

Qualification: CIPD Diploma in Applied Human Resources

Module Name:

Understanding the Management of Employment Relations

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By signing below, I confirm that the work/evidence presented is my own, unaided work. I understand the regulations pertaining to candidate malpractice and the action that may be taken as a result.

Signed:

A handwritten signature in black ink, appearing to read 'Duncan Hook', is written over a light grey rectangular background.

Date: 03/01/2022

1. Explaining the concept of employment relations, the term ‘the indeterminate nature of employment relations’ and defining and comparing unitarist and pluralist approaches to employment relations

The concept of employment relations is a description of the employee/employer relationship and the way this is managed (Suff, 2021). This relationship is described as indeterminate as it is not a simple transaction; each side is mutually obliged to each other to provide and fulfil their end of the employment agreement. A manager is not just purchasing a service from the employee, as the agreement is that the individual is being paid for “the capacity to provide something desired by the purchaser” (Colling & Terry, 2010). The manager is equally obliged to provide work, training and support to their employee as they are in turn expected to attend, engage and complete the work. There are also plenty of unknowns in this relationship. The length of time it will last, where it will lead and conflict that could arise all raise potential challenges when managing the relationship (Ellis, 2016, p. 100).

There are two recognisable approaches to managing employment relationships currently implemented in the UK.

The traditional or ‘regulatory’ approach focuses on the enforcement of rules to give structure to the relationship between the employees in an organisation and their employer (Ellis, 2016, p. 100). This approach is one in which the manager exerts control over employees with company policy, disciplinary processes and performance management keep staff in line (Gennard & Judge, 2016). Backed up by government legislation, this approach means that the collective staff understand a set of clear boundaries and rights set within their employment in the organisation and should ensure a consistent approach across all employees.

The alternative approach, which the CIPD (Suff, 2021) now promote, is based on the development of a trusting, supportive relationship between each individual employee and their employer. The belief is that by supporting rather than regulating, the perception will be of employee relations being a positive influence in the organisation leading to higher engagement, improved attendance, wellbeing and business results (Suff, 2021). This approach also aligns with existing legislation and policy but this is used instead to ensure each employee is treated fairly and supported by the organisation when required.

These two approaches, one that sees employees as a collective needing rigid handling and the other that looks at managing each employee relationship on an individual level (Ellis, 2016, p. 100), are aligned with the concepts of unitarist and pluralist perspectives of management from Alan Fox in 1966. These two concepts will typically affect the way that a manager approaches employment relationships.

The unitarist perspective is most commonly held by managers (Gennard & Judge, 2016) and is the view that all staff should work together towards a common goal, co-operating with each other and thinking of themselves as part of the team rather than individuals. In business terms, this unified goal will likely be the company or manager’s vision that the team all align themselves to (Ellis, 2016, p. 101). A unitarist manager sees conflict as something that should be avoided at all costs, as it is disruptive to the collective goals of the group. With managers viewing the workspace as a place of harmony, this can give rise to managers who think that conflict does not exist in their team and therefore do not manage it properly (Suff, 2020, p. 7).

The pluralist approach takes the opposite stance, recognising that all employees and leaders are individuals with their own ambitions, goals and requirements. Although business results can still be achieved through this perspective, the drive for these results could be different as individuals

may be thinking of their own career development rather than the benefit to their employer (Ellis, 2016, p. 101). Where there is a clash of personal ethos, conflict is more likely and does require managing, however, conflict can lead to conversation and new solutions so this approach is sometimes more valid in keeping organisations moving and engaging their staff. This feeds into the idea of 'smart fighting' (Gallo, et al., 2020) by setting up people with opposing bad qualities to help each other's development. There are also situations where a manager will want employees to learn how to deal with conflict at a personal level as it can be a good precursor to dealing with it in future as a leader.

2. Explaining the roles and typical approaches taken by key parties in employment relations

The definition of management is either the group of people or set of systems that are responsible for the effective running of the organisation (Ellis, 2016, p. 103). Ensuring healthy relationships with employees is a key part of this process.

Since the turn of the century, it has become more and more common for managers to take on the traditionally HR managed people responsibilities including performance, absence, policy and conflict management within their teams (Suff, 2020, p. 39).

Although admittedly sometimes at the root of workplace conflict (Ellis, 2016, p. 116), line managers are also positioned to see conflict within the team at its early stages and so should take steps to tackle the problem early. Avoiding this could make the problem much more difficult, time consuming or costly to manage (Gallo, et al., 2020).

This requires training for them to be proficient in not only the soft skills in conflict resolution and being able to have difficult conversations with their employees, but also good knowledge of disciplinary, grievance procedures and HR Management policy (Heal, 2018).

The challenge here can be that while policies are designed to benefit employees and organisation in the long term and align with employment law, managers may find it difficult implement policies that can hurt productivity or attendance in the short term such as those relating to sickness absence (Ellis, 2016, p. 104).

Kilroy and Dundon's (2015) article offers to explain manager's relationship with policy with three types of management style. The '*Policy Enactor*' will apply all policies for consistency across the whole organisation. This style sends the message that the organisation is in charge and there is no say that a manager or employee has over the implementation of policies.

The other two styles represent two ways that a manager may be more selective on how they implement policy. The '*Organisational Leader*' style will consider the impact on the organisation of aligning with policies and is more of an exhibition of their authority as a leader. They consider it beneficial to go beyond what a current policy offers or to avoid utilising policies if they consider them damaging to their employment relationships with the business (Kilroy & Dundon, 2015).

The '*Employee Coach*' in contrast will be thinking about the individual relationships with employees and what using a policy will do to improve performance. This style shows awareness that using policies can actually cause damage to the manager/employee relationship and so would aim to resolve matters through coaching the employee where possible which leads to better employee commitment (Ellis, 2016).

The role of trade unions is primarily to represent their member's interests in employment relationships (Gautrey & Widdowson, 2016). Unions began as an attempt to give back power to

the employee in the employee/management relationship with the purpose of achieving 'fairness, justice and equality' (Ellis, 2016, p. 105).

Whether working individually to support an employee or working collectively in bargaining situations, the trade union is there to help regulate the employment relations process. By giving strength to workers to reject terms that are unfair and negotiate to have better working lives. The most apparent way that they do this is through their work to negotiate better terms for pay, working hours and conditions for work (Gautrey & Widdowson, 2016). Their influence has traditionally been seen most in the public sector where budgets are stretched and pay is lower (Ellis, 2016, p. 106). Trade union representatives have the right to be involved when negotiating with management on these terms, the unions will also then consult with their members on these proposed terms before deciding whether to accept or reject to management.

In most extreme cases, unions can propose to take industrial action including asking their members to vote to strike. This was most famously disruptive in the 1979 'winter of discontent' with large scale strikes impacting the public sector (Maw, 2017).

Union membership numbers are on the decline for many reason but chiefly to diminishing relevance. The move away from the 'traditional' employment relationship where collective bargaining is needed to negotiate terms for all staff (Gennard & Judge, 2016) sees unions losing a core function. This change is also notable in the public sector where the majority of union membership has been held traditionally (Gautrey & Widdowson, 2016). With budget cuts and privatisation, the public sector is shrinking and so the member base is also shrinking. In addition, older male-based industries which traditionally relied on unionisation, such as mining are now gone and replaced with much more diverse industry of workers who would not be attracted by the old view of union membership (Ellis, 2016, p. 106). As with the 'Employee Coach' management style (Kilroy & Dundon, 2015), this new workforce is also accustomed to being treated as an individual, which negates the need for collective representation that trade unions offer.

The government have a large part to play in their role as employer of the UK public sector, including local authorities, the education system, health and central government (Ellis, 2016, p. 107). This role traditionally saw them setting the example for best employment relations practice although this shifted with the 1979-97 conservative government when a move to seek greater efficiency saw a change in standards and how these relationships were managed.

Although they have a much more direct impact in the public sector, their role as policy maker does affect the private sector as well. Policies that directly govern employment relations within organisations are introduced through the Equality and Human Rights Commission (Ellis, 2016, p. 106) but, in times of need, this reach can also go further.

In its handling of the pandemic, the current government's introduction of measures such as in offering a furlough scheme for home-schooling parents (Brown, 2021) and intervening in the increasing trend of 'fire and rehire' practice (Wilson, 2021) have shown the government taking a much more active role in managing employment relationships within the private sector.

The other significant government contribution is in commissioning the agency Acas to provide services that support employment relations (Acas, 2021). The main services they provide which are all free to access for employees and employers.

The *Advisory* service is used by many organisations to ensure formal employment relations processes are being correctly followed and to suggest action that could be taken to resolve certain workplace issues (Acas, 2021).

During *Conciliation* they offer an impartial third party who can meet with employer and employees to attempt to resolve workplace conflict. This would be called upon before there is

potential for the case to go to employment tribunal, which would help avoid the stress and expense of this process (Acas, 2021).

Arbitration is offered to put dispute resolution into the hands of an Acas arbitrator who, after meeting and discussing with both sides, will make a decision that both are legally bound to. This could be an ideal action to take to ensure a solution can be found and helps organisations to move on from the dispute (Acas, 2021).

3. Explaining different models of employee representation

Employee representation and employee voice define the collective influence that employees can have on their workplace. This can be represented by employee involvement on companywide decisions through to open communication with leadership for concerns to be raised on a range of issues (Dromey, 2015, p. 5). By allowing employees to have their say and to be invested in their organisation, this can lead to an increase in engagement with their work and loyalty to the company leading to better performance as a result (Gennard, et al., 2016). This was recognised in the government's 'Good Work Plan 2020' which made changes to the requirement for consulting and informing staff with a lower threshold of 2% of employees requesting it (Croner, 2020).

Consulting staff is seen as an essential tool in not only in building employee relations but also in evaluating and improving the organisation; allowing staff to identify problem areas and assist in finding solutions (Young, 2020). Employers of 50 or more employees are bound by the rules of the Information and Consultation of Employees Regulations or ICE (Maxwell, 2021). These regulations give rights to employees to request opportunities for consultation and information when it comes to matters that will impact the organisation and so lead to various approaches for this to happen.

Employees can be encouraged to have input in their organisation through representative participation. Although this can take a variety of forms including committees or forums, the employees are always represented by elected or selected individuals who will bring feedback or concerns from the group to the managers (Maxwell, 2021). The most recognisable approach to informing staff or consulting for change is through employee forums. These forum groups are commonly made up of either unionised employees or selected 'reps' and meet with management to discuss matters of concern (Maxwell, 2021). In organisations that are open to sharing strategic information with employees, there are opportunities for partnership models. Through these, employee representatives can meet with managers and work together to find solutions through a co-operative, friendly approach (Maxwell, 2021).

It is also becoming increasingly common for organisations to encourage a more informal direct approach to employee participation (Maxwell, 2021). Rather than relying on forum representation, employees are encouraged to have more autonomy and influence over the way their job works through conversations with their manager or over larger organisation wide change during open forums.

The ICE regs and these participation practices allow employees to raise issues before they become a problem. Whistleblowing is seen as a powerful solution that employees have to force change in their organisation but through regular consultation and partnership, this may not be necessary and so keep the employment relationship more amicable (Peters, 2020).

4. Explaining different types of individual and collective conflict behaviour and some of the evolving approaches that can be used to manage these

Although from a pluralist viewpoint conflict can be beneficial in developing new insights or approaches to work, the range of conflict scenarios can be damaging and should be resolved (Gifford, 2021). If not dealt with, conflict can affect employee's engagement, performance, health and can be time consuming and expensive for the organisation to remedy (Saundry & Urwin, 2021, p. 2).

Misbehaviour on an individual or collective level such as theft, high absence or sabotage are usually indicative of a breakdown in the employment relationship (Ellis, 2016, p. 116).

In addition to disagreements between staff, some of the most concerning individual conflict takes the form of bullying and harassment, which can present itself as intimidation, inappropriate jokes, sexual harassment or even violence in more extreme cases (Suff, 2020, p. 19). In the modern workplace, cyber bullying is becoming more common as many of us spend more time working remotely with email being a common way for employees to feel like they have been mistreated (Churm, 2020).

Harassment, bullying and discrimination would be dealt with formally as they are considered unlawful by the Equality Act 2010, where it defines this as unwanted conduct which is directed towards another due to one of nine protected characteristics (Daniels, 2019, pp. 140-153).

It is common for managers to move to formal disciplinary processes at the early stages of conflict, however where appropriate, informal approaches to resolve conflict should be exercised first (Suff, 2020, p. 36). This can avoid the time investment, stress or costs of more formal processes and is more likely to lead to good continued working relationships (Gifford, 2021). As poor handling of conflict can be a trigger for further conflict, it is important that managers are trained to handle conflict effectively (Ellis, 2016, p. 116).

Early approaches can be cultural; in encouraging civility and creating an environment where differences are embraced with feedback welcomed for development (Gallo, et al., 2020).

Performance management can equally be a good opportunity to address issues in the moment. Going further, Mediation is an early remedy for conflict which, while informal, has a recognisable structure. An impartial third party should act as mediator, promoting communication between conflicting employees and developing empathy or understanding (Gifford, 2021).

This confidential process starts with the mediator meeting the individuals separately to understand the issue and potential solutions. Then when they all meet together, each side is given their opportunity to explain their position before a conversation is had to meet a solution that works for each side. This solution is then documented with the commitment of each side to follow through on this (Gifford, 2021).

The CIPD find that mediation is underused but is an effective, low cost method to resolve issues quickly. Some organisations have mediation written into disciplinary policies as an optional step (Gifford, 2021) or use HR practitioners to hold facilitated conversations in situations of mild conflict where talking about the issue in an open way may be enough to find a resolution (Gifford, 2021).

In the public sector the CIPD have found it more likely for managers to adopt measures such as mediation. Suff (2020, p. 37) suggests that this could be the influence of trade unions on the public sector to have a more thorough process when dealing with conflict.

This process is similar to the conciliation or arbitration processes that Acas use although theirs are resolved with a legally binding resolution. Similar to mediation, conciliation is offered to prevent tribunal claims being made and leading to costly, lengthy processes. (Gifford, 2021)

Collective conflict, whether presented as demonstrations, protests or strikes is organised across groups of employees. Unions have a large part to play in industrial action as in order to be classed as official it has to have been organised and approved by the union (Ellis, 2016, p. 116). Common issues for industrial action are working conditions, pay and zero hour contracts. Any changes by employers in these areas often spark industrial action (Gautrey & Widdowson, 2016) such as the strikes over pay taken by British Airways pilots in 2019 (Tophan, 2019). This action was not only financially damaging for the organisation but also made the issues public, with devastating impact on their public image (Hilditch, 2019).

Organisations have been given some help to prevent industrial action but generally organisations will need legal advice as employees are entitled to strike for up to 12 weeks (CIPD, 2021). The Trade Union Act 2016 was introduced by the conservative government to ensure that unions needed to decide by vote with a 50% turnout and majority vote within their membership for action to take place officially (CIPD, 2021). This makes it significantly more difficult for workers to officially protest which has been criticised by some as undemocratic (Elgot & Mason, 2017). Culturally, trust is important between trade unions and employers that each side is doing the right thing for the employees and an understanding in the position that the employer is in when they make decisions (Gautrey & Widdowson, 2016). Also it is important to involve and discuss with trade unions early and not withhold information that is pertinent to the employment relationship (Gautrey & Widdowson, 2016).

Unofficial action may be short term or small scale such as within a group of employees refusing to carry out a certain piece of work (Ellis, 2016, p. 116) or larger scale in protest to wider issues. If industrial action is deemed unofficial then employees lose their protection against unfair dismissal so employees put themselves at risk by making this choice. This includes action that is not voted for by a union majority which the employer has the power to stop through an injunction (CIPD, 2021). With dismissal being a drastic action, there are instances where an employer can show solidarity with a cause. Protests in 2019 over climate change were supported by large businesses such as Shell by offering the use of annual leave to join the cause, which was helpful for employment relations and for the public reputation of the organisation (Howlett, 2019).

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