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1.1 Explain what is meant by the indeterminate nature of employment relations.

According to CIPD (2021) employee relations is the term used to describe the relationship that employers create and sustain with their employees. Employee relations replaced industrial relations in order to illustrate that individual relationships needed to be considered, as well as the collective relationships within the workplace. Positive employee relations not only encourages mutual trust and respect but also contributes towards organisational success through employee engagement. As (Gennard and Judge, 2010, cited in Taylor and Woodhams, 2016) defines the purpose of employee relations as establishing the rules, regulations and agreements between employees and employers.

The nature of employment relationships is defined as indeterminate. As explained by (Colling & Terry, 2010) indeterminacy relates to a labour contract but it does not state the capacity of which the worker needs to apply effort. Employers must ensure that the employees' expectation of labour and standards of performance is conveyed through an ongoing relationship. However, due to the indeterminacy of the employment contract and it not specifying the full extent of the rights and responsibilities that is expected of each side it is explained by the (Department for Business Innovation & Skills, 2010) that this will create apprehension over the correct behaviours and consequences that is required by each party.

1.2 Compare unitarist and pluralist approaches to employment relations.

There are several approaches to employee relations, with the two main methods being described as unitarist and pluralist. Both of these approaches are taken from the perspective of British sociologist (Alan Fox, 1966 cited in Taylor and Woodhams, 2016) and are used to describe the ways in which managers view the employee relationships.

<u>Unitarist</u>

A unitarist approach consists of both managers and employees sharing the same interests and objectives through their commitment towards the organisation. The unitary view is affiliated with management which depends on management delegating and employees following instructions to work to the best of their ability. As stated by (Gennard and Judge, 1997 cited in Armstrong, 2006) it is assumed that all organisations are harmonious and cooperative, and all employees work collaboratively as one team in achieving organisational objectives. Employees are made to accept management decisions under the unitarist perspective and due to this conflict is deemed as unnecessary and is avoided.

<u>Pluralist</u>

A pluralist approach focuses on different interest and values through different sub-groups. It suggests that there are various groups of employees with different demands, thus meaning that management will have to make compromises. As this view requires compromising and collective bargaining it inevitably can cause conflict, due to a number of issues which can include pay, working hours, working conditions etc. Management should expect conflict to occur and be ready to manage it effectively to ensure positive outcomes. According to (Ellis, 2016) if management hold a pluralistic view, conflict is an unavoidable part of the employment relationship. In order to create and maintain productive working relationships, managers need to identify an effective procedure in

managing conflict. Trade unions are essential in regulating the employment relationship and employees to influence management decisions.

2.1 Explain the purpose and key developments of the trade union movement.

Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) defines a trade union as an organisation that consists mainly of workers of one or more descriptions and its main purpose is to regulate the relationships between employees and employers. The TULRCA has been amended over time to include the Employee Relations Act 2004 and the Trade Union Act 2016. The trade union is a membership only organisation and its purposes are to maintain and protect the interests of employees within the workplace. Trade unions provides its members with information, advice and guidance in relation to work-place issues.

Historically, the trade union had been developed to protect skilled workers in the workplace, unskilled workers had been deemed to be unsuitable for union representation. According to the (Britannica, 2019) Trade Union, formally known as the labour union, was created for the purpose of acquiring benefits, better pay and better working conditions. Negotiations are made by trade unions with employers on the behalf of the employee, this is known as 'collective bargaining'. For this to be effective, unions and employees must agree on the required procedures and conditions in relation to adjusting employees' terms of employment i.e., pay or working hours, this is known as 'collective agreements'. According to (CIPD, 2021) collective employment rights are not legally enforceable unless a collective agreement is specified into an employee's contract. The legal right to perform collective bargaining is recognised as the as the fundamental attribute of a trade union.

2.2 Compare different management approaches to employment relations.

According to (Ellis, 2016) management is the term used to refer to a process, the management process includes the delivery and organisation of people and work. Management can either be a group of people or an individual responsible for ensuring the operation of the organisation and creating and maintaining effective employee relationships. The actions and attitudes of managers can have a major impact on the performance and commitment of employees. Managers who effectively communicated with and support their team members will achieve higher productivity than those who withhold feedback and support.

'Management style' refers to the approach that management within an organisation takes to process employee relations. (Sisson, 2010, p35 as cited in Taylor and Woodhams, 2016) suggests that since the 1980s, management has played a bigger role in regulating employee relations, more than that of the government or trade unions. Management styles have been acquired through their interactions with employees. The front-line management styles identified by (Kilroy and Dunson, 2015 as cited in Taylor and Woodhams, 2016) are:

- **Organisational Leader** – front-line management relies upon the employee relationship and acts upon what they think is best for the overall team, HR policies are utilised to provide support.
- **Policy Enactor** – relies heavily on HR policies. Management is responsible for HR practices, which enables them to make decisions quickly. Employees recognise front-line management commanded heavily by HR practices.
- **Employee Coach** – HR policies are customised to meet the individual's needs and is perceived as a coaching tool more than a conventional policy. Managing via a coaching style often sees any disciplinary action as a management failure.

(Purcell and Sisson, 1983 cited in Bingham, 2016) also identified five standard types of management styles, which included:

- **Authoritarian** – Managers of this type make choices based off their own judgements and ideas and seldom ask for or accept advice. Employee relations is not deemed as important and employee issues are only responded to once something happens.
- **Paternalistic** – Dominant and assertive style and can often mirror the authoritarian style, however, it provides more of a positive attitude towards employees.
- **Consultative** – requires the views and opinions of frontline employees to make informed decisions. Employee consultations are paramount and trade unions are accepted.
- **Constitutional** – Management style tends to be hostile, however, there is a trade union presence.
- **Opportunistic** – Management style is driven by local circumstances, which determines the involvement of trade unions.

2.3 Explain the role of UK and EU government, and the principle employment relations agencies of the state, in managing employment relations.

(Ellis, 2016) states that the government has a significant impact on the management of employment relationships by its role of employer in the public sector, through legislation and agencies that concentrate on improving difficult working relationships through management. The government's role as an employer in the public sector enabled it to display exemplary skills in employee relations through sophisticated pay levels, pension schemes and job security. In 1973, the UK joined the European Economic Community now known as the European Union, employment laws were formed by both the UK government and European Union and in 1997 the UK signed up to the Social Chapter of the Maastricht Treaty which increased the impact that the EU had on the employment regulations and covered the following areas:

- Health and safety,
- TUPE,
- Discrimination,
- Working time directives,
- Data Protection,
- Information and consultation,
- Part time, fixed term employees and agency workers
- Family friendly rights

The UK officially left the European Union on 31st December 2020 and for 11 months after negotiations took place to identify the future relationship between the UK and EU, in regard to employment law and workers' rights. It was decided that as of 2021 the UK was no longer obligated to follow EU laws in relation to employment. As stated by (CIPD, 2021) in time UK law will no longer change in time with the EU law and EU employment rights will no longer be relevant within the UK.

The UK government also indirectly impacts employment relationships through agencies such as the Advisory, Conciliation and Arbitration Service most commonly known as ACAS. ACAS was created to improve the employment relationships between both employers and employees. It is described as "an independent public body that receives funding from the government" (ACAS website, n.d.). ACAS provides advice and information on employment law, HR processes and good practice at work to employers, employees and representatives. According to (Ellis, 2016), in 2014, the government

required for all Employment Tribunal claims to be submitted initially through ACAS to enable both parties to come to an agreement in the first instance, in order to reduce the number of claims going to Employment Tribunals.

3.1 Explain the differences between employee involvement, participation, partnership, information and consultation

Employee participation and involvement are ways of which employees can voice their concerns to management for actions to be undertaken. According to (Ellis,2016) employee voice is usually associated with Trade Unions, the employee voice is channelled through trade union representatives in order to be heard. However, in more recent times, there has been a decrease in trade union memberships and so employee voice has evolved into direct communication between the manager and employee. A survey carried out by (CIPD, 2021) discovered that only 17% of respondents identified trade unions as a measure for employee voice.

Employee participation can be defined by both direct and indirect participation. Indirect employee participation refers to employees participating in organisational decision making through their representatives, such as trade unions. Direct employee participation outlines direct communication between the employee and employer. Employment involvement sees activities being introduced directly to the employee by management in order to gain ideas and co-operation. However, the two terms may seem similar in their meanings, there are distinct differences between them both. As identified by (Quain, 2018) the main differences between employee participation and involvement is that participation refers to business activities that an employee takes part in to achieve organisational objectives and involvement is more about the level of input through decision making.

Partnership includes employees, employers and unions working together to create long term positive relationships, which according to (TUC, 2001) focuses on improving conditions in the workplace for employees, which enable the future of the business. Joint consultative committees (JCC) are used by managers and employees to come together on a regular basis to discuss issues and shared concerns. They are often referred to a 'Work Councils' or 'Employee Forums' and according to (Gennard et al, 2016) there must be a formal constitution in place to govern it, the agenda must be well=prepared and all members should be given an opportunity to contribute towards it and all deliberations must be reported to all employees at the next available opportunity.

According to (Ellis, 2016) the use of employee voice methods was used until 2005 when the Information and Consultation of Employees (ICE) regulation was introduced into the UK. The ICE regulations were implemented to give employees rights to be informed and consulted of any organisational issues. ICE regulations are used in organisations where employers recognise its benefits. With the use of employee participation and involvement initiatives, management must gain consent from their employees, in order to acquire their commitment rather than using control. As stated by (Gennard et al, 2016) Employee involvement and participation cover a vast number of processes which allows employees to increase their knowledge about the organisation enabling input with the decision-making process which in turn will ensure a productive workforce.

4.1 Distinguish between conflict and misbehaviour, and between official and unofficial industrial action.

Due to the varying interests and opinions of employees, conflict can be inevitable. It can also be disruptive and costly, so early intervention is beneficial. Within the workplace, conflict can include any disagreement that takes place between employees through differences in opinions, personalities, poor communication and unrealistic needs and expectations to more serious incidents of bullying and harassment. Negative conflict can cause distress to individuals, teams and the wider organisation. As identified by (CIPD, 2020) conflict cannot be specifically pinpointed, as one person's perception of a difficult situation can differ from another. However, some conflicts can be seen as positive through healthy competition.

Organised and unorganised conflict is used to describe different forms of conflict. Organised conflict such as strikes. Strikes are deemed as official if they have been organised by trade unions and unofficial if they have not been correctly approved by Trade Unions. Employee misbehaviour is also known as unorganised conflict. Misbehaviour such as theft, sabotage etc. can occur through collective or induvial methods. As stated by (Ellis, 2016) if a team of employees or an individual is unsatisfied by a decision made by an employer i.e., redundancy, this might lead to damage of organisational property. Therefore, misbehaviour is something carried out by choice, unacceptable conduct can cause disruption to work processes and systems. If both employee conflict or misbehaviours are not initially dealt with or effectively managed it can lead to official or unofficial industrial action.

Unofficial industrial action is industrial action that is not organised or the responsibility of Trade Union. As explained by (Daniels, 2019) unofficial industrial action is decided upon when action is taken without a ballot, known as a void ballot. When industrial action is deemed unofficial any employees that are involved will be without statutory protection from unfair dismissal. Official industrial action is explained by the (CIPD, 2021) as the generic term that covers a range of actions in the forms of strikes, overtime bans, boycotts etc. these actions can be used to apply pressure to employers. They can be strikes, overtime bans, boycotts etc. Strike action can occur when a collection of employees refuses to work under conditions required by employers. In order for the strike to be official, Trade Unions must inform employers (in writing) of all the union members that will be involved, no later than seven days before the ballot is held. A ballot will not be valid unless there is a minimum of 50% turnout, however, in public services such as the NHS, fire service etc. a minimum of 40% of votes need to be received in favour of strike action (CIPD, 2021). If the result is in favour of strike action, Trade Union must give the employer 14 days' notice and industrial action must commence within an agreed time and no later than six months after the ballot. Employees cannot be dismissed for taking part in a lawfully organised ballot.

4.2 Distinguish between third party conciliation, mediation and arbitration.

It is important for workplace conflicts to be resolved quickly however, solutions are not always achieved, and the use of a third party is needed to resolve organisational conflicts. Third party conciliation or alternative dispute resolution (ADR) is the use of a neutral third party to support in

the resolution of conflict. According to ACAS conciliation is when an ACAS representative communicates in relation to the dispute with both the employee and employer to try to settle the dispute before making a claim to the employment tribunal. A neutral, independent person will be appointed to listen to concerns from both sides, review the evidence that is provided and offer advice on how to resolve the matter. Conciliation through third party organisations like ACAS are ideal for both parties as it provides free impartial advice and often disputes are resolved before it is needed to be taken to tribunal. However, early conciliation must begin with 3 months from the date of the issue that is being disputed, if the deadline is missed this will affect the deadlines of a tribunal claim and the right to claim will be lost.

Mediation is a voluntary process undertaken by a neutral person, known as a 'mediator'. According to (CIPD 2021), mediation provides a quick solution to workplace conflicts and can be used at any point of the dispute. Mediation is not appropriate in resolving all types of disputes i.e. a serious misconduct, this would need to be managed through proper procedures. The method supports in creating a confidential space for both parties to express their sides to enable them to come to a mutual agreement whilst keeping the conversation on track. However, the mediator is to only encourage and guide a balanced conversation and not to enforce or influence an agreement. There are many benefits of using mediation, it ensures that outcomes are determined by all involved which allows for changes in behaviours due to acknowledging the other persons points, and it can avoid the dispute reaching an employment tribunal. Nevertheless, mediation is not legally binding and so the outcome can be deemed as not compulsory and not all parties will commit to what was previously agreed.

Arbitration is another form of ADR, it enables disputes to be resolved without attending a tribunal and is similar to conciliation and mediation, as it is voluntary. According to ACAS arbitration is used to decide on a dispute in order to settle it. An arbitrator will listen to both sides and ask questions to ensure that both sides have a complete understanding of the issues. When a decision is made by an arbitrator this is known as an award and is legally binding. All parties commit to accepting the decision that is made by the arbitrator and neither party are able to go to court to overturn the decision once it has been made.

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