

1. Differentiate between employee involvement and employee participation **and** how they build relationships. (AC 1.1)

Employee involvement refers to work-based processes that provide employees with the opportunity to contribute their ideas to decisions made within the workplace (Parent-Thirion *et al* 2020). Recognition and involvement programmes, suggestion schemes, team meetings and open communication are good practices of employee involvement initiatives and employees feeling that their contributions matter can assist in building relationships through team collaboration and increased job satisfaction, which can also strengthen the relationship between the employer and the employee. This aligns with a Unitarist point of view, which is the perspective of employment that emphasizes shared interests of all members of an organisation. Although employee involvement allows employees to input their ideas, decision making is solely management responsibility (Taylor and Woodhams, 2022). By collaborating directly with employees to gain their co-operation and allowing more autonomy, employee engagement and performance can be enhanced, leading to greater organisational performance and employees feeling more secure in their jobs (Gifford, Neathey and Loukas, 2005).

In contrast to employee involvement, employee participation refers to the extent in which employees are actively involved in the decision-making processes and systems of an organisation, often via collective representation structures with a more formal approach (Gennard and Judge, referenced in, Wales (2024)). Examples of employee participation can include joint consultations and unlike employee involvement, allows employees to directly contribute to organisational goals (Taylor and Woodhams, 2022). During collective consultations for example, meaningful discussions can be used to introduce new work-based policies or procedures whilst genuinely considering the effects and ideas of employees which allows an opportunity for staff to be more engaged (BBC, 2025). This could allow for greater working relationships to be built as there is a mutual sense of honesty and transparency and organisations would be more likely to gain employee buy-in to processes that the employees have participated in. In their report on Collective Employee Voice, The CIPD (2022) outline the importance of collective decision making as a channel to foster more positive working relationships and to build a workforce that is more engaged and productive. In comparison to employee involvement, employees who are able influence decisions that affect them directly as a means of participation can allow a sense of belonging and trust that will enhance the employee experience greater than that of involvement.

2. Compare forms of union **and** non-union employee representation. (AC 1.2)

Trade unions play an important role in the concept of collective employee voice and can assist organisations in building a positive employee relations culture by negotiating certain working conditions to represent the views of their members, otherwise known as collective bargaining (CIPD, 2025a).

Legally and regardless of length of service, employers must allow a reasonable amount of paid time off during working hours for representatives of trade unions they recognise to carry out duties connected to their role, duties relating to negotiations with the employer or for participating in any

training which is relevant to the duties they undertake as a member of a trade union (Daniels, 2024). Employers are prohibited from discriminating against an employee because of their trade union membership and any employee who dismissed on the grounds of their trade union membership can claim unfair dismissal as a day one right (CIPD, 2024).

Under union representation, lawful industrial action can be taken in the form of strikes providing a legal ballot is organised with a result of a 50% turn out and employers are given at least 14 days' notice of the intended industrial action (CIPD, 2024).

Non-union employee representation could manifest itself in the form of consultation group forums and is similar to union representation in that they both advocate and defend employee rights. Non-union representation can provide channels for employees to discuss issues such as health and safety for example and can consult on behalf of an employee whilst sharing certain information without the need to involve a union (CIPD, 2025b). Like union representation, there are also certain areas of law where some cases of non-union representation have statutory rights to paid time off to perform their duties, and it is best practice for employers to provide this to voluntary employee forums to aid meaningful conversations (ACAS, 2024b). However, the rights of non-union representatives are more limited than that of union representatives, especially in the sense that there is no legal protection and grounds for striking, there is no right to paid time off or the right to negotiate paid terms and conditions. Furthermore, once an organization recognises a trade union, there is a legal obligation for employers to engage in collective bargaining over terms and conditions of employment (Morris, 2025) which highlights the lean in power towards union representation in comparison to non-union representation.

3. Evaluate the relationship between employee voice **and** organisational performance. (AC 1.3)

The CIPD (2025b), explains that when employees feel they have a lack of 'voice' or channel to speak out within their organisation, their wellbeing, motivation and productivity are all negatively impacted. As such, organisations should establish a range of practices and policies which foster an environment where employee voice is encouraged to improve working lives, build better working relationships and improve organisational performance.

HR practices that foster employee commitment, like employee voice forums, are crucial in driving organisational success. This can be seen to have a positive impact on employee wellbeing which is linked to enhanced task productivity, and greater retention as employees who feel like their voice is meaningfully listened to will be less likely to leave their organisation which shows that employee turnover is a key mechanism in how employee voice practices can improve the performance of an organisation (Kim and Cho, 2024, pp 714-717). Furthermore, employee voice is recognised as a major enabler for employee engagement, which can lead to great organisational benefits (Involvement & Participation Association, 2025). There are arguments and evidence to say that enabling and recognising forms of employee voice through collective voice channels, informal committees or direct discussions will foster an engaged and committed workforce who will support organisations through periods of turmoil and uncertainty as opposed to disengaged workers that could aggravate situations as they look to vent frustrations through incorrect channels.

However, Kim and Cho (2024, pp 716) highlight that there are some contrasting views and opinions on if employee voice improves organisational performance as encouraging employee voice can come with some risks to organisations. For example, where new ideas are raised through involvement practices and desired outcomes are not achieved, there could be negative consequences in terms of employee performance and engagement with any other ideas or practices that are implemented which could hinder the performance of an organisation. HR practices that focus more on employee voice and power could see an increase in labour costs through higher wages, or new training opportunities that could present themselves through employee voice forums without the enhanced productivity needed for an organisation to succeed. In contrast to this, The CIPD explains that naturally some employees will be more engaged and productive than others and employers should allow employees the opportunity to understand and participate more in their contribution to organisational objectives to help maximise organisational performance (Young, 2024).

4. Explain the concept of better working lives **and** how this can be designed. (AC 1.4)

The concept of better working lives can be defined as when organisations actively foster to create and support an environment which manifests motivated workers by improving job quality, providing opportunity, and encouraging employee voice (CIPD, 2024b). 'Good work' is a concept that can help facilitate better working lives and The CIPD (2024b), emphasise that whilst employers may be unable to improve all jobs in all ways, they should ensure that they are thinking innovatively on how they can strive towards better job quality for their workers. They explain 'good work' as work that is healthy for individuals both physically and mentally, is fairly rewarded, allows for a greater work-life balance without the pressures of personal and professional lives undermining each other and gives employees a sense of security and fulfilment, all of which can contribute to better working lives.

Employers can support good work and contribute to designing better working lives by building positive working relationships through effective people management policies and procedures, ensuring that pay and benefits are fair and taking care of employee mental and physical wellbeing through thorough risk assessments, assistance programmes and occupational health support (Waite, et al, 2021). There are many other ways in which better working lives can be designed, when looking at conflict in the workplace, The CIPD (2024b) explain that those with protected characteristics are more likely to face conflict at work and whilst there appears to be a fall in conflict, this does not necessarily amount to an improvement in workplace behaviour. As such, organisations should seek to equip line managers with the skills needed to manage conflict within their teams and employee voice channels should be promoted to foster an inclusive culture and to encourage those faced with conflict to speak up openly without fear of being victimised.

Employees who feel a sense of belonging and investment from their organisation are more likely to feel more committed to helping the organisation succeed. By clearly defining what is expected of their staff and supporting development opportunities as a means for staff to meet their full potential at work, they can make full use of their skills and will produce work that is more meaningful (Gifford, 2023). Furthermore, the level of autonomy employees have over ways of working is determined by the way in which jobs are designed and is an important aspect of creating better working lives.

Excessive job demands can contribute to workplace stress, burnout and poor wellbeing and as such, empowering workers to feel that they have a genuine amount of control over their work environment can help to facilitate a positive working environment that benefits both the employer and employee (CIPD, 2024).

5. Distinguish between organisational conflict and misbehaviour. (AC 2.1)

Organisational conflict can present itself across a wide range of behaviours from a difference in opinion to more serious incidents such as harassment (Suff, 2020). Traditionally organisational conflict is associated with action that is organised and collective, such as strikes. For example, a strike may be initiated by a trade union where negotiations have fallen through to demand better working conditions. However, with a decline in trade union memberships and increasingly complex legal framework which makes it harder for trade unions to conduct lawful strike action, organisational conflict is now more common in individual forms such as grievances, resignations, absences and tribunal cases (Taylor and Woodhams, 2022). The CIPD's report of conflict in the workplace shows that it is not uncommon, with employers spending an average of six days dealing with individual disciplinary cases and five days dealing with individual grievance cases. The CIPD recommend that conflict at work is best dealt with at the earliest opportunity with assistance from alternative dispute resolution approaches such as facilitation and mediation to help encourage collaboration and problem-solving in instances where a working relationship may have broken down (Suff, 2020).

Misbehaviour differs from organisational conflict in that the actions taken from misbehaviour is usually unorganised and can present itself through unethical behaviour or any action by a member of an organisation which violates the accepted moral norms, with research suggesting that social influence, personality traits and exposures to dishonesty all contribute to misbehaviour within organisations (Gifford et al, 2019). These actions can manifest themselves through misconduct, high absenteeism, minor breaches to health and safety rules and non-compliance with organisational culture and climate, for example, an employee may choose to walk out of their shift in response to a disagreement with another colleague or line manager. Clear policies and procedures assist in setting the standard of expected conduct in the workplace and are more likely to be effective if they are accepted as reasonable by those affected through consultation processes (ACAS, 2020). Unlike collective organisation conflict, employees would not be protected by lawful strikes should an act of misconduct arise in which an employee walks out of work during a scheduled shift for example and instead should be handled following the organisational disciplinary processes.

It is important to note that not all conflict in the workplace can be negative, as when handled and managed efficiently there are opportunities to correct behaviour, learn and grow and produce better working relationships to contribute to an inclusive environment through challenging work-based processes in order to produce a fairer way of doing things (Taylor and Woodhams, 2022).

6. Assess emerging trends in the types of conflict and industrial sanctions. (AC 2.2)

A survey conducted by the CIPD showed that over half of employers do not use employee representatives to inform and consult with their workforce, which suggests that not all forms of employee voice are being used equally (Suff, 2022). A decline in trade union memberships has been prominent over the last few years but findings still show that trade unions are still an everyday reality for many organisations with 53% of respondents declaring that trade unions still hold significant levels of influence over their organisation, which suggests that although trade union membership is declining, their presence and influence remain strong on organisations specifically in the public sector. Industrial action such as strikes remain prominent even in the decline of trade union membership, showing that with the rise in the cost-of-living crisis, around 75% of all working days lost due to industrial action accounted for pay disputes (Office for National Statistics, 2023).

Watt (2023) highlights that in recent years trends are showing fewer collective disputes and conciliation which suggest a rise in individual conflict cases which are resulting in higher tribunal cases. This reflects a fall on the 830,000 days of work lost in December 2022 through industrial action to 108,000 in December 2023 as initially reported by the Office for National Statistics. Collective action seems to be changing more from industrial action to ACAS involvement with Watt highlighting that in previous years requests for ACAS involvement have come directly from trade unions, however, in the year 2023 employer referrals to ACAS exceeded trade union referrals by 6% which suggests that employers are actively stepping forward to seek resolution to workplace conflict. With a decline in collective disputes, a rise in individual forms of conflict appears to be emerging with the number of tribunal cases increasing by 18% between April and June 2024 and the backlog of claims getting longer (Wyatt, 2024). This could mean that parties involved in conflict could start to look at different resolutions such as third-party conciliation or arbitration to avoid costly litigation and prolonged waiting periods.

Workplace conflict and industrial sanctions can damage workplace relationships and according to ACAS, costs the UK economy £28.5 billion a year (Taylor and Woodhams, 2022). This cost is alongside the damage conflict can cause to employee productivity, morale, increased absenteeism and employee turnover which can also be costly to organisations (Abbas, 2022).

7. Distinguish between third-party conciliation, mediation and arbitration. (AC 2.3)

Before a claim can be brought to an employment tribunal, the claimant must engage in third-party conciliation, or early conciliation. The aim of this process is to bring in a third party, like ACAS, to assist in settling any disputes at an earlier stage before any claim is brought to tribunal (Daniels, 2024). During this process, the conciliators will not represent either party involved in the dispute but will remain impartial and explore how both parties could resolve the dispute without a decision from a tribunal, the ultimate decision on whether a settlement can be reached lies with both parties involved and not the conciliator (ACAS, 2024c). Third party conciliations can be an important tool in

solving disputes by manifesting open dialogue and understanding between both parties and enable them to navigate any differences they have constructively without the need for costly litigation leading to financial and reputational risk (Woffindin, 2025).

Mediation is a tool that can be used to resolve workplace conflict, and like third party conciliation, a mediator's role is to act impartial and facilitates a conversation between two parties, either two employees or between an employee and employer, at any stage in the conflict as an attempt to rebuild relationships and understanding (Gifford, 2024). However, where legally binding settlements are made after third party conciliation, mediation differs in that any agreements made are normally based on morals rather than legally binding. The process of mediation is a collaborative approach, and decisions on any moral settlements lie with both parties involved (Woffindin, 2025). In more serious claims of conflict where early conciliation has failed, an employment judge will decide on whether a case has potential to be solved through judicial mediation. This process involves a trained judge facilitating a conversation impartially where the claim goes no further if successful (Daniels, 2024). This also differs from third party conciliation, where the case is still presented to a judge as opposed to attempting to prevent it from getting there in the first place.

Arbitration differs from both third-party conciliation and mediation as it involves an impartial third party to decide a resolution to the conflict rather than leaving the decision of settlement to the parties involved (ACAS, 2022). Both collective arbitration and individual arbitration should be considered as last resort if the parties are unable to resolve the conflict between themselves. ACAS arbitration scheme only addresses unfair dismissal claims and claims relating to flexible working and was originally launched to reduce the number of cases going to tribunal. If both parties agree to arbitration, they will be taken out of the tribunal system and an informal hearing will be held by an independent person appointed by ACAS whose decision will be final with limited room for any appeal (Daniels, 2024).

8. Explain the principles of legislation relating to unfair dismissal in respect of capability and misconduct issues. (AC 3.1)

Under the Employment Rights Act 1996, employees have the statutory right not to be unfairly dismissed, which they could qualify to bring an unfair dismissal claim providing they have two years' continuous service (Daniels, 2024). There are five reasons for 'fair' dismissal, including capability and conduct, and employers must be seen to have acted reasonably and fairly, carrying out thorough investigations and considering all other alternatives. Otherwise, employees could have the potential to succeed in unfair dismissal claims even if the reason for dismissing was considered fair (Ayling and Suff, 2024a).

Capability is considered a fair reason for dismissal and is defined under the Employment Rights Act 1996 as 'skill, aptitude, health, or any other physical or mental quality' (Daniels, 2024). When considering dismissal on these grounds, whether that be due to lack of ability or illness, it is important to take all reasonable steps to allow the employee to improve. This could include making reasonable adjustments in the workplace, arranging occupational health assessments, setting the employee performance targets to meet under a managed performance improvement plan and allowing them sufficient time to improve (Reymes-Cole, 2023). Under the Equality Act 2010, employers have a legal responsibility to make reasonable adjustments for disabled employees

before dismissal is even considered, without this, the dismissal would be automatically unfair and could amount to costly litigation. The case of *O'Brien v Bolton St Catherine's Academy* (2017) (referenced in Daniels, 2024), shows an employer dismissing an employee on long term sick due to not receiving satisfactory information on the employee's return to work, however the employer did not complete any investigation into medical evidence nor acted reasonably to present potential solutions, and the dismissal was ruled unfair. For a dismissal to be considered fair in cases of performance capability, it is important that employers exhaust training opportunities to encourage the employee to improve (ACAS, 2022).

Dismissing an employee on grounds of misconduct, including gross misconduct, can also be considered a fair reason to dismiss an employee. However, the role of the employment tribunal is not to decide whether the employee committed an act of misconduct, but whether the employer acted within the range of reasonable responses (Daniels, 2024). As such, it is important to follow a fair disciplinary process in line with the ACAS code of practice to ensure the protection of both the employee and the organisation, starting with a thorough investigation into alleged misconduct to come to an informed conclusion (ACAS, 2024d). This was emphasised in the case of *Salford NHS Trust v Roldan* (2010) (referenced in Daniels, 2024) where an employee was accused of assaulting a patient which resulted in suspension and eventual dismissal. The employer only spoke to the witness who made the claims and did not make Roldan aware of the accusation until they had been dismissed, the dismissal was ruled unfair. This highlights further that even though conduct may be a fair reason to dismiss an employee, the process of dismissal conducted by the employer needs to be thorough and reasonable, otherwise the dismissal can be ruled unfair and cause costly litigation and damage to reputation.

9. Analyse **three** key causes of employee grievances. (AC 3.2)

ACAS (2024e) define a grievance as a formal way that an employee can express their dissatisfaction or raise a complaint in the workplace. This usually arises when employees feel that informal concerns have not been dealt with adequately or if they do not want their concerns dealt with informally.

Bullying or harassment in the workplace are one of the most common causes of employee grievances (Webber, 2023). The CIPD explain that bullying and harassment are still common workplace issues, which could arise from lack of well-communicated policies and lack of understanding on an organisation's stance for promoting dignity and respect in the workplace (Ayling and Suff, 2024b). There are mutual duties between employers and employees to treat each other with dignity and respect and employees have the right to expect not to be bullied at work whilst employers have the further duty to protect employees from harm at work, including any issues arising from bullying (ACAS, 2025). With bullying and harassment still being a stubborn cause of grievances, this suggests that there is a lack of communication, training and awareness of what bullying or harassment in the workplace is or looks like. It is important for organisations to create awareness, provide examples on what constitutes intimidating behaviour and promote a culture of respect with strong values led by senior stakeholders to ensure inappropriate behaviour is kept to a minimum (Ayling and Suff, 2024b).

Another common cause of individual employee grievances could be due unequal treatment at work arising from favouritism and poor management styles. Although favouritism at work is not necessarily classed as unlawful, there could be a case for discrimination on the basis that there is inconsistent treatment between one employee and another (Morris, 2025). Alongside potential discrimination arising, there can also be consequences of such behaviour affecting employee morale, productivity and performance, which could also affect the overall performance of an organisation. Recent reports show that 43% of employees believe that their organisation consistently only reward those categorised as 'high performers' with favouritism influencing their reward and recognition programmes (Greedy, 2021). This suggests that organisations are not prioritising inclusivity and there could be a lack of training and understanding from line managers on the importance of providing everybody with the same opportunities at work. Whilst naturally line managers may have better working relationships with some over others, organisations should be promoting an inclusive culture where everybody feels valued at work and are giving the tools to thrive in their roles to limit any complaints of unfair treatment (Morris, 2025).

Employers may also experience a range of issues relating to pay and benefits, as pay is a factor that affects a group of employees or the entire workforce together, they could find collective grievances are raised. Grievances that are raised in relation to pay and benefits could highlight a wider issue in an organisation in which pay systems are not transparent. Organisations should conduct equal pay audits, which could also capture more equality issues, to help prevent a damage to their employee relations, reputation and organisational culture (Equality and Human Rights Commission, 2020).

10. Advise on the importance of handling grievances effectively. (AC 3.3).

When employee grievances are raised, there can be a significant impact on the workplace causing potential stress and worry for all of those involved in the grievance process. As such, it is important to ensure they are handled in a fair and consistent manner and organisations should have their own formal grievance procedures and policies set out to follow in line with the ACAS code of practice (ACAS, 2024a).

By having a fair grievance policy in place, there are clear structures for employers to follow and employees may feel a sense of comfort in that there are channels in how they can raise workplace issues (Suff, 2024). A grievance policy could outline what the procedure looks like, for example, how formal grievances are raised, a fair hearing, right to representation and the appeal process.

Whilst many employees are open to resolving conflicts informally with their employers, if the grievance cannot be resolved through mediation, a formal grievance procedure should be followed. A meeting should be held with an impartial stakeholder, allowing the right of accompaniment and without unreasonable delay (ACAS, 2015). It is important to hold a formal meeting promptly so employees can feel valued and confident that their concerns are being taken seriously.

Organisations who do not follow a fair and consistent grievance procedure are more likely to damage the implied term of mutual trust and confidence with the employee raising the grievance and could see claims of unfair dismissal (McConnell, 2014). The case of '*Blackburn v Aldi Stores Ltd (2013)*' is an example of an unfair grievance procedure in which an employee appealed the outcome of a formal

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grievance hearing and was invited to attend an appeal meeting with the same manager that held the original hearing. The appeal was dismissed and as such the employee resigned with the EAT finding that the process held amounted to a breach in mutual trust due to the potential bias of the same manager.

As such, handling grievances effectively can assist in building a positive workplace culture, ensuring employee voice is heard and is important in mitigating legal risks, costs and damage to the reputation of an organisation.

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