Final Draft of Chapter 3 in Saundry et al 'Reframing Resolution - Innovation and Change in the Management of Workplace Conflict'

Exploring the nature and extent of workplace conflict

John Forth and Gill Dix

23rd September 2015

6,240 words + 3 pages of tables (equivalent to 1,500 words)

Introduction

Recent decades have witnessed some substantial changes in both the nature and the extent of workplace conflict in the UK. The number of collective disputes has declined significantly, but those which do take place are increasingly large in scale. In contrast, claims to Employment Tribunals have grown rapidly, with volumes heavily influenced in recent times by claims from groups of employees, rather than individuals. In spite of this changing picture, there do not appear to have been dramatic changes in the quality of employment relations inside the workplace, even though the UK has just experienced the longest recession in living memory. This suggests that the visible signs of conflict are shaped not only by the scale of underlying tensions but also by the available mechanisms for their expression (see Dix et al, 2009, for one discussion).

In this chapter, we examine these patterns of collective and individualised forms of conflict in some detail. We draw on official records of industrial action and Employment Tribunal

applications and also report on survey data from workplace managers and employees. The latter provide information on the incidence of disputes inside the workplace, and evidence of the broader state of relations between managers and employees.

The chapter also examines the prevalence of different mechanisms for the resolution of workplace conflict. Recent decades have brought restrictions on employees' freedom to organize industrial action, and more recently, constraints on their ability to seek legal redress through Employment Tribunals. Instead, greater emphasis has been placed on the full use of workplace procedures for the resolution of individual disputes, and on recourse to conciliation and mediation as alternatives to escalation when early resolution proves elusive. The chapter will chart some of the broad changes in workplace policy and practice in these various respects.

The chapter focuses primarily on the experience of Britain over the past 15 years. Comment will occasionally be made on the longer sweep of history, but accounts of this longer time frame have already been provided elsewhere (e.g. Dix et al, 2009; Drinkwater and Ingram, 2005). Some international comparisons will also be highlighted but, in the absence of a wide range of data on other countries' experiences, and in view of the difficulty of providing a proper contextualisation of the patterns of conflict under different institutional, legal and social settings, our main focus will be on the British experience.

The chapter is organised into four main sections. First, we examine the changing incidence of collective expressions of conflict, looking in particular at the incidence of industrial action. Second, we examine the pattern of individual disputes, focusing in particular on trends in Employment Tribunal claims, where recent policy changes have had a considerable affect on volumes, but also looking at the incidence of disputes within the workplace. Third, we look beyond disputes to examine broader indicators of the climate of workplace employment relations, including trends in employees' evaluations of managerial behaviour. Fourth, we

consider the wider context within which the employment relationship is conducted, covering issues such as the prevailing economic conditions, and changes in the prevalence of workplace disputes procedures and employee representation, as a means of exploring the broader range of factors influencing both the level and the expression of conflict at work. A short final section concludes.

Collective disputes

We have already alluded to the significant decline in collective disputes in recent decades. Official statistics focus on the most public manifestation – strikes – counting the number of work stoppages, the total number of workers involved and the number of working days lost. The late 1980s and 1990s saw a dramatic fall in the number of stoppages, with each year between 1986 and 1994 successively witnessing the lowest number of officially-recorded strikes since the Second World War. The number of stoppages has broadly stabilised since the mid-1990s (Figure 3.1) and, although there are annual fluctuations, these are relatively minor when compared with historical levels.

[FIGURE 3.1 HERE]

The number of working days lost, which averaged around 300 for every 1,000 employees in employment during the 1980s, has stood below 100 per thousand employees in every year since 1989, and has been below 50 per thousand for all but four of those years. The UK is thus, overall, now experiencing a prolonged period of relative industrial peace. The spikes in the series can mostly be attributed to short, large-scale strikes in the public sector – for example those called in 2011-2012 in response to changes in pensions and ongoing pay freezes. In fact, the public sector now accounts for around four-fifths of all working days lost, despite accounting for only one fifth of all employment (Office for National Statistics, 2014), something which can be attributed to the enduring levels of union organisation among public

sector workers, tensions in the relationship with government as paymaster, and the large-scale nature of many public services. The final point is particularly notable, as there are few groups of private sector employees which have anything like the equivalent scope for widespread industrial unrest.

Official data also record the reasons for work stoppages, and show that the majority of days lost to work stoppages have pay issues at the heart of the dispute (Office for National Statistics, 2014). In eight of the ten years from 2004-2013, pay issues accounted for at least three-fifths of all days lost. The exceptions were 2009 and 2010 – in the depths of the recent recession – when disputes around redundancies accounted for the lion's share (around 60 per cent in 2009 and around 85 per cent in 2010, compared with no more than 20 per cent in other years). This is not to imply that, outside of those two years, most strikes have necessarily been focused on the annual pay round: the figures cited above include large-scale disputes over pensions and smaller-scale stoppages over payment of wages. Acas data also show the heterogeneity of collective disputes, with requests being made for conciliation in disputes over union recognition, changes in working practices and disciplinary matters, among other things (Acas, 2015a). The broad issue of pay still dominates the landscape of collective action, however.

When trying to gauge the prevalence of industrial action in the UK, it is natural to make comparisons with historic levels, but one can also look at the experience of other countries. Such comparisons are fraught with difficulty because of cross-national differences in the legal restrictions on industrial action, and variations in the practices of national statistical offices. However, the best estimates suggest that the number of working days lost per 1,000 employees in the UK is around half the average seen in the EU-15. On average, 24 days were lost annually per 1,000 employees in the UK over the period 2005-2009, compared with an average of 45 days in the EU-15.[i] Over this period, only Austria, Luxembourg, the Netherlands, Portugal and Sweden experienced lower rates than the UK. In contrast, the

rate in France – one of the most strike-prone countries in Europe – was around five times higher than that seen in the UK.[ii] The UK rate looks less favourable, however, when compared with Australia (16 days) and the USA (12 days).[iii]

A complementary picture of industrial action in Britain can be obtained from the Workplace Employment Relations Survey (WERS), which asks managers whether their workplace has experienced industrial action in the 12 months prior to the survey. WERS confirms the broad portrait above of a more strike-prone public sector (Table 3.1, row 2), but offers three advantages over official estimates of work stoppages. First, it collects data on non-strike action which, in some years, is shown to be at least as prevalent as strike action (Table 3.1, row 3). Second, it provides data on threats of industrial action and ballots (Table 3.1, rows 5 and 6), and so indicates the wider prevalence of threatened action as a feature of employment relations – particularly in the public sector. Third, the survey allows us to demonstrate that the lower propensity for industrial action in the private sector is not simply a consequence of lower levels of unionisation.[iv] In 2011, only four per cent of unionised workplaces in the private sector experienced industrial action, compared with 34 per cent of unionised workplaces in the public sector. This then points ones' attention back to the particular dynamics of collective employment relations in the public sector.

[TABLE 3.1 HERE]

As noted earlier, a particular feature of collective disputes in the public sector is the capacity for industrial action to disrupt key front-line public services such as health and education. This naturally gives unions a particular level of bargaining power, but it has also led to calls from some parties to restrict the situations in which public sector industrial action may be considered lawful. At the time of writing, the Government has introduced a Bill that would require any successful ballot for industrial action to have a turnout of at least 50 per cent, and for ballots covering workers involved in certain public services to have at least 40 per

cent of eligible voters deciding in favour (Cabinet Office, 2015). The available evidence suggests that, if the proposed bill is passed, it will have a substantial effect on unions' ability to take lawful industrial action (Darlington and Dobson, 2015). The landscape of industrial action changed markedly in the late 1980s and 1990s, and it may be about to change again.

Individual disputes

Having considered collective disputes, we now turn to disputes that typically take place between an employer and an individual employee. As with collective disputes, we can look across a range of indicators, but we begin by looking at the most formal and public manifestation, which is for an employee to make a claim to an Employment Tribunal (ET) in cases where they feel that their employment rights have been infringed. Figure 3.2 shows that the total number of ET claims has grown substantially over the past two decades. A gradual rise was seen through the 1990s and early 2000s, with the total number of claims doubling between 1990/91 and 2004/5, but the increase since 2004/5 has been much steeper, such that the number of claims doubled again in the second half of the 2000s.

[FIGURE 3.2 HERE]

Again, it is difficult to make international comparisons on this issue, because countries differ in terms of the range of individual rights that are available and the eligibility rules for applying to Employment Tribunals or Labour Courts. They also differ in their use of conciliation, mediation and arbitration as means of resolving disputes without recourse to a hearing (see Purcell, 2010). However a recent five-country study covering the UK along with France, Italy, Poland and Portugal concluded that, in all of the countries, there had been a rise in ET claims, occurring alongside a decline in strike action (CAMS, 2009, 2010a, 2010b). The UK's experience in recent decades is thus far from unique.

As the number of collective disputes has fallen in the UK, it has been tempting to look to the growth in the number of ET claims as giving expression to the types of conflict that would previously have been voiced through collective means. There may be some credence to this view, but the two are not direct substitutes for a number of reasons. First, industrial action typically takes place within the context of an on-going employment relationship where there is a disagreement about what represents a 'fair' settlement in negotiations affecting the terms and conditions of a group of workers. The ET system, on the other hand, is designed to focus on actual or perceived infringements of employment rights, and claims are often issued in circumstances where the employment relationship has already come to an end. The mechanisms and basic rationales are thus different. Changes in the number of ET claims have also been influenced by factors relating to the law itself, including the progressive growth of individual rights (influencing the trend upwards), and the extension of the qualification period for unfair dismissal (influencing it downwards).[v] The level of employees' awareness of employment rights is also a determining factor affecting the propensity to claim. There is, nonetheless, some transmission between collective and individual means of dispute resolution, as trade unions have placed greater emphasis on the legal enforcement of individual rights (Colling, 2012), including the use of the ET system as a mechanism for resolving issues covering groups of workers. Indeed much of the recent growth in the number of claims has been due to the growth in 'multiples', whereby a claim is lodged on behalf of a group of employees all working for the same employer; the number of single claims has been relatively flat in comparison (see Figure 3.2). Such multiple claims – for instance those lodged with the support of a union in pursuance of a claim for equal pay – can reasonably be viewed as a form of collective action, even though it is too simplistic to view them as a direct substitute for industrial action.

Given these patterns, it is perhaps no coincidence that a substantial portion of the increase in the number of claims over the past decade relates to jurisdictions that are particularly influenced by 'multiples'. Around 75 per cent of the sharp increase between 2004/5 and

2009/10 was explained by rising numbers of claims about working time, unauthorized deductions from wages (including the National Minimum Wage) and equal pay (Figure 3.3). If these three jurisdictions are excluded, then the total number of claims rose only marginally over the decade from 2003/4 to 2012/13.

[FIGURE 3.3 HERE]

The volume of ET claims has changed dramatically since 2013, however, with substantial changes being made to the rules governing applications. July 2013 saw the introduction of fees for claimants, motivated by government and business concerns about both the costs of the Tribunal system and the perceived incidence of vexatious claims.[vi] May 2014 then saw the introduction of Early Conciliation (EC), whereby all potential tribunal claimants must notify Acas first of their intention to make a claim, at which point Acas offers to conciliate between the parties in order to prevent the need for a tribunal application. The introduction of EC follows an earlier initiative (introduced in April 2009) whereby Acas offered Pre-Claim Conciliation (PCC) to callers to its Helpline who were involved in potential ET claims; the critical difference is that EC is a mandatory stage (although engagement with conciliation is voluntary).

Looking at the trend of ET cases in recent years, it is tempting to credit PCC with the fall that occurred in single and multiple claims from 2009/10 to 2010/11 (Figure 3.2), but that is hazardous because other factors were also at play (see Davey and Dix, 2011, for a discussion). What is entirely unambiguous, however, is that the introduction of fees in July 2013 was immediately followed by a substantial reduction in the number of claims. The volume immediately fell from a steady average of around 5,000 lodged in each of the 18 months leading up to July 2013, to a steady average of around 1,700 lodged in each of the 12 months afterwards (Ministry of Justice, 2015). This change, in particular, now makes it very difficult to use numbers of ET claims as any kind of barometer of workplace relations.

Instead, one might now reasonably look to the number of EC notifications. These are not suggestive of any reduction in individual disputes in recent years – in fact they suggest an increase.[vii] But of course, it is early days for EC, and indeed for fees. Going forward, it will be important to get a better understanding of how the new arrangements are changing the parties' decisions about whether to escalate a dispute, how they are changing the parties' experience of the process (particularly in respect of the adequacy of the outcome) and, more broadly, how they are changing the dynamics of dispute resolution inside the workplace.

Setting aside the statistics on ET claims and strikes, however, one can note that the vast majority of disputes at work do not manifest in tribunal claims (Casebourne et al, 2006), and the challenge is to develop a picture which incorporates less visible forms of conflict. We can turn again to WERS to begin to map this picture as the survey asks the main manager with responsibility for employment relations at the workplace a set of questions about the incidence of individual disputes, measured through the prevalence of grievances and disciplinary incidents.

The latest survey shows that one or more employees lodged a formal grievance in around one in six workplaces (17 per cent) in 2011; this figure is slightly higher in the public sector than in the private sector, but this is because workplaces tend to be larger in the public sector.[viii] The number of formal grievances raised per 100 employees is similar across the two sectors (around 1.4 per 100 employees). Comparing with the situation in 2004, we see that there has been little change overall in the share of workplaces experiencing formal grievances. Disciplinary sanctions appear to have become a little less common, with the major change here being a fall in the percentage of private sector workplaces issuing sanctions short of dismissal. In contrast, the percentage of public sector workplaces using dismissal as a sanction rose slightly over the period. In aggregate, the number of disciplinary sanctions issued per 100 employees fell slightly from 5.1 per 100 employees in 2004 to 4.7 per 100 in 2011.[ix]

[TABLE 3.2 HERE]

These results thus help us to gauge the prevalence of workplace disputes without direct reference to the ET system. They serve to make two notable points. First, we do not see the sharp upturn here that we saw in the total volume of ET cases. This is then a further indication of how the overall picture on ETs has been skewed in recent years by the large number of multiple claims. Second, there appears to have been no sharp increase in the prevalence of workplace disputes in a period that has seen the longest recession in living memory. That is not to deny the impact of the recession entirely: analysis of the 2011 WERS clearly shows that the incidences of grievances and disciplinary matters were both higher across workplaces that had experienced a larger shock from the economic downturn, when compared with equivalent workplaces that did not experience the 'shock (Van Wanrooy et al, 2013: 156). Some of the effect may also have dissipated by 2011.[x] But these caveats aside, there is little suggestion in Table 3.2 of any increases in the prevalence of formal workplace disputes.

The climate of employment relations

The data presented in Tables 3.1 and 3.2 thus point towards a picture of relative stability in the incidence of workplace conflict over the past decade, at least in the private sector which accounts for the majority of all employment in the economy. This impression is backed up by survey data on the climate of employment relations within the workplace.

One barometer is provided by the British Social Attitudes Survey which, in 1999 and 2009, asked employees to rate the level of conflicts between managers and employees at their workplace. In 1999, some 8 per cent of employees reported "Very strong conflicts" 38 per cent reported "Strong conflicts" and 55 per cent reported either "Not very strong conflicts" or

“No conflicts”. The 2009 survey registered a small improvement, with the figures standing at 3 per cent, 37 per cent and 60 per cent respectively.

A second measure comes, again, from WERS. Employees that have been surveyed in the last three WERS surveys have been asked to rate the relationship between managers and employees at their workplace, as a means of providing an overall impression of the quality of employment relations. Responses have been invited on a five-point scale from “Very good” to “Very poor”: the results are shown in Table 3.3. The changes over the period 1998-2011 are not dramatic but there is nonetheless a clear indication that relations have, on the whole, improved slightly over time. The percentage of employees who report that employment relations are poor has fallen slightly from 18 per cent in 1998 to 14 per cent in 2011, whilst the proportion reporting that relations are good has risen from 55 per cent to 60 per cent. The larger part of this shift was seen in the period 1998-2004, with less change evident between 2004 and 2011.

[TABLE 3.3 HERE]

Clearly, both of these sources indicate that conflictual or poor relations are still relatively widespread in the British economy, and this should undoubtedly be a cause for concern, both in terms of the effect on managers’ and employees’ wellbeing and in terms of workplace productivity. However, if one is interested in the general trend, there is at least some indication of small improvements in overall relations in recent years.

The wider context

In attempting to enumerate the prevalence and patterns of workplace conflict in recent years, the foregoing discussion has said relatively little about the broader context in which workplace relations are conducted. This is an important omission because disputes are

partly a reaction to workplace events. It is then important to consider this broader context in order to come to a better understanding both of recent trends in workplace conflict, and how levels of conflict may evolve in the future.

The first thing to note is that, as far as the survey evidence suggests, the recession appears to have had a surprisingly muted impact on the labour market in Britain (see Van Wanrooy et al, 2013).[xi] Clearly the downturn did lead to job losses, but the spike in redundancies was relatively short lived, and the overall decline in employment was nothing like that experienced in the recessions of the 1980s and 1990s, with employment levels unusually returning to their pre-recession level at least one year before national output did the same (see Bryson and Forth, 2015). The more dramatic effect was seen on wages, with pay freezes being common and nominal wages being reduced in many instances (Elsby et al, 2013; Gregg et al, 2014). As noted earlier, there have been conflicts, most notably in the public sector, where large disputes have been intrinsically linked with 'austerity'. However, the overall impression is one of workplaces and employees adapting to the changed economic conditions.

It is possible that this is a symptom of the decline in union organisation in Britain, with workers less able to collectively challenge changes to terms and conditions. Indeed, evidence from WERS indicates that terms and conditions in unionised workplaces were at least as responsive to the changed economic conditions as those in non-union workplaces (Van Wanrooy, 2013: 176). But unions are also realistic and, with an eye on employment retention, may have accepted that some flexibility was necessary. Workers more generally may also have become more cautious, particularly with one eye on the labour market. A weak labour market reduces workers' outside options, and may serve to reduce the propensity to complain about worsening conditions which, alongside declining real wages, have also included higher workloads and higher levels of stress (Van Wanrooy et al, 2013; Green et al, 2013). Certainly, perceptions of job security fell through the recession,

particularly in the public sector (Van Wanrooy et al, 2013; Gallie et al, 2013), and there is evidence that employers' power in the labour market has grown despite healthy employment levels (Manning, 2015).

It is notable, however, that, in aggregate, employees' evaluations of their managers have not taken a sharp turn for the worse over this period. Comprehensive surveys of fair treatment at work show that there remain many instances in which employees' judge their treatment to be unfair and find it difficult to obtain effective resolution of their claims (Fevre et al, 2009, 2012). Data from other surveys also indicate some increase over the past decade in the share of public sector workers who report fear of unfair treatment (Gallie et al, 2013), but the general experience of workers in the private sector appears, on the whole, to be have been more favourable (Forth, 2013). Looking across the whole economy, employees have in fact become slightly less likely to give negative ratings of their managers' behavior in the workplace (see Table 3.4).[xii]

[TABLE 3.4 HERE]

A second, potentially important, element of the prevailing context for workplace relations is that arrangements for workplace dispute resolution have expanded considerably over the past decade or two, specifically in respect of individual disputes. A statutory three-step dismissal, disciplinary and grievance procedure was introduced in 2004 and encapsulated in the pre-existing Acas Statutory Code of Practice on Discipline and Grievance. It required the parties involved in disciplinary matters and employee grievances to go through three stages within the workplace: to set the matter out in writing, to hold a meeting to discuss the issue, and to allow for an appeal. The intention was to limit the proportion of cases that were escalated beyond the workplace. In 2009 the statutory three-step requirement was dropped and the Acas Code was revised to set out principles rather than prescription on how disputes should be handled. However, analysis of WERS suggests that the overall influence of these

changes has been to encourage a systematization of workplace procedures. Between 2004 and 2011, the proportion of workplaces with a formal grievance procedure rose from 82 per cent to 89 per cent, and the proportion of workplaces reporting the requirement to follow the 'three steps' rose from 37 per cent to 45 per cent (Table 3.5). Similar rises were recorded in relation to procedures for handling disciplinary cases.

[TABLE 3.5 HERE]

Another feature of the policy context around workplace dispute resolution has been the growing interest from policy makers and practitioners in the use of mediation (see Saundry et al, 2014). Table 3.5 shows that, in around half of those workplaces with formal procedures for grievance or disciplinary matters, the procedure makes some provision for mediation by an impartial third party. Further data from WERS show that, in 2011, mediation had been used in 13 per cent of workplaces that had experienced an individual disciplinary or grievance matter, although additional data would be needed in order to understand the situations in which it was, or was not, used.

The expansion of workplace dispute resolution procedures, as shown in Table 3.5, can be expected to compensate, in some way, for the relative scarcity of workplace employee representation in certain sectors of the economy. Union representatives, in particular, have traditionally been seen as a 'lubricant' within the workplace, helping to resolve workplace disputes and also potentially playing a role in managing the expectations of employees (Edwards, 2000). In the 2011 WERS, around four-fifths (78 per cent) of union representatives said they had spent time in the past year on grievances or disciplinary matters (Van Wanrooy et al, 2013: 155).[xiii] Yet only 40 per cent of all employees in 2011 had a union representative at their place of work (26 per cent in the private sector and 86 per cent in the public sector). These figures have changed little over the past 10-15 years, with the major decline in union representation being seen in the late 1980s and 1990s.

Consequently, with the expansion of dispute resolution procedures, workplaces ought, in some senses, now to be better equipped to deal with workplace conflict.

The main caveat to that conclusion is that responsibility for the management of conflict at work appears to have increasingly been devolved from specialist human resource (HR) practitioners to line managers, who are less confident and less skilled in dealing with such issues (Jones and Saundry, 2012, Saundry et al, 2014, Saundry et al, 2015). The drivers for this devolution are argued to be two-fold: firstly, the development of a more 'strategic' focus for HR; and secondly, an increasing tendency for outsourced models of HR management. It has been argued that one notable consequence is that difficult people management issues are more likely to be handled via formal procedures, which can result in the escalation of disputes rather than promoting their resolution in a culture of informality (*ibid.*).

Summary and conclusions

The shape of workplace conflict in Britain is currently in a state of flux. Having been prevalent until the early 1990s, strikes and other forms of industrial action are now at historically low levels, and have been for a number of years. The exception, of course, lies in the public sector, where the dynamics of employment relations and the critical nature of many of the services delivered by public sector workers combine to make the strike threat a relatively common feature of negotiations around changes to rewards and working conditions. Over the same period, there has been a substantial growth in the volume of claims made to Employment Tribunals, but for over a decade this growth has largely been fuelled by multiple claims which are, in many ways, a form of collective action. In contrast, the volume of single claims has been relatively stable – at least until the dramatic fall caused by the introduction of fees – suggesting that the rise in total volumes is perhaps one indication of changes in trade unions' tactics rather than an accurate barometer of tensions or problems at work. Indeed, most measures of workplace disputes show little discernible

change over the past decade or so. Those movements which are apparent tend, if anything, to point towards progressively lower levels of conflict at work.

This is particularly surprising given the backdrop of the longest recession in living memory. There have been disputes, of course, but the prolonged downturn has not lead to a large increase in volumes, despite extensive changes to terms and conditions. Instead, the available evidence suggests that many workers and workplaces have demonstrated a degree of acceptance. It is possible that employees have been dissuaded from resisting by the weakness of the labour market; but it is equally plausible that the depth and length of the recession served to persuade them of the need for substantial changes to terms and conditions. If either are true, then one may expect to see an upturn in disputes (at least those of a collective nature) as the economy begins to grow again and employees seek to recoup some of their recent losses in the context of a tightening labour market. The chances will be particularly high if wage growth in the private sector accelerates whilst wage growth in the public sector is still heavily restrained.

What is missing from this picture however, is a comprehensive view of the scale of conflict within the employment relationship, particularly that which arises from unwanted behaviours. Most survey-based ratings of managerial behaviour suggest that the quality of social relations in the workplace is gradually improving over time. But few of the longitudinal measures that are available – and which have been reported in this chapter – provide an extensive degree of depth or detail. Our understanding would be considerably enhanced by repeated observations on the extent of fair treatment at work, as made by Fevre et al (2009, 2012). However, such measures have tended to gain less attention within the policy narrative around conflict at work than measures of formal disputes which, as we have noted, are necessarily limited in their ability to chart changes in the quality of the employment relationship.

It is also important to monitor how the quality of workplace dispute resolution is changing. The last decade has seen a large expansion in the prevalence of workplace dispute resolution procedures, and a systematization of approaches to the handling of grievances or disciplinary matters. However, it has been strongly argued that, although this represents an improvement when compared with previous decades, particularly when viewed against the backdrop of a very partial coverage of workplace employee representation, there are still some considerable challenges involved in making workplace dispute resolution effective. One such challenge is to determine the extent to which workplaces dispute resolution procedures have, in some senses, led to an over-formalization of the way conflict is handled at work. Procedures no doubt bring an important level of certainty to all parties about the framework for resolving conflict, but overreliance on them may have lead to a reduction in the emphasis on less formal approaches, in such a way as to reduce the chances of finding a restorative solution. A further challenge is how to instill a culture of conflict management in workplaces – one that forms part of the workplace agenda alongside other business priorities, and that promotes early and creative approaches to addressing difficulties or imbalances in power. These are among the major questions to be explored in subsequent chapters of the book.

References

Acas (2015a) Advisory Conciliation and Arbitration Service (Acas) Annual Report and Accounts 2014-15, London: HMSO.

Acas (2015b) *Early Conciliation Update 4: April 2014-March 2015*, London: Acas.

Bewley H and Forth J (2010) *Vulnerability and Adverse Treatment in the Workplace*, Employment Relations Research Series No. 112, London: Department for Business Innovation and Skills.

Bryson A and Forth J (2015) "The UK productivity puzzle", NIESR Discussion Paper No. 448.

Cabinet Office (2015) *The Queens' Speech 2015: Lobby Pack*, London: The Cabinet Office.

CAMS (2009) *International Workshop Report – 18th September 2009: Social Dialogue and the changing role of Conciliation, Arbitration and Mediation Services in Europe: a five country study (CAMS)*, London: CAMS consortium.

CAMS (2010a) *Final Report: Social Dialogue and the changing role of Conciliation, Arbitration and Mediation Services in Europe: a five country study (CAMS)*, London: CAMS consortium.

CAMS (2010b) *Summary Findings: Social Dialogue and the changing role of Conciliation, Arbitration and Mediation Services in Europe: a five country study (CAMS)*, London: CAMS consortium.

Carley M (2010) “Developments in industrial action 2005-2009”, *European Observatory of Working Life*, published online on 24th August 2010.

Casebourne J, Regan J, Neathey F and Tuohy S (2006) *Employment Rights at Work: Survey of Employees 2005*, Employment Relations Research Series No. 51, London: Department of Trade and Industry.

Colling T (2012) “Trade union roles in making employment rights effective”, pp.183-204 in L Dickens (ed.), *Making Employment Rights Effective: Issues of Enforcement and Compliance*, Oxford: Hart Publishing.

Darlington R and Dobson J (2015) “The Conservative government’s proposed strike ballot thresholds: the challenge to the trade unions”, Salford Business School Research Working Paper, August.

Davey B and Dix G (2011) *The Dispute Resolution Regulations Two Years On: The Acas Experience*, Acas Research Report 07/11, London: Acas.

Dix G and Barber B (2015) “The changing face of the world of work: insights from the Acas”, *Employee Relations*, forthcoming.

Dix G, Sisson K and Forth J (2009) “Conflict at work: the changing pattern of disputes”, pp.176-200 in W Brown, A Bryson, J Forth and K Whitfield (eds) *The Evolution of the Modern Workplace*, Cambridge: Cambridge University Press.

Drinkwater S and Ingram P (2005) “Have industrial relations in the UK really improved?”*, Labour*, 19, 2: 373-398.

Edwards P (2000) “Discipline: towards trust and self-discipline?”, pp.317-339 in S Bach and K Sisson (eds.) *Personnel Management: A Comprehensive Guide to Theory and Practice in Britain*, 3rd edition, Oxford: Blackwell.

Elsby M, Shin D and Solon G (2013) “Wage adjustment in the Great Recession”, NBER Working Paper No. 19478.

Fevre R, Nichols T, Prior G and Rutherford I (2009) *Fair Treatment at Work Report: Findings from the 2008 Survey*, Employment Relations Research Report No. 103, London: Department for Business Innovation and Skills.

Fevre R, Lewis D, Robinson A and Jones T (2012) *Trouble At Work*, London: Bloomsbury.

Forth J (2013) “Things looking up – but not if you work in the public sector”, Blog post on 13th December, last retrieved on 23rd September 2015 from: http://www.niesr.ac.uk/blog/things-looking-not-if-you-work-public-sector#.VgPwb9JViko

Gallie D, Felstead A, Green F and Inanc H (2013) *Fear at Work in Britain: First Findings from the Skills and Employment Survey 2012*, Cardiff: Cardiff University.

Green F, Felstead A, Gallie D and Inanc H (2013) Job-related *Wellbeing in Britain: First Findings from the Skills and Employment Survey 2012*, Cardiff: Cardiff University.

Gregg P, Machin S and Fernández-Salgado M (2014) “Real wages and unemployment in the big squeeze”, *Economic Journal*, 124, 576: 408-432.

Jones C and Saundry R (2012) “The practice of discipline: evaluating the roles and relationship between managers and HR professionals”, *Human Resource Management Journal*, 22, 3: 252-66.

Manning A (2015) “Shifting the balance of power: workers, employers and wages over the next parliament”, pp.47-52 in G Kelly and C D’Arcy (eds.) *Securing a Pay Rise: The Path Back to Shared Wage Growth*, London: The Resolution Foundation.

Milner S (2015) *Comparative Employment Relations: France, Germany and Britain*, London: Palgrave.

Ministry of Justice (2015) “Employment Tribunal Receipts Tables: Annex C*” in Tribunals and Gender Recognition Certificate Statistics Quarterly: January to March* 2015, London: Ministry of Justice.

Office for National Statistics (2014) *Labour Disputes - Annual Article 2013*, London: Office for National Statistics.

Purcell J (2010) *Individual Disputes in the Workplace: Alternative Disputes Resolution*, Dublin: Eurofound.

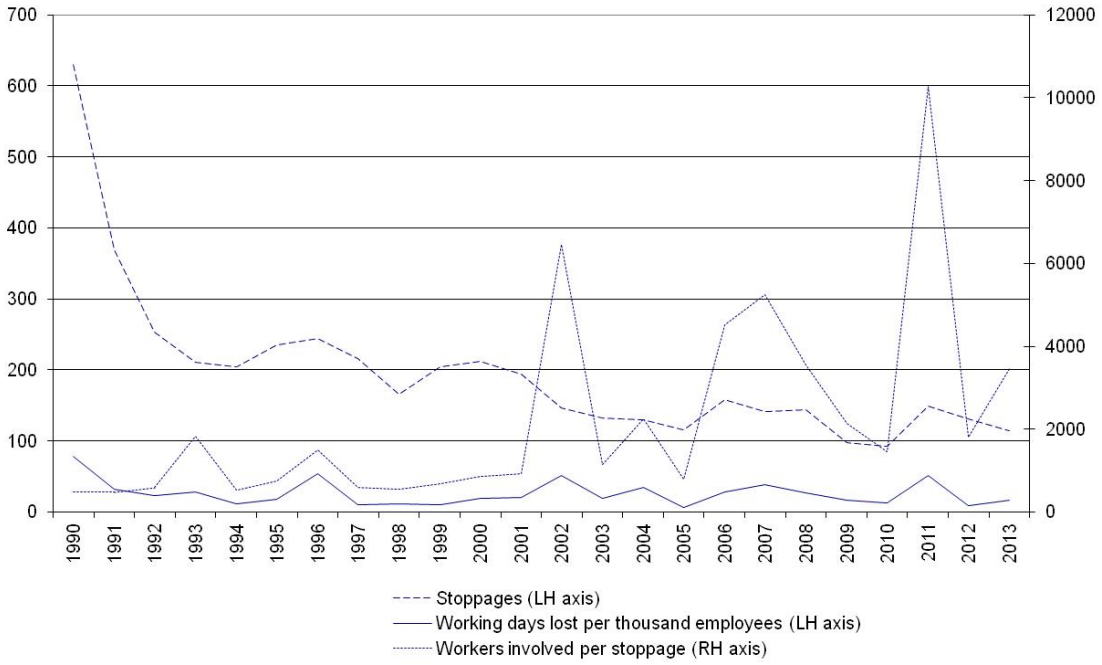
Saundry R, Latreille P, Dickens L, Irvine C, Teague P, Urwin P and Wibberly G (2014) *Reframing Resolution – Managing Conflict and Resolving Individual Employment Disputes in Contemporary Workplaces,* Acas Policy Discussion Paper, March.

Saundry R, Jones C, and Wibberley G (2015) "The challenge of managing informally", *Employee Relations*, 37, 4: 428 – 441.

Roche B and Teague P (2014) “Do recessions transform work and employment? Evidence from Ireland”, *British Journal of Industrial Relations*, 52, 2: 261-285.

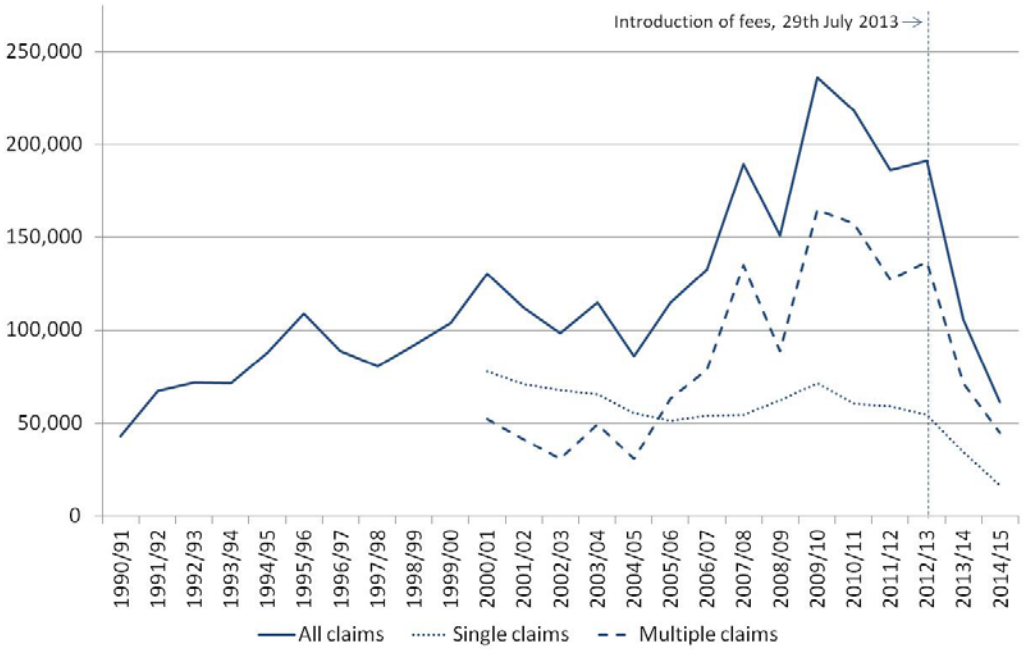
Van Wanrooy B, Bewley H, Bryson A, Forth J, Stokes L and Wood S (2013) *Employment Relations in the Shadow of Recession: Findings from the 2011 Workplace Employment Relations Study*, Palgrave MacMillan.

Figure 3.1: Working days lost to stoppages, 1989-2013



Source: Office for National Statistics (2014)

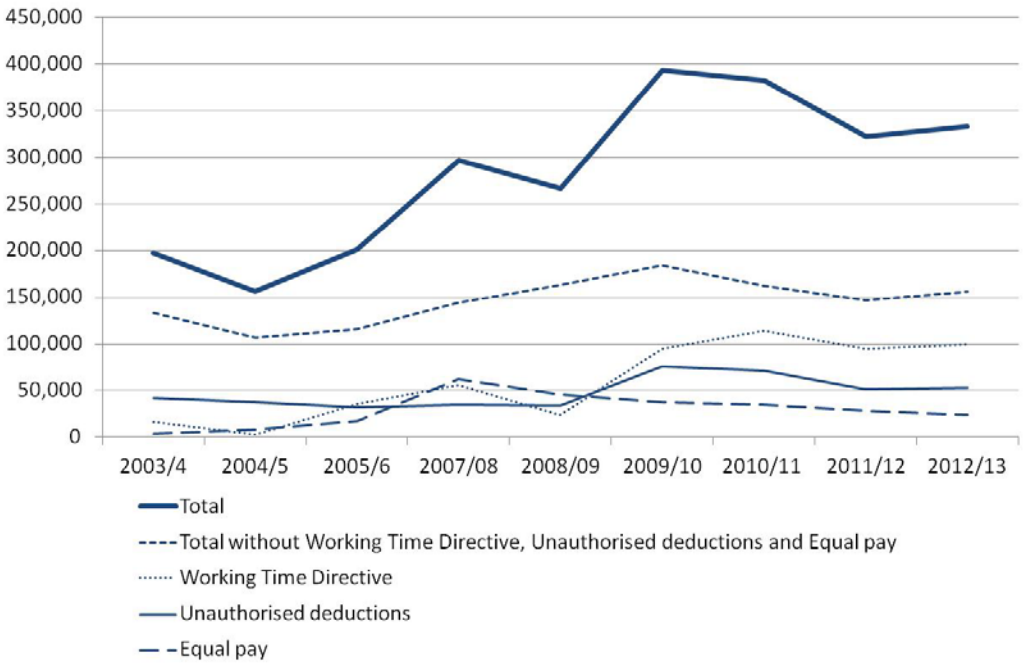
Figure 3.2: Employment Tribunal Claims, 1990/91-2014/15



Source: Employment Tribunal Service Annual Reports

Note: the single/multiple split for 2007/08 is estimated in the published statistics

Figure 3.3: Employment Tribunal receipts by jurisdiction, 2003/4-2012/13



Source: Employment Tribunal Service Annual Reports

Note: Figures are higher than the total number of claims shown in Figure 3.2 as a claim may be brought under more than one jurisdiction

Table 3.1: Industrial action by sector of ownership, 2004 and 2011

Percentage of workplaces

	All workplaces		Private sector		Public sector	
	2004	2011	2004	2011	2004	2011
Any industrial action	2	5	1	1	9	32
Strike action	1	4	0	1	6	29
Non-strike action	1	1	1	1	4	6
Threat of industrial action	4	4	3	2	11	22
Any industrial action taken or threatened	5	6	3	2	15	36
Any ballot	3	7	1	1	19	51
Any ballot or action threatened/taken	7	9	4	3	26	56

Source: Workplace Employment Relations Survey

Base: all workplaces with 5 or more employees

Table 3.2: Individual workplace disputes by sector of ownership, 2004 and 2011

	All workplaces		Private sector		Public sector	
	2004	2011	2004	2011	2004	2011
Percentage of workplaces with a formal grievance	15	17	13	16	24	22
Number of formal grievances raised per 100 employees	-	1.4	-	1.4	-	1.3
Percentage of workplaces with any grievance	-	29	-	28	-	35
Percentage of workplaces issuing disciplinary sanctions	44	41	45	42	30	32
Percentage of workplaces issuing sanctions short of dismissal	42	36	43	37	30	30
Percentage of workplaces with disciplinary-related dismissals	21	19	22	20	8	12
Number of disciplinary sanctions issued per 100 employees	5.1	4.7	6.1	5.5	1.8	2.2
Percentage of workplaces with a claim made to an Employment Tribunal	6	4	5	4	6	7

Source: Workplace Employment Relations Survey

Base: all workplaces with 5 or more employees

Note: All items refer to the incidence in the 12 months prior to the survey date. There is no comparable data on the rate of grievance or the incidence of informal grievances in 2004 (see Van Wanrooy et al, 2013: 152).

Note: Disciplinary sanctions comprise oral warnings, written warnings, suspensions, deductions from pay and internal transfers.

Table 3.3: The climate of employment relations, 1998, 2004 and 2010

Cell percentage

	1998	2004	2011
Employees who consider that the relationship between managers and employees at the workplace is:			
"Good" or "Very good"	55	60	63
"Neither good nor poor"	27	24	23
"Poor" or "Very poor"	18	16	14

Source: Workplace Employment Relations Survey

Base: all employees in workplaces with 10 or more employees

Table 3.4: Employees' evaluations of managers, 2004 and 2010

Cell percentage

	2004	2011
Employees who "Disagree" or "Strongly disagree" that:		
Managers are sincere in attempting to understand employees' views	21	20
Managers deal with employees honestly	19	17
Managers can be relied upon to keep their promises	24	21
Managers treat employees fairly	20	19

Source: Workplace Employment Relations Survey

Base: all employees in workplaces with 5 or more employees

Table 3.5: Workplace dispute resolution procedures, 2004 and 2010

Cell percentage

	2004	2011
Collective disputes procedure	40	35
With provision for conciliation, arbitration or mediation	8	7
Formal grievance procedure	82	89
With provision for mediation by impartial third party	n/a	45
Formal discipline or dismissal procedure	84	89
With provision for mediation by impartial third party	n/a	45
Steps followed in grievance handling[a]:		
Set out the concern in writing + Hold a meeting + Give opportunity to appeal	37	46
Steps followed in handling of disciplinary maatters[a]:		
Set out the concern in writing + Hold a meeting + Give opportunity to appeal	69	81

Source: Workplace Employment Relations Survey

Base: all employees in workplaces with 5 or more employees

Note a: The figures are for all workplaces (not merely those with formal procedures)

[i] Author's calculations from Carley (2010) after excluding Norway.
[ii] The discrepancy between the UK and France is largely due to the fact that the French public sector is particularly strike prone, with days lost in the private sector broadly on a par in the two countries (Milner, 2015: 135).
[iii] Figures cited for the EU-15 are calculated by the authors from Carley (2010) after excluding Norway. Figures for Australia and the USA are calculated for 2005-2009 from data published by the Australian Bureau of Statistics and US Bureau of Labor Statistics.
[iv] Approximately one-in-ten private sector workplaces have recognised trade unions, compared with around nine-in-ten in the public sector.
[v] The number of jurisdictions has risen from around 20 in the early 1980s to more than 60 at the present time (Dix and Barber, 2015; Ministry of Justice, 2015).
[vi] The fees currently stand at £160-£250 for registering a claim and £230-£950 for a claim to progress to a hearing. The amount depends on the type of case and may be remitted in full or in part if the claimant meets criteria for not being able to afford to pay. The Tribunal can also order the fee to be repaid if the claim is successful.
[vii] The introduction of EC restores the availability of a 'free' method for acquiring external intervention in a dispute (albeit from Acas conciliators rather than through free access to a Tribunal). One might then seek to compare the total number of EC notifications under the current arrangements with the total number of ET cases filed in the 'pure Tribunal' period before PCC. The latter are in fact larger, even though EC notifications from 'multiples' are only counted as one case. Around 84,000 EC notifications were made by employees between April 2014 and March 2015 (Acas, 2015b); this compares with around 60,000 ET cases lodged between April 2012 and March 2013 (Ministry of Justice, 2015).
[viii] With a greater number of employees, there is a higher chance that at least case will arise.
[ix] WERS also indicates the reasons for grievances and disciplinary sanctions. The most common causes of grievances in 2011 were unfair treatment by managers (52 per cent), followed by bullying or harassment (30 per cent) and issues over pay or conditions (17 per cent). The most common causes of disciplinary sanctions were poor performance (59 per cent), poor timekeeping or absence (44 per cent) and theft or dishonesty (24 per cent).
[x] As noted earlier, data on the causes of collective conflict indicate that redundancies accounted for at least 65 per cent of working days lost in 2009/10 and 2010/11, but for less than 5 per cent of working days lost in adjacent years.
[xi] Britain is not unique in that respect (see Roche and Teague, 2014).
[xii] In the British Social Attitudes Survey, the percentage of employees agreeing that "management tries to get the better of employees" has fallen over time, from around 60 per cent in the period 1998-2003 to around 50 per cent in the period 2004-2010. The 2011 figure of 56 per cent may represent something of a reversal, but there is no data available beyond 2011 that can be used to corroborate this.
[xiii] The corresponding figure for non-union reps was 44 per cent.