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The changing face of work: insights from Acas
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Abstract

Purpose – The purpose of this paper is to provide an overview of the evolving role of the Advisory, Conciliation and Arbitration Service (Acas) across a 40-year period against a backdrop of changing workplaces and institutional frameworks.

Design/methodology/approach – The paper draws on the statistical and evaluation evidence together with policy commentary and employment relations literature to provide a commentary on the changing world of employment relations.

Findings – Two areas have dominated policy concerns over the period: patterns of employment disputes and the question of employment regulation. The paper argues that such a focus has stimulated some dramatic changes in the way disputes manifest in Britain, and at the same time left something of a policy vacuum in relation to the wide challenges and opportunities for improving conflict handling and the employment relationship. Through the prism of Acas' work the paper identifies some of the enduring features that are common to improving both collective and individual relationship at work.

Originality/value – The paper brings together evidence from different sources combined with the unique perspectives of Acas and its service users to draw and provide explanations for aspects of the changing face of the work.

Keywords Conflict, Acas, Dispute resolution, Employment regulation, Employment relations

Paper type Research paper

1. Introduction

Much has changed in employment relations over the very recent past, not least the public prominence that is devoted to the subject. Whilst in the 1960s and 1970s, "industrial relations" was an issue at the heart of national debate, by the 1990s policy concern had shifted away from what happens inside the workplace towards global competition and labour market flexibility (Sisson, 2009). However, there has been a revival in interest in employment relations in recent years, coinciding with significant economic and political change.

Indeed, political, economic and social changes over the past five decades have combined to create a shifting landscape in which the current workplace is located. These changes have contributed to the way the employment relationship is configured, and to what contributes to the promotion of good employment relations – issues which fall directly under the remit of the Advisory, Conciliation and Arbitration Service (Acas). Acas itself was created in a period of turbulence. The statutory functions of the service were set out in the Employment Protection Act 1975 at a time when there was disenchantment with the role of government in overseeing wage disagreements, and recognition of the need for an impartial body to oversee disputes (Hawes, 2000). In spite of the changing landscape, Acas has remained a constant presence since and indeed, some have even designated the organisation "survivor" status given the considerable changes that have evolved since its inception (Towers and Brown, 2000). Acas'

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statutory functions have remained, largely, intact. Its duties – to promote the improvement of employment relations and with a statutory function to assist parties reach a resolution in disputes – have remained unchanged and its impartial status, funded by, but independent of government, is unaltered. However, the specific activities of Acas have evolved, particularly in the light of legislative changes, shifting ideologies and political priorities, and changing perceptions of what is perceived as "good employment relationships".

This paper provides a brief overview of some of the most significant developments that have affected Acas' role, namely the task of promoting good relations in the workplace, and offering effective third party dispute resolution support. In particular it focuses on two areas that have dominated policy concerns – disputes at work and the question of employment regulation. The paper argues that this focus reflects, and in some instances has stimulated some dramatic changes in the way disputes manifest in Britain. It has also left something of a policy vacuum in relation to the wider challenges and opportunities for improving conflict handling and employment relations. It concludes with a discussion of some of the more enduring features that would seem, from Acas operational experience, to be critical to ensuring good employment relations in the future.

Evidence "from the field" represents an important part of the paper. This is based on a range of sources: interviews with Acas experts on their workplace interventions; in depth case studies in organisations; and robust samples of service users. Acas has day to day interface with employers and employees – in total around nine million such interventions take place annually through face to face and digital services. These offer unique insight into what is happening inside the workplace and its relationship with the changing external world.

Whilst the issues addressed in the paper are quite diverse, there are a number of recurring themes associated with the promotion of good employment relations. These cut across the paradigm of individual and collective relationships and include the value of good communication, and employee voice arrangements, and the benefits of arrangements that promote trusting relationships. Acas, as an independent and impartial body, has an important role to play offering practical solutions to improve workplace relations in this increasingly complex landscape, though there are significant structural as well as behaviour barriers to overcome.

2. The changing nature of employment relations

2.1 Workplace disputes: collective action

Perhaps one of the most profound changes, and certainly one which has altered the context of Acas' world, has been in the nature of workplace disputes. Most notable, and well documented, has been the dramatic decline in industrial action. Between 1968 and 1975, prior to the creation of Acas, the average number of UK annual stoppages due to strike action was 2,854. In 2013-2014 ONS recorded 114 stoppages. The number of workers involved in strikes and days lost had fallen to similar degrees, and the British Workplace Employment Relations Studies (WERS) series show a comparable decline in non-strike action (Dix *et al.*, 2009; Saundry and Dix, 2014).

Explanations behind the statistics have been much discussed and include the decline in trade union presence in changing industrial sectors, a succession of legislative restrictions around trade union influence, together with the impacts of market competition (e.g. Brown, 2014). The more recent recessionary climate, and particularly the public sector austerity programme, has raised questions about whether the decline in

industrial action will continue, remain stable or the trend reverse. Certainly, over the past decade ONS statistics report peaks in days lost, largely reflecting public sector unions reactions to government pay and pension constraints, and the WERS2011 found that 36 per cent of public sector workplaces reported some form of industrial action (threatened or actual) in the year prior to the study (van Wanrooy *et al.*, 2013). Yet, despite a number of years of pay cuts and freezes, a return to anything like 1970s levels of industrial action appears unlikely.

2.2 Workplace disputes: individualised conflict

Another major change in workplace disputes has been in the profile of individual disputes in the form of claims to the employment tribunal system. Between the enactment of unfair dismissal legislation in the Industrial Relations Act 1971 and 1980, the total volume of applications to the then "industrial" tribunals (renamed "employment tribunals" in 1998) grew fourfold to just over 41,000. Volumes peaked two decades later with 236,000 claims in 2009/2010 (Ministry of Justice/Tribunal Service (MOJ/TS), 2010; Dix *et al.*, 2009). Over the last decade a significant proportion of these claims were "multiples", brought by groups of individuals against the same employer on the same issue, and often supported by trade unions, most notably on equal pay. 2015 has seen a flux in holiday pay cases[1]. Dickens (2000) identified such cases as early as 1988 which, whilst concerning individual rights, are lodged in pursuit of a collective issue. Dix *et al.* (2009) have argued that the overall rise in claims is not necessarily a substitute for industrial action, since cases often relate to different issues and involve different actors though in the case of "multiples", these claims have acted as a lever to bring employers to the negotiating table (Dickens, 2000). As is the case in relation to the decline in collective action, legislation has played a part in the changing pattern of tribunal claims, but in this case giving rise to a growth in incidence, in part reflecting the increase in jurisdictions under which claims can be lodged which rose from around 20 individual rights in the early 1980s to more than 60 by 2,000.

Not all claims end up at a full tribunal hearing. Continuing a long trend, in 2013/2014, Acas settled 41 per cent of claims (around 20 per cent of cases are withdrawn). Overall, however, the volume of cases has been an issue of concern for successive governments of different political persuasions (Dickens, 2014; Saundry and Dix, 2014) and as a consequence there have been a number of attempts to reform the system with the aims of lifting the burden on business, lowering costs to the state and to parties and by implication, reducing the overall volume of claims. Prior to the Coalition Government, perhaps the most high-profile review was that undertaken by Gibbons (2007). Whilst focusing on the benefits of reducing tribunal claims, Gibbons also highlighted the value of parties finding "ways to achieve an early outcome that works for them, rather than in terms of fighting their case at a tribunal". Gibbons promoted the use of mediation as a "pragmatic, flexible and informal" route (for instance Latreille, 2011).

Under the Coalition Government, further developments in the evolution of tribunal reform have been, in September 2013, the introduction of fees to lodge a claim, and in April 2014, the introduction of "early conciliation" (EC) whereby parties must notify Acas prior to submitting a claim, and be offered voluntary conciliation in order to seek a resolution of the dispute. Where conciliation is not accepted by the parties or where a case is not settled, the employee has the option to proceed with a tribunal claim. By introducing fees, the government intention was both to raise a "significant proportion of the £84 million running costs of the system" but also drive "businesses and workers to

mediate or settle a dispute rather than go to a full hearing" (Ministry of Justice, 2011). The new Acas service was, following the sentiments expressed by the earlier Gibbons review, a further step away from parties relying on judicial determination (see Dickens, 2014).

Statisitics show a notable decline in tribunal volumes since fees were introduced. Between July and September 2014, 4,252 single claims were submitted, 61 per cent fewer than in the same period in 2013, and 401 multiple claims compared with around 1,000 in the comparative quarter the previous year (Ministry of Justice/Tribunal Service (MOJ/TS), 2014). As for the new EC service, over 60,000 notifications were received between April and December 2014 (Acas, 2015). In total, 9 per cent of employees rejected the offer to engage with the service suggesting that willingness to consider conciliation is widespread.

2.3 Regulation of the employment relationship

It is clear that the legal framework has been a factor shaping the trends of overt workplace disputes over the last half century. Is the same true of wider workplace relations? For much of the twentieth century, the employment relationship was left to the agreement of employers and employee representatives. The 1960s saw the introduction of new laws on contractual issues and handling redundancies (the Contracts of Employment Act 1963) and the Redundancy Payment Act 1965, introducing the right to a severance payment. However, Dickens and Hall (2009) argue these new rights were largely "gap fillers", and the main emphasis was bolstering a voluntarist arrangement, supporting collective bargaining. This altered post 1979 when legislation began to play a more pervasive role in the employment relationship – albeit via restrictive laws – curbing union powers, and with it the scope for industrial action. It was later, in 1993, that Acas' statutory duty to promote collective bargaining was removed though the intervening years saw a fundamental change in the shape of collective relations most notably with a fall in collective bargaining coverage from 70 to 39 per cent between 1984 and 2004[2] (Brown *et al.*, 2009). Much of this decline was across private sector workplaces though the most recent WERS data, continuing the series reported in Brown *et al.*, shows a further decline, but this time explained by reduced collective bargaining coverage in the public sector (van Wanrooy *et al.*, 2013)[3].

Under the Labour Government after 1997, there was no dramatic reversal of regulatory approach to the collective relationship. Trade union legislation from the former era remained largely intact. There were important developments with legislation on trade union recognition, and the introduction of Information and Consultation Regulations (discussed below). However, the Labour Government's focus was on individual rights thus echoing the trend in individualisation that had begun in the 1990s. New employment legislation, much of it driven from Europe was introduced with regulations around working time, increased areas of protection against discrimination and laws to support the balance between work and home life. Importantly, the Labour Government also introduced legislation for national minimum wage rates that, like other areas of individualised legal rights, could be enforced through the tribunals.

Under the Coalition Government we have seen a clearly articulated commitment to a deregulation agenda in relation to work, and other aspects of society. The "red tape challenge" was one of the Coalition's first priorities inviting themes for regulatory change. The emphasis on deregulation has continued, both in direct and more nuanced ways. For instance, 2013 saw an increase in the qualification period for unfair dismissal

from two to one year, whilst the statutory time for consultation over large scale redundancy has been reduced from 90 to 45 days. Other changes to the legal framework, such as the right to request flexible working have arguably been more subtle. Introduced under the Labour Government, the law offered parents and some carers the right to request flexible working with the legal protection hinging on what might be considered "reasonable". This focus on light touch regulation, more concerned with process than substantive rights (Dickens and Hall, 2009) has been further embedded in changes to flexible working legislation introduced in 2014. The law, whilst now extended to all employees, has altered from a prescribed process to one based on principles with guidance contained in an Acas statutory code. This mirrors an earlier shift around discipline and grievance handling. The 2004 Dispute Resolution Regulations had seen the introduction of a statutory three step process. But following the recommendations of the 2007 Gibbons Review, provisions were repealed in favour of a more flexible approach, leading to a new principles-based statutory code. This general move towards an ideology of deregulation is not the domain of a single political party, and, as Kaucher (2015) has argued, reflects an "intensifying" programme of deregulation across other European member states which question any new or proposed legislation which runs counter to "pro-business growth promotion".

The growing interest in the use of "soft regulation" through statutory codes is of interest. Under the Trade Union and Labour Relations (Consolidation) Act 1992 Acas has the power to issues code as it sees fit. Importantly statutory codes developed by Acas are drafted under the auspices of the tripartite Acas Council, thus representing a consensus from employer, employee and independent perspectives, of what amounts to good practice. Acas codes are not acts of parliament or government regulations, but are authoritative statements of good practice, have the approval of Parliament and must be taken into account by tribunals in relevant situations. For 35 years, there were three Acas statutory codes – on discipline and grievance, time off for trade union duties and activities and disclosure of information for collective bargaining purposes. In the last couple of years the government has asked Acas to produce two new codes, one on settlement agreements[4], the other on the right to request flexible working. Like the new Flexible Working Code, discussed above, the Settlement Agreement Code offers advice less on legal specificity, but on what may be construed as a reasonable actions for instance in the amount of time to consider any offer, and what is intended in the law around "improper behaviour"[5] in settlement agreement offers or discussions.

The evidence suggests that statutory codes do have an impact on changing practice. The 2009 Code on Discipline and Grievance triggered revision to workplace procedures (Rahim *et al.*, 2011) and evidence suggests that in some sectors, procedures on discipline and grievance are now almost universal. WERS2011 found that 89 per cent of workplaces had written procedures for dealing with discipline and grievance matters; and 92 per cent of disciplinary and 82 per cent of grievances procedures reflected Acas' principles[6] (van Wanrooy *et al.*, 2013). Also analysing WERS, Wood *et al.* (2014) found strong adherence to these principles in relation to disciplinary arrangements, and compared with 2004, there was a proportionally greater increase in adherence in smaller and non unionised workplaces.

3. Dealing with the changing nature of employment relations

As the discussion above has demonstrated, the policy debate around collective and individual disputes has tended first to be myopic in its focus on incidence of overt conflict (industrial action and the volume of tribunal claims), and second, to revolve

around the issue of regulation and deregulation, and the relative strengths and disadvantages of each, particularly in relation to business benefits. Arguably, what has been lost is an understanding of other forms of conflict including less visible discontent and disputes in non unionised, and unionised, workplaces and in individual and collective relations more generally; and coupled with this the challenge faced by actors around the kind of workplace fragmentation described above. The following sections consider further evidence and insight from Acas on these questions.

3.1 Issues in collective relations

The decline in collective action has led, unsurprisingly, to a decrease in the number of collective disputes in which Acas conciliates – from 3,000 in the 1980s to around 1,200 in the 1990s and now an estimated 800-900 cases a year (Hawes, 2000; Goodman, 2000). But probing beneath the statistics of conciliations is instructive in providing insight on the underlying trends associated with disputes and the state of employment relations.

First, there is evidence that legal regulation may have altered the nature of the way unions respond to conflict with indications of an increase in the incidence of balloting. In 2011/2012, a ballot had taken place in 17 per cent of cases brought to Acas (Hale *et al.*, 2012)[7] compared with 13 per cent of cases in 2007 (Dawe and Neathey, 2008). In the WERS series, 6 per cent of workplaces reported at least one ballot in the year before the survey in 1998, compared with 5 per cent in 2004 and 11 per cent in 2011. In the public sector the equivalent figures were 20, 22 and 53 per cent[8]. This change echoes findings from research with trade union negotiating officers who reported balloting (consultative, indicative and full industrial action) as amongst their most frequently used strategies for resolving disputes, and the most common approach where a complete impasse had been reached (Ruhemann, 2010; Bond, 2011). Heery and Nash (2011) in their analysis of the same data conclude that coupled with trade union officers' use of other aspects of the law, this indicates overall juridification of the employment relationship amongst union officials. Given the restrictive nature of industrial action legislation, as Dickens and Hall (2009) commented, this is an example of where legislation can have unintended consequences.

Second, the policy focus on collective relations has become synonymous with the question of industrial action. Of the disputes brought to Acas, in fact industrial action had taken place in 10 per cent of cases and was threatened in 26 per cent of cases (Hale *et al.*, 2012), but there is more to be learned from exploring the range of issues that conciliation addressed (Dix and Oxenbridge, 2004). Two-thirds of organisations for instance identified communication improvements following conciliation, 47 per cent noted improvements in trust, and the same proportion noted improvements in capacity to manage change. Acas' projects aimed at supporting improvement in workplaces (so called "advisory projects") also shed light on the nature of collective relations. Projects typically involve facilitated discussions with employers and employee representatives (union and non union) to seek a collective solution to a diverse set of problems: again around improving communication and consultation, introducing mechanism for employee involvement and dealing with change management, job or process design, or embedding new arrangements such as new pay or absence systems (Mori, 2013). The centrality of improving voice and communication arrangements is a common strand, yet nationally, only one in three employees say that their managers allow them genuinely to influence decision making (Dromey, 2014). And a decade on from the legislated changes introduced under the Information and Consultation

Regulations there have been only limited inroads in securing new joint consultative committees (JCCs) although the incidence of JCCs is strongly correlated with union presence (Adam *et al.*, 2014).

A further dimension of workplace collective relationships apparent in Acas' operational work is the increasing complexity associated with workplace fragmentation. Outsourced services are said to be worth £199 billion to the UK economy, with activities supporting over three million jobs (Oxford Economics, 2012). Van Wanrooy *et al.* (2013) found that 12 per cent of workplaces had outsourced some activities formerly done by employees in the five years prior to the survey[9]. The structural changes associated with outsourcing have profound consequences for employment relations. Individual and groups of employees working on the same project, using the same skills, may have different terms and conditions depending on who their direct employer is, the timing of their appointment in the evolution of the organisation, or which historical bargaining unit they belong to (Podro, 2011).

Outsourcing can also add to the complexity of collective conciliation talks. While Acas has always been involved in disputes with multiple unions at the table, the proliferation of large sub-contracting arrangements can create scenarios where there are multiple employer representatives involved in conciliation. For instance, in the London bus workers' dispute over payments associated with Olympic Games 2012 transportation, 21 companies covering 15 contractors were involved in negotiations; and six employers were engaged in talks over the 2012 tanker driver dispute (Acas, 2012, 2014). Significantly, the impact of competition may be a factor both in the origins of conflict, and its resolution as there are fine margins for negotiation and union influence. Talks can become protracted and provisional agreements made at Acas may need to be negotiated, not only between the trade unions and direct employers, but also outsourcing clients.

Finding beneficial employment relations solutions is difficult under such complex contractual networks. The TUC has argued for greater contractual transparency in public authorities; strengthening of Transfer of Undertakings (Protection of Employment) Regulations; and procurement standards that reflect social and environmental as well as economic objectives (TUC, 2015). An Acas commissioned study highlighted how human resource good practice can help through "people-orientated partnership contracts" that pay explicit attention to the role of HR practices in the supply chain.

3.2 Managing relations between individuals

As noted above, early indications are that the recent legislative reforms to the tribunal system have had an impact on the extent to which individuals bring claims to the tribunal service. However, a narrow policy focus on tribunal volumes provides an insufficiently holistic look at the nature of individualised conflict in the workplace, and therefore falls short on solutions. As the CBI has argued, whilst supportive of fees, the focus on reducing reliance on public funds has meant there has been little or no consideration for how to improve dispute resolution (CBI, 2013). The tribunal system can only ever be part of the solution: indeed it is clear that only a minority of employees experiencing a problem at work choose any kind of formal approach to addressing their complaint (Casebourne *et al.*, 2006). Much is predicated on employees being aware of their rights, understanding their entitlements and being willing to act. In the case of zero hours contracts, for example, workers may be concerned about seeking to assert their rights, or query entitlements, for fear of having their hours reduced or withdrawn (Wakeling, 2014). Underlying some of the tensions around zero hours

contracts is the sheer complexity of entitlement associated with different employment status, and the growing recognition of the need to rely on the tribunal system to obtain clarity of rights. In response, the Coalition Government committed to undertaking a review of "employment status" (the distinction between workers, employees and self-employed) to consider whether current definitions provide the right balance between the rights of individuals and the needs of business (Department of Business, Innovation and Skills, 2014).

The prism of the tribunal system is too narrow when it comes to understanding how best to manage relations between individuals. Over recent years Acas has undertaken a research programme on how best to manage disputes inside workplace, including identifying creative, early and non legal solutions to managing conflict. Saundry *et al.* (2014)[10] concluded that while some public sector bodies have made strides in developing new approaches to handling conflict, progress is limited. Third party intervention in the form of mediation has had some traction. There is evidence that mediation is positively regarded by the parties, offers a low-cost solution and where individuals undergo mediation training, this can offer wider benefits in improving the management of conflict (Latreille, 2011). Take up of mediation remains low, however: according to WERS, just 7 per cent of workplaces had used mediation (Wood *et al.*, 2014). Key barriers to greater use of mediation include lack of awareness and understanding of what it involves, as well as resource constraints.

Beyond mediation, barriers that prevent a greater proliferation of conflict management approaches are part structural and part cultural (Saundry and Wibberley, 2014). First, increased emphasis on strategic HR has left a vacuum in the management of conflict. The result is greater reliance on line managers, some of whom may lack confidence to handle "difficult conversations", and may retreat to overly formal processes, or turn their back on potentially challenging situations. Reduced union voice is also detrimental since representatives have the potential to be both facilitators of change in dispute resolution arrangements, and help deal with conflict early. Effective conflict management revolves around informal, social processes built on high-trust relationships and in the absence of these ingredients, workplaces may be facing a "resolution gap" rather than buying into new and effective conflict handling strategies.

4. Conclusion

In their overview of the analysis of a time series of WERS data sets, Brown *et al.* (2009) claim a radical change in employment relations in the last quarter of the twentieth century, but that change is best characterised by short phases in a wider evolution. A consistent strand throughout their analysis was the move away from collectivism to a focus on individualism. This polarisation in the dynamics of the employment relationship has manifest in policy thinking and analysis of, conflict at work with its tendency to narrowly focus on tribunal volumes and industrial action. This has been at the expense of a wider perspective both on less overt forms of conflict, and what contributes to good employment relations more generally. There is, however, some convergence in the factors that underpin effective collective and individual relations at work.

Particularly significant is the importance of workplaces adopting a pluralist perspective which acknowledges the opportunities for mutual gains. In spite of diminished trade union membership, the evidence suggests the continued need to develop a coherent narrative on the benefits of voice arrangements that convinces policy makers, employers and individuals alike. Summarising the themes covered in

this paper, specific factors which have the potential to improve both collective and individual relations include: good communication and meaningful involvement in decision making; ensuring arrangements to improve conflict handling; developing arrangements for representative voice; promoting high-trust relations; and, in relation to individualised conflict in particular, the value of the line manager as an intermediary and first point of contact in managing relationships.

The question of the role that regulation can play in achieving any or all of these aspects of good employment relationship is enduringly problematic. Where employment rights are embedded in policies they can provide a framework of certainty in relation to entitlement and responsibilities for employees and employers. There is some evidence that "soft regulation", for instance in the form of Acas' statutory code on discipline and grievance handling, can help inform workplace procedures and influence practice. It is less clear that other statutory codes, such as those relating to flexible work, will have the same effect, and whether it is the threat of tribunals, or pursuit of good practice that influences employers to consistently refer to Acas' advice on handling discipline and grievances. Looking at the impact of legislation more broadly, reflecting on the findings of an OECD study in which there was found little correlation between labour market regulation and productivity, Brinkley (2015, p. 3) commented that its seems unlikely that the UK will benefit from either more deregulation, or less regulations: "in relation to the measure of productivity what actually happens in the workplace may well matter more for the quality and efficiency of work than legislation".

Policies, procedures and behaviours around people management, good conflict management and positive employment relations are among the factors influencing the "quality and efficiency" of work. The barriers to achieving the right environment are part structural and part institutional, as revealed in the analysis around conflict management strategies, and made more complex as a result of workplace fragmentation and in some cases, associated competitiveness. As an impartial and independent agency Acas has an important role to play in supporting all parties to the employment relationship. Yet while it has the power to intervene, it does not have the power to enforce. Dickens (2012) has questioned whether Acas should have a "deeper and wider" role, systematically offering advice to employers during conciliation in individual rights cases in order to avoid future claims; and has suggested a greater role in compliance for Acas, for example if a provision be introduced whereby tribunals require employers to take "health checks", perhaps conducted by Acas, requiring action to be taken if deficiencies are revealed.

"Voluntary compliance", in which employers and employees are stimulated to meet legal obligations and engage in positive behaviours to improve practice at work, is another area in which Acas could play a role. Stuart and Martinez Lucio (2007) for instance, in their analysis of Acas work in the NHS, identified an opportunity for Acas to play a "benchmarking" role assisting the development of more strategic forms of decision making and co-operation in employment relations change, though they also identified a clash in what they foresaw as increasing marketisation of public services, a point resonant with the questions around outsourcing raised earlier in this paper.

The Acas Model Workplace goes some way to providing a "blue print" approach. The Model Workplace is a template for employers to self-assess their performance in specific areas such as discipline and grievance, pay systems and flexible work policies, but also more generally in handling change effectively and having meaningful communication and voice arrangements in place. Acas' own evaluation has found high rates of revisions to policies and procedures after employers have used the tool, though

there was no exploration of the longer term impacts on workplace relations (Berry-Lound and Holland, 2014). Not withstanding the fact that take up has been relatively low, one further option is that the Model Workplace approach might be further elevated to consider broader questions such as achieving improved leadership, a wider array of conflict management approaches, structural issues around supply chain and aspirational dimensions such as organisational capacity to innovate.

Notes

1. In November 2014, the Employment Appeal Tribunal published its decision on holiday pay in the conjoined cases of Bear Scotland Ltd, Hertel (UK) Ltd and Amec Group Ltd stating that holiday pay calculations should include non-guaranteed overtime pay rather than just basic pay.
2. Analysis of the WIRS/WERS data sets: workplaces with 25 or more employees.
3. Analysis in van Wanrooy *et al.* (2013) is of workplaces with five plus employees and is therefore not directly comparable to the time series reported by Brown *et al.* (2009). It shows that in 2004, 28 per cent of employees were in workplaces covered by collective bargaining and this fell to 23 per cent in 2011. Private sector coverage did not change (16 per cent in both years) but fell in the public sector from 68 to 44 per cent, partly explained by the introduction of the NHS Independent Pay Review Body.
4. The Enterprise and Regulatory Reform Act 2013 facilitates confidential termination agreements where no dispute exists.
5. Section 111A of the ERA 1996 provides that any offer of a settlement agreement, or discussions about it, cannot be used as evidence in any subsequent unfair dismissal claim. The protection in Section 111A will not apply where there is some improper behaviour in relation to the settlement agreement discussions or offer.
6. The 2004 Dispute Resolution Regulations contained a statutory three-step dispute procedure: put the matter in writing; hold a formal meeting; and give the right to appeal. In 2009, the three-step statutory procedure was repealed. A new principles-based Acas Statutory Code was issued in 2009 which maintained the three steps as good practice guidance.
7. Surveys comprise samples of employers and union representatives some with a "matched" union and employer respondents reporting on the same dispute. In Hale *et al.* (2012), overall 17 per cent of respondents reported industrial action compared with 11 per cent in matched cases.
8. Workplaces with ten plus employees. Analysis undertaken by John Forth at NIESR.
9. WERS analysis by Blanchflower and Bryson (2010) is based on workplaces with 25 plus employees; van Wanrooy *et al.* (2013) base analysis on workplaces with five plus employees.
10. The paper reports a seminar series funded by the Economic and Social Research Council.

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