

TRAINING COURSES PROPOSAL

How To:

No. 1 - NEGOTIATIONS

No. 2 - W.R.C. & Labour Court Hearings

F.A.O.:

**Mr. Jonathan Hogan, Asst. Gen. Sec.
MANDATE T.U.**



Presented By: Dr. Gerry McMahon, 2022

1. INTRODUCTION

Further to a communication and subsequent meeting between Mr. Jonathan Hogan, Asst. General Secretary, MANDATE trade union and Dr. Gerry McMahon, Managing Director, Productive Personnel Ltd. (see biographical note at Section 4 below), on Wed. Feb. 23rd last, it was agreed that Dr. McMahon would prepare a draft proposal for training interventions for MANDATE representatives.

At this meeting it was suggested that MANDATE may have a training requirement for courses in: (i) negotiation skills or collective bargaining for shop stewards, employee representatives (and others at MANDATE's discretion) and (ii) how to prepare and present at Workplace Relations Commission (W.R.C.) and Labour Court hearings for new industrial staff (and others at MANDATE's discretion).

With regard to the proposed training interventions, please note that:

(a) Gerry has been providing (successful/well received) training services to the trade union movement for many years, dating back to the 1980s, with both the Irish Congress of Trade Unions (I.C.T.U.), the People's College (Trade Union Studies course) and numerous individual trade unions. He has also served as an advisor to numerous trade unions/staff associations over the past 30 years and was appointed as an Adjudication Officer at the W.R.C. in 2015;

(b) the course can be delivered on any date that is convenient for the release/attendance of the MANDATE cohort (see cover letter).

The (provisional) objectives of the 2 training interventions are to:

- (i) fully inform attendees with regard to the ground rules, tricks, techniques and tactics associated with successful negotiations;
- (ii) fully inform attendees with regard to the context, procedures and processes associated with progressing claim(s) to a third party (e.g. the W.R.C., Labour Court) incl. recent revisions of significance in respect of the conduct of W.R.C. hearings (e.g. the 'Zalewski' Supreme Court judgement, revised *'WRC PROCEDURES IN THE ADJUDICATION AND INVESTIGATION OF ALL EMPLOYMENT AND EQUALITY COMPLAINTS AND DISPUTES'* (Dec. 2021));
- (iii) address all queries/issues raised by attendees with regard to the representative's role/obligations in respect of (a) effective negotiations/bargaining and (b) when preparing and presenting a case before a third party.

In summary, the primary objective of the proposed training interventions, on behalf of the MANDATE trade union is to provide course participants with the necessary knowledge and to develop the appropriate skills and behaviours which are essential to

the effective execution of their responsibilities in the process of (i) negotiation/bargaining and (ii) preparing and presenting a case at the W.R.C./Labour Court.

2. CONTENT MENU AND DRAFT SCHEDULE

Set down below are draft: (i) content menus (in random order) for the training inputs and (ii) a schedule for same. The trainer will take the client's direction in respect of all alterations that they may wish to make to the proposals set down hereunder.

2.1 Training Content Menu

Negotiation/Bargaining 'Best Practices'

- The 'Unwritten Rules' Or 'Conventions' Associated With The Bargaining\Negotiating Process.
- The Key Criteria For Successful Negotiations.
- Getting The Stages Of Negotiation Right: Preparing, Opening, Bargaining And Closing.
- Effective Preparation And Planning For Successful Negotiations.
- The Skill Set Or Attributes Of An Effective Negotiator.
- The Key Roles In The Negotiation Team.
- Identifying And Deploying The Right Bargaining Strategies And Tactics.
- Negotiating Styles And Strategies.
- Adopting A Collaborative Approach To Ensure Trust, Rapport And Long-Term Gains For Both Parties.
- How To Distinguish *Win: Win* From *Win: Lose* And *Lose: Lose* Negotiation Outcomes.

Third Party Hearings

- How Important Is Preparatory Work To The Presentation And Prospects Of A Member's Case Before A 'Third Party'/W.R.C. Hearing?
- What Are The 'Nuts & Bolts' Associated With Proper Preparatory Work?
- How Important Is It To Know The Strengths Of Your Case?
- How Important Is It To Know The Limitations Of Your Case?
- What Information Might You Need To Support A Case?
- Where Can You Get This Information?
- What's the Statute and Common Law Legal Position/Relevance?
- What Can We Learn From Court Case Precedents?
- Where Does Your Case Stand vis-à-vis Statute Law? Common Law? Employer-Union
- Agreement(s)? Custom & Practice? Precedents/Norms/Conventions?
- Standard Procedures And Practices Associated With Making And Dealing With Complaints At The W.R.C. And The Labour Court (on-site/physically present and
- remotely/virtually)
- Standard Procedures And Practices Associated With Making And Dealing With

- **Complaints At The W.R.C. And The Labour Court (i.e. The Post-Zalewski – Supreme**
- **Court ‘fall-out’)**
- **Implications For MANDATE Industrial Staff etc. Of The ‘W.R.C. *PROCEDURES IN THE ADJUDICATION AND INVESTIGATION OF ALL EMPLOYMENT AND EQUALITY COMPLAINTS AND DISPUTES*’, As Published In Dec. 2021;**
- **Labour Law Cases And Third Parties: Arguments, Findings/Conclusions, Decisions And Lessons Learned**
- **What Are The ‘Principles of Natural Justice’?**
- **What Is The Role Of Mediation?**
- **Effective Presentation Skills**
- **Effective Cross-Examination Skills**

Training Style

Note that these are not ‘sit-back-and-listen’ type training programmes/courses. Using an interactive workshop format, each participant will have the opportunity to pose all those questions that are on their mind pertaining to the negotiation/bargaining and third-party hearing processes.

With regard to the negotiation/bargaining course, participants will be expected to complete (a small amount of) preparatory work and should arrive ready to learn, share their experiences and flex their intellectual muscles. With the help of a ‘best practice’ overview and a ‘real life’ type scenario, they will leave fully versed in the art of successful negotiations.

Likewise, with regard to the third-party hearings process, participants will be actively engaged in the assessment of ‘real life’ cases, designed to reinforce the ‘best practices’ addressed in a preliminary presentation (and hand-out material).

2.2 Training Schedule Options

This sub-section of the proposal addresses the training interventions’ schedules and content, as designed to cover the key features or issues as selected from the listing at 2.1 above. The content, format and schedule can be adapted and the trainer will take the client’s direction on all such matters.

Negotiation/Bargaining ‘Best Practices’ Course*

09h30 Introduction To Course\The ‘Ice Breakers’

10h00 Open Forum: ‘Successful Negotiations – The A to Z’

11h30 The ‘Negotiating A Disciplinary Procedure’ Case – Preparatory Phase**

12h15 The ‘Negotiating A Disciplinary Procedure’ Case – Opening Phase*

13h00 Lunch**

14h00 The ‘Negotiating A Disciplinary Procedure’ Case – Bargaining Phase(s)

15h30 The ‘Negotiating A Disciplinary Procedure’ Case - Conclusion

17h00 Open Forum: Questions & Answers - Course Review, Evaluation and Close

*** To facilitate maximum participant engagement in the negotiation role play, interaction between the course presenter and the participants, together with the provision of detailed feedback in respect of the practical exercise, it would be appropriate to place a ceiling/maximum on the number of participants (i.e. 10 participants). However, the course can accommodate whatever number of participants the client wishes to enrol thereon.**

**** Option of a negotiation/bargaining ‘best practices’ training video/film.**

Third Party Hearings Course*

09h30 Introduction: Introductions/Ice Breakers – Setting the Scene and Context

10h00 Interactive Presentation: Grievance and Discipline Case Management – An Overview of the Pre-Hearing Essentials

11h15 Tea/Coffee

11h30 Interactive Presentation: Preparing and Presenting at Third Party Fora (incl. the W.R.C.’s Process/Procedures and Presentation Skills)

13h15 Lunch

14h15 Work Groups: W.R.C./Labour Court Case No. 1 - Issues, Conclusions, Decisions and Lessons**

15h15 Tea/Coffee

15h30 Work Groups: W.R.C./Labour Court Case No. 2 - Issues, Conclusions, Decisions and Lessons**

17h00 Open Forum: Questions & Answers - Course Review, Evaluation and Close

*** The course content, format, start and finish time(s) can be revised on MANDATE’s direction.**

3. COSTING AND LOGISTICS

3.1 Estimated Cost

Estimated Total Cost: The total cost quotation is comprised of: (i) a customisation/research fee for 1.5-2 days (i.e. for research and preparatory work in

respect of the presentations and the sourcing and adaption of real-life negotiation and third-party related scenarios/case studies) + (ii) ‘on-site’ training facilitation.

Total: €900 (inclusive of all charges, for ‘on-site’ delivery of a one-day course).

3.2 Logistics

The norm in respect of equivalent training courses is for the logistical arrangements in respect of same to be made by the client (i.e. MANDATE). Hence, if conducted ‘in-house’, MANDATE will enable the provision of a main training room (preferably) laid out in a U shape, with an appropriate audio-visual facility for the trainer’s PowerPoint presentations, 1 flipchart stand and (if possible) a break-out room/area for group work (e.g. the canteen). In the event of ‘in-house’ delivery, the trainer will provide participants with pocket wallets, pens and writing paper, together with a comprehensive pack of relevant training materials. The option of MANDATE taking responsibility for the photocopying (via Ms. Blake) was suggested by Mr. Hogan at the aforementioned meeting on Feb. 23rd last and may be availed of. A (provisional) list of the course participants’ names should be sent to the trainer up to 2 days in advance of the course, to enable the preparation of the attendees’ name cards. Alternately, MANDATE may prefer to provide same.

4. REFERENCES AND BIOGRAPHICAL NOTE

The following sources - with whom Dr. Gerry McMahon has worked extensively - can furnish references in respect of his subject matter expertise, exemplary reliability and client-friendly and efficient disposition.

Mr. Scott Alexander, Head of Training and Development, Legal Island, Tel. 01-4013874; 0044-7828100049; 0044-7828157050

Mr. Brian Sheehan, Editor, Industrial Relations News, Tel. 087-2421532

Ms. Carol Scheffer, National Officer/Training Co-Ordinator, Communications Workers Union, Tel. 01-8663000

Mr. John Clinton, General Secretary, Prison Officers’ Association (P.O.A.), Tel. 01-6625495; 087-6296113

Mr. Brian McGann, Head of Organisation Development, S.I.P.T.U.-Services, Industrial, Professional and Technical Union, Tel. 086-8151119

Mr. Karl O’Connor, Head of Coaching, Chartered Institute of Personnel and Development (ex-Head of Employee Development & Engagement, Ulster Bank plc), Tel. 086-2487579

Mr. Billy Barrett, Senior Industrial Relations Officer, Financial Services Union, Tel. 086-8373530

Ms. Maeve Lewis, Chief Executive Director, ONE-IN-FOUR, Tel.: 01-6624070; 087-758400

Chief Superintendent Margaret Nugent, Head of Discipline, An Garda Siochana HQ (ex-Head of Training & Development), Tel. 086-8282467

Mr. Jim Harding, Managing Director, Workplace Dignity Solutions, Tel. 085-8460600

Mr. Eamonn Collins, Head of Human Resources, (or Ms. Celine Kelly, H.R. Officer), Quality and Qualifications Ireland, Tel. 01-8871500; 087-4158413

Ms. Eimear O'Reilly, Human Resources Director, Hilti Ireland, Tel. 087-9878298

Mr. Joseph Greenan, Human Resources Director Jesuit Community of Ireland, Tel. 086-8563526

Mr. Patrick Cuffe, Consultant & Senior Lecturer, School of Management, Technological University of Dublin, Tel. 087-2697766

Ms Marta Hliwa, Human Resources Business Partner, Musgrave Group (C.&C.), Tel. 087-2816711

Ms. Yvonne McDonagh, Human Resources Manager, Go Safe/Road Safety Operations (Ireland), Tel. 076-6687211; 087-0520582

Note: Additional reference sources can be supplied on request.



BIOGRAPHICAL NOTE

Dr. Gerard McMahon

B.Comm., M.B.S., M.Phil. (Lab. Law),

Cert. Adj. Studies, F.C.I.P.D. M.I.I.T.D.

Gerry McMahon is acknowledged as a national expert in the area of People Management and Employee Relations. He has over 30 years' practical experience working as an advisor/consultant in the area, across a range of sectors. He has extensive experience working as a consultant, negotiator, trainer, adjudicator, mediator, coach, team builder, investigator, researcher, facilitator, arbitrator and expert witness on behalf of a wide range of Government departments, public sector enterprises, semi-state entities, blue chip companies, professional institutes, trade unions, employer and community/voluntary and religious organisations. It is also relevant that Gerry has been successfully running training courses on behalf of the trade union movement for over 30 years.

In 2015 Gerry was appointed by the Minister for Jobs, Enterprise and Innovation to serve as a Judge/Adjudicator at the Workplace Relations Commission, where he is currently active. This role entails the issuance of legally-binding determinations across the full suite of employment law areas pertaining to the employer: employee relationship. He is also the author of Legal Island's ongoing 'How To' series, offering best practice policy and procedural guidance on a host of Human Resource and Industrial Relations topics to a wide range of trade unions, employers and legal practices.

In addition to his work as a lecturer in Human Resource Management at the College of Business, Technological University Dublin, he has worked as lead presenter on a series of practitioner-oriented programmes run by Legal Island, the Chartered Institute of Personnel and Development (C.I.P.D.) and SKILLNETS and is the Managing Director of the human resource management and employee relations training and advisory company Productive Personnel Ltd.

Gerry has had an extensive range of books and articles published - incl. *Industrial Relations in Ireland*, 4th ed. and *'Successful Performance Management'*, 2nd ed. - across a range of reputable media, from 'academic' to 'popular' outlets and been a frequent columnist with the *Irish Times*, the *Sunday Business Post*, the *Irish Independent*, the *Industrial Relations News*, *People Focus* (C.I.P.D. journal), *Accountancy Ireland*, *Business Plus* magazine and expert commentator for R.T.E. and TV3 in the aforementioned areas.

He has also served on Legal Island's 'Irish H.R. Awards' and the C.I.P.D.'s 'National Learning & Development' and the 'Excellence in Human Resource Management' judging panels and of the 'H.R. Leaders' Forum' and is a Council member of the Irish Association for Industrial Relations. In 2020 Gerry was appointed as a National Correspondent to the European Commission.