

PARADOX IN POLICY AND PRACTICE: TRADE UNIONS AND PUBLIC POLICY IN THE REPUBLIC OF IRELAND

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Introduction

This paper considers the interaction of public policy and industrial relations in the Republic of Ireland. Using recent research data the paper evaluates current developments in industrial relations with particular emphasis on the role of trade unions and the adoption of human resource management (HRM) approaches. The paper concludes that despite a decade of national level 'partnership' agreements between Government, employers and organised labour, there is limited evidence of employer-labour partnership at enterprise level while the extent of trade union penetration in new growth industries continues to diminish apace. It is argued that these findings raise important paradoxes between espoused Government policy, which supports a strong trade union role in industry, and actual practice, which encourages the attraction of start-up industries which actively avoid trade union recognition. Some of the reasons for this phenomenon are also explored.

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Industrial relations in Ireland has traditionally been associated with a strong pluralist orientation. This pluralist tradition is manifested in comparatively high levels of union density and recognition, a reliance on adversarial collective bargaining and industrial relations as the key human resource priority in organisations. Despite Ireland's relatively recent industrialisation, organised labour has long played a prominent role in Irish history, with trade unions well established in many industries by the early 1900s.

In evaluating Irish industrial relations, two particular aspects of public policy have underpinned State approaches to the area: (i) support for trade unions and collective bargaining and promotion of centralised 'social partnership' agreements and (ii) Constitutional right of freedom of association.

Historically, Irish Governments have supported the principle of collective bargaining and accepted the legitimacy and role of trade unions at enterprise and national level. Traditionally, Government approaches to industrial relations were grounded in the "voluntarist" tradition, essentially characterised by a 'hands off' approach once having established a legislative and procedural environment to underpin collective bargaining. This approach was largely an historical legacy of the British voluntarist tradition. However, since the early 1980s the industrial relations approaches of British and Irish Governments have taken markedly differing routes. Recent Irish Governments have been strong advocates of centralised agreements on pay and other aspects of economic and social policy, involving negotiations between main 'social partners' (Government, Employer, Trade Union and Farming federations). Since 1987 Ireland has had five centralised agreements, with the current PPF (*Programme for Prosperity and Fairness*) agreement scheduled to expire in 2003. As we know, these agreements deal not only with pay, but with a range of economic and social policy issues such as welfare provision, employment creation and tax reform. Thus, at a macro level, the Irish industrial relations system provides for significant trade union influence in shaping economic and social policy. Turning to enterprise level, we find that both the most recent centralised agreements (*Partnership 2000* and *PPF*) have sought to promote partnership based industrial relations arrangements at enterprise level with the first of these agreements providing for the establishment of a *National Centre for Partnership* with a mandate to advance partnership at enterprise level in both the private and public sector.

A critical aspect of Irish public policy in industrial relations is the Constitutional support for the concept of freedom of association. Article 40.6.1. of the Irish Constitution provides for the right of individuals to form or join associations or unions. This provision has also been interpreted to include an implied right not to join trade unions where individuals do wish to do so. However, beyond this Constitutional guarantee of freedom of association, there is no statutory provision for trade union recognition in Ireland. This means that although workers have Constitutional support to join trade unions, there is no legal obligation on employers to recognise or bargain with trade unions.

The Situation on the Ground: Recent Research Evidence Considered

The Republic of Ireland is characterised by comparatively high levels of trade union density. It is estimated that approximately 41 per cent of the Irish workforce are trade union members (Roche and Ashmore 2000; also see Roche 1997). While longitudinal data indicates some decline in union density, it appears that union density has held up reasonably well by international standards.

While national statistics provide us with an overall picture of trade union density, it is necessary to look at union membership levels at organisation level to gain insights into the operational role and impact of trade unions. The *Cranfield-University of Limerick (CUL) Study* conducted in 1992 and 1995 investigated human resource management practices in a representative sample of Irish organisations¹. The sample frame used was the *Business and Finance Top Trading and Non-Trading Bodies*. Figures for 1995 indicate that the level of trade union density in Irish organisations is quite high with over two thirds of organisations reporting that 50 per cent or more of their employees were trade union members. Union penetration is greatest in the public service and 'traditional' manufacturing. Levels of union density were particularly high in the public sector. While constituting just 23% of the organisations studied, the public sector accounted for some 40% of the most highly unionised establishments (i.e. 76-100 per cent of the workforce unionised).

As noted earlier, despite Ireland's high level of union density, there are no specific statutory provisions to govern the process of trade union recognition. The extent of trade union recognition is therefore an important indicator of employer approaches to industrial relations, since the granting of such recognition is largely an issue of

management prerogative. Evidence from the *CUL Study* suggests a healthy picture of trade union recognition in Ireland: in 1999 almost 75 per cent of participating organisations recognised trade unions for collective bargaining purposes.

Overall this evidence indicates that trade union penetration in Ireland remains reasonably robust with high levels of union recognition and union density characterising most of Ireland's larger organisations. This evidence might lead one to conclude that there is a high level of congruity between public policy, which supports trade unions and collective bargaining, and actual practice, which indicates that trade unions play an active part in both national level and organisation level industrial relations.

A more in-depth analysis of available data suggests otherwise. Since union penetration is strongest among larger organisations and most particularly in the public service and 'traditional' manufacturing, it is useful to look outside these sectors for an additional indicator of the changing role of trade unions in Irish society.

A study of 'greenfield site' companies established over a six year period (1987-1992) found a high incidence of non-unionism, with over half the companies studies not recognising trade unions (Gunnigle 1995, Gunnigle et al 1997). The incidence of non-unionism was mainly related to ownership and industrial sector. Indeed non-unionism was predominantly confined to US owned firms in 'high technology sectors': only 15% of US firms recognised trade unions. A study by Hourihan (1996) found a similar trend among new overseas firms (see table 1). This study examined union recognition trends among overseas firms which announced at least one hundred new jobs over a twenty three month period, January 1994 and November 1995. Out of a total study population of fifty companies, only twelve (24%) recognised trade unions. When the population is disaggregated into 'new' (32) and 'expanding' (18) firms, an even starker picture emerges. Of the twelve firms that recognised trade unions, ten were expanding companies. Thus, only two (6%) of the thirty-two new companies recognised trade unions. These findings point to a significant trend of union avoidance in greenfield site companies. In a period when direct foreign investment in Ireland is at an all time high, it is patently clear that these new companies are overwhelmingly choosing the non-union route.

TABLE 1: TRADE UNION RECOGNITION IN GREENFIELD SITES BY COUNTRY OF OWNERSHIP (N = 53)

UNION RECOGNITION	OWNERSHIP				TOTAL
	IRISH	US	EUROPEAN	OTHER	
Yes	82% (9)	15% (4)	100% (8)	57% (4)	25 (47%)
No	18% (2)	85% (23)	0	43% (3)	28 (53%)

Source: Gunnigle 1995

TABLE 2: OVERSEAS COMPANIES AND UNION RECOGNITION BY COUNTRY OF OWNERSHIP: 1994-1995 (N=50)

Ownership Union Recognition in 'New' Companies (n=32)		
	Yes	No
USA	0	20
UK	1	5
Other EU	1	2
Other	0	3
Union Recognition in 'Expanding' Companies (n=18)		
	Yes	No
USA	7	7
Other EU	1	0
Other	2	1

Source: Hourihan 1996.

These empirical findings point to a severe erosion in levels of trade union recognition and density in newly established firms. While it might be argued that this phenomenon may be explained by the relative immaturity of greenfield companies, it is important to note that pre-production union recognition agreements have traditionally characterised overseas start-ups in Ireland. Clearly, this is no longer the case: greenfield companies, at least in sectors on which data is available are increasingly and consciously choosing the non-union alternative rather than pre-production agreements.

THE PUBLIC POLICY DIMENSION

From a research perspective, Ireland presents a somewhat unique context for examining the relationship between public policy and industrial relations. In particular, the industrial relations environment is quite different to that of the US and UK, from where much of the contemporary literature emanates. The most explicit manifestations of this difference include the widely accepted legitimacy of trade unions in Irish society, the maintenance of comparatively high levels of trade union density, high levels of centralisation of decision making on pay and other aspects of economic and social policy and the absence of a strong anti-union ideology among any of the major political parties. These factors contribute to a social, political and economic context considered conducive to the sustenance of the pluralist industrial relations model.

Despite this apparently supportive context we have however, seen that trade unions and collective bargaining are facing particular challenges, principally in Ireland's new growth industries. This development points to some inconsistencies between public policy and practice in Irish industrial relations. These paradoxes are manifested in a number of areas, notably the decline in union recognition; the role of the Labour Court in union recognition disputes; the impact of industrial policy on industrial relations; the impact of national 'partnership' agreements and the diffusion of HRM.

1. Union recognition in decline

Possibly, the most critical issue of research interest is the apparent conflict between the apparently high level of public policy support for trade union organisation on the one hand, and the industrial policy focus of successive Governments which appears to be eroding levels of trade union recognition and density.

We have earlier seen that while overall levels of union density and recognition are quite robust, there is conclusive evidence of the emergence of a vibrant non-union sector among new manufacturing and internationally traded service companies. Many of these companies are U.S. owned and located in fast growing high technology sectors. It is likely that this trend will be accentuated by the increasing numbers and visibility of companies successfully pursuing the non-union route which, in turn, between public policy support for trade unions and a state sponsored pattern of industrial development which is significantly union averse.

2. Industrial Policy and Trade Unions

A critical aspect of Irish Government policy is the attraction of direct foreign investment through incentives to multinational companies (MNCs) to establish facilities in Ireland. There are now over 1,000 overseas companies operating in Ireland which employ over 120,000 people with a particular focus on electronics, pharmaceuticals, software and internationally traded services. Employment in MNCs accounts for roughly one third of the industrial workforce. These foreign owned companies account for 55 per cent of manufactured output and almost three-quarters of industrial exports. The main sources of direct foreign investment in Ireland are the US (almost 55 per cent), the UK, and Germany. US owned firms have a particularly strong presence in Ireland: over 400 such firms employ around 50,000 people. In 1995 Ireland was the ninth most important global location for US direct investment (sixth most important in Europe; third in 1994). Ireland has also been the most profitable European location for US companies, providing a return on investment of 24 per cent over the period 1983-1994 or almost three times the EU average (U.S. Department of Commerce).

The role of the industrial promotions agencies vested with responsibility for wooing foreign investment incorporates a significant industrial relations dimension. There is little question that the industrial promotions bodies have shifted their position on trade union recognition over the years. Until the early 1980s these bodies promoted trade union recognition among inward investing firms, specifically by recommending the conclusion of pre-production union recognition agreements and arranging introductions to trade union representatives. However, since the 1980s, it is clear that these bodies agencies have shifted from this pro-union stance and adopted a more neutral position, indicating to inward investing firms that they have the freedom to go the union or non-union route (see McGovern 1989; Gunnigle 1995; Gunnigle et al 1997). This change was accentuated by increased competition for mobile foreign investment and, particularly, as a result of competition from the Welsh and Scottish development agencies. In the "Thatcher era" of market-driven economic policies, these agencies appeared to target the attractions of non-union status to US inward-investing companies. In dealing with this competition, the Irish industrial promotions bodies altered their traditional collectivist orientation (see Gunnigle & McGuire 2000). Instead, they adopted a position whereby new companies were informed of their capacity to adopt whatever combination of human resource/industrial

relations polices best suited to their particular business needs. The current position is accurately captured in the following quote from the former Minister for Enterprise and Employment on the role of Ireland's largest industrial promotions agency, the IDA (Industrial Development Agency):

"The IDA is there to encourage the establishment of new companies. It is not there to press one particular way of dealing with industrial relations. I don't see that as part of the IDA agenda.... Some companies have an approach to personnel relations, which doesn't involve (trade) unions. But, fine, we have to be realistic and recognise that that is the approach they have taken. We can't set preconditions." Statement by Richard Bruton, TD: 1996 (see *Industrial Relations News*, No. 4., Jan 25 1996)

While this change has attracted adverse commentaries from sections of the trade union movement, it points to a reality that the industrial promotions agencies also operate in an increasingly competitive market (for mobile foreign investment) and are continually adopting their policies in the light of perceived market needs (such as a desire to go non union).

It also seems the locus of much recent industrial development has been in sectors that are quite hostile to trade unions, particularly the computer/electronics sector. Many of these firms prioritise numerical flexibility as means of responding quickly to fluctuations in demand. The perception that union recognition would mitigate their capacity to adjust their operating systems and employment patterns is an important factor encouraging such firms to go non-union. The following quote from the HR Director of one of Ireland's fastest growing manufacturing companies illustrates this point (see Gunnigle, MacCurtain & Morley 2001 for greater detail):

"We are tremendously demanding on employees...The non-union issue is pretty strong. We need to be tremendous flexibility - our products change every two years - and this is a reason for preferring non-union status"

HR Director: Recently established US Firm.

Thus, despite widespread political support for trade unions and their integration into centralised agreements, it seems that Ireland's industrial policy focus is contributing to a major diminution in trade union penetration in industry.

3. The Labour Court and Union Recognition

We have earlier seen that while the Constitution supports the freedom of workers to organise into associations or unions, there is no apparent obligation on employers to recognise or bargain with such unions. In cases where a dispute arises in relation to union recognition, this may be resolved by a trial of strength or, more often, by referral to a third party. The Labour Court is Ireland's principal institution for the consideration of industrial disputes. However, the 'Court' title is somewhat of a misnomer: its recommendations are generally non-binding on the parties involved. In spite of this the Labour Court has a very satisfactory record with an average success rate of over 75 per cent (i.e. over three quarters of its recommendations accepted by both parties).

However, analysis of the Labour Court's record in union recognition disputes points to a significantly lower success rate. In the period 1985–1991 the Labour Court issued some sixty-seven recommendations relating to trade union recognition (see table 3). The Court recommended in favour of union recognition in fifty-nine (88 per cent) of these cases. However, we find that union recognition was only conceded in sixteen firms. This represents a success rate of only 27 per cent, well below its general acceptance rate of 75 per cent. This analysis also found an increase in the number of union recognition cases being referred to the Labour Court over the period (also see McGovern 1989). Overall, these figures point to a failure in the Labour Court's ability to effect union recognition and to the growth in significance of union recognition disputes in Irish industrial relations.

TABLE 3: LABOUR COURT RECOMMENDATIONS RE. TRADE UNION RECOGNITION 1985-1991

Year	Total no. of Recommendations	% of Cases Where Recognition Recommended	% of Cases Where Recognition Subsequently Conceded
1985	6	66%	17%
1986	5	60%	20%
1987	4	100%	75%
1988	13	85%	0
1989	8	88%	25%
1990	13	92%	15%
1991	18	100%	39%

Source: Department of Labour 1992

4. Centralised Agreements and Social Partnership: Limited Diffusion to the Enterprise

The achievement of a high level of national consensus through a model of "bargained co-operation" is the most significant contemporary development in Irish industrial relations. However, an important criticism of this period of centralised agreements is the failure to extend the partnership approach below national level interactions. As Roche (1995) comments, the Irish model of 'social partnership' is somewhat narrow, involving only the top levels of the union and employer bodies. As a consequence, Roche describes the Irish model as 'truncated social partnership', inferring that while a partnership orientations exists at the pinnacle of union and employer interactions, old fashioned adversarialism characterises employer-union relations at the enterprise level.

There is a limited but growing body of empirical research on enterprise level partnerships in Ireland. The 'greenfield site' and the CUL studies found limited evidence of trade union or employee involvement in strategic decision making (also see McKersie 1996;

Roche & Kochan 1996). Both these studies found that the predominant focus of employee involvement initiatives was on facilitating the involvement of individual employees and small groups on issues of immediate work relevance. The CUL study also noted the low take up of works councils/joint consultative committees. A more recent and comprehensive study of the diffusion of partnership approaches undertaken by researchers at University College Dublin and the Economic and Social Research Institute also found a limited uptake of partnership arrangements (Roche and Geary 1998).

5. Industrial Relations and HRM: Complimentary or Countervailing

An issue of particular interest in relation to HRM is the extent to which HRM policies are implemented alongside 'traditional' industrial relations (i.e. 'dualism': see Storey 1992) or, alternatively, whether HRM policies are essentially a non-union phenomenon. In the Irish context it might plausibly be argued that the dualist approach is the most likely pattern given the legitimacy of trade unions and collective bargaining. It might also be argued that dualism provides the optimal climate for enterprise level industrial relations partnerships since there is a significant union presence and also a comprehensive range of HRM practices in areas such as communications and employee development (Storey 1992). Significantly, the greenfield study, discussed earlier, provided little evidence of 'dualist' or 'partnership' industrial relations approaches. Indeed, it appears that the trend indicates increasing polarisation between collectivist and HRM approaches, at least in greenfield sites. Neither is there much evidence of partnership in longer established firms in the CUL Study.

CONCLUSIONS

The evidence presented in this paper suggests that despite almost fourteen years of 'partnership' agreements between Government, employers and organised labour, there is limited evidence to date of the diffusion of employer-labour partnership at enterprise level. It also clear that despite Ireland's apparently reasonable union density figures, there is an ongoing and dramatic decline in trade union penetration among new firms in manufacturing and internationally traded services sectors.

It is useful to briefly reflect on these developments, particularly the diminution in union penetration among new firms in manufactur-

ing and international services. Why is union recognition so low in these sectors, particularly in an era of unprecedented economic growth? These issues have been addressed in some recent analyses (see, for example, McGovern 1989; Roche & Turner 1994; Gunnigle et al 1997; Gunnigle, MacCurtain & Morley 2001) and only a brief review is presented here. However, four principal explanations are advanced in this paper.

1. Human Resource Practices: One possible explanation is the adoption of so called 'individualist' HRM practices (see, for example, Storey 1992; Bacon & Storey 1993). The greenfield study, discussed above, found a high take-up of individualist HRM practices, particularly in the areas of performance related pay and direct communications. Gunnigle et al (1997) concluded that the adoption of such practices negatively impacts on union penetration in new firms. While the adoption of such practices was initially confined to US 'high tech' firms, more recent data from greenfield suggests that such approaches are also being adopted in other companies and industrial sectors (Gunnigle, MacCurtain & Morley 2001).
2. Economic Restructuring: However, firm based explanations only provide a partial explanation of decline in union penetration. As Roche and Turner (1994) comment, one must consider developments in the broader economic and social environment to identify sources of change. Despite recent growth, it is important to remember that Irish economy experienced quite a deep recession for much of the 1980s. This was a period of considerable rationalisation, 'downsizing' and unemployment. At the same time we witnessed a considerable intensification in product market competition. In confronting these competitive challenges, many employers sought to re-structure their industrial relations approaches in such a way as to reduce operating costs and improve performance, quality and service. For many new firms in particular, the adoption of non-union strategies was perceived important means of achieving required levels of flexibility and productivity (Gunnigle 1995).
3. Labour Force Composition: Another factor contributing to the decline in union penetration, particularly in newer firms, is the changing education and skill profile of the Irish workforce. By

European standards the Republic of Ireland has a very young workforce. However, education levels have increased considerably over the past two decades. Concurrently we have seen change in the labour profile required by employers. Increasingly, employers demand better-educated and more highly trained workers. From an industrial relations perspective, the growth of graduate employment, particularly in white collar and technical positions, makes for workforce profile, which appear less sympathetic to trade union membership. This development is captured in the following quote from a senior manager, with experience in two different US greenfield companies:

“While there was undoubtedly an overall corporate anti-union bias, one of the most interesting developments which I found was that Irish employees, particularly graduate software engineers, quickly embraced the individual performance evaluation approach of their peer group colleagues in the parent company. Many of them, who were recognised and rewarded financially by the company as ‘individual contributors’, preferred to represent themselves rather than get tied up in a union-imposed grading system with the accompanying incremental wage scales based on years of service, not only for salary increases, but also for promotion.” CEO: US “high tech” manufacturing company.

4. Industrial Policy: On the industrial policy front, we have already seen that the sectors targeted by the industrial development bodies, especially the computer sector, tend to be quite hostile towards trade unions.

These findings raise important paradoxes between espoused public policy that supports a strong trade union role in industry, and actual practice, which contributes to an ongoing diminution in the role of organised labour. The reasons for this change stem less from any ideological change but rather from Ireland’s vulnerable position as a very open export oriented economy that is heavily reliant on direct foreign investment. In an increasingly competitive market for the attraction and retention of direct foreign investment, Irish industrial

policy has adopted the practice of portraying Ireland as a 'union neutral' environment. Thus, pragmatism, particularly as a result of our dependence on direct foreign investment, rather than ideology underpin to a significant extent the trend on increased union avoidance in Ireland.

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¹ *The Cranfield-University of Limerick Study of Human Resource Management in Ireland* forms part of the "Price Waterhouse-Cranfield Project on International Strategic Human Resource Management", first established in 1989 and currently involving twenty participating countries. The Irish node of this study is located at the Employment Relations Research Unit, University of Limerick and directed by Michael Morley, Patrick Gunnigle and Tom Turner. The 1992 analysis was based on 222 respondent organisations while the 1995 study had 261 respondents. For a summary of data emanating from the international study see Brewster, C. and Hegewisch, A. (1994) *Policy and Practice in European Human Resource Management: The Price Waterhouse Cranfield Survey*, London: Routledge. For review of the 1992 Irish data see Gunnigle, P., Flood, P., Morley, M. & Turner, T. (1994) *Continuity and Change in Irish Employee Relations*, Dublin: Oak Tree Press, and for the 1995 data see Gunnigle, P., Morley, M., Clifford, N. & Turner, T. (1997) *Human Resource Management in Irish Organisations: Practice in Perspective*, Dublin: Oak Tree Press. Information on the most recent survey may be obtained from the project directors.