence Forces.

In respect of sub-objective two, it is assessed that mediation can have a positive impact on the operation of public sector collective agreements within the Defence Forces. This conclusion is derived from an assessment of numerous factors such as management concerns about delays in the introduction of new or reformed practices that was highlighted in finding number two. This concern is regarded as a significant weakness of the existing Conciliation and Arbitration process by management and the repetition with which it seems to occur may represent the concept of 'Institutional Lock-In' that was referred to within the literature review (Teague, 2009). At the same time Mahony & Klaas (2008) have recognised that the effective resolution of workplace conflict requires the employment of more than one type of approach to conflict management. The considered use of mediation within the Defence Forces setting may therefore be considered appropriate given the associated benefits of this tool that have been identified by authors such as Schutte (2003). These would include a recognition that this conflict management tool can provide a speedy resolution to disagreements that arise within an industrial setting. Such benefits can address the management concern over the delays in introducing new or reformed practices that were highlighted in finding number two. In so doing it could be strongly

argued that this would have a positive impact on the operation of public sector collective agreements within the Defence Forces.

Building on the positive contribution that mediation can make to the delays experienced within the Defence Forces industrial relations environment is the willingness on the part of participants to use mediation that was recognised within finding number three. This willingness to consider innovative practices was not anticipated by the researcher in keeping with the conservative traits that are commonly associated with military participants as highlighted by Krueger & Kazdin (2000). However given the previous emphasis that was attached to the differences that can occur between states in the way in which they approach the military industrial relations environment, this oversight could have been anticipated (Heinecken, 2010). Instead, as the process of collecting primary data developed it became apparent that a critical component for a successful conflict management system, namely 'the willing cooperation of those involved' was present amongst the parties concerned (Lipsky & Seeber, 2003). This willingness to use mediation on the part of all parties raises the prospect of the application of such a technique over the short to medium term. Given the emphasis that has been placed on achieving public sector reforms within a restricted budgetary environment it is likely that significant pressure will be placed on the implementation of modernised practices under the 'Public Service Stability Agreement 2013 – 2016' (Labour Relations Commission, 2013; Department of Finance, 2012; OECD, 2011). Within this context the timely adoption of an additional dispute prevention mechanism into the military industrial relations environment may assist in the disipation of increased tensions that could occur as a result of the pressures to implement modernised practices under this agreement.

Also contributing to the potential positive impact that mediation can have on the operation of public sector collective agreements in the Defence Forces is the position adopted by the LRC. Specifically the willingness of the LRC to support the use of mediation within the Defence Forces as well as the wider public sector is significant. This is due to the recognised leadership role that the LRC plays within industrial relations in Ireland and the high level of expertise that they would invariably bring to the process (Labour Relations Commission, 2013). Given the recognised time saving

and cost effective characteristics that mediation can deliver within an industrial relations environment the involvement of the LRC can potentially enhance the positive impact that this tool can have within the Defence Forces (Labour Relations Commission, 2011; Mahony & Klaas, 2008). Such an outcome is also in keeping with the recognised intent of the government in enhancing the role that mediation can play within the wider Irish society (Department of Justice, 2012; Law Reform Commission, 2010).

Balancing the positive potential impact that mediation can have on the operation of public sector collective agreements within the Defence Forces is the concern over the 'Limited Use' that was identified within finding number four. Such concerns may limit the range or scope of issues that can be dealt with through mediation. This is a concern given that the previously highlighted purpose of mediation is that it is a voluntary process that involves building trust and cooperation between parties (Jones, 2001). Therefore limiting the areas in which mediation can be used may damage a certain amount of the trust and cooperation that is required between the parties. At the same time the imposition of limitations on the scope of use of mediation may also exclude certain topics or challenges that arise through the operation of public sector collective agreements. Such a situation would have a constraining effect on the impact that mediation can have on the operation of public sector collective agreements within the Defence Forces. However despite these concerns, it is viewed that the volume of available data indicates that the introduction of mediation would have a positive impact on the operation of public sector collective agreements within the Defence Forces.

Concerning sub-objective three it is argued that this research has the capacity to contribute to the level of academic knowledge that is available on the use of mediation as a tool to assist in the operation of public sector collective agreements. There are a number of factors that have contributed to this, beginning with the literature review. Within this review there was a recognition that available research does not provide any substantial form of in-depth analysis of 'dispute prevention' mechanisms such as mediation that relate specifically to either a 'military' or 'essential services' environment. Augmenting this void was the absence of direct research that has been carried out on the operation of 'dispute prevention'

mechanisms within public sector collective agreements. Further to this information vacuum the literature review demonstrates that the level of academic research that has been conducted into the role of mediation within 'dispute prevention' mechanisms is highly limited. Surmising these identified gaps in available literature begins the process of contributing to academic knowledge in this area by first of all recognising that there is a deficiency in applicable relevant scholarly work.

Helping to fill this identified information vacuum is a difficult task. However given the previously mentioned leadership role that the LRC performs within Irish industrial relations, their involvement has the capacity to highlight to other academics the need for auxiliary research to be carried out in this subject area (Labour Relations Commission, 2013). This point is emphasised within finding number six.

In relation to the other research findings there are a number of aspects which should be considered with regards to developing academic knowledge in this subject area. For example relating to the 'Willingness to Use Mediation' on the part of participants that was identified within finding number three, this point serves to highlight the dangers that can be associated with expectant behaviours as suggested by Krueger & Kazdin (2000). Given the high level of interest that was expressed in the potential introduction of mediation into the Irish military industrial relations environment this has implications for future potential academic research. Specifically, academics who are conducting research in the subject area of mediation and its use as a dispute prevention tool during the operation of public sector collective agreements should exercise caution in attaching stereotypical behaviours to any given industry or organisation.

Also worth due consideration is the degree to which the existing level of positive engagement between the parties may have contributed towards their willingness to explore additional methodologies that could potentially enhance dispute prevention. As was established within finding number one, the participants to this research have a positive approach to engagement with each other and this may have contributed to their willingness to cooperate with the introduction of a mediation program. Such a scenario is not necessarily reflected within the wider Irish industrial relations environment. This point was emphasised within the literature review by reference to

the difficulties associated with agreeing the terms of the 'Public Service Stability Agreement 2013 - 2016' between the government and the union movement (Labour Relations Commission, 2013). It is also worth considering if these difficulties may be symptomatic of the previously stated viewpoint that was adopted by Teague (2009). This viewpoint argued that resultant strains have the potential to elevate the levels of disagreement between workers and management which in turn may result in associated malign influences on the union-management relationship. Within this context the positive response to this research which was apparent within the Defence Sector may not be reflected within other industries or organisations. This may have a limiting effect on the academic applicability of this research in such scenarios.

Overall the contribution of this research to the pool of academic knowledge that is available on the use of mediation as a tool within the operation of public sector collective agreements is significant. This is due to the identified gap in academic literature relating to this subject area and the capacity of the data obtained to at least partially fill this gap. However it would be remiss not to highlight that limitations do exist within the research that has been conducted which therefore limit its capacity to contribute to the development of academic knowledge in this subject area. Specifically the researcher and participants have been dealing with a hypothetical suggestion that mediation would be introduced into the military industrial relations environment and therefore associated responses within the primary data may have been influenced by this. Consideration should therefore be given to conducting further academic research should this proposal be practically implemented within the Defence Sector.

### **Research Aim**

Having conducted a significant level of both primary and secondary research it is argued that the use of mediation as a dispute prevention tool can contribute to the maintenance of a positive relationship between PDFORRA and management during the operation of public sector collective agreements within the Defence Forces. This position is influenced by a number of aspects of the research such as the concern that was expressed by management in respect of delays that can occur within the existing Conciliation and Arbitration process. Potentially impacting these concerns in

a positive manner is the commonly associated benefit of speed which is often associated with the operation of a mediation process as highlighted by Schutte (2003). Such a benefit is recognised as having a constructive effect on the sustainment of positive relationships in the workplace as emphasised by Haynes, et al. (2004) and Beer & Stief (1997). It is therefore reasonable to argue that the adoption of a mediation process may help address some of the management concerns regarding delays that might occur whilst introducing new measures during the operation of public sector collective agreements.

Reinforcing this positive approach is the willingness which all parties expressed to using mediation as a dispute prevention mechanism during the operation of public sector collective agreements. This support is seen as vital given the importance that is attached to voluntary cooperation within conflict management systems as emphasised by Lipsky & Seeber (2003) and Moore (2003). Impacting on the overall research aim, this participation consensus is significant as it provides an initial platform of cooperation upon which the introduction of a mediation process could be based. Of course this platform of cooperation has the potential to be negatively impacted by the aspect of 'Limited Use' that was highlighted within the research findings. This is an important consideration given the significance that is attached to trust and cooperation between parties that are involved in a mediation process (Jones, 2001). However given the positive nature to employee engagement which is established within the Defence Sector, it is argued that such difficulties have a significant chance of being overcome.

In relation to the LRC, it is noteworthy to comment on their willingness to encourage the use of mediation within the wider public sector and their preparedness to assist in the introduction of mediation into the military industrial relations environment. This position is in keeping with the positive attributes that they associate with the use of mediation in an industrial relations setting (Labour Relations Commission, 2011). Given the previously highlighted importance that the state attaches to both public sector collective agreements as well as the use of mediation, it is argued that the introduction of a mediation dispute prevention program into the Defence Forces is likely to draw support from the state sponsored industrial relations machinery. Such a situation should expose the Defence Forces to the positive impacts of mediation

as emphasised by the LRC themselves and reinforced by academics such as Mahony & Klaas (2008).

Concerning the literature review, it is merited to remark that there are strict limitations that are placed on the conduct of industrial relations within an Irish military setting (Office of the Attorney General, 1990). This is no surprise given the documented concerns about industrial action within a military environment that were emphasised by Lipow et al. (2009). However all parties to this potential process have stated that they believe the scope exists for its use. Such a viewpoint is crucial given that the successful operation of collective agreements have the potential to promote “co-operative interactions between managers and employees so that shared understandings and joint action can be fostered on business and workplace matters” (Teague, 2007). It is therefore reasonable to argue that the introduction of mediation as a dispute prevention tool can contribute to the maintenance of a positive relationship between PDFORRA and management during the operation of public sector collective agreements within the Defence Forces.

### **Recommendations and Observations**

As a result of the research that has been undertaken, two key recommendations are available. The first recommendation concerns the need to further develop academic thought and knowledge concerning the use of mediation as a dispute prevention tool in the operation of public sector collective agreements. As has been highlighted within the literature review, there is a significant gap in available academic literature and although this research contributes to filling this gap there remains significant scope for further academic research to be undertaken. For example what impact could such a process have in an environment that does not contain a positive disposition to engagement between management and unions? Similarly there are many other questions, factors and phenomena that could be explored by subsequent research. This may involve other organisations or public bodies within Ireland or alternatively the exploration of this subject area within an international setting.

Secondly, the Defence Forces should consider the implementation of a pilot scheme whereby mediation is used as a dispute prevention tool during the operation of public



sector collective agreements. The research undertaken to date strongly indicates that such a scheme would be well received by participants and has the potential to deliver significant benefits to the organisation. It is also noted that the operation of such a scheme would be in keeping with the governments overall stated agenda to promote the use of alternative dispute resolution tools such as mediation (Department of Justice, 2012; Law Reform Commission, 2010). Connecting with the first recommendation, the launch of such a pilot scheme could also serve to further enhance the development of academic knowledge within this area.

Providing a basis for the recommendations that are outlined above are the various strengths and limitations that were associated with the research. Specific to strengths, the primary data which was collected represents the views and opinions of the participants that would be directly involved in the operation of a mediation based scheme within the Defence Sector. Therefore significant weighting must be attached to the information which was obtained from the interview process. Building on this strength was the significant volume of literature that was available relating to mediation processes and their use within a 'dispute resolution' environment. Similarly significant volumes of information were also available on the process through which public sector collective agreements were negotiated.

Balancing these strengths were a number of significant limitations such as the literature gap that was identified concerning the use of mediation within a 'dispute prevention' environment. This literature gap was further complicated by a lack of information of the operation of public sector collective agreements and how disagreements are prevented from escalating into disputes within such agreements. It is also the case that the military industrial relations environment is relatively unique within wider society and due consideration must be given to the ability to extrapolate findings that could then be applied to a non-military industrial relations environment.

Also contributing to this overall research process has been a series of lessons that have been learned as the research has been undertaken. These lessons are varied and would include the previously highlighted dangers of attaching stereotypical behaviours to any given industry or organisation. Other lessons would include a need to ensure that access is gained to all potential key participants. This point is

emphasised by the significant volumes of applicable primary data that were obtained through the interview process and the potential impact that non-access to any of these participants may have had on the research findings.

Also relating to the collection of primary data, was the significant impact that prior research had on the formulation of theories and avenues of questioning in advance of the interview process. Within a semi-structured interview setting, it is necessary for the interviewer to have an in-depth knowledge of the subject area that allows them to respond to developments that may occur during the interview itself. If this was not the case then potential opportunities to explore new or unexpected data may be missed. However within this context of preparation and prior research it is important to emphasise the need for strict time management. During any large piece of academic research that spans significant time periods, it is inevitable that unexpected situations will arise that can potentially impact on an intended time plan. It is therefore of the upmost importance that a realistic time plan is established at the start of a research program and that this plan has built in flexibility to deal with unexpected situations that may arise. Finally given the identified need for flexibility in planning it is important that the scope of research that is to be conducted is not too large and can be achieved within available resources.

## **References**

ACAS, 2008. *Mediation Explained*. [Online]

Available at: [http://www.acas.org.uk/media/pdf/t/g/Mediation\\_Explained\\_Dec\\_2008.pdf](http://www.acas.org.uk/media/pdf/t/g/Mediation_Explained_Dec_2008.pdf)

[Accessed 2013 March 12].

Adelhelm, F., 2012. Good faith collective bargaining what's driving the need for change?. *Academy of Management Journal*, 17(3), pp. 34 - 35.

Administrative Section, DFHQ, 2013. *C&A Section, Defence Forces*, Dublin: s.n.

Barrett, J. T. & O'Dowd, J., 2005. *Interest-Based Bargaining*. Victoria: Trafford Publishing.

BBC News, 2003. *BBC News Africa*. [Online]

Available at: <http://news.bbc.co.uk/2/hi/africa/3106479.stm>

[Accessed 02 June ` 2013].

Beer, J. & Stief, E., 1997. *The Mediators Handbook*. Vermont: New Society Publishers.

Bingham, L. B. & Pitts, D. W., 2002. Highlights of Mediation at Work: Studies of the National REDRESS Evaluation Project. *Negotiation Journal*, pp. 135-146.

Bordogna, L., 2008. Dispute Regulation in Essential Public Services in Italy: Strengths and Weaknesses of a Pluralist Approach. *Journal of Industrial Relations*, 50(4), pp. 595 - 611.

Brannen, J., 1992. *Mixing Methods: Qualitative and quantitative research*, Aldershot: Hants.

Brennan, M., 2010. *Irish News*. [Online]

Available at: <http://www.independent.ie/irish-news/dempsey-to-urge-no-strike-clause-for-controllers-26624929.html>

[Accessed 01 June 2013].

Burke, S., 2004. *A Proposed Selection System for Officers of the Irish Defence Forces*, Dublin: National College of Ireland.

Bush, R. & Folger, J., 1994. *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey Bass.

Carrell, M. R. & Heavrin, C. J. D., 2009. *Labor Relations and Collective Bargaining*. 9th ed. New Jersey: Prentice Hall.

Casey, B. & Gold, M., 2000. *Social partnership and economic performance: The case of Europe*. Cheltenham: Edward Elgar Publishers.

Cloke, K. & Goldsmith, K., 2011. *Resolving Conflicts at Work*. 3rd ed. San Francisco: Jossey-Bass.

Cooper, D. & Schindler, P., 2008. *Business Research Methods*. 10th ed. Boston: McGraw-Hill.

Cosh, C., 2012. Will it happen here?. *Macleans*, 125(2), pp. 22 - 23.

Creswell, J., 2003. *Research Design: qualitative, quantitative, and mixed methods approaches*. 2nd ed. Thousand Oaks: Sage.

Croke Park Implementation Group, 2012. *Integrated Progress Report on Action Plan for the Defence Sector*, Dublin: Department of Public Expenditure and Reform.

Crowther, D. & Lancaster, G., 2009. *Research Methods: A concise introduction to research in management and business consultancy*. 2nd ed. Oxford: Butterworth - Heinemann Ltd.

Cutcher-Gershenfeld, J., Kochan, T., Ferguson, J.-P. & Barrett, B., 2007. Collective Bargaining in the Twenty First Century: A Negotiations Institution at Risk. *Negotiation Journal*, 23(3), pp. 249 - 265.

Cutcher, G. & Joel, E., 1991. The impact on economic performance of a transformation in industrial relations. *Industrial and Labor Relations Review*, 44(2), pp. 241 - 260.

Davies, M., 2007. *Doing a Successful Research Project: Using qualitative or quantitative methods*. Basingstoke: Palgrave MacMillan.

De Palo, G. & Harley, P., 2005. Mediation in Italy: Exploring the Contradictions. *Negotiation Journal*, 21(4), pp. 469-479.

Defence Forces Human Resource Branch, 2013. *PMS Movement Report*, Dublin: Defence Forces.

Defence Forces Strategic Planning Branch, 2012. *Administrative Instruction CS4*. Dublin: Defence Forces Ireland.

Defence Forces, 1990. *Defence Force Regulation S6*. Dublin: Defence Forces Ireland.

Defence Forces, 2012. *DHRMS Annual Plan 2012*, Dublin: Defence Forces.

Defence Sector Conciliation and Arbitration Section, 2012. *Conciliation Council Report 448 - NCO Promotion Agreement*, Newbridge: Defence Sector Conciliation and Arbitration Section.

Denzin, N. & Lincoln, Y., 2005. *The SAGE Handbook of Qualitative Research*. 3rd ed. London: SAGE.

Department of An Taoiseach, 1987. *Programme for National Recovery*, Dublin: Stationery Office.

Department of An Taoiseach, 2011. *Programme for Government*. [Online]

Available at:

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_Archive/Publications\\_2011/Programme\\_for\\_Government\\_2011.html](http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Programme_for_Government_2011.html)

[Accessed 22 June 2013].

Department of Defence, 2000. *White Paper on Defence*. [Online]

Available at:

<http://www.defence.ie/website.nsf/document+id/93191A155924DAD5802570C8005065D3#Introduction>

[Accessed 24 April 2013].

Department of Finance, 2012. *Budget 2013 - Economic and Fiscal Outlook*, Dublin: Department of Finance.

Department of Justice, 2012. *Draft General Scheme of Mediation Bill 2012*, Dublin: Department of Justice.

Department of Public Expenditure and Reform, 2010. *Public Service Agreement 2010 - 2014*. [Online] Available at: <http://per.gov.ie/wp-content/uploads/Public-Service-Agreement-2010-2014-Final-for-print-June-2010.pdf> [Accessed 02 June 2013].

DFTN, 2013. *Personnel Management System*, Dublin: Defence Forces.

Dickens, L., 2008. Legal Regulation, Institutions and Industrial Relations. *Warwick Papers in Industrial Relations*, Volume 89.

Dickinson, D. L. & Hunnicutt, L., 2005. Does Fact-Finding Promote Settlement? Theory and a Test. *Economic Inquiry*, 43(Apr), pp. 401-416.

Dix, G., Forth, J. & Sisson, K., 2008. *Conflict at Work: The pattern of disputes in Britain since 1980*, London: National Institute of Economic and Social Research.

European Commission, 2013. *European Economy Occasional Papers*. [Online] Available at: [http://ec.europa.eu/economy\\_finance/publications/occasional\\_paper/2013/pdf/ocp131\\_en.pdf](http://ec.europa.eu/economy_finance/publications/occasional_paper/2013/pdf/ocp131_en.pdf) [Accessed 29 May 2013].

Fitzgerald, W., 2006. *The ability of members of the Permanent Defence Forces with limited knowledge of Map Reading and Navigation (MRN) to achieve the necessary level of skill and proficiency of a MRN Instructor using eLearning as an instructional tool*, Dublin: National College of Ireland.

Fontaine, L., 2008. Are Public Services Still Essential in Quebec?. *Industrial Relations*, 63(4), pp. 719 - 741.

Forsyth, A., 2012. Workplace conflict resolution in Australia: the dominance of the public dispute resolution framework and the limited role of ADR. *International Journal of Human Resource Management*, 23(4), pp. 476 - 494.

Fortgang, R., 2000. Taking Stock: An Analysis of Negotiation Pedagogy across Four Professional Fields. *Negotiation Journal*, 16(4), pp. 325 - 338.

Gennard, J., 2009. Voluntary arbitration: the unsung hero. *Industrial Relations Journal*, 40(4), pp. 309-323.

Ghauri, P. & Gronhaug, K., 2005. *Research Methods in Business Studies: a practical guide*. 3rd ed. Harlow, Essex: FT Prentice Hall.

Gill, J. & Johnson, P., 2012. *Research Methods for Managers*. 4th ed. London: Sage Publications Ltd.

Glassner, V. & Keune, M., 2012. The Crisis and Social Policy: The role of Collective Agreements. *International Labour Review*, 151(4), pp. 351 - 375.

Golten, M. M. & Smith, M., 1999. *Hammers in Search of Nails*. [Online]  
Available at: <http://consensus.fsu.edu/epp/hammers.pdf>  
[Accessed 12 March 2013].

Graziano, A. & Raulin, M., 2010. *Research Methods; A Process of Inquiry*. Boston: Pearson.

Grima, F. & Trepo, G., 2009. Knowledge, Action and Public Concern: The logic underlying mediators actions in French Labour Conflicts. *The International Journal of Human Resource Management*, 20(5), pp. 1172 - 1190.

Gunnigle, P., Heraty, N. & Morley, M. J., 2011. *Human Resource Management in Ireland*. Dublin: Gill & Macmillan.

Haynes, J., Hayes, G. & Fong, L., 2004. *Mediation: positive conflict management*. Albany: State University of New York Press.

Hebdon, R. & Mazerolle, M., 2003. *Regulating Conflict in Public Sector Labour Relations*, Ontario: Industrial Relations.

Heinecken, L., 2010. Military Unionism and the Management of Employee Relations within the Armed Forces: A Comparative Perspective. *International Journal of Comparative Labour Law and Industrial Relations*, 26(4), pp. 401 - 409.

Heinecken, L. & Nel, M., 2007. Military Unions and the Right to Collective Bargaining: Insights from the South African Experience. *International Journal of Comparative Labour Law and Industrial Relations*, 23(3), pp. 463 - 483.

Hetzler, D. & Speth, A., 2008. Future Dispute System Design: Ethical Imperatives, Millennial and Beyond. *Ohio State Journal on Dispute Resolution*, 24(1), pp. 131 - 142.

Horn, R., 2009. *Researching and writing dissertations: a complete guide for business and management studies*. 2nd ed. London: CIPD.

IBEC, 2004. IBEC calls for strike ban in essential services. *European Industrial Relations Review*, Volume 364, pp. 10 - 11.

International Labour Office, 2011. *Manual on Collective Bargaining and Dispute Resolution in the Public Service*, Geneva: International Labour Office.

International Monetary Fund, 2013. *IMF Publications*. [Online]  
Available at: <http://www.imf.org/external/pubs/cat/longres.aspx?sk=40454.0>  
[Accessed 04 June 2013].

IRIN, 2004. *IRIN Africa*. [Online]  
Available at: <http://www.irinnews.org/report/51624/guinea-bissau-armed-forces-chief-killed-as-soldiers-mutiny-over-pay-arrears>  
[Accessed 01 June 2013].

Jackson, S., 2012. *Research Methods and Statistics: a critical thinking approach*. 4th ed. Belmont: Wadsworth.

Jankowicz, A. D., 2005. *Business Research Projects*. Luton: Thomson Learning.

Jones, T., 2001. Mediating with Heart in Mind: Addressing Emotion in Mediation Practices. *Negotiation Journal*, 17(3), pp. 217-244.

Kai, C. & Brown, W., 2013. The transition from individual to collective labour relations in China. *Industrial Relations Journal*, 44(2), pp. 102 - 121.

Kearney, M., 2006. *Can an e-Learning artefact enhance the training of (TBMS) within the Defence Forces?*, Dublin: National College of Ireland.

Kressel, K. & Pruitt, D., 1989. *Mediation Research*. San Francisco: Jossey Bass.

Krueger, G. & Kazdin, A., 2000. Military Culture. In: *Encyclopedia of Psychology*. Washington DC: Oxford University Press, pp. 252 - 259.

Labour Relations Commission, 2007. *Annual Report*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2008. *Developing Best Practices in Employment Relationships: Strategic Objectives: 2008-2010*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2010. *The Labour Relations Commission Strategic Plan: 2011 - 2013*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2011. *Strategic Plan 2011 - 2013*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2013. *Introduction to Workplace Mediation*. [Online]  
Available at: <http://www.lrc.ie/documents/multilingualpdfs/5english.pdf>  
[Accessed 12 March 2013].

Labour Relations Commission, 2013. *Labour Relations Commission*. [Online]  
Available at: <http://www.lrc.ie/>  
[Accessed 20 April 2013].

Labour Relations Commission, 2013. *LRC Proposals*. [Online]  
Available at: <http://www.lrc.ie/documents/2013/Haddington-Road-Agreement.pdf>  
[Accessed 03 June 2013].

Labour Relations Commission, 2013. *Mission Statement*. [Online]  
Available at: <http://www.lrc.ie/>  
[Accessed 10 June 2013].

Lapan, S. & Quartaroli, M., 2009. *Research essentials: an introduction to designs and practices*. San Francisco: Jossey Bass.

Law Reform Commission, 2010. *Alternative Dispute Resolution: Mediation and Conciliation*, Dublin: Law Reform Commission.

Lindala-Haumont, R., 2011. *CBC News Canada*. [Online]

Available at: <http://www.cbc.ca/news/canada/story/2011/06/15/f-faq-back-to-work-legislation.html>  
[Accessed 02 June 2013].

Lipow, J., Mealem, Y. & Tobol, Y., 2009. Should Military Members Carry the Union Label. *Defence and Peace Economics*, 20(1), pp. 11 - 19.

Lipsky, D. & Seeber, R., 2003. The Social Contract and Dispute Resolution: The Transformation of the Social Contract in the United States Workplace and the Emergence of New Strategies of Dispute Resolution. *International Employment Relations Review*, 9(2), pp. 87 - 109.

Lucio, M. M., 2007. Trade unions and employment relations in the context of public sector change. *International Journal of Public Sector Management*, 20(1), pp. 5-15.

Mahony, D. M. & Klaas, B. S., 2008. Comparative Dispute Resolution in the Workplace. *Journal of Labor Research*, Volume 29, pp. 251-271.

Mareschal, P., 2005. What Makes Mediation Work? Mediators Perspectives on Resolving Disputes. *Industrial Relations*, 44(3), pp. 509-517.

Martinez-Pecino, R., Mundate, L., Medina, F. J. & Euwema, M. C., 2008. Effectiveness of Mediation Strategies in Collective Bargaining. *Industrial Relations*, 47(3), pp. 480-494.

McBurney, D., 1997. *Research Methods*. 4th ed. Pacific Grove: Brooks/Cole Publishing Company.

McKersie, R. & Cutcher-Gershenfeld, J., 2009. Labor-Management Relations: Understanding and Practicing Effective Negotiations. *Negotiation Journal*, 25(Oct), pp. 499-514.

Moore, C., 2003. *The Mediation Process*. San Francisco: Jossey-Bass.

National Labor Relations Board, 2012. *The Right to Strike*. [Online]

Available at: <http://www.nlrb.gov/strikes>  
[Accessed 27 May 2013].

O'Brien, P., 2009. *Irish Examiner*. [Online]

Available at: <http://www.irishexaminer.com/archives/2009/1109/world/euro13bn-pay-cut-aposmerely-a-first-stepapos-105181.html>  
[Accessed 06 June 2013].

OECD, 2011. *Getting back on track: restoring fiscal sustainability*, Paris: OECD.

Office of the Attorney General, 1954. *Defence Act 1954*. [Online]

Available at: <http://www.irishstatutebook.ie/1954/en/act/pub/0018/>  
[Accessed 28 April 2013].



Office of the Attorney General, 1990. *Defence Amendment Act 1990*. [Online]  
Available at: <http://www.irishstatutebook.ie/1990/en/act/pub/0006/index.html>  
[Accessed 27 April 2013].

Poitras, J., 2009. Mediation: Depolarizing responsibilities to facilitate reconciliation. *International Journal of Conflict Management*, 21(1), pp. 4-19.

RACO, 2013. *RACO Home*. [Online]  
Available at: <http://www.raco.ie/>  
[Accessed 28 April 2013].

Ramesh, R., 2009. *The Guardian, Bangladesh*. [Online]  
Available at: <http://www.guardian.co.uk/world/2009/feb/25/bangladesh-mutiny-soldiers>  
[Accessed 30 May 2013].

Rhyne, R. & Trainer, A., 2003. Resolving Public Sector Disputes: A Road of Politics and Potholes. *Dispute Resolution Journal*, 58(1), pp. 56 - 64.

Ridley-Duff, R. & Bennett, A., 2011. Towards Mediation: Developing a Theoretical Framework to Understand Alternative Dispute Resolution. *Industrial relations Journal*, 42(2), pp. 106-123.

Riley, M. et al., 2000. *Researching and Writing Dissertations in Business and Management*. London: Thomson Learning.

Robson, C., 2002. *Real World Research*. 2nd ed. Oxford: Blackwell.

Roche, W. K. & Teague, P., 2011. Firms and Innovative Conflict Management Systems in Ireland. *British Journal of Industrial Relations*, 49(Sept), pp. 436-459.

Rodríguez-Piñero, M., Del Rey, S. & Munduate, L., 1993. The Intervention of Third Parties in the Solution of Labour Conflicts. *European Work and Organizational Psychologist*, 3(4), pp. 271-283.

Rose, J., 2008. Regulating and Resolving Public Sector Disputes in Canada. *Journal of Industrial Relations*, 50(4), pp. 545 - 559.

Ross, W. H. & Conlon, D. E., 2000. Hybrid Forms of Third-Party Dispute Resolution: Theoretical Implications of Combining Mediation and Arbitration. *Academy of Management Review*, 25(2), pp. 416-427.

Saunders, M., Lewis, P. & Thornhill, A., 2009. *Research Methods for Business Students*. 5th ed. Harlow: Pearson.

Saunders, M., Lewis, P. & Thornhill, A., 2012. *Research Methods for Business Students*. Harlow: Pearson Education Limited.

Schutte, B., 2003. *Fixing the Fighting: A guide to using mediation in settling disputes and resolving conflict in the workplace*. Cork: Oak Tree Press.

Seeber, R. & Lipsky, D., 2006. The Ascendancy of Employment Arbitrators in US Employment Relations: A New Actor in the American System. *British Journal of Industrial Relations*, 44(4), pp. 719 - 756.

Sekaran, U. & Bougie, R., 2010. *Research Methods for Business*. Chichester: John Wiley & Sons Ltd.

Stokke, T. & Seip, A., 2008. Collective Dispute Resolution in the Public Sector: The Nordic Countries Compared. *Journal of Industrial Relations*, 50(4), pp. 560 - 577.

Tayo, F., 2008. Management of Disputes in the Public Service in South Africa. *Journal of Industrial Relations*, 50(4), pp. 578 - 594.

Teague, P. & Doherty, L., 2011. *Conflict Management Systems in Subsidiaries of Non-Union Multinational Organisations located in the Republic of Ireland*, Dublin: Labour Relations Commission.

Teague, P., 2007. New Employment Times and the Changing Dynamics of Conflict Resolution at Work: The Case of Ireland. *Comparative Labor Law and Policy Journal*, 28(57), pp. 57-90.

Teague, P., 2009. Path Dependency and Comparative Industrial Relations: The Case of Conflict Resolution Systems In Ireland and Sweden. *An International Journal of Employment Relations*, 47:3(September), pp. 499 - 520.

Teague, P. & Thomas, D., 2008. *Employment Dispute Resolution & Standard-setting in the Republic of Ireland*. 1st ed. Dublin: Oak Tree Press.

Thompson, L. & Kim, P. H., 2000. How the Quality of Third Parties Settlement Solutions is Affected by the Relationship Between Negotiators. *Journal of Experimental Psychology: Applied*, 6(1), pp. 3-14.

Wells, A., 2011. Resolving Workplace Disputes. *Business Law Review*, 32(3), pp. 59 - 60.

Zikmund, W., 2000. *Business Research Methods*. 6th ed. Fort Worth: Dryden Press.

## **Bibliography**

ACAS, 2008. *Mediation Explained*. [Online]

Available at: [http://www.acas.org.uk/media/pdf/t/g/Mediation\\_Explained\\_Dec\\_2008.pdf](http://www.acas.org.uk/media/pdf/t/g/Mediation_Explained_Dec_2008.pdf)

[Accessed 2013 March 12].

Accountancy, 1991. Organisation Downsizing. *Accountancy*, p. 9.

Adelhelm, F., 2012. Good faith collective bargaining what's driving the need for change?. *Academy of Management Journal*, 17(3), pp. 34 - 35.

Administrative Section, DFHQ, 2013. *C&A Section, Defence Forces*, Dublin: s.n.

Argyris, C. & Schon, D., 1978. *Organizational Learning: A theory of action perspective*. Reading: Wesley.

Bain, G. S. & Elsheikh, F., 1976. *Union Growth and the Business Cycle*. Oxford: Blackwell.

Barney, J., 1986. Organizational Culture: can it be a source of sustained competitive advantage?. *Academy of Management Review*, pp. 656 - 665.

Barrett, J. T. & O'Dowd, J., 2005. *Interest-Based Bargaining*. Victoria: Trafford Publishing.

BBC News, 2003. *BBC News Africa*. [Online]

Available at: <http://news.bbc.co.uk/2/hi/africa/3106479.stm>

[Accessed 02 June ` 2013].

Bean, R. & Holden, K., 1994. Determinants of Trade Union Membership in OECD Countries. *International Journal of Manpower*, 15(6), pp. 4-35.

Beer, J. & Stief, E., 1997. *The Mediators Handbook*. Vermont: New Society Publishers.

Begg, D., 2008. The Mission of the Union is Timeless. In: *The State of the Unions: Challenges Facing Organised Labour in Ireland*. Dublin : Liffey Press.

Bennett, R., 1997. *Employee Relations*. London: Pearson.

Berne, E., 1964. *Games People Play: The Psychology of Human Relationships*. New York: Ballantine Books.

Bingham, L. B. & Pitts, D. W., 2002. Highlights of Mediation at Work: Studies of the National REDRESS Evaluation Project. *Negotiation Journal*, pp. 135-146.

Blais, M. et al., 2000. *Challenges of Rapid Technological Change*, Ottawa: Micro-Economic Analysis Directorate of Industry Canada.

Bloor, M., Frankland, J., Thomas, M. & Robson, K., 2002. *Focus Groups in Social Research*. London: SAGE Publications Ltd.

- Bordogna, L., 2008. Dispute Regulation in Essential Public Services in Italy: Strengths and Weaknesses of a Pluralist Approach. *Journal of Industrial Relations*, 50(4), pp. 595 - 611.
- Brannen, J., 1992. *Mixing Methods: Qualitative and quantitative research*, Aldershot: Hants.
- Brennan, M., 2010. *Irish News*. [Online]  
Available at: <http://www.independent.ie/irish-news/dempsey-to-urge-no-strike-clause-for-controllers-26624929.html>  
[Accessed 01 June 2013].
- Brown, A., 1998. *Organisational Culture*. London: Financial Times Pitman.
- Bryson, A. & Forth, J., 2010. *Trade Union Membership and Influence 1999-2009*, London: National Institute of Economic and Social Research.
- Burgess, K., 1980. *The Challenge of Labour*. London: Croom Helm.
- Burke, S., 2004. *A Proposed Selection System for Officers of the Irish Defence Forces*, Dublin: National College of Ireland.
- Bush, R. & Folger, J., 1994. *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey Bass.
- Campbell, D. & Stanley, J., 1963. *Experimental and Quasi-Experimental Designs for Research Questions*. London: Sage.
- Carrell, M. R. & Heavrin, C. J. D., 2009. *Labor Relations and Collective Bargaining*. 9th ed. New Jersey: Prentice Hall.
- Carruth, A. & Disney, R., 1988. Where Have Two Million Trade Union Members Gone?. *Economica*, 55(217), pp. 1-19.
- Casey, B. & Gold, M., 2000. *Social partnership and economic performance: The case of Europe*. Cheltenham: Edward Elgar Publishers.
- CIPD, 2011. *Conflict Management Survey Report*, London: CIPD.
- Cloke, K. & Goldsmith, K., 2011. *Resolving Conflicts at Work*. 3rd ed. San Francisco: Jossey-Bass.
- Colling, T. & Terry, M., 2012. *Industrial Relations Theory and Practice*. Chichester: John Wiley & Sons Ltd.
- Cooper, D. & Schindler, P., 2008. *Business Research Methods*. 10th ed. Boston: McGraw-Hill.
- Cosh, C., 2012. Will it happen here?. *Macleans*, 125(2), pp. 22 - 23.
- Creswell, J., 2003. *Research Design: qualitative, quantitative, and mixed methods approaches*. 2nd ed. Thousand Oaks: Sage.
- Croke Park Implementation Group, 2012. *Integrated Progress Report on Action Plan for the Defence Sector*, Dublin: Department of Public Expenditure and Reform.

Crowther, D. & Lancaster, G., 2009. *Research Methods: A concise introduction to research in management and business consultancy*. 2nd ed. Oxford: Butterworth - Heinemann Ltd.

CSO, 2009. *Quarterly National Household Survey Union Membership*. [Online]

Available at:

[http://www.cso.ie/en/media/csoie/releasespublications/documents/labourmarket/2009/qnhsunionmembership\\_q22009.pdf](http://www.cso.ie/en/media/csoie/releasespublications/documents/labourmarket/2009/qnhsunionmembership_q22009.pdf)

[Accessed 14 April 2012].

CSO, 2010. *Quarterly National Household Survey*, Dublin : Central Statistic Office.

Cutcher-Gershenfeld, J., Kochan, T., Ferguson, J.-P. & Barrett, B., 2007. Collective Bargaining in the Twenty First Century: A Negotiations Institution at Risk. *Negotiation Journal*, 23(3), pp. 249 - 265.

Cutcher, G. & Joel, E., 1991. The impact on economic performance of a transformation in industrial relations. *Industrial and Labor Relations Review*, 44(2), pp. 241 - 260.

Daft, R., 1998. *Organisation Theory and Design*. Cincinnati: South Western College Publishing.

Daniels, K., 2006. *Employee Relations in an Organisational Context*. London: CIPD.

D'Art , D. & Turner, T., 2003. Union Recognition in Ireland: One Step Forward or Two Steps Back?. *Industrial Relations Journal*, 34(3), pp. 226-240.

D'Art , D. & Turner, T., 2008. Is There a Potential 'Representation Gap' in the New Irish Economy? An Examination of Union Density Levels and Employee Attitudes to Trade Unions. *Irish Journal of Management*, 29(1), pp. 65-87.

D'Art, D. & Turner, T., 2005. Union Recognition and Partnership at Work: A New Legitimacy for Irish Trade Unions. *Industrial Relations Journal*, 36(2), pp. 121-139.

Data Protection Commissioner, 2013. *Law on Data Protection*. [Online]

Available at:

<https://www.dataprotection.ie/ViewDoc.asp?fn=%2Fdocuments%2Flegal%2FLawOnDP.htm&CatID=7&m=1>

[Accessed 15 March 2013].

Davies, M., 2007. *Doing a Successful Research Project: Using qualitative or quantitative methods*. Basingstoke: Palgrave MacMillan.

De Palo, G. & Harley, P., 2005. Mediation in Italy: Exploring the Contradictions. *Negotiation Journal*, 21(4), pp. 469-479.

Defence Forces Human Resource Branch, 2013. *PMS Movement Report*, Dublin: Defence Forces.

Defence Forces Strategic Planning Branch, 2012. *Administrative Instruction CS4*. Dublin: Defence Forces Ireland.

Defence Forces, 1990. *Defence Force Regulation S6*. Dublin: Defence Forces Ireland.

Defence Forces, 2012. *DHRMS Annual Plan 2012*, Dublin: Defence Forces.

Defence Sector Conciliation and Arbitration Section, 2012. *Conciliation Council Report 448 - NCO Promotion Agreement*, Newbridge: Defence Sector Conciliation and Arbitration Section.

Delbridge, R. & Kirkpatrick, I., 1994. Theory and practice of participant observation. *Principles and Practice in Business Management*, pp. 35-62.

Denzin, N. & Lincoln, Y., 2005. *The SAGE Handbook of Qualitative Research*. 3rd ed. London: SAGE.

Department of An Taoiseach, 1987. *Programme for National Recovery*, Dublin: Stationery Office.

Department of An Taoiseach, 2011. *Programme for Government*. [Online]

Available at:

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_Archive/Publications\\_2011/Programme\\_for\\_Government\\_2011.html](http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Programme_for_Government_2011.html)

[Accessed 22 June 2013].

Department of Defence, 2000. *White Paper on Defence*. [Online]

Available at:

<http://www.defence.ie/website.nsf/document+id/93191A155924DAD5802570C8005065D3#Introduction>

[Accessed 24 April 2013].

Department of Finance, 2012. *Budget 2013 - Economic and Fiscal Outlook*, Dublin: Department of Finance.

Department of Justice, 2012. *Draft General Scheme of Mediation Bill 2012*, Dublin: Department of Justice.

Department of Public Expenditure and Reform, 2010. *Public Service Agreement 2010 - 2014*. [Online]

Available at: <http://per.gov.ie/wp-content/uploads/Public-Service-Agreement-2010-2014-Final-for-print-June-2010.pdf>

[Accessed 02 June 2013].

Dey, I., 1993. *Qualitative Data Analysis*. London: Routledge.

DFTN, 2013. *Personnel Management System*, Dublin: Defence Forces.

Dickens, L., 2008. Legal Regulation, Institutions and Industrial Relations. *Warwick Papers in Industrial Relations*, Volume 89.

Dickinson, D. L. & Hunnicutt, L., 2005. Does Fact-Finding Promote Settlement? Theory and a Test. *Economic Inquiry*, 43(Apr), pp. 401-416.

Dix, G., Forth, J. & Sisson, K., 2008. *Conflict at Work: The pattern of disputes in Britain since 1980*, London: National Institute of Economic and Social Research.

Dobbins, T., 2005. *Union Density Declines by a Third*. [Online]

Available at: <http://www.eurofound.europa.eu/eiro/2005/10/feature/ie0510201f.htm>

[Accessed 02 April 2012].

Dobbins, T., 2007. *Industrial Relations News: Trade Unions Launch New Recruitment Drive*. [Online]

Available at: <http://www.eurofound.europa.eu/eiro/2007/06/articles/ie0706069i.htm>

[Accessed 2 April 2012].

Dobbins, T., 2010. *Trade Union Strategies to Recruit New Groups of Workers*. [Online]

Available at: <http://www.eurofound.europa.eu/eiro/studies/tn0901028s/ie>

[Accessed 2 April 2012].

DOD and Defence Forces, 2012. *Strategy Statement 2011 - 2014*, Dublin: DF Printing Press.

Ebbinghaus, B. & Visser, J., 1999. When Institutions Matter: Union Growth and Decline in Western Europe, 1950 to 1995. *European Sociological Review*, 15(2), pp. 135-158.

Edmondson, A. & Moingeon, B., 1999. *Learning, trust and organizational change*. London: Sage.

EIRO (European Industrial Relations Observatory), 2010. *Trade Union Strategies to Recruit New Groups of Workers- Ireland*, Dublin: EIRO.

European Commission, 2013. *European Economy Occasional Papers*. [Online]

Available at:

[http://ec.europa.eu/economy\\_finance/publications/occasional\\_paper/2013/pdf/ocp131\\_en.pdf](http://ec.europa.eu/economy_finance/publications/occasional_paper/2013/pdf/ocp131_en.pdf)

[Accessed 29 May 2013].

European Industrial Relations Review, 2000. New right-to-strike law. *European Industrial Relations Review*, Volume 317, pp. 24 - 27.

Fitzgerald, K., 2004. *Industrial Relations News: AIB "Blame Culture" Criticised by Bank Union Leader*. [Online]

Available at: <http://www.irn.ie.eproxy.ucd.ie/issues/article.asp?id=7428&issueType=4&kw=iboa culture>

[Accessed 14 April 2012].

Fitzgerald, W., 2006. *The ability of members of the Permanent Defence Forces with limited knowledge of Map Reading and Navigation (MRN) to achieve the necessary level of skill and proficiency of a MRN Instructor using eLearning as an instructional tool*, Dublin: National College of Ireland.

Fontaine, L., 2008. Are Public Services Still Essential in Quebec?. *Industrial Relations*, 63(4), pp. 719 - 741.

Forsyth, A., 2012. Workplace conflict resolution in Australia: the dominance of the public dispute resolution framework and the limited role of ADR. *International Journal of Human Resource Management*, 23(4), pp. 476 - 494.

Fortgang, R., 2000. Taking Stock: An Analysis of Negotiation Pedagogy across Four Professional Fields. *Negotiation Journal*, 16(4), pp. 325 - 338.

French, J. & Raven, B., 1958. The bases of social power. In: *Studies in social power*. Michigan: Institute for Social Research.

Geary, J., 2007. Employee Voice in the Irish Workplace: Status and Prospect. In: *What Workers Say: Employee Voice in the Anglo-Saxon World*. Ithica: Cornell University Press.

Gennard, J., 2009. Voluntary arbitration: the unsung hero. *Industrial Relations Journal*, 40(4), pp. 309-323.

Gennard, J. & Judge, G., 2005. *Employee Relations*. London: CIPD.

Ghuri, P. & Gronhaug, K., 2005. *Research Methods in Business Studies: a practical guide*. 3rd ed. Harlow, Essex: FT Prentice Hall.

Gill, J. & Johnson, P., 2005. *Research Methods for Managers*. London: SAGE Publications Ltd.

Gill, J. & Johnson, P., 2012. *Research Methods for Managers*. 4th ed. London: Sage Publications Ltd.

Glassner, V. & Keune, M., 2012. The Crisis and Social Policy: The role of Collective Agreements. *International Labour Review*, 151(4), pp. 351 - 375.

Golten, M. M. & Smith, M., 1999. *Hammers in Search of Nails*. [Online]  
Available at: <http://consensus.fsu.edu/epp/hammers.pdf>  
[Accessed 12 March 2013].

Graziano, A. & Raulin, M., 2010. *Research Methods; A Process of Inquiry*. Boston: Pearson.

Grima, F. & Trepo, G., 2009. Knowledge, Action and Public Concern: The logic underlying mediators actions in French Labour Conflicts. *The International Journal of Human Resource Management*, 20(5), pp. 1172 - 1190.

Guest, D., 1987. Human resource management and industrial relations. *Journal of Management Studies*, pp. 503 - 521.

Guinnigle, 1998. *HR in Ireland*. 2nd ed. Dublin: DMC.

Gunnigle, P., Turner, T., Morley, M. & Clifford, N., 1997. *Human Resource Management in Irish Organisations: Practice in Perspective*. Dublin: Oak Tree Press.

Gunnigle, P., Collings, D. G. & Morley, M. J., 2005. Accomodating Global Capitalism? State Policy and Industrial Relations. In: A. Ferner, A. Quintanilla & C. Sanchez- Runde, eds. *Multinationals, Institutions and the Construction of Transnational Practices: Convergence and Divergence in the Global Economy*. Basingstoke and New York: Palgrave Macmillan, p. Chapter 4.

Gunnigle, P., Heraty, N. & Morley, M. J., 2011. *Human Resource Management in Ireland*. Dublin: Gill & Macmillan.



- Gunnigle, P., Lavelle, J. & McDonnell, A., 2007. *Human Resource Practices in Multinational Companies in Ireland: A Large Scale Survey*, Kemmy Business School, University of Limerick: Employment Relations Research Unit.
- Gunnigle, P., McMahon, G. & Fitzgerald, G., 1999. *Industrial Relations in Ireland: Theory and Practice*. Dublin: Gill and MacMillan.
- Gunnigle, P., Morley, M. & Heraty, N., 1997. *Personnel and Human Resource Management: Theory and Practice in Ireland*. Dublin: Gill and MacMillan.
- Harris, T. A., 1967. *I'm OK - Your OK*. New York: Harper & Row.
- Haynes, J., Hayes, G. & Fong, L., 2004. *Mediation: positive conflict management*. Albany: State University of New York Press.
- Healey, M. & Rawlinson, M., 1994. Interviewing techniques in business and management research. *Principles and Practice in Business and Management*, pp. 123-145.
- Hebdon, R. & Mazerolle, M., 2003. *Regulating Conflict in Public Sector Labour Relations*, Ontario: Industrial Relations.
- Heery, E. & Simms, M., 2008. Constraints on Union Organising in the United Kingdom. *Industrial Relations Journal*, 39(1), pp. 24-42.
- Heery, E. & Simms, M., 2010. Employer Responses to Union Organising: Patterns and Effects. *Human Resource Management Journal*, 20(1), pp. 3-22.
- Heery, E. et al., 2000. The TUC's Organising Academy: An Assesement. *Industrial Relations Journal*, 31(5), pp. 400-415.
- Heinecken, L., 2010. Military Unionism and the Management of Employee Relations within the Armed Forces: A Comparative Perspective. *International Journal of Comparative Labour Law and Industrial Relations*, 26(4), pp. 401 - 409.
- Heinecken, L. & Nel, M., 2007. Military Unions and the Right to Collective Bargaining: Insights from the South African Experience. *International Journal of Comparative Labour Law and Industrial Relations*, 23(3), pp. 463 - 483.
- Hetzler, D. & Speth, A., 2008. Future Dispute System Design: Ethical Imperatives, Millennial and Beyond. *Ohio State Journal on Dispute Resolution*, 24(1), pp. 131 - 142.
- Hitt, M., Black, S. & Porter, L., 2012. *Management*. New Jersey: Pearson Education Inc.
- Hofstede, G., 1980. *Culture's Consequences: International Differences in Work Related Values*. Beverly Hills: Sage.
- Horn, R., 2009. *Researching and writing dissertations: a complete guide for business and management studies*. 2nd ed. London: CIPD.

IBEC, 2004. IBEC calls for strike ban in essential services. *European Industrial Relations Review*, Volume 364, pp. 10 - 11.

ICTU , 2010. *The Trade Union Movement as One: A Discussion Document*, Dublin: Irish Congress of Trade Unions.

ICTU, 2011. *Report on the Commission on the Irish Trade Union Movement: A Call to Action*, Dublin: Irish Congress of Trade Unions.

Iles, P., 2001. *Human Resource Management (Storey)*. London: Thomson.

International Labour Office, 2011. *Manual on Collective Bargaining and Dispute Resolution in the Public Service*, Geneva: International Labour Office.

International Monetary Fund, 2013. *IMF Publications*. [Online]  
Available at: <http://www.imf.org/external/pubs/cat/longres.aspx?sk=40454.0>  
[Accessed 04 June 2013].

IRIN, 2004. *IRIN Africa*. [Online]  
Available at: <http://www.irinnews.org/report/51624/guinea-bissau-armed-forces-chief-killed-as-soldiers-mutiny-over-pay-arrears>  
[Accessed 01 June 2013].

Jackson, S., 2012. *Research Methods and Statistics: a critical thinking approach*. 4th ed. Belmont: Wadsworth.

Jankowicz, A. D., 2005. *Business Research Projects*. Luton: Thomson Learning.

Jones, T., 2001. Mediating with Heart in Mind: Addressing Emotion in Mediation Practices. *Negotiation Journal*, 17(3), pp. 217-244.

Kai, C. & Brown, W., 2013. The transition from individual to collective labour relations in China. *Industrial Relations Journal*, 44(2), pp. 102 - 121.

Katz, H. & Kochan, T., 1988. *Collective Bargaining and Industrial Relations: From Theory to Policy and Practice*. Homewood: Irwin.

Kearney, M., 2006. *Can an e-Learning artefact enhance the training of (TBMS) within the Defence Forces?*, Dublin: National College of Ireland.

Kressel , K. & Pruitt, D., 1989. *Mediation Research*. San Francisco: Jossey Bass.

Krueger, G. & Kazdin, A., 2000. Military Culture. In: *Encyclopedia of Psychology*. Washington DC: Oxford University Press, pp. 252 - 259.

Kvale, S., 1996. *Interviews*. California: Sage.

Labour Relations Commission, 2005. *Annual Report 2005*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2005. *Labour Relations Commission Roles and Functions*. [Online]  
Available at: [http://www.lrc.ie/document/Downloadable\\_Guides\\_to\\_LRC\\_Services/7/478.htm](http://www.lrc.ie/document/Downloadable_Guides_to_LRC_Services/7/478.htm)  
[Accessed 02 March 2013].

Labour Relations Commission, 2007. *Annual Report*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2008. *Developing Best Practices in Employment Relationships: Strategic Objectives: 2008-2010*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2010. *Public Service Agreement 2010 - 2014*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2010. *The Labour Relations Commission Strategic Plan: 2011 - 2013*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2011. *Annual Report for 2010*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2011. *Strategic Plan 2011 - 2013*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2013. *Draft Public Sector Agreement*, Dublin: Labour Relations Commission.

Labour Relations Commission, 2013. *Introduction to Workplace Mediation*. [Online]  
Available at: <http://www.lrc.ie/documents/multilingualpdfs/5english.pdf>  
[Accessed 12 March 2013].

Labour Relations Commission, 2013. *Labour Relations Commission*. [Online]  
Available at: <http://www.lrc.ie/>  
[Accessed 20 April 2013].

Labour Relations Commission, 2013. *Labour Relations Commission Advisory Service*. [Online]  
Available at: [http://www.lrc.ie/document/Downloadable\\_Guides\\_to\\_LRC\\_Services/7/478.htm](http://www.lrc.ie/document/Downloadable_Guides_to_LRC_Services/7/478.htm)  
[Accessed 13 March 2013].

Labour Relations Commission, 2013. *LRC Proposals*. [Online]  
Available at: <http://www.lrc.ie/documents/2013/Haddington-Road-Agreement.pdf>  
[Accessed 03 June 2013].

Labour Relations Commission, 2013. *Mission Statement*. [Online]  
Available at: <http://www.lrc.ie/>  
[Accessed 10 June 2013].

Lapan, S. & Quartaroli, M., 2009. *Research essentials: an introduction to designs and practices*. San Francisco: Jossey Bass.

Law Reform Commission, 2010. *Alternative Dispute Resolution: Mediation and Conciliation*, Dublin: Law Reform Commission.

- Lindala-Haumont, R., 2011. *CBC News Canada*. [Online]  
Available at: <http://www.cbc.ca/news/canada/story/2011/06/15/f-faq-back-to-work-legislation.html>  
[Accessed 02 June 2013].
- Lipow, J., Mealem, Y. & Tobol, Y., 2009. Should Military Members Carry the Union Label. *Defence and Peace Economics*, 20(1), pp. 11 - 19.
- Lipsky, D. & Seeber, R., 2003. The Social Contract and Dispute Resolution: The Transformation of the Social Contract in the United States Workplace and the Emergence of New Strategies of Dispute Resolution. *International Employment Relations Review*, 9(2), pp. 87 - 109.
- Lucio, M. M., 2007. Trade unions and employment relations in the context of public sector change. *International Journal of Public Sector Management*, 20(1), pp. 5-15.
- MacPartlin, B., 2008. The Organising Union. In: *The State of the Unions: Challenges Facing Organised Labour in Ireland*. Dublin : Liffey Press.
- Mahony, D. M. & Klaas, B. S., 2008. Comparative Dispute Resolution in the Workplace. *Journal of Labor Research*, Volume 29, pp. 251-271.
- Mareschal, P., 2005. What Makes Mediation Work? Mediators Perspectives on Resolving Disputes. *Industrial Relations*, 44(3), pp. 509-517.
- Martinez-Pecino, R., Mundate, L., Medina, F. J. & Euwema, M. C., 2008. Effectiveness of Mediation Strategies in Collective Bargaining. *Industrial Relations*, 47(3), pp. 480-494.
- McBurney, D., 1997. *Research Methods*. 4th ed. Pacific Grove: Brooks/Cole Publishing Company.
- McKersie, R. & Cutcher-Gershenfeld, J., 2009. Labor-Management Relations: Understanding and Practicing Effective Negotiations. *Negotiation Journal*, 25(Oct), pp. 499-514.
- Miles, R. E. & Snow, C. C., 1984. Designing strategic human resources systems. *Organizational Dynamics*, pp. 36-52.
- Millmore, M. et al., 2007. *Strategic Human Resource Management*. London: Pearson.
- MOM, 2011. *Fostering Inclusive and Harmonious Workplaces*. [Online]  
Available at: <http://www.mom.gov.sg/employment-practices/Pages/WDM.aspx>  
[Accessed 28 Novemeber 2011].
- Moore, C., 2003. *The Mediation Process*. San Francisco: Jossey-Bass.
- National Labor Relations Board, 2012. *The Right to Strike*. [Online]  
Available at: <http://www.nlr.gov/strikes>  
[Accessed 27 May 2013].
- O'Brien, P., 2009. *Irish Examiner*. [Online]  
Available at: <http://www.irishexaminer.com/archives/2009/1109/world/euro13bn-pay-cut-aposmerely-a-first-stepapos-105181.html>  
[Accessed 06 June 2013].

O'Connor, J., 2008. *Trade Unions in the 21st Century: Retreat or Renewal*. Dublin, National College of Ireland.

OECD, 2011. *Getting back on track: restoring fiscal sustainability*, Paris: OECD.

Office of the Attorney General, 1954. *Defence Act 1954*. [Online]  
Available at: <http://www.irishstatutebook.ie/1954/en/act/pub/0018/>  
[Accessed 28 April 2013].

Office of the Attorney General, 1990. *Defence Amendment Act 1990*. [Online]  
Available at: <http://www.irishstatutebook.ie/1990/en/act/pub/0006/index.html>  
[Accessed 27 April 2013].

Osigweh, C. & Hutchinson, W., 1991. *Positive Discipline*. Boston: McGraw Hill.

Pedersen, P. J., 1978. Union Growth and the Business Cycle: A Note on the Bain- Elsheikh Model. *British Journal of Industrial Relations*, 16(3), pp. 373-377.

Plunkett, T., 2008. *What Employers Want From Unions*. Dublin , National College of Ireland.

Poitras, J., 2009. Mediation: Depolarizing responsibilities to facilitate reconciliation. *International Journal of Conflict Management*, 21(1), pp. 4-19.

Porter, M., 1985. *Competitive Advantage: Creating and sustaining superior performance*. New York: Free Press.

Purcell, J., 2001. The meaning of strategy in human resource managment. In: *Human Resource Management. A Critical Text*. London: Thomas Leaning.

Quinn, R. & McGrath, M., 1985. Organizational Culture. In: *The transformation of organizational cultures*. Los Angeles: Sage, pp. 315-334.

RACO, 2013. *RACO Home*. [Online]  
Available at: <http://www.raco.ie/>  
[Accessed 28 April 2013].

Ramesh, R., 2009. *The Guardian, Bangladesh*. [Online]  
Available at: <http://www.guardian.co.uk/world/2009/feb/25/bangladesh-mutiny-soldiers>  
[Accessed 30 May 2013].

Rhyne, R. & Trainer, A., 2003. Resolving Public Sector Disputes: A Road of Politics and Potholes. *Dispute Resolution Journal*, 58(1), pp. 56 - 64.

Ridley-Duff, R. & Bennett, A., 2011. Towards Mediation: Developing a Theoretical Framework to Understand Alternative Dispute Resolution. *Industrial relations Journal*, 42(2), pp. 106-123.

Riley, M., Wood, R., Clark, M., Wilkie, E., 2000. *Reasearching and Writing Dissertations in Business and Management*. London: Thomson Learning.

Robson, C., 2002. *Real World Research*. 2nd ed. Oxford: Blackwell.

- Roche, W. K., 2001. Accounting for the Trend in Trade Union Recognition in Ireland. *Industrial Relations Journal*, 32(2), pp. 37-54.
- Roche, W. K., 2008. The Trend of Unionsiation in Ireland Since the Mid 1990's. In: *The State of the Unions: Challenges Facing Organised Labour in Ireland*. Dublin: Liffey Press.
- Roche, W. K. & Larragy, J., 1990. Cyclical and Institutional Determinants of Annual Trade Union Growth and Decline in Ireland. *European Sociological Review*, 6(1), pp. 49-72.
- Roche, W. K. & Teague, P., 2011. Firms and Innovative Conflict Management Systems in Ireland. *British Journal of Industrial Relations*, 49(Sept), pp. 436-459.
- Roche, W. K., Teague, P., Coughlan, A. & Fahy, M., 2010. Trade Union Officials: Representing Members in the Recession. In: *Human Resources in the Recession: Managing and Representing People at Work in Ireland*. draft report presented to the Labour Relations Commission: s.n. Roche, W. K., Teague, P., Coughlan, A. & Fahy, M., 2011. *Human Resources in the Recession: Managing and Representing People at Work in Ireland*, Dublin: Labour Relations Commission.
- Roche, W. & Murphy, T., 1997. *Industrial Relations in Practice*. Dublin: Oak Tree Press.
- Rodríguez-Piñero, M., Del Rey, S. & Munduate, L., 1993. The Intervention of Third Parties in the Solution of Labour Conflicts. *European Work and Organizational Psychologist*, 3(4), pp. 271-283.
- Rose, J., 2008. Regulating and Resolving Public Sector Disputes in Canada. *Journal of Industrial Relations*, 50(4), pp. 545 - 559.
- Ross, W. H. & Conlon, D. E., 2000. Hybrid Forms of Third-Party Dispute Resolution: Theoretical Implications of Combining Mediation and Arbitration. *Academy of Management Review*, 25(2), pp. 416-427.
- Salamon, M., 1998. *Industrial Relations: Theory and Practice*. London: Prentice Hall.
- Saunders, M., Lewis, P. & Thornhill, A., 2009. *Research Methods for Business Students*. 5th ed. Harlow: Pearson.
- Saunders, M., Lewis, P. & Thornhill, A., 2012. *Research Methods for Business Students*. Harlow: Pearson Education Limited.
- Schein, E., 1988. *Organisation Psychology*. Englewood Cliffs: Prentice Hall.
- Schnabel, C., 2003. Determinants of Trade Union Membership. In: J. T. Addison & C. Schnabel, eds. *International Handbook of Trade Unions*. Cheltenham: Edward Elgar Publishing Limited, pp. 13-43.
- Schutte, B., 2003. *Fixing the Fighting: A guide to using mediation in settling disputes and resolving conflict in the workplace*. Cork: Oak Tree Press.
- Seeber, R. & Lipsky, D., 2006. The Ascendancy of Employment Arbitrators in US Employment Relations: A New Actor in the American System. *British Journal of Industrial Relations*, 44(4), pp. 719 - 756.

Sekaran, U. & Bougie, R., 2010. *Research Methods for Business*. Chichester: John Wiley & Sons Ltd.

Sheehan, B., 2012. *Industrial Relations News, No Decision Yet on Public Service Job Cuts Targets 2013-2014*. [Online]

Available at: [http://www.irn.ie.eproxy.ucd.ie/issues/article.asp?id=18384&issueType=4&kw=public sector numbers](http://www.irn.ie.eproxy.ucd.ie/issues/article.asp?id=18384&issueType=4&kw=public%20sector%20numbers)

[Accessed 12 April 2012].

Simms, M. & Holgate, J., 2010. TUC's Organising Academy 10 Years On: What Has Been the Impact on British Unions. *The International Journal of Human Resource Management*, 21(3), pp. 355-370.

Stokke, T. & Seip, A., 2008. Collective Dispute Resolution in the Public Sector: The Nordic Countries Compared. *Journal of Industrial Relations*, 50(4), pp. 560 - 577.

Tayo, F., 2008. Management of Disputes in the Public Service in South Africa. *Journal of Industrial Relations*, 50(4), pp. 578 - 594.

Teague, P. & Doherty, L., 2011. *Conflict Management Systems in Subsidiaries of Non-Union Multinational Organisations located in the Republic of Ireland*, Dublin: Labour Relations Commission.

Teague, P., 2007. New Employment Times and the Changing Dynamics of Conflict Resolution at Work: The Case of Ireland. *Comparative Labor Law and Policy Journal*, 28(57), pp. 57-90.

Teague, P., 2009. Path Dependency and Comparative Industrial Relations: The Case of Conflict Resolution Systems In Ireland and Sweden. *An International Journal of Employment Relations*, 47:3(September), pp. 499 - 520.

Teague, P. & Thomas, D., 2008. *Employment Dispute Resolution & Standard-setting in the Republic of Ireland*. 1st ed. Dublin: Oak Tree Press.

Thomas, K. & Kilman, R., 1974. *Thomas-Kilman Conflict Mode Instrument*. California: Xicom.

Thompson, L. & Kim, P. H., 2000. How the Quality of Third Parties Settlement Solutions is Affected by the Relationship Between Negotiators. *Journal of Experimental Psychology: Applied*, 6(1), pp. 3-14.

Torrington, D. & Hall, L., 1991. *Personnel Management: A New Approach*. London: Prentice Hall.

Turner, T., 1994. Unionisation and Human Resource Management in Irish Companies. *Industrial Relations Journal*, 25(1), pp. 39-51.

Waddington, J. & Kerr, A., 2002. Unions Fit for Young Workers?. *Industrial Relations Journal*, 33(4), pp. 298-315.

Wallace, J., 2003. *Unions in 21st Century Ireland- Entering the Ice Age?*, Paper presented at the Industrial Relations News Conference 2003: University College Dublin .

Wallace, J., Gunnigle, P. & McMahon, G., 2004. *Industrial Relations in Ireland*. Dublin: Gill & Macmillan.

Walsh, F. & Strobel, E., 2009. Recent Trends in Trade Union Membership in Ireland. *Economic and Social Review*, 40(1), pp. 117-138.

Wells, A., 2011. Resolving Workplace Disputes. *Business Law Review*, 32(3), pp. 59 - 60.

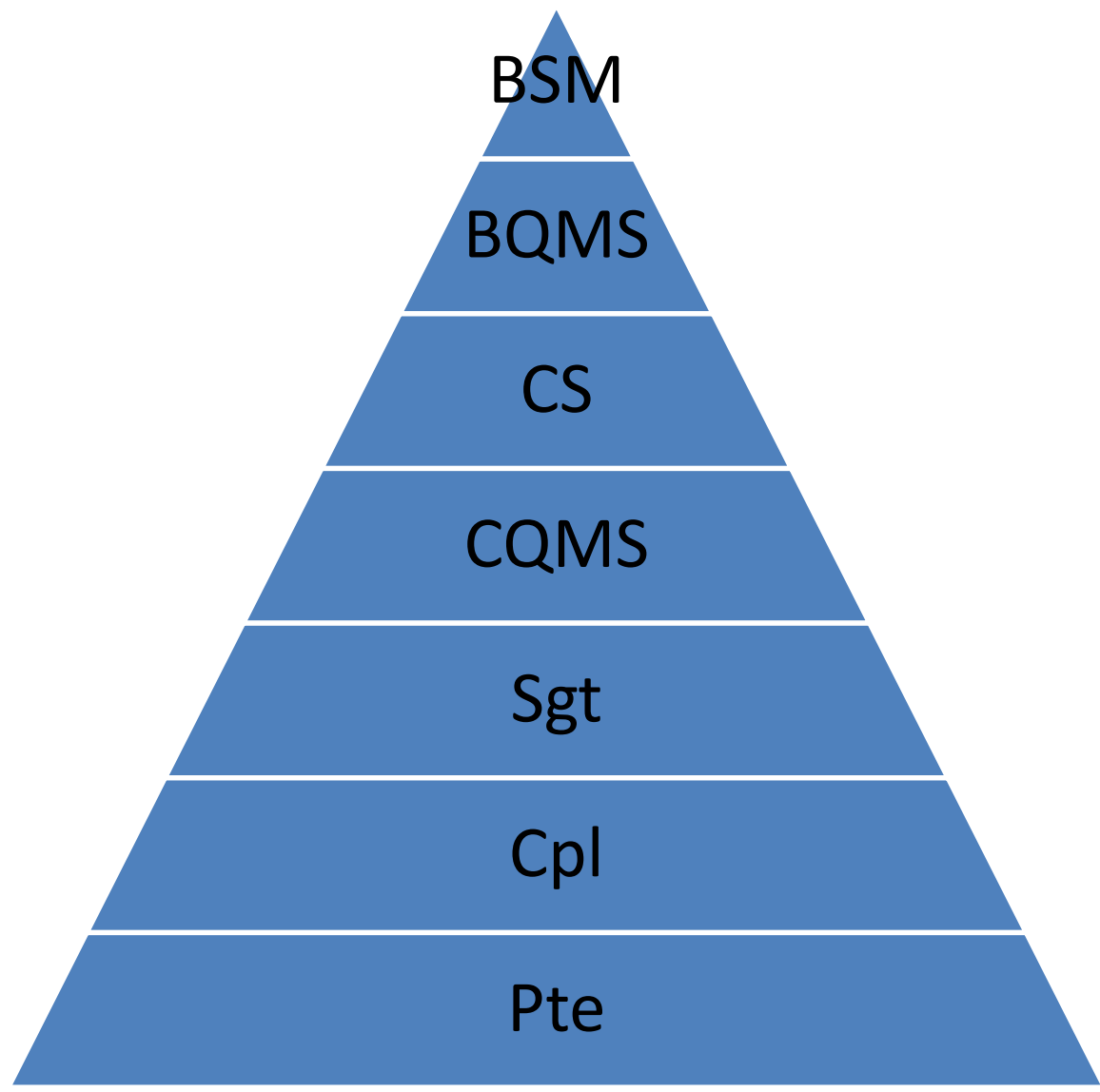
Williams, S. & Adam-Smith, D., 2010. *Contemporary Employment Relations*. New York: Oxford University Press.

Woodman, R. & Pasmore, W., 1993. *Research in Organisational Change and Development*. Greenwich: JAI Press.

Yin, R., 2003. *Case Study Research: Design and Methods*. 3rd ed. California: Sage.

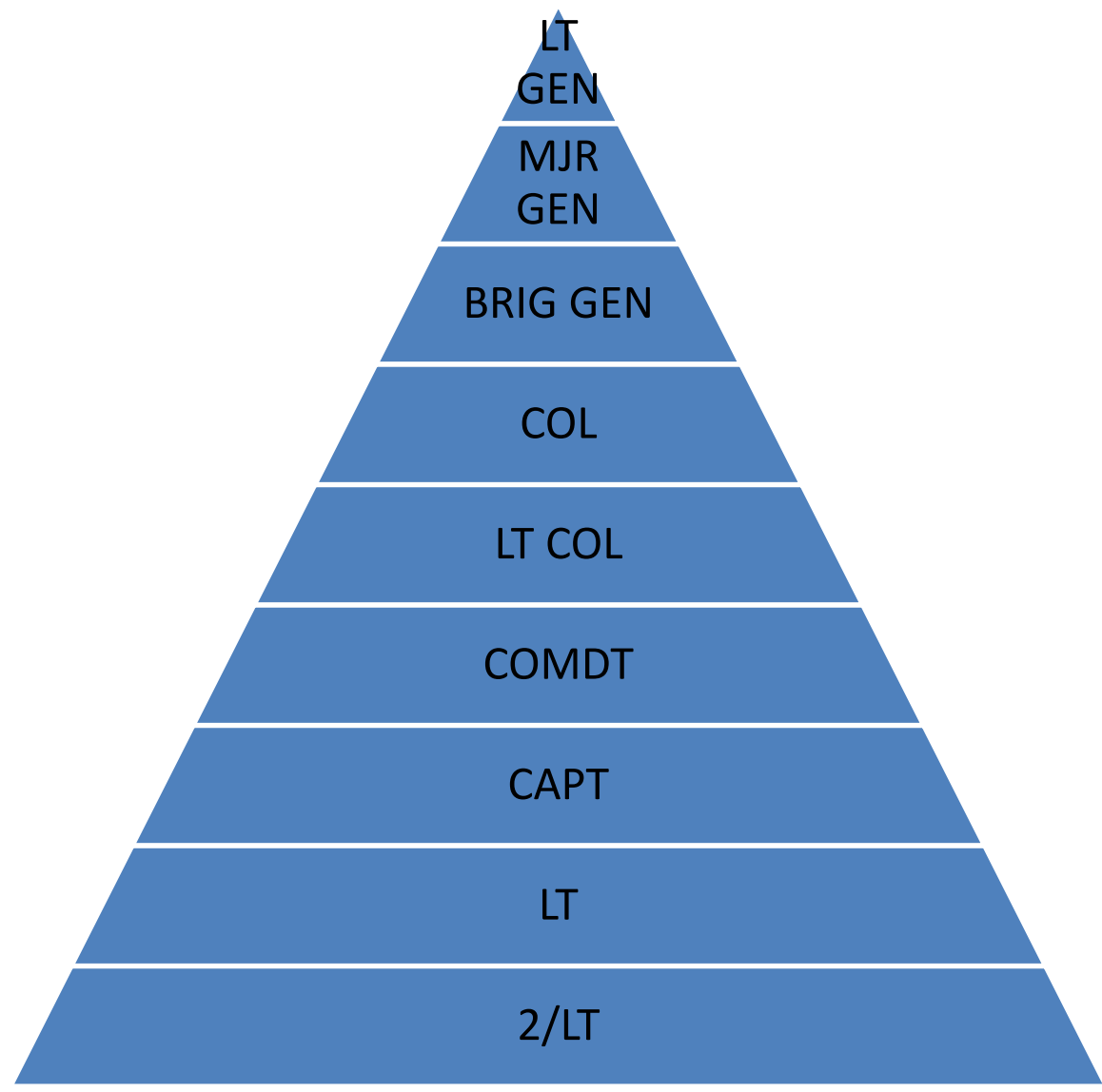
Zikmund, W., 2000. *Business Research Methods*. 6th ed. Fort Worth: Dryden Press.



**Appendix 1****GRADES APPLICABLE TO ENLISTED PERSONNEL**

- |        |   |                                   |
|--------|---|-----------------------------------|
| • BSM  | - | Battalion Sergeant Major          |
| • BQMS | - | Battalion Quarter Master Sergeant |
| • CS   | - | Company Sergeant                  |
| • CQMS | - | Company Quarter Master Sergeant   |
| • Sgt  | - | Sergeant                          |
| • Cpl  | - | Corporal                          |
| • Pte  | - | Private                           |

(Defence Forces Strategic Planning Branch, 2012)

**Appendix 2****GRADES APPLICABLE TO COMMISSIONED OFFICERS**

- LT GEN - Lieutenant General
- MJR GEN - Major General
- BRIG GEN - Brigadier General
- COL - Colonel
- LT COL - Lieutenant Colonel
- COMDT - Commandant
- CAPT - Captain
- LT - Lieutenant
- 2/LT - Second Lieutenant

(Defence Forces Strategic Planning Branch, 2012)

### **Appendix 3**

#### **DECLARATION OF CONFLICTS OF INTEREST**

I declare the following:

1. That I am a member of the Mediators Institute of Ireland.
2. That I am a member of the RACO, Defence Force Headquarters Committee.
3. That I am a member of the Managerial HR Team in the Defence Forces Human Resources Branch.
4. That this research is funded by the Defence Forces.

**Appendix 4****SAMPLE DATA SUMMARY SHEET**

<b><u>DATA FOR SUMMARY</u></b>	<b><u>MY REFLECTIONS</u></b>
Who? - Who is the author of the information	Enter in relevant information here
What? - What are the specific areas discussed	Enter in relevant information here
When? - How current is the information	Enter in relevant information here
Where? - What type of organisation or circumstance does the information refer to	Enter in relevant information here
Why? - Why is it of importance	Enter in relevant information here
How? - How could it impact or affect the research proposal	Enter in relevant information here

Please note that the sample data summary sheet can be amended in order to suit different types of sources if required.

(Lapan & Quartaroli, 2009)

**Appendix 5**

**STATE SPONSORED BODIES THAT ARE INVOLVED IN THE PROVISION OF  
MEDIATION SERVICES AND WERE REVIEWED**

<b><u>Country</u></b>	<b><u>State Sponsored Body</u></b>
Ireland	Labour Relations Commission
United Kingdom	Advisory, Conciliation and Arbitration Service
Northern Ireland	Labour Relations Agency
Sweden	National Mediation Office
France	Ministry of Labour
Denmark	Danish Institute of Arbitration
Canada	Public Service Labour Relations Board
Australia	Fair Work Commission
New Zealand	Department of Labour
United States of America	Interagency Alternative Dispute Resolution Working Group

**Appendix 6****INTERVIEW PARTICIPANT INFORMATION SHEET****1. Nature of the research**

- The purpose of this research is to examine the potential use of industrial mediation within the Defence Forces in a dispute prevention capacity.
- The research is being conducted by Simon Cahill.
- The research is being funded by the Defence Forces.
- Participants include Defence Forces senior management, Department of Defence senior management, relevant officials from Defence Forces employee representative associations and the Labour Relations Commission.

**2. The requirements of taking part**

- The type of data that will be required from those that agree to take part will be based on their experiences and personal knowledge.
- This data will be collected within one interview.

**3. The implications of taking part and participant's rights**

- Participation is absolutely voluntary.
- Participants have the right to decline to answer a question or set of questions.
- It is intended to digitally voice record the interviews. Participants have control over the right to record and can request that all or part of the interview will not be recorded. Where such a request is made the researcher will take alternative handwritten notes on relevant points that are made by the participant.
- Participants may withdraw at any time from the interview process.
- As a default setting participants will be referred to in the research by their appointment title, for example 'Director of Human Resources within the Defence Forces'. At no stage will a participants name be used. Participants have the right to request anonymity and in such instances will be referred to as 'Participant ' followed by an appropriate letter such as 'A'.

#### **4. The use of collected data and the way in which it will be reported**

- Data collection and use will be strictly governed by the 'Data Protection Act 1998', the 'Data Protection (Amendment) Act 2003', as well as the relevant guidelines provided by the 'Data Protection Commissioner'.
- Voice recordings of interviews will take place by way of digital means with a password access to the file. This file will then be copied to a CD and the digital copy permanently deleted. The CD will be encrypted by Defence Forces IT personnel. Transcripts of interviews will contain a copy number such as 'Copy Number One of Three' and will only be placed on public view with the consent of the participant.
- Access to the collected data will be confined to the following;
  - The researcher.
  - Academic Staff directly involved in the supervision and grading of the Masters in Arts in Human Resource Management in the National College of Ireland.
  - External examiners that are required to validate grades awarded by the National College of Ireland.
- It is intended to place the overall research dissertation on public view. Prior to the document being published each participant will receive a copy and can request that any relevant comments are redacted. The published document will only contain a transcript of the interview notes if the participant has consented to this.
- Once the research is complete the CD containing the interview voice recordings as well as the transcript of the interview will be stored within the Defence Forces Archives Section where access will be restricted to the researcher or the participant upon request.

#### **5. Who to contact to raise any concerns and questions about the research**

- Any concerns or questions regarding this research can be raised with Simon Cahill who is contactable at one of the following;
  - [simoncahill@live.ie](mailto:simoncahill@live.ie)
  - 0876993843
  - HR Section, DFHQ, Colaiste Caoimhin, Glasnevin, Dublin 9

## **6. General information on the research**

- In order to help participants understand the context in which this interview is being held, a brief summary of the researcher and the overall aim of the intended research are provided.

### **RESEARCHER – SIMON CAHILL:**

The researcher is a commissioned officer within the Irish Defence Forces. Since 2009 they have worked in a management role within the HR Section of Defence Forces Head Quarters in Dublin. During this time they have had responsibility for overseeing general HR operations in the areas of Talent Development, Career Planning, Employment Law, Industrial Relations, Grievance Procedures and People Resourcing. In this role the researcher has had significant exposure to the operation of HR services within the context of both the overall Public Sector Savings Measures as well as the Public Service Agreement 2010 – 2014. In relation to the operation of the Public Service Agreement 2010 – 2014, the researcher has practical experience of introducing new modernised HR practices in keeping with the overall Public Sector reform agenda.

### **AIM OF THE INTENDED RESEARCH:**

Within the Defence Forces industrial relations environment there are three primary actors; Military Management, Department of Defence and Employee Representative Associations. Utilising an internal Conciliation and Arbitration process, these three actors seek to resolve any issues that may arise across a spectrum of matters including HR.

Specific to the operation of the Public Service Agreement 2010 – 2014, the researcher has noted that there is no third party involvement in dispute prevention within the Defence Sector. Instead if disagreements arise that cannot be resolved within the internal Conciliation and Arbitration process then two courses of action are available;



- One or more of the parties seeks to impose their will on another.
- One or more of the parties seeks to refer the matter to an external party to resolve the dispute.

This has the effect of formalising at an early stage the disagreement into a dispute with associated implications for the relationship between the parties involved. These would include an undermining of trust between the parties as well as the potential delay in the introduction of new measures under the terms of Public Sector Collective Agreements.

Given the above it is the overall intent of this research to examine the potential for utilising industrial mediation as a dispute prevention mechanism during the implementation phase of Public Sector Collective Agreements within the Defence Forces thereby contributing towards the sustainment of such agreements.

The stated research aim is as follows;

**Can the use of mediation as a dispute prevention tool contribute to the maintenance of a positive relationship between PDFORRA and management during the operation of public sector collective agreements within the Defence Forces?**

**Appendix 7****PROPOSED INTERVIEW QUESTIONS****DIRECTOR OF HUMAN RESOURCES – DEFENCE FORCES**

1. What type of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces?
2. Do you believe that the benefits to the organisation outweigh the volume of work required in engaging with employee representative bodies?
3. Are there times when agreement cannot be reached with employee representative bodies?
  - a. If so does this create difficulties for the implementation of new practices or reforms in the organisation?
4. Do you feel that that the problem solving structures of the Conciliation and Arbitration Forum are sufficient to deal with challenges that may arise during the implementation of public sector collective agreements?
  - a. Please elaborate?
5. Is dispute prevention practiced within an industrial relations environment within the Defence Forces?
  - a. If yes please provide an example?
  - b. If no, then why is this the case?
6. Have you previously had any exposure to mediation in an industrial relations environment?
7. Would you consider the use of mediation as a dispute prevention mechanism within the Defence Forces industrial relations environment?
  - a. If no please explain why?
  - b. If yes please explain why?
  - c. If unsure then please explain why?
  - d. Please outline any caveats that you may wish to include on its use.
8. If you are unsure on the possible use of mediation, would you consider it worthwhile to receive a more detailed briefing on this practice?
9. Is there anything else that you would like to add?

**Appendix 8****PROPOSED INTERVIEW QUESTIONS****ADVISORY SERVICES – THE LABOUR RELATIONS COMMISSION**

1. Does engagement between management and employee representative bodies have a positive influence on the services and tasks provided by public sector organisations in Ireland?
2. What is your view on the effectiveness of internal problem solving structures such as 'Conciliation and Arbitration Forums' that currently exist within public sector organisations?
  - a. Do you think that the current structures can be improved in any way?
  - b. Do you see much difference in the effectiveness of internal problem solving structures between different sectors in the public service?
3. Do you feel that there is an appropriate level of knowledge within the various HR functions in the public sector on the role that mechanisms such as mediation can play in dispute prevention?
4. Do you feel that that the LRC has a remit to engage in dispute prevention activities between management and employee representative bodies in public sector organisations?
  - a. If yes, to what extent?
  - b. If no, do you think it is an area into which the LRC may expand its services in the future?
5. Based on your experience do you believe that there is the potential to involve mediation in a 'dispute prevention' role within public sector organisations, specifically relating to the implementation of collective agreements?
  - a. If yes then please elaborate?
  - b. If no then please elaborate?
6. Would the LRC's current level of resources be capable of piloting a scheme of mediation focused on dispute prevention and involving the main parties within the Defence Sector?
7. Is there anything else that you would like to add?

**Appendix 9****PROPOSED INTERVIEW QUESTIONS****HEAD OF CONCILIATION AND ARBITRATION – DEPARTMENT OF DEFENCE**

1. What type of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces?
2. Do you believe that the benefits to the Defence Sector outweigh the volume of work required in engaging with employee representative bodies?
3. Are there times when agreement cannot be reached with employee representative bodies?
  - a. If so does this create difficulties for the implementation of new practices or reforms in the Defence Forces?
4. Do you feel that that the problem solving structures of the Conciliation and Arbitration Forum are sufficient to deal with challenges that may arise during the implementation of public sector collective agreements?
  - a. Please elaborate?
5. Is dispute prevention practiced within an industrial relations environment within the Defence Sector?
  - a. If yes please provide an example?
  - b. If no, then why is this the case?
6. Have you previously had any exposure to mediation in an industrial relations environment?
7. Would you consider the use of mediation as a dispute prevention mechanism within the Defence Forces industrial relations environment?
  - a. If no please explain why?
  - b. If yes please explain why?
  - c. If unsure then please explain why?
  - d. Please outline any caveats that you may wish to include on its use.
8. If you are unsure on the possible use of mediation, would you consider it worthwhile to receive a more detailed briefing on this practice?
9. Is there anything else that you would like to add?

**Appendix 10****PROPOSED INTERVIEW QUESTIONS****GENERAL SECRETARY - PDFORRA**

1. What type of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces?
2. Do you believe that the benefits to the organisation outweigh the volume of work required in engaging with employee representative bodies?
3. Are there times when agreement cannot be reached with employee representative bodies?
  - a. If so does this create difficulties for the implementation of new practices or reforms in the organisation?
4. Do you feel that that the problem solving structures of the Conciliation and Arbitration Forum are sufficient to deal with challenges that may arise during the implementation of public sector collective agreements?
  - a. Please elaborate?
5. Is dispute prevention practiced within an industrial relations environment within the Defence Forces?
  - a. If yes please provide an example?
  - b. If no, then why is this the case?
6. Have you previously had any exposure to mediation in an industrial relations environment?
7. Would you consider the use of mediation as a dispute prevention mechanism within the Defence Forces industrial relations environment?
  - a. If no please explain why?
  - b. If yes please explain why?
  - c. If unsure then please explain why?
  - d. Please outline any caveats that you may wish to include on its use.
8. If you are unsure on the possible use of mediation, would you consider it worthwhile to receive a more detailed briefing on this practice?
9. Is there anything else that you would like to add?

**Appendix 11****PROPOSED INTERVIEW QUESTIONS****HEAD OF CONCILIATION AND ARBITRATION – DEFENCE FORCES**

1. What type of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces?
2. Do you believe that the benefits to the organisation outweigh the volume of work required in engaging with employee representative bodies?
3. Are there times when agreement cannot be reached with employee representative bodies?
  - a. If so does this create difficulties for the implementation of new practices or reforms in the organisation?
4. Do you feel that that the problem solving structures of the Conciliation and Arbitration Forum are sufficient to deal with challenges that may arise during the implementation of public sector collective agreements?
  - a. Please elaborate?
5. Is dispute prevention practiced within an industrial relations environment within the Defence Forces?
  - a. If yes please provide an example?
  - b. If no, then why is this the case?
6. Have you previously had any exposure to mediation in an industrial relations environment?
7. Would you consider the use of mediation as a dispute prevention mechanism within the Defence Forces industrial relations environment?
  - a. If no please explain why?
  - b. If yes please explain why?
  - c. If unsure then please explain why?
  - d. Please outline any caveats that you may wish to include on its use.
8. If you are unsure on the possible use of mediation, would you consider it worthwhile to receive a more detailed briefing on this practice?
9. Is there anything else that you would like to add?

**Appendix 12****INTERVIEW SCHEDULE**

<b><u>DATE</u></b>	<b><u>LOCATION</u></b>	<b><u>PARTICIPANT</u></b>
07/06/2013	DFHQ, C�laiste Caoimhin, Glasnevin, Dublin 9	Director of Human Resources, Defence Forces
12/06/2013	LRC, Tom Johnson House, Haddington Road, Dublin 4	1. Director of Advisory Services, LRC  2. Senior Advisory Officer, LRC
13/06/2013	Department of Defence, Station Road, Newbridge, Co. Kildare	Head of the Conciliation and Arbitration Section, Department of Defence
14/06/2013	PDFORRA Headquarters, Benburb Street, Dublin 7	General Secretary, PDFORRA
18/06/2013	Department of Defence, Station Road, Newbridge, Co. Kildare	Head of the Conciliation and Arbitration Section, Defence Forces

**Appendix 13**

**INTERVIEW TRANSCRIPT**

**DIRECTOR OF HUMAN RESOURCES – DEFENCE FORCES**

Date of Interview: 07<sup>th</sup> of June 2013

Duration of Interview: 21 Minutes and 46 Seconds

Location of Interview: DFHQ, Coláiste Caoimhin, Glasnevin, Dublin 9

Interviewee: Director of Human Resources, Defence Forces

THE CONTENTS OF THIS TRANSCRIPT HAVE BEEN REDACTED FROM GENERAL PUBLICATION. IF YOU WISH TO REVIEW THIS TRANSCRIPT PLEASE CONTACT THE RESEARCHER THROUGH THE NATIONAL COLLEGE OF IRELAND.



**Appendix 14**

**INTERVIEW TRANSCRIPT**

**ADVISORY SERVICES – THE LABOUR RELATIONS COMMISSION**

Date of Interview: 12<sup>th</sup> of June 2013

Duration of Interview: 21 Minutes and 46 Seconds

Location of Interview: Labour Relations Commission, Tom Johnson House, Haddington Road, Dublin 4

Interviewees:– Director of Advisory Services, Labour Relations Commission  
– Senior Advisory Officer, Labour Relations Commission

THE CONTENTS OF THIS TRANSCRIPT HAVE BEEN REDACTED FROM GENERAL PUBLICATION. IF YOU WISH TO REVIEW THIS TRANSCRIPT PLEASE CONTACT THE RESEARCHER THROUGH THE NATIONAL COLLEGE OF IRELAND.

**Appendix 15**

**INTERVIEW TRANSCRIPT**

**HEAD OF CONCILIATION & ARBITRATION – DEPARTMENT OF DEFENCE**

Date of Interview: 13<sup>th</sup> of June 2013

Duration of Interview: 23 Minutes and 25 Seconds

Location of Interview: Department of Defence, Station Road, Newbridge, Co. Kildare

Interviewee: Principal Officer, Conciliation and Arbitration Section, Department of Defence

THE CONTENTS OF THIS TRANSCRIPT HAVE BEEN REDACTED FROM GENERAL PUBLICATION. IF YOU WISH TO REVIEW THIS TRANSCRIPT PLEASE CONTACT THE RESEARCHER THROUGH THE NATIONAL COLLEGE OF IRELAND.

**Appendix 16**

**INTERVIEW TRANSCRIPT**  
**GENERAL SECRETARY - PDFORRA**

Date of Interview: 14<sup>th</sup> of June 2013

Duration of Interview: 26 Minutes and 35 Seconds

Location of Interview: PDFORRA Headquarters, Benburb Street, Dublin 7

Interviewee: General Secretary, PDFORRA

THE CONTENTS OF THIS TRANSCRIPT HAVE BEEN REDACTED FROM GENERAL PUBLICATION. IF YOU WISH TO REVIEW THIS TRANSCRIPT PLEASE CONTACT THE RESEARCHER THROUGH THE NATIONAL COLLEGE OF IRELAND.

**Appendix 17**

**INTERVIEW TRANSCRIPT**

**HEAD OF CONCILIATION AND ARBITRATION – DEFENCE FORCES**

Date of Interview: 18<sup>th</sup> of June 2013

Duration of Interview: 24 Minutes and 32 Seconds

Location of Interview: Department of Defence, Station Road, Newbridge, Co. Kildare

Interviewee: Head of Conciliation and Arbitration, Defence Forces

THE CONTENTS OF THIS TRANSCRIPT HAVE BEEN REDACTED FROM GENERAL PUBLICATION. IF YOU WISH TO REVIEW THIS TRANSCRIPT PLEASE CONTACT THE RESEARCHER THROUGH THE NATIONAL COLLEGE OF IRELAND.

**Appendix 13**

**INTERVIEW TRANSCRIPT**

**DIRECTOR OF HUMAN RESOURCES – DEFENCE FORCES**

**(NON REDACTED – NOT FOR GENERAL PUBLICATION)**

Date of Interview: 07<sup>th</sup> of June 2013

Duration of Interview: 21 Minutes and 46 Seconds

Location of Interview: DFHQ, Coláiste Caoimhin, Glasnevin, Dublin 9

Interviewee: Director of Human Resources, Defence Forces

SC: Captain Simon Cahill present with Colonel Brennan Director of Human Resources. Good morning Sir. In relation to this mornings interview I have a number of different questions that I would like to go through. If at any stage you feel that you are uncomfortable or do not wish to answer a particular part of any question then that is your prerogative to do so.

SC: First of all Sir, in relation to mediation and the general subject area of mediation. What type of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces?

KB: First of all I suppose that the key aspect of this is that it brings all stakeholders that are involved in the process together. So for example military management, the department and ourselves. All stakeholders get involved in a process that requires a particular resolution. Invariably that particular process can improve the content of, people bring different ideas to the process. So if you want an example, I will use this example of CCR 448 for example. That process was designed around the inputs of three different stakeholders and they all brought their own nuances, their own ideas to it, and that probably is why the document itself is a solid document all be it with some work still to do on it. It also gives, one of the key aspects that I see from this process is that it gives ownership of this process to the stakeholders. So I suppose it's not like one stakeholder, say the military management side giving their imprimatur to something and saying that is the way it is going to be done. Everybody

feels part of the process. Everybody buys into it and as a result of that you have a satisfied constituency out there who are involved in the, which in effect, effects them, and the other process is, and the other big advantage of the process is that it enhances the whole spirit of cooperation. So for example if you have an issue, or an engagement with people and it is a positive outcome, well then there will be an impetus to create a similar scenario in the future if a difficulty arises. So you are creating a positive where people are working together for the betterment of the organisation, and I mean everybody has different views. The department for example in our context will look out for the departments view. PDFORRA or RACO will look out for their members view and we as military management must look out for the Defence Forces point of view and I think that it is working very well. The negative aspect of this is that. One of the key aspects is. The difficulty that I have here is that the type of issues that can be brought to the table can be very individual. You know their focus may be on a very small number of people and a lot of energies are expended on dealing with issues that are small in nature and don't really affect the larger membership, and really the larger membership for example don't really want, don't really care about these issues, right. I would also say that, there is also an issue in relation to agreements that some members do not buy into. So consequently you have negative reactions to engagement that comes up with agreements. So you saw within CCR448 where there was an awful lot of disillusionment with that particular situation, and the other thing about it is that it draws a lot of, in my opinion some of, because of the disengagement it draws a certain amount of ire from people who are affected by these agreements or engagement through the form of solicitor letters etc. etc., and we end up in litigation which is a problem. So they would be the downsides of it but overall I would say that if I was to weigh the negatives and the positives that the positives far outweigh the negatives.

SC: Ok. So you would believe that overall from a HR input and from a HR perspective that the organisation engaging with employee representative associations is a good thing?

KB: Yes it is a very good thing for the reasons outlined and it is also, what I would say as well is that it also conforms to best external practice outside where you have consistently got engagement between workers and management, and while we only

have a representative association. We don't have, and while are members don't have the same rights as let's say trade unionists external to the Defence Forces, it's very very important that we mirror the outside environment is so far as we are allowed do so.

SC: In terms of times where agreement cannot be reached with employee representative bodies. Does that occur often or does that occur at all?

KB: It certainly does occur. There are constant issues that probably I am not even aware of. I suppose the representative associations that I would be most familiar with, obviously I am a member of RACO, but PDFORRA consistently represent their members, individual members and they endeavour to this through the medium perhaps of correspondence. For example I was in Newbridge yesterday and there was a number of correspondence in there from PDFORRA in relation to individuals, and like some of them are, if I can use the phrase, off the wall for what people are looking for. So that's a difficulty. I have a major difficulty. The big difficulty that I have with representation is that when representation is made on behalf of somebody, right in my opinion, regardless of what the claim is, regardless of what the crib is or the complaint is, it is made without due regards to the actual facts. Now I suppose one can say that it is the prerogative of the representative associations to do this but I have a problem with that because it takes up an awful lot of time, an awful lot of effort, and the other issue that I have in relation to representation, is that particularly in the context of PDFORRA is that they have a mechanism for members to use a legal firm to input into the system correspondence, legal correspondence that have to be dealt with that take up a huge amount of time and are quite exhaustive in the amount of work that is required.

SC: OK, and then in such instances where agreement is not being reached and individual members within let's say PDFORRA or representative associations are putting in their own input in or legal representation, does that cause difficulty for you as the Director of HR in implementing new practices?

KB: Yes. I have had examples here. One particular example where an individual who should be returned to the rank of Corporal for example and because of the support

received from PDFORRA remains in the rank of Acting Sergeant. The problem that I have with that is that there is an individual within the organisation that deserves to be promoted. Who has got all their courses done, has travelled overseas, has been stopped from being promoted because of this issue because PDFORRA as the representative association that we are talking about here has prevented that happening and are advocating for the individual, the Corporal. Now that is just one example and there are other examples out there as well.

SC: Then moving onto overall public sector agreements. Within the Defence Forces we have a Conciliation and Arbitration forum and bearing in mind your own experiences to date and anticipated challenges into the future, do you believe that the problem solving structures within that Conciliation and Arbitration forum are sufficient to deal with the challenges that may arise during the implementation of public sector collective agreements into the future?

KB: My view on public sector pay agreements as they affect the Defence Forces is that essentially they are presented to us and we vote on them and that's it. So for example as we speak, right, we are currently in a process of preparing for a vote on the Haddington Road Agreement and if you reflect back, say reflect back on previous agreements say for example my own experience would be that RACO would present their case. Members would vote and that's it. The agreement is implemented in its totality. There has never been an issue that has had to be addressed, not that I can recollect, right. I cannot be 100% sure about issues that maybe PDFORRA have raised but as far as I can remember we effectively once we vote, and we have always voted yes within RACO and indeed PDFORRA as far as I can remember, we have just gone. There has never been in my opinion, correct me if I am wrong here, an issue that has arisen that required maybe mediation in its implementation. I suppose it comes from the fact that as a military organisation, once the decision is made people just get on with it and no further issues arise from the agreement itself. All be it could I make the point that in this instance, in the Haddington Road Agreement, right, there may be a legacy issue that might cause problems such as for example allowances, the withdrawal of allowances, the withdrawal of tech pay from personnel. This might cause a problem down the line following this particular agreement.



SC: OK. Then bearing that in mind and I suppose with a view to looking at your experiences. Within the industrial relations environment of the Defence Forces do you believe that either formally or informally that dispute prevention is practised?

KB: I suppose the ultimate outcome of a dispute is a strike or some form of withdrawal of labour. That doesn't happen in the Defence Forces, but I know that behind the scenes our C&A section are consistently tic tacking with RACO and PDFORRA with a view to resolving issues that are out there and there are issues out there. Just to give you an issue from an officer point of view for example, officers that go abroad to Brussels or Vienna or some of these cases that financial packages there are problems with them sometimes so ultimately RACO has to get involved in this process, and between RACO and the C&A process this is resolved. But really that is all, that is all that I would say in relation to that you know.

SC: Ok, but just to explore that just slightly.

KB: Go on yes.

SC: In terms of dispute prevention and it being practices within the Conciliation and Arbitration forum. Let's say across the wider Defence Forces and at unit level and perhaps GOC level do you think that GOC's and unit commanders engage with representative associations?

KB: Yes. I do and they are obligated to do so. So a commanding officer in Stephens Barracks in Kilkenny, I would have met with PDFORRA representatives in the local branch on a regular basis in a formal meeting where we sat down, an agenda was prepared beforehand, the agenda was presented beforehand so that it would not impact on areas of non-representation and by the way, this was then mirrored when I was in the Curragh when the GOC would meet the DFTC, and you would discuss issues that might arise. Like for example, for example would be issues about say conditions. I know this might seem like of not huge significance, but issues like for say locker rooms and shower facilities. Then more substantive issues might arise in relation to maybe time off in lieu of duties and stuff like that. Now I suppose there

was never going to be a withdrawal of labour from the people you are talking about, in the context of non-resolution of those issues, but what you would have had in the unit if you didn't engage might be a lack of moral, and just a general bad feeling in the unit if the Commander didn't engage and try and remedy the issues that needed to be resolved. So any commanding officer who wouldn't engage in this process in my opinion would be, you know he would be remiss of his duties and also lacking in leadership in my opinion because, I have always believed that this engagement with RACO and PDFORRA particularly with PDFORRA has enhanced the environment in which we work in. If people who are in an association such as PDFORRA are happy let's say, generally, then the outputs that a unit commander or GOC requires will be delivered. If it is seen to be negative, well then you run the risk that those outputs expected may not be delivered.

SC: OK. Thank You. In relation to mediation in an industrial relations environment, have you previously had any exposure to this practice?

KB: Not really, I suppose, because I have never really been involved. Are you talking about a third party?

SC: Correct. A third party mediation. Yes.

KB: Right. I suppose the only example I could give you would be, say for example within an overseas environment where I was a company commander. There was an issue between the commanding officer and an officer of my command, right. And I mean obviously the commanding officers prerogative would be, was to command the unit, and an issue arose and to resolve the thing I would have. This happened in Kosovo in 2004. I had to basically act as a mediator to see could the commanding officer see the individuals point of view, the other individuals point of view as distinct, so that, so that a full picture could be brought to the difficulty. That happened only once or twice, put purely only in Kosovo in the environment I was in and probably because of the personalities that were involved. Other than that Simon I would say no. I mean in the context of being a commanding officer let's say in the third battalion it really was more an interface than a mediation, right. You know an issue being

brought to me, right, by PDFORRA and I would do my best to endeavour to have it rectified, ok.

SC: Then in the context, let's say, of your experience of being the Director of HR, your knowledge of the conciliation and arbitration process and how they attempt to work on disputes, dispute resolution and dispute prevention as well, would you consider the use of third party mediation, so an external mediator from outside as a dispute prevention mechanism within the Defence Forces industrial relation environment, would you see it playing any role?

KB: Yes. Although I keep saying with the caveat that our members of either representative association don't have the right to withdraw their labour. However I think it would be very useful, because there are issues out there that can seem intractable. There are issues out there that go on for a long time. We have experienced this. It is one of the frustrating things here that issues, things that seem simple to us, become elongated in the C&A process, and I would content that the decision making for me is very very important. People demand decisions. The General Staff demand decisions and some of these decisions are very slow in being arrived at. If you had somebody, and it is a very good idea, somebody there that you could bring in as a third party purely in the mediation process. A bit like, a bit like our DCP process, right, where we kind of have an individual who can mediate between two individuals, in effect what is a dispute, in whatever manner it is, to resolve the issue. In other words, if something, there is a problem that cannot be resolved, we set a timeframe and say look, we have three weeks or a month, and if it cannot be resolved in that time, right, get somebody in to see can we mediate and get it resolved. Now, I would say to you that the only issue here, the caveat that I would have is that every single thing shouldn't be included in this. It should be the substantive issues that, there are small issues out there, there is an issue of an individual, right, ok, but it's the big issues, ok. Like for example right, you were involved in CCR 448, how long did that take you to complete?

SC: The negotiations?

KB: Yes.

SC: Approximately twelve months.

KB: Too long. Right. Too long. The consequence, what has been the consequence of that? You had piles of legacy promotions to deal with but more importantly the military capability of the Defence Forces was in my opinion being impaired because of people not being able to be put into jobs that they were qualified to do. That's the importance, and that can have a very negative impact on the organisation, and did have a negative impact for two years both at home and abroad. So that is what I am saying. Things like that should not take two years. Now I would say as well that this process would have to be, the department would have to be. I have been speaking to you this morning about essentially two members of the, two stakeholders, say the military and the representative associations, but there is a third stakeholder there which is the department. They are the, I suppose, probably one of the more difficult components of the grouping, because they take a huge amount of time to make decisions. As much as PDFORRA and maybe more, and that may be your experience as well.

SC: OK. So just to surmise slightly, what your emphasis would be, and correct me if I am wrong now, would be on ensuring that the larger scale issues are dealt with and that by way of dealing with them, that it would decrease the timeline for the actual delivery of agreement?

KB: Correct. Because we have to remember that in many cases some of these issues impact on the organisation, even impact on the development of military capability, right, and therefore if it becomes elongated that's my point, right, our whole processes can become impaired, and your assessment is accurate there.

SC: OK. Just finally is there anything else that you would like to add in terms of the overall interview questions or in terms of the general research area?

KB: No, I think it is a very interesting area, because I would say to you that every organisation and if you take the Defence Forces as an organisation. The Defence Forces has a current strength of approximately 9,200 and since I have become Director of Human Resources Management, it has opened my eyes to the fact that

we effectively are 9,200 individuals who basically want different things even though we as an organisation are obligated under our HRM strategic objectives to allow people achieve their individual goals. We would also say that there would have to be a line with our Defence Forces goals, right. So what I am saying is that we have an awful lot of people out there who want to achieve things, right, want to do things, therefore that creates conflicts out there. People want to serve in certain places, people don't want to serve in other places. They want to go overseas when it suits them, they don't want to go overseas when it doesn't suit them. They want to go on courses here, they want to go on courses there. So the organisation is constantly juggling in my opinion to satisfy as many people as possible and inevitably, right, you end up with disputes, whether it is through the C&A process or the Redress of Wrongs and I suppose in many ways I suppose you could say that the Redress of Wrongs process is in some way a mediating process if you want to look at it in that shape or other. Anything that can advance, my final point to you Simon is that anything that can enhance our ability to deal with all of the problems that are out there, is very very useful. If for example a process of mediation was introduced in the Defence Forces, I believe that it probably would enhance our processes, our C&A processes, our HR processes for the betterment of the organisation. That is what I would say to you.

SC: OK. Thank you very much.

INTERVIEW COMPLETE

**Appendix 14**

**INTERVIEW TRANSCRIPT**

**ADVISORY SERVICES – THE LABOUR RELATIONS COMMISSION**

**(NON REDACTED – NOT FOR GENERAL PUBLICATION)**

Date of Interview: 12<sup>th</sup> of June 2013

Duration of Interview: 21 Minutes and 46 Seconds

Location of Interview: Labour Relations Commission, Tom Johnson House, Haddington Road, Dublin 4

Interviewees:– Director of Advisory Services, Labour Relations Commission  
– Senior Advisory Officer, Labour Relations Commission

SC: Simon Cahill present with Freda Nolan and Seamus Doherty. Could I just state at the beginning, thank you very much for taking the time to attend this interview with me and I very much appreciate the help and support. So perhaps we could begin by just outlining at the start, does engagement between management and employee representative bodies have a positive influence on the services and tasks provided by public sector organisations in Ireland.

FN: Well I suppose we would always encourage engagement between management and employee representatives and we would feel that the more engagement that there is then probably the less we see of disputing parties coming into the Labour Relations Commission. Now on the Advisory side of the Labour Relations Commission, we don't involve ourselves when a dispute is in progress. We leave that to our conciliation colleagues obviously on the collective front. We would involve ourselves in going out to companies and seeing what went wrong, interviewing a percentage of the employees, maybe circulating questionnaires to all of them, trying to establish what went wrong and then reporting back to the employer representatives and the union representatives on our findings and then finding a way forward which is the big piece really, that's only just analysing, finding out what is wrong, and then trying to work with both sides to engage I suppose in a more productive way if that engagement isn't there, and maybe sitting in on sub-committees or groups that we have established for a period of time to try and help

them, you know, to get over the impasse that may be there and to how to work together. Maybe doing some training with them around team working or communications because very often it is a communication issue and you mentioned it I think there yourself when you said that it is working through some collective agreements, and I suppose that everybody knows what's in the collective agreement but you know it's putting into practice what the intention is within a collective agreement and how that is communicated is probably very important.

SC: Ok.

SD: Yes.

FN: Do you want to add to that Seamus.

SD: No I mean, obviously you know that it goes without saying that positive engagement between management and employees is absolutely critical. It's what we do, what we promote, what we believe in. That collaboration at local level is the best way to deal with issues and to engender a sense of inclusion, team work, moral, etc, and I think that if you get into a situation where it is totally adversarial then you are into a very negative industrial relations culture, so collaboration is good.

SC: And could I maybe just explore that slightly. In terms of let's say in the public sector and your experience of working with organisations in the public sector. In terms of the resources and time involved, if you can get in at an early stage from an advisory perspective does it save time and resources in terms of not allowing a dispute to escalate, you know, and then not having to move let's say into a conciliation or arbitration.

SD. Ultimately that's what we try and do and I suppose that the difficulty is that over the years in our experience we tend to, for whatever reason tend to be introduced quite late on, when the situation is quite tense and difficult. So it is always that much more difficult to move on if you like, but that's the nature of the beast I guess. We get involved where industrial relations are poor essentially in most cases.

FB: And I think that we would also be of the view that it is hard to measure success. You know, because it is pro-active and you never know what is going to happen down the road or if something doesn't happen is it as a result of our intervention, or is it not, is it just because things have calmed down in the company, or people have moved on, or changed or peoples mind set might have been changed and did that obviate the need to invoke industrial action. It is very hard to measure success, but as Seamus said you know the whole purpose of what we do is to try and ensure that there is a preventative sort of intervention.

SD: And of course, you know, it may not necessarily be around potential industrial action, it could be terrible dynamic between local representatives and management. That there is an absolute breakdown or terrible relationship that impairs the ability of let's say local, let's say for example shop stewards to engage with management, so you have all that lets say sort of relationship piece as well and you know can be quite complicated to deal with and our intervention does actual in the main draw a line under the sand and try to focus it forward. What can we do to improve matters, to set up joint working parties. We as Freda mentioned earlier for example over the last couple of years have developed training programs, for example joint union / management training on negotiation processes. That sort of thing.

SC: OK. It is quite interesting, one of the points that you raised there about you tend to become involved quite late in the process when relations have already deteriorate to a point. Would you like to see from the advisory services perspective, a more proactive engagement from public sector bodies or an earlier engagement from public sector bodies it terms of trying to avoid, you know, poor relations developing between management and employee representatives.

SD: Yes, but it is a capacity issue you know, isn't it at the end of the day.

FN: It's a capacity issue and I suppose just for the organisation themselves it can be very hard to call it. I presume they are working in a process themselves, you know trying to resolve an issue, you know they might get quite far with something, and then you know there is an impasse, and I suppose they are reluctant, they feel they may have the capacity and the resources to resolve something. What happens



sometimes I suppose is that the parties would have come into the LRC, into the conciliation services or they may have gone to the labour court. It may have proceeded to the labour court and then either the labour court or the conciliation services would suggest that we get involved, and then in some of the labour court recommendations they have said that the parties may benefit from interaction with the advisory services and then after you know the particular issue has settled we would go in then and find out why did it get to where it had got to. Would there have been a better way of dealing with it. And then you know, future focus. How they should interact in the future.

SD: Of course the other issue is, you know really equipping people in the public sector in particular I think, there is always an issue around the ability or the confidence of the parties to engage and head off all the stuff at the pass so that typically issues escalate rather than be resolved when they should be within the four walls of wherever it should be. You know, that is a big capacity issue, piece really. That requires you know training on the part of management reps, union reps, or reps generally. Whether it involves job training of some sort or you know, it kind of, I wouldn't say necessarily our involvement at an early level is a panacea. It linked to other things happening around equipping people to sort themselves things out.

SC: So having the internal resources.

FN: I just that that there was a very interesting comment from one of the trade union officials in the private sector, now. The other day, what we will be working on later on, where he said that the problem with the shop stewards was that they thought that they had to win everything. They didn't actually understand negotiation. That you negotiate it as far as you could, and that you got whatever you could but that there was a point where managements prerogative is to say no at a particular point. Now he is a seasoned trade union official and you know what I that that was coming across was his frustration at these people who just, they went to the supervisor, to the line manager, to sort of a lower level person in HR, to the HR manager and they were still getting the same answer but they still wouldn't give up and they'd lodge a claim here, and they wouldn't win the claim you know. But the time they took and I

suppose he is an experienced person and he would say look the answer there is no. We are not going to get it so forget about it.

SD: How do you get them to engage with a win-win piece.

FN: Yes.

SC: Yes.

FN: Get something out of something.

SC: Absolutely and I think from the Defence Forces perspective and all the stakeholders in the Defence Sector which would be the Department of Defence, the Defence Forces and the representative associations, there does seem to be a very positive relationship towards each other, and there does seem to be you know a good approach to the development of, as you say win-win scenarios rather than trying to develop win lose scenarios and I suppose this is particularly where we are coming from in terms of trying to assess is there ways in which we can complement and help speed up the processes of dispute prevention within the Defence Forces. So then developing that slightly in terms of within the internal problem solving structures of public sector organisations and associations, for example within the Defence Forces we have a conciliation and arbitration forum, what is your opinion on those structures that exist within public sector organisations at the moment?

FN: Well on the civil service front for example, we don't get involved very much because there is that civil service arbitration. I don't know what they are called actually. Kieran McGovern used to be the arbitrator that has changes somewhat. So there is that sort of a process there where the civil service will interact and it will get to that point but only in exceptional circumstances. People usually find an accommodation around most issues let's put it like that. Now, they, some of those issues only come in on, they would come in to conciliation. We don't have much interaction, you know with the people in groups like that because there is already a process there.

SD: Although that process as Freda says, you are looking in, and to what extent do they drive, engage, mediate, and conciliate I am not so sure. That is very much a formalised structure and kind of we issue our findings as follows sort of thing. But what leads into that I would suspect isn't a whole lot, let's say collaborative sort of engagement.

SC: Ok, and then let's say for example, right, we have been speaking about the internal structures within public sector organisations there, in terms of dispute prevention and this is particularly where the research is coming from here. Rather than resolving disputes, actually preventing them from arising in the first instance, do you think that in the public sector in general, the public organisations, there is an understanding of dispute prevention and what's required to prevent it from moving to a resolution process whereby there is actually formalised disagreement, you know.

SD: Well as we said earlier, the ideal is to sort disputes out at source, informally, and at as local level as possible, and it's very hard to come to a sort of colleges' view of the public service. I mean it's down to.

FN: They're so disparate.

SD: Its down to workplace operations as to how they kind of sort matters out and how effective they are. I mean the health service for example, do you remember about ten years ago Denis Morrin, Freda's predecessor as Director, engaged with the health service and drew up a kind of templated grievance procedure for the whole of the health service and there is all the positivity's in it. Low level engagement, sort stuff out early, how it should work, etc, etc, etc, and that's still there. But to what extent its referred to I would not be entirely sure.

SC: So do you see there as being significant disparities between public sector organisations in the way that they actually approach dispute prevention and would there be, not necessarily in the way they approach it, but the outcomes of it?

FD: Well I had a HR background in the department myself and I suppose that as a comment and as an aside I suppose, the worse thing that you can have when you

are in HR union representatives that don't represent their members because you know when you are speaking to them that they are not giving you the views of the members. So that's one issue and there is a laziness I think around public servants, about getting involved in unions. They want somebody else to do the job. They pay their fee, because you know there is a high rate of involvement in the union. So from a HR perspective you can find it quite hard to deal with the union representatives in terms of getting something, you know, actually very positive. The criticism I think from most members, and from most civil servants for example and public servants for example is that all of the processes are too slow. That sort of you know, you make a complaint and it goes into a black hole and nothing happens for weeks and I do think that there is more of a tendency to use mediation now, rather than go down the formal investigation route and all of the rest of it. Because you know at the end of the day there is probably fairly clear processes about collective disputes, but things are often brought to a halt because of individual issues and we are dealing with two areas at the moment in the public sector where things are quite dysfunctional and if you, if you narrow it right down its about three or four individuals, but the issues that they have raised, that have been raised about the individuals have not been dealt with in a speedy fashion. For all sorts of reasons, because there are processes there that are too drawn out and nobody sort of sees whats happening. So there is an issue there I think around the transparency of the systems. I know they are written down, there are grievance procedures and the rest of it, but nobody is concerned about them too much until they have to go face to face with them themselves. So they have no idea about what is going on, other than there is a problem in the area, but you know that a small problem can impact on other things.

SD: Three or four can effect that employment of a couple of hundred people.

FN: Yes. That's the problem.

SD: Just in terms of the effectiveness of dispute resolution. I'm taking about I suppose the commercial state sector. The ESB for example have their own internal forum for dealing with collective issues that is quite effective actually. Kevin Foley here is the director of that, and you know they never come near the state dispute

resolution machinery so it is quite effective. RTE have similarly their own internal dispute resolution forum which is quite effective as I understand it. We never see.

FN: No.

SD: People from RTE in the four walls of this building. They are two organisations that are worth looking at. I know it is the commercial side, and it is a bit different, but never the less they are broader public sector, you know.

FN: And the VEC's, they work very closely here, with their grievance procedures. To work out their grievance procedures and in fact within that grievance procedure they can call on an individual within the LRC to help resolve their problem. That has been written in and agreed with both the unions and management and whereas the Guards, isn't it.

SD: The Guards in their individual dignity in the workplace, use us essentially for their small group mediation. Their informal piece, at any stage, but that is not collective of course. I do know that the Guards collectively, their representative bodies would have a view, that their collective stuff, that they should have access to our dispute resolution machinery which they don't have at the moment. So that debate is out there too.

SC: Well I think that certainly from the Defence Forces perspective we have experience of trying to introduce large scale collective agreement elements but those have been somewhat delayed or elongated by individual level issues, which you described there Freda in terms of let's say a problem that effects three or four individuals and that then holds up a wider scale perspective or wider scale project and certainly I spoke with the Director of Human Resources within the Defence Forces and that was his concern that from PDFORRA's perspective that when they would bring issues up quite often they would relate to three of four individuals and that would hold up a wider, larger scale, the introduction of a larger scale project. But I suppose in terms of maybe developing the idea a little bit further within your own advisory services here and the use of mediation do you see this as being part of a dispute prevention process or do you see it developing further in terms of

complimenting perhaps the dispute resolution processes that are carried out by some of your fellow workers here within the LRC?

SD: I suppose more that you could say that we are trying to facilitate local level dispute resolution I guess and you know that's the general context of a potential sort of involvement of let's say the advisory side of the LRC. So it is trying really, rather than being a dispute resolution forum per say, but it is really about trying to facilitate that process. Now you can have a debate around how you do that, you know but it is trying to get through the message that it is about trying to sort out at source by agreement to the maximum extent with regards to the issues from a win-win piece but that we would be facilitating that.

SC: OK. Well then let's say for example within the Defence Forces we have a conciliation and arbitration forum to help discuss issues between the representatives and the management element at both departmental level and military management level and within that forum, I suppose as I have explained issues can arise that cannot be resolved and we are not taking about smaller scale issues. We are talking about larger modernisation practices that we are trying to introduce on foot of collective agreements and quite often it can be, we can reach agreement alright but it just takes quite a long time to get there and there is certainly an opinion and a concept that within a management level that maybe we at that stage, all we need is an element from a third party to come in and maybe mediate between us, discuss views. Get down to what is the core concern for you, what is the core concern for you. Right can we see if we can address that and within your advisory services role do you see that type of development that type of work being part of your remit?

SD: The short answer is that there is obviously a capacity issue if it is large scale, but that goes to the heart of what we do. Working out issues at source. Equipping people to be able to do that better and all that sort of stuff.

SC: OK. So from let's say, from the military management perspective in the Defence Forces, the Director of Human Resources within the Defence Forces would have suggested that perhaps if there is larger scale issues that we are dealing with, big projects that we are trying to introduce and if we can't agree on something. If

we can't come up with a final, you know, proposal I suppose that everybody can sign off on after a certain amount of time perhaps at that stage we could bring in third party mediation in order to just help discuss the issues over perhaps one or two sessions to try and alleviate concerns of the parties. To give people a chance to express themselves in perhaps a slightly different way.

SD: I suppose two things. There would have to be a clear understanding that it is actually an informal process. That it is not you know, some sort of a recommendation or something would emanate from it.

SC: Correct, yes.

SD: And the second thing is that in the context of your own conciliation forum if you like, I mean ultimately, can a decision be made.

SC: In terms of?

SD: Unilaterally.

SC: Unilaterally, military management have the right to impose.

SD: In terms of the big change stuff?

SC: It can happen, but it doesn't, it's very rare for it to happen. As I explained previously there is quite a positive relationship and you know the other interviewees have emphasised this, there is quite a positive relationship between the parties and if you go down the road of imposing your power, which you can do from a military management perspective, it is going to destroy that positive relationship and that is why perhaps maybe the larger scale issues can become elongated is because military.

FN: It's all by agreement.

SC: Yes. They want to actually reach agreement, yes, exactly. So I suppose that is the concern of military management and department management, that well look you know that perhaps, if we just, on those three or four big issues in a year, you know, it wouldn't be much more than that, three or four issues maximum, if there is a point where we cannot reach agreement on them that we just can't get that final proposal through, that perhaps a third party coming in. Looking at it without any commitment or without any enforcement capacity or anything else like that.

FN: Just as a facilitator.

SC: Just as a facilitator, yes, to discuss the issues. To discuss you know, organisational change, the concerns that people have, may help to you know alleviate those concerns on the part of the different parties to the sector and to get I suppose the final push to reach agreement on something.

SD: Yes, there is potential there, I mean you're taking about stand alone facilitation really and on the basis that all sides had agreed.

FN: Yes. Well you would probably have to have written in probably, possibly I mean not probably, you would look to have that as a sort of intervention at a particular point in time when both parties would agree and that way you have sort of my in you know to a third party facilitator. Just to try and get over those blocks that are there, to move on and then to make progress again. I mean there is nothing hard and fast about any of them. We would intervene or go in, at any particular point in time. In cases at the moment where an investigation has taken place in relation to something we are involved in, were normally we would go in in before an investigation has taken place into an issue. You know if you think you can resolve or help the parties we go in anyway. You know what I mean sort of we will try, we will try.

SD: I suppose one of the issues is that if you were to think it through an intervention is say in a major change management issue, you know for example, at what level, at what stage do you use external facilitation. Is it after you have engaged locally and exhausted all the avenues or is there more value at the off using a third party



facilitator for example and is there a greater potential to develop decisions earlier, etc, etc. So there is a bit you know of need to do a bit of thinking around that.

SC: OK and from the perspective let's say of the organisation of the Defence Forces, over the last two to three years there have been a number of very large projects that have been introduced, For example the organisation has shed approximately 10% of its staff, its closed a number of facilities, its redeployed hundreds of people to different geographic locations, its introduced new talent development and promotion systems, and those are the type of organisational level issues that certainly the Director or HR would see or would envisage kind of mediation becoming involved in. So that type of high level issue I suppose and so realistically you are talking about perhaps two, three, four times a year maximum mediation becoming involved and it may not at all, internal to the conciliation and arbitration process they may be able to resolve it themselves but in terms of a resources perspective in terms of the advisory services point of view what type of resource capacity would you have to become involved in something like that.

FN: Well I think that we have responded to almost all of the requests that we have received in some sort of shape or form and we would have given quite a lot of time to some of the areas that we are involved in and not so much to others depending upon what is involved so I mean the answer is yes that we would make ourselves available, and obviously if there was a need to become involved say in the first year I suppose we would hope that as both parties in the Defence Forces would hope that it would lessen over time because people would see how these issues were broken down and overcome, and that then there would be some capacity building done within both sides to try and ensure that you that they would resolve more of them internally.

SD: And I suppose if the resource piece is really around let's call it ad hoc facilitation a number of times a year, that is easier for us to deliver that then let's say a large scale review of industrial relations in an organisation, which is an absolutely, we are engaged in a number of them at the moment, that's resource hungry.

SC: OK. OK. And it's just an interesting point that you raised there Freda, just in relation to let's say over time your input then perhaps decreasing as the different parties become more use to being more facilitative perhaps towards each other, is that your experience within the public sector?

FN: Generally.

SD: In terms of our intervention, the ideal is where we don't go in and say right, we are going to be here for the next five years holding a monthly meeting. It doesn't work like that. You know, we set up these joint working parties on foot of industrial relations, and it is a joint working party with management, employee or union reps or both or a mixture or non-union reps and trying to deal with a structured agenda over a period of time, but the whole objective of the exercise is that you gradually eek yourself out.

FN: And they take ownership.

SD: They take ownership.

SC: OK, and from the perspective of let's say your resources, and all resources are constrained I suppose in any organisation, the introduction of public sector collective agreements, perhaps maybe you know we will have a new one coming, and perhaps you know there will be subsequent ones as well and there is a reform agenda for the public sector on the part of the government and the state, do you see increased calls or anticipate increased calls on your resources over the next number of years in order to be able to deal with issues that may develop as a result of these kind of reforms and changes that maybe brought in?

FN: It's difficult to call it I think because in a way a lot of them have been through a pretty tortuous process and a very difficult time for the unions. So that whatever is accepted at the end of the day, and I suppose we don't know yet exactly, that they will try and their best to work that, to work within the organisations they are working, and I have no doubt that over the next couple of years there will be in and out of here. Now I suspect that it will be more on the conciliation side than on the advisory

side because it will be probably around teasing out, you know, something like the 45km distance, you know, that you can be redeployed to, or whats available, or whats reasonable, defining whats reasonable or unreasonable or something like that. Now I'm not saying that it won't be advisory. It could be advisory but I think that it is probably more likely to be coming in on the conciliation side, but I don't think we have ever said no to a request. We might have had to prolong it slightly in terms of when we would intervene, you know somebody came to us now and said could we go out to them next week the chances would be no, but we would initiate a process. What we might do is we might go out and meet both management and unions and say right, how many are we talking about? Well lets initiate a draft questionnaire and then we get that out to them, and then management and the unions would look at that and then by the time it would come back and be agreed and be distributed we would be able to commit to a time perhaps two or three weeks down the road.

SD: I suppose we are a proactive service in the sense that in conciliation issues are referred in, there is a referral system and there is no chasing after work so to speak. With us it is a proactive service. It's an elective service on the part of employers. It's a piece around, it's in their interest to use a kind of a service, that at the moment I think we would acknowledge that these months are busy. We have a lot of stuff. There is a bit of a capacity issue at the moment, but we will mull through it so there is blips but you manage around it. And there aren't that many of us in the service it has to be said.

SC: Then I suppose perhaps just finally in terms of the overall concept of what we are looking at here, were we have three parties to the Defence Sector. They are sitting around the table. They have, you know they have capacity to reach agreement within their own internal forum on an awful lot of issues and perhaps maybe in terms of reaching the final stage of agreement on perhaps a couple of issues each year, there may be difficulties and it becomes quite elongated. For an advisory services perspective and your potential involvement in it, is there anything else you would like to add or is there any points that you would like to highlight.

SD: Well I suppose that we would say in principle yes, we could deliver that sort of service, but I think that they would want you to ensure there is a clear understanding

of what the nature of that service is. That, you know, I think from what we understand from what you are saying Simon is that you are talking about an informal, local level, assist if you like and its stand alone, and it's really around trying to resolve the major collective issue whatever that may be. That we are trying to get all sides to understand that that is the nature of the involvement that it's not some sort of you know, you know, imposed forum if you like. That might be a piece and does it thread on the toes of the forum you have got already. There might be a sort of a piece around trying to choreograph all that. Getting by really.

FN: I'd just like to say that at the end of the day it's like everything else. It's about getting by through a process, through an intervention, and the timing of that intervention. If all the parties could agree that we have given this, we have given this you know X number of hours and we are still no further ahead, or we have only made so much progress and now we think we would benefit from outside eyes. That's often about timing and people being open to a suggestion that somebody, some third party person might bring something to the party.

SD: One other sensitivity I'd flag is that the Defence Forces are barred from our conciliation services.

SC: Yes.

SD: That's clearly understood. Now that may change, but that is the case at the moment and we are the LRC. So you may have to come up against some of the reps seeing this as a backdoor to ultimately conciliation, resolution. There might just be a sensitivity around that although its clearly understood that this is ad hoc, informal, and we deliver services to the Guards, the VEC's and they are debarred from our conciliation services. But I have no doubt, you have mentioned PDFORRA for example, that they may look to get the LRC involved perhaps for other reasons. So I would just.

FN: Just to be aware of the sensitivity of it.

SD: And there is of course. I mean it is the principle of delivering the service. Sorry, the informal piece but not necessarily by us. You may for example use private third party mediation, but at cost of course that doesn't arise with us, but that is a different matter.

SC: Ok, listen that's great. Thank you very much.

INTERVIEW COMPLETE

**Appendix 15**

**INTERVIEW TRANSCRIPT**

**HEAD OF CONCILIATION & ARBITRATION – DEPARTMENT OF DEFENCE**

**(NON REDACTED – NOT FOR GENERAL PUBLICATION)**

Date of Interview: 13<sup>th</sup> of June 2013

Duration of Interview: 23 Minutes and 25 Seconds

Location of Interview: Department of Defence, Station Road, Newbridge, Co. Kildare

Interviewee: Principal Officer, Conciliation and Arbitration Section, Department of Defence

SC: Simon Cahill present with Fiona Lafferty. Fiona perhaps we could start by just examining what type of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces.

FL: I suppose you need the associations first of all to engage. To actually be able to discuss the issues and to come to some sort of agreement or disagreement because you have to have one or the other. We have a number of issues that we have been progressing under the Croke Park Agreement for example, and some of them are quite contentious because they impact on members in terms of money that they receive and in terms of their wages and that, and there would be a certain amount of resistance in relation to bringing these items forward. I mean resistance on the part of the associations and its good, its positive conflict if you want to look at it from that. They have to realise, that they do realise that these issues have to be addressed. For example security duty allowances is one of the issues that is being looked at and we can't have a situation where we are paying these allowances to people who don't actually need, you know that shouldn't be in receipt of them in particular instances, from an operational and management point of view it doesn't make sense that. We have a particular problem in the Air Corps for example, it raises another issue of the whole policy framework for providing the allowance and how it has, the actual sanction for the allowance, how it was stretched. That is just an issue there that has happened, but the negative impact of engaging with let's say the likes of PDFORRA

is that it has brought a lot of their own baggage to the fore. Other issues that have kind of happened in the past in relation to the Air Corps. You know they will drag everything up and they will also bring it down to the low level when you are trying to put away issues. You have to keep bringing them back, this is the big picture thing here, they will stretch it out for their own purposes to actually not reach a resolution you know. So in terms of if you want to talk about the negative issues here it would be about the management of that. Really it's about trying to manage from the departments point of view, and military managements point of view, trying to manage that whole relationship there and to stop them from bringing it down to the low level. That would be one of the negative things.

SC: By the low level there.

FL: Individual issues.

SC: Are you talking about individual issues?

FL: Yes, yes.

SC: Is there a tendency for example within your role, within the Department to let's say aim or to target a solution for bigger issues and then to end up dealing with individual level issues that arise.

FL: Yes. Another example is reforms in relation to Acting and Substitution Allowance that we are trying to introduce. Again PDFORRA and I wouldn't necessarily say RACO, bring it down to the individual level where what has happened is, we had become swamped with individual issues, rather than having time to look at the big picture issues. As in like the strategic policy that we need to put in place and we have had to pull back and say no, we are not dealing with more of these individual claims. These are the issues we are dealing with and this is what you have to engage in, now we are not paying these. Then they sort of side flank you then to actual go to judicial review of your decision then not to actually pay people or they will threaten legal action looking for an order of maintenance. So they are the negative impacts of engaging with the likes of PDFORRA in relation to the

introduction of new or reformed HR practices. It would be much easier if we could just say as they do in the Civil Service for example, is the Minister actually has the power to change the terms and conditions. You don't have a C&A scheme as such, you have council alright, but you don't have to engage with employees. The Minister can just say actually, by way of circular. This is the position and that's just it. There is no engagement as such. There is just consultation, but it is only cursory consultation in the sense that the unions are actually informed, this is the position. They may maybe have minor consultation with them to get their views, maybe get them on board but generally you don't have to go through a conciliation and arbitration dance for want of a better word. I don't know if you understand that?

SC: I do, yes. I think I understand. So you have some negative elements with it but in terms of positive issues.

FL: Well you get a gain, a good understanding of the issues, not just from an individual level but from a general, and you can see where the association, where the employees are coming from. That one be one of the positive things. Plus you get buy in as well.

SC: Right.

FL: That's if they want to agree to things. Then if they go to adjudication then, or other party intervention, it means that somebody else is making the decision for you, you know. You have to spill a little bit of blood first before you get there, but that would be generally the thing that there would be a decision but it doesn't necessarily mean that it will go the way we want it either, which has occurred in the past in Border Duty Allowance for example. So that would be some of the positive things there, that you would get buy in.

SC: Right. Then in terms of right, we have talked about positive and negatives there but on a balance from the Departments perspective would you be happy with the balances between the positives and negatives or would you like to see the engagement process tweaked slightly?



FL: I would like to see the engagement. I think that the system that is there at the moment, the conciliation and arbitration scheme, needs to change. We have a chair let's say, who is provided by our Department and it's not conciliation or kind of movement towards an agreement in a true sense if you know what I mean. I think somebody with mediation skills would be much better chairing a meeting between associations and the employers side. As in like being able to reflect things back and move things along and a lot of the meetings, the kind of set piece meetings, to actually do the deal you need to do it off table, you can't do it at these forums. It doesn't work. They are too artificial, so they are. There is an agenda and these are the issues that we will be discussing and stuff but it doesn't necessarily mean that your going to get movement on them or proper discussion at those set piece meetings. You actually do much better business in terms of moving things along, teasing through the issues, having a good I suppose nitty gritty discussion off the table and you need to isolate both associations. In order to do that. Not to have both of them in the room let's say for the reforms which was the case for the Croke Park Agreement, we had these bi-lateral discussions where everybody was at the table and it just does not work, so it doesn't. Because they are just play acting for each other.

SC: You need to deal with each on an individual basis?

FL: Each on an individual basis so you do yeah.

SC: OK. So then in terms of dealing for example on an individual basis with each of the associations, are there times when agreement just cannot be reached?

FL: Oh, there are, yes, yes.

SC: And in those situations when agreement cannot be reached, does that create a difficulty for you in terms of introducing practices that you want to introduce?

FL: It means that you have to go to another forum basically for someone else to adjudicate on it. It means that you have to do a lot of preparation then actually. Setting out your stall, setting out the issues from the department or managements

point of view, and you also have to set out the issues from the associations point of view and put them to a third party, and present your case. The associations then present their case. It could be in the High Court as well, not necessarily in the C&A forum as has happened in the past. So that can be very resource intensive. That's the main difficulty from our point of view. It can tie up.

SC: Resources.

FL: Resources. Yes.

SC: And in terms of time would there be much implication in terms of time delays in the introduction of?

FL: Yes. Time delays. Particularly if there are high court judicial reviews taken in relation to decisions that we may have made. You have to go through the whole high court system and we have a few cases that are going on a couple of years and we can't actually progress them because of the fact that we are waiting for progression in the courts and for decisions to be made then eventually when the cases get to court.

SC: Ok, so particularly anything that moves to High Court level or into the judicial system, creates significant delays for you?

FL: It does yes in terms of delays it does yes. It does indeed.

SC: Ok, and I suppose internal in the conciliation and arbitration forum in the Defence Forces and the Defence Sector, are the structures that are in place sufficient to deal with the challenges that are arising now in terms. (Recording Break due to interview interruption).

SC: In terms of the introduction of new measures under let's say the Croke Park Agreement and under future collective agreements where the government is trying to introduce a modernisation agenda, is trying to introduce I suppose big scale projects

in terms of let's say the new NCO promotion system that came in, are the structures within the C&A process sufficient to deal with that?

FL: No, and I will elaborate on that for you. For example, let's say, you give the example there of a merit based system which is basically for promotion, which is the norm across the public sector now. The difficulties I suppose in terms of if you talk about what actually occurred in the introduction of that, the difficulties there are that there were a number of issues that we were trying to resolve, which the PDFORRA association did not actually bring to our attention in terms of the actual I suppose, the seriousness or the difficulty in terms of getting it past their membership from our point of view. One of the difficulties I think that PDFORRA would have encountered in actually the introduction of that new reform was that they didn't actually go around and brief their members in the same way that RACO did when they were introducing the officer merit based promotion system. So at the time when it was being introduced then, PDFORRA didn't know what was actually like the blockage for their members and what would really be a deal breaker for them, and then they didn't actually discuss the issues with us in depth. I'd the sense to give management side an indication that these were actually the issues. Instead they went straight to judicial review so they did. They didn't use the systems that were in place, and I don't even know if with the systems that are in place if we could have reached agreement because the issues were, they were of sufficient I suppose seriousness from PDFORRA's point of view, that there were people there, there were individuals there saying no were not signing up to this, we won't agree to this, to the introduction of this, unless these issues are resolved. So there was no mechanism in place here within the C&A scheme in which we could all sit around and somebody would say these are your issues and how do you feel about that from the management point of view. How are you going to resolve and deal with. There was no mechanism there to actually progress or find some sort of internal resolution rather than the courts. The C&A scheme is too formal in the sense, as I described earlier, you have your set meetings so you are. The informality that we have in terms of the actual discussions that we have with PDFORRA or RACO. It's basically, it's built up from individual level so you know of basically your own relationships with the association members, the General Secretary, the Deputy Secretary and the executives of the associations that you deal with on a regular basis so basically their hands can be tied then. They don't

necessarily always tell you that this is the issue, as well you know, and it is the National Executive that make the decision to vote or go the judicial review route or whatever. So they don't necessarily have power always to make those sorts of decisions. So they. The C&A scheme does need another dimension to it I think. In terms of the ways it is operating at the moment.

SC: Another dimension in terms of ?

FL: Dispute prevention from moving to judicial review, because nobody wants that in terms of like it's the costs for both sides. It's not just in terms of the legal costs but also resource costs and the delays in implementing reforms.

SC: Ok. Then in terms of let's say industrial relations within the Defence Forces and the Defence Sector, you have dispute resolution when two sides can't reach agreement and there is a formalised dispute and a resolution is required in terms of a judicial review or external arbitration, but in terms of dispute prevention and actually stopping a disagreement from becoming formalised and turning into a dispute, is dispute prevention practiced within the Defence Sector between the parties?

FL: It is. Yes. Yes. I'm trying to think of an example there now. Without getting into specifics, there would be an issue with fixed period promotions at the moment, so there would be, and we have been trying to prevent things from going into the judicial forum there. In relation to trying to achieve resolution, so we will have to bring issues to RACO to try and resolve the blockage just that are there in respect of there is no particular posting, so we will have to put something to the associations as part of a collective agreement, so as there is a buyout formula or something, or we don't know as supernummary posts to be created, as we need some sort of resolution there and an agreement that we can put past the Department of Public Expenditure and Reform as well, to get their buy in, in terms of how we deal with that particular issue rather than having the individuals who are affected taking judicial reviews and ordering the department or the actual Minister to make particular decisions by way of an order.

SC: So there would be a willingness, in your opinion, with the parties to engage and try and avoid escalation?

FL: Yes. Yes.

SC: And within the context of industrial relations, not just in your current role but just in general, have you previously had any exposure to mediation or the use of mediation?

FL: I have yes. I trained as a workplace mediator when I worked with the Equality Tribunal. I was there from 2007 to 2011, so I was a Principal Officer there and I was in charge of a number of areas, but one of the things I was actually involved in was the workplace mediation, and extending that, and training new people including myself. There was a number of people who were actually trained in it and I had staff working for me who were equality officers so I would have been involved in the whole workplace mediation problems for those individuals and setting up cases, and identifying cases in mediation, identifying the cases that were more suitable. This was in the context of discrimination under the employment equality acts. So I would have quite a bit of experience there and it does actually work. The only time that I discovered that it doesn't really work, if there are legal issues you can't mediate on legal issues. It's not possible. It's also more difficult if there are legal people there with the employees or whoever is involved in the, in the mediation process because they don't actually have I suppose the sense of being more consensual in their approach. They're more adversarial in their approach, and that's by nature. It's their training. So it doesn't necessarily always work. You also need people there in terms of decision making, if you want to reach agreement, who have the authority to make decisions as well. My experience of it, there is no point in having somebody in a mediation forum who says 'Oh I have to get back to you on that'. Because generally to try and reach resolution you need to do it quickly. So you do. That would be my own experience of it, and you need to sign off on it, and get your wording agreed in terms of an agreement, if you right it down. You need to get that done there when the parties are in the room, because if you go away it will just unravel. That has been our, my own personal experience but also other mediators, it has been their experience. And if I may digress a moment, just in the context of let's say the current

pay agreement. The Haddington Road agreement. When we had the Croke Park Two talks it was very interesting in that the actual agreement for the Defence Sector wasn't actually written up until actually the following day, ok. I had left the talks because it was the middle of the night, a few of us had left, and Colm Campbell and Kieran Murphy who is the. Kieran Murphy and ACOS were there and the associations. There was very few people there and it hadn't actually been written down. If I had been in the room I would have insisted that everything would have been agreed and written down because it started to unravel afterwards, and I got a desperate phone call from ACOS and Assistant Secretary Murphy the following morning. I was actually in the office. I had come in and I just said. I kind of had to use my own skill sets to say well this is what you need to do to bring them back into the room because it was disintegrating right in front of their eyes again. Like they thought they had reached agreement and then the other side, the associations started to pick holes in it and wanted to dilute it and I won't describe in language what was described to me. I wasn't pleasant. So that would just give you an idea, you need to, in terms of let's say reaching any sort of a resolution, you need to write it down. That would be my own experience of it.

SC: Ok and in terms of the Defence Forces and the C&A process, you have described how sometimes with the bigger issues when we are trying to introduce things that it ends up moving onto judicial review, and the time involved and the cost and the resource implications for it. So within that context do you see any capacity or possible function for the role let's say of mediation to take place on some of the bigger level issues before it is then moved on to something like a judicial review?

FL: I certainly do think that there is scope for that would be the case in mediation that is being introduced in the courts as well. You need some sort of alternative dispute resolution mechanism and not necessarily the C&A scheme. I don't think that the, let's say the role of the chair isn't. It isn't appropriate for someone in the role of the chair who's coming in from the department side to actually be involved in that type of alternative dispute resolution mechanism. There certainly is scope there for a mediation type process as some sort of alternative dispute resolution process to have in place, to get both sides to actually reach some sort of resolution. To agree and to write it down so that both sides can see where each is coming from, so you

have resolution, rather than going over and back and having table tennis thing, going over and back with each other and then it disintegrates and it goes to judicial review which has happened, that seems to be the way it works.

SC: And then you spoke earlier about quite often the representative associations, including PDFORRA would deal with a larger scale issue but then bring it down to a lower level individual issue. If you were involving let's say a mediation session as part of trying to introduce a large scale modernisation practice in the Defence Forces, would you have concerns in terms of the representative associations, trying to then get involvement of third parties or mediation at lower levels issues as well, and if you did have those concerns would you want to try and ring fence it away so as it was only confined to larger scale issues?

FL: That is a difficult enough question because from my own experience mediation works so it does. It would be very resource intensive if we had mediation or some sort of alternative dispute resolution mechanism in place for the individual level, in terms of let's say little issues for pay and allowances or you know those sorts of things. I don't think we would be able to handle it from the departments point of view in terms of resources. There is certainly scope for the big picture issues there, the more reform practices that we want to introduce. There certainly is scope there for intervention for want of a better word, for mediation or other form of conciliatory process to actually make people come to some sort of a resolution, agreement.

SC: Ok so overall I think we have covered most of the questions now but in terms of the general concept of introducing a mediation element to the industrial relations relationship within the Defence Forces, do you have any other comments you would like to add or any other points you would like to make?

FL: I certainly think it would work on an individual basis if there was a workplace mediation process in place let's say, between Defence Forces management and the individual because I don't know if that's in place already. It certainly would stop a lot of the redress's, redress of wrongs. But I know that they are a formalised process and they go to the Ombudsman for adjudication, but I think that things might actually be resolved more informally if there was a trusted mediator. It would have to be an

external person, not somebody, I don't think it would be appropriate to have somebody in the Defence Force. Somebody who was trained, who has good experience, certainly would work, particularly in the workplace environment there are all sorts of different mediators that you can have. But if you had somebody with workplace experience, maybe a former equality officer, somebody like that I certainly think there would be scope there and it would resolve a lot of issues before they escalate and it would get the employer to see where the individual was coming from and also the individual to see the big picture as well. How they fit into the whole system. For example the whole re-organisation of the Defence Forces, there would be a number of cases there where some people feel very aggrieved because they have been moved and stuff. But if they were able to have their say as such. Be able to get their issues out on the table, how it is affecting them and also the employer, and be able to say this is what we need to do blah, blah, blah. My only concern would be in the concept of the military environment where you have the control and command structure, would management be able to deal with it, and be able to move in that, and work in that environment, seen as how you can be very rigid in your, in your thinking and stuff. Sorry to say that but do you know where I am coming from with that and would the individual then who is actually mediating from the employers side actually have the authority to make the decisions. They would be my only concerns about that.

SC: Alright. Thank you very much.

FL: You are more than welcome Simon.

INTERVIEW COMPLETE



**Appendix 16**

**INTERVIEW TRANSCRIPT**  
**GENERAL SECRETARY – PDFORRA**  
**(NON REDACTED – NOT FOR GENERAL PUBLICATION)**

Date of Interview: 14<sup>th</sup> of June 2013

Duration of Interview: 26 Minutes and 35 Seconds

Location of Interview: PDFORRA Headquarters, Benburb Street, Dublin 7

Interviewee: General Secretary, PDFORRA

SC: Simon Cahill present with Gerry Rooney. Gerry from your perspective and from PDFORRA's perspective what type of positive as well as negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR processes in the Defence Forces.

GR: I think the main beneficial outcome from the association and its members perspective is that the issues that are being the reformed HR practices, are often issues which have a very big impact over the control of peoples working lives. Issues that are important to them in their working lives, you know, assignments, promotions, selection for overseas, selection for courses. Development issues are really the areas that are covered by those and there is a very, very big demand nowadays for greater control from the employees perspective, and really all those opportunities, every time there is a reform, gives the association an opportunity to impute to some extent a greater level of control over peoples working lives, and you know I suppose the promotions area is a big area where we would have seen that recently. There is an issue between ourselves, members of the association who would want greater merit, those that would wish to rely on greater service and a compromise between those groups, but that is almost between us. The bigger issue obviously is the degree of control it gives people and control in things like predictability, consistency, and the old promotions systems for example. They were, they gave a great deal of authority to the people who were serving on promotion boards. That was, because of the written criteria that applied was relatively vague, that changes on different occasions, changed in different locations, it changed with the same personnel

sometimes. So the degree of control is what we would have, that is the primary objective I think to put into that, and I think it's to ensure that consistency and standardisation is applied. Personally speaking I think that is also a benefit for the employer. The employer surely does not want to be seen as someone who is acting in an arbitrary or capricious or unfair manner, and that that they would agree to many of those proposals and that's certainly the central focus of what we would be doing in terms of new HR practices.

SC: Ok and in terms of let's say over the years, working with PDFORRA, working with military management, as representation has become more developed and has become I suppose more accepted within the organisation, do you feel that that has been mutually beneficial to both elements?

GR: Well I do yes and like you say the issue has evolved and we probably didn't pay as much attention to these matters as we should have. Certainly in our first decade of existence was probably focused on money issues, money, pensions, leave, you know. Those types of material issues. Very much so since the work that has been done on the, with that Doctor Eileen Doyle, and 'Challenge in the Workplace', the, initially grew out of issues regarding bullying and harassment but it was a far bigger issue than that. That has refocused us over to the other issues that we feel have to be done but I do feel that management are also the people that do benefit from that and indeed on occasions I would have done an address, to maybe a Command and Staff course or maybe a Junior Command and Staff course and people have said, you know like, and it's unfair to them perhaps to be carrying out, their the one, the one to be doing fifty or sixty 667's. They have not been in the unit long enough. They do not know the people well enough. The systems aren't there. They don't get the support to apply the system in this manner. So there is even from a management perspective there is a demand for that type of clarity to be applied to the system.

SC: Ok, and in terms of let's say reaching agreement on the introduction of new practices, new policies, new measures, how often is agreement reached, how often is agreement not reached? You know what type of balance is there?

GR: Well I would have thought that, if you are talking about HR practice end of it, I would have thought that generally speaking agreement, you never get 100% agreement but there is general agreement usually on the issues. The disagreements will arise in relation to some of the specific measures within it rather than to the, to the principal of, I suppose in recent years I can't think of any complete principle where we would have disagreed on. The issues are more to do with some aspect of the detail of it. There would always be, I think on every occasion there will always be disagreements in relation to those points but in general yes, between management and PDFORRA there is at least agreement that we should have some agreed processes governing various aspects of the I suppose the HR policies in the Defence Forces.

SC: So overall let's say I have spoke with the Director of Human Resources, I have spoken with the Principal Officer in charge of C&A in the Department of Defence and there would be a view from both of those parties that there is positive engagement with representative associations. Would that be your same view?

GR: Yes. In general yes. There is very much, within certain parameters, you know obviously there are imposed policies. Particularly in the current environment are coming in from above and are very much on a take it or leave it basis as you know now, but generally speaking yes there is positive engagement with both the department and with the military authorities, and particularly with the military authorities at the national level where we are actually agreeing and developing new processes. That's, I mean I think it's inevitable, and everybody has to accept that there will be differences within issues between staff interests and management interests but I mean that's life. But you know I think there is generally positive engagement.

SC: Ok, and over the last number of years we have had the introduction of the first public sector service agreement in terms of Croke Park, and we may potentially have a follow on public service agreement. The government has a stated modernisation and reform agenda within the wider public sector and as you would have described yourself generally speaking agreement would be reached, but it would not have been 100%, so in that context and in the context of additional reform measures being

brought into the conciliation and arbitration process, do you believe that that forum is equipped correctly or correctly designed in order to be able to resolve disagreements when they arise?

GR: Well I think that's what's positive about the new agreements if you like. The public service agreements and now potentially the Haddington Road agreement replacing it, is that they do provide for third party referral on a broader range of issues. So you know, in the standard circumstance before, you know before the current economic crisis, there would on occasion been reform introduced and the difference from our perspective is that we could have no access to third party on those. They were, unless they were to do with pay or the quantum of leave, it was conciliation and that was the end of the road. We wouldn't have been able to advance issues any further. Strangely enough because of the nature of the current agreement now, we have access to a broader range of third party decisions on issues that would have been wider than the traditional ones. So essentially any of the reforms / proposals that are encompassed by the agreements gives us that wider access. Which from a staff point of view the likelihood of advancing the position beyond that what was agreed at conciliation. So we have not physically done it on any occasions though I would suspect that we will do but we have, but I suppose we have mentioned that it is the next stage and I think that even that prospect assists the process of conciliation.

SC: OK then in terms of let's say dispute prevention and dispute resolution. Dispute resolution being where there is disagreement within let's say your conciliation and arbitration forum and then you refer a matter to a third party to let's say adjudicate on, or dispute prevention whereby you are trying to resolve matters internally within the forum or internally at association level and devolved level, to what extent do you believe the department and Defence Forces military management want to engage in dispute prevention? Do you believe they make significant efforts or not to prevent it from escalating?

GR: I think in certain areas I think my own view in terms of the relationship between the associations and the department, and when I say the department, I think it's in the broader sense including the military authorities at that level, is there are often

occasions where there is, there is actually tacit agreement between the parties but the line that they must follow is what is dictated by their bosses, I suppose is the correct way to describe it, would be DPER, would adopt a common position for all public service organisations, and that will be despite perhaps the protestations of the military authorities and the department and is imposed. That certainly leads, those circumstances certainly lead to disputes. You know, I would suspect for various reasons during the conciliation process that the other side are doing this because they have to, not necessarily because they think it's the right view. So in those circumstances I think whatever was available to assist us in coming to a more acceptable agreement is what they would ideally like to do. I'm not sure it's the position DPER would adopt but you know the local department, the military authorities, they may take that view, and I see that difference. By the way it may not always be stated but it's obvious.

SC: Ok, and you spoke about there having more access to, as a result of the new agreements, having more access to third party elements in the process, to date have you had any access to mediation services?

GR: No under the current arrangements, no. There hasn't. There is under the scheme an ability to, under the normal course of events, to facilitation and we have done that twice. Now that's twice in since when did we start this process? 1993. So twice in twenty years we have used facilitation. Once I would say successfully.

SC: And in the context of let's say mediation, trying to come into a process, this is external mediation, coming into a process, let's say a conciliation and arbitration forum, where you have three parties to the Defence Sector sitting down trying to reach agreement on a particular issue. There can obviously be different personalities involved there can be different opinions involved depending upon who's in the different positions, the different offices at the time, can or would you believe that the use of a third party coming in to this kind of process, to assess the types of positions that people are taking, to discuss the positions that people are taking in an open forum might help alleviate more of the I suppose severe positions that can be adopted by parties at times?

GR: Yes. Very much so, and mean that's even different to what I have described to you previously was were the parties sometimes almost want that to be the case, or elements of them do. But obviously I think that sometimes the involvement of third parties provides a reality check from both sides by the way. Certainly we would say that we want management to have reality checks on particular issues but it also allows the representative associations to look at what they've adopted and proposed in a different light, depending on how a third party would engage with them on that. Because I mean, I suppose that down through the years those types of facilitations and on other occasions, sometimes you know, people who wouldn't be officially the mediators might actually adopt some of the practices of mediation to get, you know, a banging of heads together, to get you know, rather than having me making a decision, you know consider these issues, you might not, and that de-facto is not officially provided for but de-facto that could be useful as well you know.

SC: OK. Within the context let's say of the conciliation and arbitration forums and where you have let's say discussed that in general agreement is reached on an awful lot of matters but at times it cannot be reached. When it cannot be reached what options are open to you then at that stage?

GR: Well if it's a financial matter or a quantum of annual leave we can go to either adjudication or arbitration and we have done that quite successfully on a number of occasions. The if it's not we do have a difficulty from our perspective its, there, we can take the issue no further. It can, it probably causes the greatest degree of anger I would see among our activists and the members perhaps who are impacted in relation to that, and there would be demands for example for maybe political lobbying, and that has been done on occasions. Generally not producing much. One or two times it has. You know engagement with the press. Highlighting an issue of particular concern and again not much success, you know very few areas if something goes to the media, unless it is absolutely scandalous, you know the media doesn't change public opinion or political opinion that much. So those are the kind of, you know, what could be done if there is no access to adjudication or arbitration, you know. My own view is that it is often fruitless. I mean, you know, we will do it on occasion and it has occasionally again produced success but largely fruitless.

SC: So, let's say in the context of future collective agreements, perhaps now the new Haddington Road and perhaps follow on agreements thereafter, and the governments attempts to have a reform agenda and to improve as many practices as possible, to modernise the wider public sector including the Defence Forces. The department and military management have both within this interview processes described to me how they want to maintain a positive approach to industrial relations and to engagement with representative associations, so in that overall context and the context of trying to ensure that we can sustain the operation of collective agreements into the future, the kind of frustrations that you speak about there. That you can't develop a situation, or you can't explore other avenues, would you see a possible role for third party mediation to come into the conciliation forum, to discuss those issues, to try and look at things from a different perspective, to try and other people to look at it from a different perspective, and perhaps to enhance the possibility of reaching agreement?

GR: Well yes. Yes, I mean particularly as you say in those ends, certainly from a representative point of view it's going to further the their positions and their interests, if that could be achieved. I mean, I suppose the issue is ideally it would be done in some way that doesn't just rely on the good faith of the parties. The, you know if you were to introduce something like that, where you were to bring people in to try and you know, produce agreement, an agreed position. The, it is open to all the parties, but I would suggest in Defence it is because there is no, there is no industrial action threat from the workforce, so you know, management has a, has a I suppose stronger hand in relation to that, cause they can sit it out you know. You know a mediator might well say, your position of that is untenable, you know. You should consider moving towards the position of the associations in some ways of doing that. But actually there is no obligation, there is no, unless there was something that went beyond it, say in the very least there was a report issued by a mediator to the extent to say the, you know, in the mediators opinion, there was the prospect of an agreed position and ideally it would be better if there was access following that mediation to a third party decision. I mean because the big difference between the C&A scheme and the access to the Labour Court as I see it, and they do have as you say very well developed advisory services and mediation services. The big challenge I see in

the LRC is getting people talking to reach a compromise because the bigger danger in all of them is, I mean the unions and Bus Eireann for example, we will just go on strike. Now there is an element of nowadays there is an element of suicide in that because, ok you have a very strong hand to play but you are actually damaging the company itself, you know, that is providing the resources. So, but the LRC has all those because they are in the background. None of that's with us you know, so if we were to move to a system, closer to what the LRC provides. The entire package, rather than the, the C&A scheme I think de-facto we would be likely to see far higher levels of mediation anyway. Now, it would always be better if it was provided de jure of course, but I mean it's the, it's the necessity for it, would become certainly greater in my view, from everybody's perspective, you know. Now that's not to say, their not saying that the Defence Forces associations would have the right to industrial action. It's to say that the LRC operates generally with unions and associations that can. So for example you could go on a non-pay issues, a promotion or a selection criteria for overseas. You could end up going to the LRC for an adjudication decision and, but we don't have that option in the scheme. It almost you know a take it or leave it type of arrangement. And I think, you know, if there was a greater range of issues, perhaps it would be interesting. The, the, I would suspect that under the Haddington Road agreement I would say there is a number of issues where we would say you know, no we're not agreeing that. We will take the dispute resolution mechanism if you don't mind. We'll let, somebody might say, rather than going over there, let's have an assisted conciliation process to talk about them. So I think that de-facto that could be something in that general direction.

SC: So, in terms of let's say, as you say there, in terms of the Haddington Road agreement or future collective agreements, the capacity to resolve disagreements and to prevent them from becoming bigger issues because possibly there could be a build up of tension over time, a frustration amongst your membership. Would you feel it appropriate that there is an expansion in general terms of the types of dispute prevention or dispute resolution practices that are available to PDFORRA and the wider Defence Sector?

GR: Yes. I think, you know. I came in here in 1994 and knew very little except generally what I had read about industrial relations, you know, but having actually



practiced it over that period of time, that's the. The particular circumstances of the Defence Forces should in my opinion lead to greater provision of both, you know, dispute resolution and dispute prevention mechanisms across a broader range of issues than is currently available. I mean, I think that you could say that it does exist for a pay issue because it is arbitral or adjudicable, so therefore you would have access to facilitation before if the parties are of a mind to do that. But I think that the general issue is, because of the particular circumstances of our organisation, you know the Defence Forces, you know, the Defence Forces can't be striking you know, you would have to have the prevention and resolution mechanisms that compliment that position, and I think it is a broader range of both, both the prevention and the resolution.

SC: Ok, thank you very much. Just in terms of wrapping up. In the context of this research and looking at perhaps introducing mediation in the C&A forum and within the Defence Sector, is there any other points you would like to add, or any other points you would like to comment upon?

GR: No I don't think so. I think the piece of work you're doing is quite interesting, it's quite meritorious. I think it would be interesting, I think probably from, your motivation is, you maybe arrived in HR the same way I arrived in representation, with a particular frame of mind but it gets altered by the process, you know. So, but no I think we have covered the issues, the particular issues that apply here. It will be interesting, I'd be interested in the outcome of your piece of research, you know.

SC: Thank you very much.

INTERVIEW COMPLETE

**Appendix 17**

**INTERVIEW TRANSCRIPT**

**HEAD OF CONCILIATION AND ARBITRATION – DEFENCE FORCES**

**(NON REDACTED – NOT FOR GENERAL PUBLICATION)**

Date of Interview: 18<sup>th</sup> of June 2013

Duration of Interview: 24 Minutes and 32 Seconds

Location of Interview: Department of Defence, Station Road, Newbridge, Co. Kildare

Interviewee: Head of Conciliation and Arbitration, Defence Forces

SC: Captain Simon Cahill present with Lieutenant Colonel Fogarty. Sir, perhaps I could begin with asking you what types of positive and negative impacts does engagement with employee representative associations have on the introduction of new or reformed HR practices in the Defence Forces?

EF: I suppose the important thing to start is that regardless of the modification of HR procedures, protocols or practices within the Defence Forces, the scope of representation within the Defence Forces is defined both in legislation in the relevant DFR's and also in the agreed terms and conditions as laid down, and they, its more confined then the usual IR situations when compared with normal civilian organisations. I would say that from the aspects of the representative associations if there are situations evolving or we are bringing in new practices then their ideas can be harvested, either through formal engagement or informally through the back channels. There are as many back channels as there are front channels within the military organisation. The important thing I suppose is that there are boundaries. There will be set boundaries in what is acceptable to both parties as to the level to which they can either submit views. Of course anybody can submit anything, but to as to whether or not the views are acceptable to the military chain of command. There has to be buy in by the organisation itself as well as by the representative associations into the complete process, and I think in general there is. It's a question of swings and roundabouts. You may lose one, one day, but you may gain something the next day. But both representative associations I think at times may often think that they have greater power then they actually have. Ultimately the

Defence Forces is a military organisation. The representative associations can in emergency be suspended completely in the morning and stood down. And while consultations can and do take place, we may ultimately reach a situation where a decision must be made, and the decision will be made by the military chain of command or by the Department of Defence. And that those decisions may be at distinct variance to both the requirements and the desires of the representative associations. But being members of a military organisation they have no option but to live with it and comply with it. They may continue to object but they ultimately are in a military organisation.

SC: Ok, and then let's say within your role within the Conciliation and Arbitration Section, you have an awful lot of day to day dealings with the component elements of the Defence Sector. Ourselves in terms of military management, the representative associations and the Department as well, and on a day to day level do you see positive buy in from these various actors or do you see a reticence to buy in from these various actors?

EF: It depends on what overall objectives each of the individual actors are trying to achieve. You can definitely see at time a convergence between the military chain of command and the representative association in what they want to achieve, and then other times a buy in between DOD and the representative associations. So there is, there is almost like a three way friction taking place. Sometimes its two against one, other times its one against two, and vice-versa, and each one will try and work the given set of circumstances to their own individual organisational benefit or advantage. It depends on the strategic aim of the representative association in particular. I have a feeling that PDFORRA in particular go for more short term aims, whereas RACO are quite willing to leave the odd body on the battlefield to achieve their strategic aim or their overall objective. If I could describe it as strategic versus lower level almost parish pump politics. Ok, that is the way I would describe it and in some aspects to give you an example, we had the recent change in the promotion system for the non-commissioned enlisted ranks in particular, and to that extent whilst a distinct system exists for the officers and has almost been running since the early nineties with some modification, the new change for the enlisted people, I don't think they fully understood what they were buying in to. And hence they didn't vote

on it. Their membership didn't vote on it and so we had the unusual situation where we were implementing promotions in a new system yet they were supporting individual members taking legal action against, shall we say overall change in protocol and procedures that they as an organisation had agreed to. So I would say that there is always the possibility of. To revert to your original question, there is always the possibility of that each gets its own bit from it and tries to advance to their own objectives and achievements. And there is give and take. If you can get most of what you are trying to achieve or you forego something in order to achieve something else, that is how it is done. It is a *quid-pro-quo*. It has evolved since representative associations came into being almost twenty five years ago. But there is a certain amount of give and take, but ultimately if the decision has to be made, the decision has to be made and that is it.

SC: And when you are talking about giving and taking, and an awful lot of I suppose formal and informal contacts between the different parties to the Defence Sector. There is obviously an awful lot of resources and effort and time put into that. Do you believe that the benefits outweigh that?

EF: I think they do in the long term. It may not be obvious in the short term that the amount of resources committed in terms of personnel from a HR perspective or here in C&A achieves anything as we slowly grind through individual cases submitted, and the research that has to go in to either support or to reject a particular case, can be both time consuming and drudgery even at times. But I feel that it is well expended because you create precedence by doing things in a particular way. Whereas if you get an agreement on a particular subject matter and how it is to be applied even to the individual, you can then apply it to other individuals and even to things like that subsequently. You can create a precedence then you cannot very well the following day break the exact same precedence.

SC: Ok, and in terms of let's say you are talking about day to day going through all the different issues and aspects that come in, are there times when agreement cannot be reached with representative bodies?

EF: Most certainly, and I suppose the solution to that is that we have disagreed reports which is more on the DOD side of the house, and they in turn will bring it to arbitration. There is currently a hiatus in relation to arbitration because there is no appointed arbitrator. Both representative associations have rejected the appointment of a member of the staff of DPER as an arbitrator, because they simply do not see them as being sufficiently independent to give an unbiased view on a, on a matter that they are arbitrating on. If you take it at a lower level, at a green on green level, if they are not happy with a procedure, how it is dealt with there. Then we have the layers and they can bring it up to the next level and can bring it up to arbitration. It can be something simple that can be dealt with at the military forum level which takes about two months or thereabouts, and that can be cascaded on to council, and from there to arbitration. And if they are feeling really tetchy about it what can happen is that you slap in an immediate judicial review or solicitors letter or correspondence or something like that. And at times while we will deal with those matters and, it can often be used as a mechanism for them to add grease to the mill in their dealings with DOD in particular. Not necessarily the military side of the house.

SC: So then in terms of let's say the collective agreements which the government has introduced and is trying to introduce under the Haddington Road agreement, and the overall modernisation agenda, modernised practices in terms of HR, that are trying to be introduced across the whole public sector and in the Defence Forces as well. Does an inability to reach agreement on certain issues cause problems for the introduction of these types of modernised or reformed HR practices?

EF: I think you can take it that the Defence Forces has been ahead of the loop constantly on these things. As was described by the Chief of Staff as performance punishment, we also achieve our objectives whether it is in terms of reorganisation, or anything else. Pause.

SC: Ok, slight interruption in the interview. Recommencing interview. What we were talking about was the ability for new and reformed HR practices to be introduced within the Defence Forces under the governments modernisation agenda and does

disagreements with representative bodies create a problem for the introduction of those types of measures?

EF: I don't think so. I don't think do, for the very simple reason you have the Haddington Road agreement, two new Conciliation Council agreements, 447 for officer promotions and 448 for enlisted promotions. Those were generally engaged or evolved from engagement with the military side and combined with DOD and the representative association and to that end they were achieved without any external input. But if you require any further changes particularly the introduction of the competencies and things like that, then there's no denying we may have to engage the expertise of an external third party who will be seen to be a fair and independent third party to assist, particularly in that specific area, because there may well be conflicts. Ultimately we have got. This is being introduced to ensure the, not just for the benefit of the individual or the representative association, but really for the benefit of the organisation and its capabilities.

SC: Ok, then in terms of the introduction of the measures, and you spoke about CCR 447 and CCR 448, does engagement with representative bodies lead to delays in the introduction of measures?

EF: I think it can. From experience, early last year with PDFORRA when they delayed signing the new agreement and that in turn delayed the whole sequence of promotions. And I think their own difficulty there in signing was in terms of their own internal difficulty, in that the National Executive, it took them a while to agree it. They decided not to go out to their membership and then subsequently when it did come in, all their members had not necessarily bought into the new change in procedures which ultimately resulted in difficulties for the military chain of command in implementing those processes.

SC: OK, and then in terms of the introduction of these large strategic measures, I have spoken.

EF: This is the Haddington Road Agreement and Croke Park and things like that?

SC: Yes, and then natural follow on from those agreements perhaps in terms of modernised practices, redeployments, etc. The, I have spoken with let's say the Director of Human Resources – Colonel Brennan, I have spoken with the Principal Officer from the Department – Fiona Lafferty, I have spoken with the General Secretary of PDFORRA, and within the context of those interviews one of the common threads that has come across is how easy it is to start on a strategic issue but then all of a sudden find yourself dealing with individual issues and individual member concerns I suppose. Would that be your experience or?

EF: It would in general. It can be very easy to engage in. To come to resolution on the strategic issues, but it is the application of the strategic issue as it ultimately cascades down to the individual. Because we see that, even in the whole re-org of the Defence Forces, where we did re-assign people and things like that, we still ended up with solicitors letters and querying the processes and procedures and things like methodology that was used in the re-assigning process. Not very many given the fact that we re-assigned and re-located some 1,800 personnel. I suppose we have had half a dozen cases that is really about it. And we have had a number of subsequent cases with the re-organisation of the RDF as well too.

SC: And you have spoken once or twice let's say about solicitors letters, judicial review and the judicial process and representative associations resorting to judicial processes. If and when that happens, what types of problems does that cause and what types of challenges does that pose for you?

EF: Well I suppose it doesn't pose any major challenges for us. In our case what it does is it freezes things almost in time, maybe for the individual, maybe for the whole course of action for the particular point that is being introduced. What it does is that you have to have your research, your legal documentation. You have got to have everything in place and then the Department will judge whether it is worth their while fighting or defending their position and given the unusual aspects ties in with the State's Claims Agency. There is the financial aspect, like that involved, they may well concede a point rather than go to the full cost of actually having to fight it regardless of how valid the case may be.

SC: Ok. Then in the context let's say of the operation of the Conciliation and Arbitration Forum within the Defence Sector and how it can be best used to facilitate the implementation of modernised practices or new reforms under collective agreements. Do you believe that forum is fit for purpose or do you believe it can be complimented or assisted by any other functions or elements?

EF: I suppose when really, when something is being brought to, to Conciliation Council, at that stage you are on the cusp of almost bringing it further to arbitration. If you can resolve it either between the military chain of command and the representative association or the DOD and the representative association, then it is going to be resolved before it reaches Council. It is only the more problematic ones that are likely to actually come to Council. In some cases the Department will concede a position and the military will concede positions. In other situations you can see the representative associations, they have picked up the baton but they have run with the wrong baton or the wrong race, and literally find themselves running into the sand with a particular project or something that they wish to advance. Often at Council too, you can get, you can get matters coming up that are, that generally apply to, to the matters covered by the agreed arrangements and the claims can take a long time to come through. To work their way through and the absence of an arbitrator at the moment definitely delays the processing of claims.

SC: And then you have spoken about how an awful lot of issues are resolved internal within the Conciliation and Arbitration process, and between the different parties in the sector, and how sometimes it can be more the complicated issues that progress. So in those, I suppose, limited number of circumstances, do you feel there is any role for the use of external third party mediation to try and prevent?

EF: There possibly would be a role, yes, you know, pre-council before. An informal arbitration service I would say, rather than the full formal, that could assist in resolving the matters. In most. The difficulty in these things is the speed. Often these issues have a timeline and can impact greatly on an individual and their family, and regrettably because of the slow pace at which the whole Conciliation Council process moves and arbitration moves, you can be beyond what I would term and it is a distinctly military term, 'the last safe moment'. You have passed the timeline and



then you are left picking up the pieces afterwards. In other words, if we want to send someone somewhere to a given location, at a given point in time, and the Department have the row, situation evolves and it's not necessarily with the representative association. They might be just tangential to it. It could be between both sides of the military organisation, but ultimately DOD is going to decide policy even if there may have been agreed objectives with the Department beforehand in filling a particular appointment or something like that. Then the rug can often be pulled from under people in that process. But in relation to dealing with representative associations, possible if there was somebody there. I don't know if you would do it before Council. I think you would have to be. If there was somebody in between, somebody who could mediate before it came to Council and bring people down to earth. A person would need a detailed understanding of. I suppose a good mediator is capable of turning their mind to any subject matter that is actually presented to them.

SC: It is interesting, one of the aspects that you were just discussing there about getting perspective.

EF: Yes.

SC: It's something that has been mentioned by other interviewees in relation to the role of mediation and if mediation was to be utilised it would be about gaining perspective on the part of the different parties involved, and about providing a more timely approach, a timely resolution to a situation. Would that be?

EF: That would be, if you were to have somebody in that particular role you would need, rather than bringing in a separate individual at every time, you need somebody in a kind of semi-permanent position where they were the mediator for the Defence Organisation. Including in their dealing with the representative associations. You need somebody in that particular role who understands the perspectives likely to be taken by the two representative associations, the military on one hand and the Department on the other, because there may not be concurrence between all three.

SC: Ok. Ok. I think that is pretty much all the questions covered there now, so I will just give a final opportunity if there is anything else you would like to add or any other point you would like to make in relation to the concept of introducing mediation as a tool to sustain the operation of collective agreements?

EF: The interesting thing about collective agreements and the Haddington Road Agreement in particular, was the Defence Sector Agreement was agreed before everybody. And it was done with minimal input from the LRC and it was done just across a table between the chain of command, the Department of Defence and the representative associations. And the representative associations operating almost for the first time ever as a combined associations. And it was done efficiently, effectively. Each had their own particular approach to it but never the less it was achieved ahead of, and then we ended up with the situation where they had to get further clarifications after the big formal agreement to ensure that any advantages given to the, to ensure that members of the Defence Forces were not disadvantages by any advantages gained subsequently by other organisations. The thing to remember to is that when it comes to these agreements the military representative associations are at the bottom of the food chain. They are the last to be considered. They are an association. They don't have any striking rights or representation rights, even though RACO or I mean PDFORRA has tried to become a member of ICTU on a number of occasions. That would never be agreed to by either DOD or actually the military chain of command. And almost they are like an afterthought in the negotiations, and at times I have witnessed DPER not willing to extend to the Defence, to the Defence Organisations things they conceded to others, even though the Defence Organisations had had an earlier agreement, and it would not affect things to any greater extent should they concede those things. If anything I would say that many times in my observations since being involved in the various negotiations through, since January, at times the various, the Defence associations are looked as a kind of underclass by the elite of the union world.

SC: Ok. Alright. Thank you very much.

EF: Your welcome.

INTERVIEW COMPLETE

