

Acas and effective workplaces - Promoting employment relations and HR excellence

1. Introduction

As markets become increasingly competitive it is essential that employers and employees have a good working relationship and are pulling in the same direction. The employment relationship can have a major effect on productivity and the success of a business.

Staff relations

Increasingly, all types of organisations refer to how they aim to treat staff, in descriptions of their overall ambitions or within their mission statements. This helps them communicate respect for staff, to people inside the organisation as well as to customers and potential employees. A reputation locally as a fair employer is very important in attracting and retaining good employees.

Recognising that an independent, impartial third party can help the relationship between employers and employees, the government set up Acas in 1974 in the aftermath of a period of troubled labour relations. Over the last 30 years Acas has built up an unparalleled reputation as an 'honest broker' and expert adviser. Acas' ambition is to 'improve organisations and

working life through better employment relations'.

Role of the organisation

The organisation's role is described by its full name Advisory, Conciliation and Arbitration Service (now rarely used). This also describes its statutory duties.

- *Advisory* - it advises on good practice in developing effective workplaces. Acas advisers help thousands of employers each year to improve communications and establish workplace practices that will help avoid conflict, and reduce the risk of a breakdown in working relationships;
- *Conciliation* - it finds common ground between employers and employees, helping each side to see the other's point of view so they can solve a problem or resolve a dispute;
- *Arbitration* - independent arbitrators listen to both sides and put forward a solution that they will both either adopt (binding) or consider (non-binding) in a dispute;

- *Service* - the organisation works together with all parties, from a neutral position and seeks to provide the highest level of service itself.

Mediation is often the general term used to describe processes like conciliation and arbitration - it is a way of settling a dispute without going through a formal legal process such as a tribunal or court.

A trusted employer

Many people associate Acas with large industrial disputes, but as this case study shows, its role is much broader. Due to its independence and impartiality, Acas is trusted by both employers and employees in workplaces. It is directed by a Council whose members reflect the views of employers, employees and independent interests.

Acas is able to use that trust to work with organisations to improve employment relations and, if there is a breakdown in the employment relationship, to seek ways of resolving it at an early stage.

2. Working towards effective workplaces

Acas believes that effective workplaces are determined by the right behaviour, supported by policies and procedures.

Acas has a clear description of its view of an effective workplace - The Acas Model Workplace which organisations can use to assess how close they are to best practice. Acas works with organisations to move towards the Model.

Acas believes the key features of an effective workplace are:

- Formal procedures for dealing with disciplinary matters, grievances and disputes that managers and employees know about and use fairly;
- Ambitions, goals and plans that employees know about and understand;
- Managers who genuinely listen to and consider their employees' views so everyone is actively involved in making important decisions;
- A pay and reward system that is clear, fair and consistent;
- A safe and healthy place to work;
- People who feel valued so they can talk confidently about their work and learn from both successes and mistakes;

- A good working relationship between management and employee representatives that in turn helps build trust throughout the business;
- Fair treatment for everyone including being valued for their differences as part of everyday life;
- Work organised so that it encourages initiative, innovation and people to work together;
- An understanding that people have responsibilities outside work so they can openly discuss ways of working that suit personal needs and the needs of the business;
- A culture where everyone is encouraged to learn new skills so they can look forward to further employment either in the business or elsewhere.

3. Communication and consultation

A company's performance is determined by that of its employees. They will be most effective if they know where they stand (e.g. their duties, obligations and rights) and feel involved in the company's future by taking part in decisions and being well informed. This is particularly important when dealing with change.

Communication and consultation are essential to an effective workplace (as described) and:

- improve organisational performance - time spent communicating at the outset can avoid any misunderstanding later;
- improve management performance and decision making - allowing employees to express their views can help managers arrive at decisions which can more readily be accepted by employees as a whole;
- improve employees' performance and commitment - employees will perform better if they are given regular, accurate information about their jobs;
- help develop greater trust;
- increase job satisfaction - employees are more likely to be motivated if they have a good understanding of their job and how it fits into the organisation as a whole.

These are two-way processes. Channels can include joint groups, team meetings, electronic, written, one-to-one, displays, etc.

Alternative Dispute Resolution

Even the best-run companies can have problems with employment relations and Acas helps organisations resolve these at an early stage - the 'prevention is better than cure' approach that Acas is keen to spread.

Disputes can be costly - especially in staff time, disruption to the business and the effect they can have on other employees. Tribunal hearings might also result in an award if the case is won by the employee.

Acas, therefore, works to prevent employment issues turning into disputes - in other words helping businesses get their employment relationship right. Its work in this area includes:

- providing mediation services to help resolve conflict between individuals - both employee/employee and employee/employer;
- training company staff to provide their own mediation service.

4. Acas services

Resolving large scale disputes (collective conciliation)

Although it is the area that most people associate with Acas, only around 10% of its staff works on this. Over the last five years the number of such disputes has been around 1,000 a year and Acas has traditionally become involved once parties have reached a stalemate. It also works with organisations at an earlier stage to help prevent disputes escalating. In recent years Acas has helped resolve some high profile disputes including those involving London Underground, Royal Mail and British Airways.

April 2014 – a new approach for resolving workplace disputes
Anyone thinking of making an Employment Tribunal claim needs to contact Acas first. Acas' Early Conciliation service, which began on 6 April 2014, helps employers and employees resolve their dispute quickly and avoid the stress, cost and anxiety of facing an employment tribunal. Find out more at www.acas.org.uk/earlyconciliation

Resolving disputes with individual employees (individual conciliation)

When an employee believes s/he has been unfairly treated by an employer and they cannot resolve the problem between them,

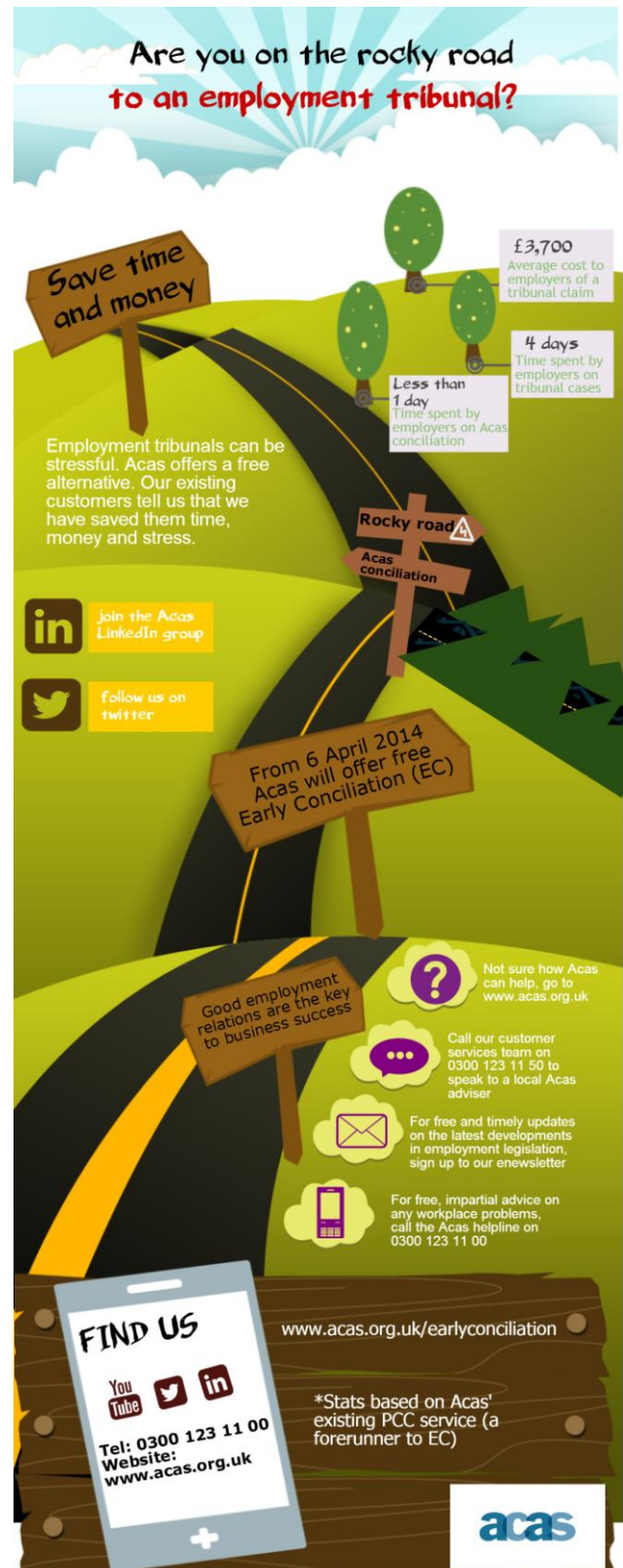
the employee can take their complaint to an employment tribunal. Employees now have over 60 rights covering aspects of employment such as holiday, working time, maternity leave and pay, flexible working and contracts of employment.

Acas has a duty to try to resolve the case before it goes to a tribunal hearing. Acas contacts both sides in the dispute (this could be via representatives such as solicitors or union officers). This is to see if the problem can be resolved through conciliation before reaching a tribunal hearing.

Around 75% of cases are settled or withdrawn at this stage. This is the largest part of Acas' workload, although the number of cases has been declining slowly in recent years. Currently there are around 70,000 cases a year.

The largest category (or jurisdiction) of applications to tribunals is claims of unfair dismissal. Acas has an additional role in these cases because tribunal panels use the Acas Code of Practice on Disciplinary and Grievance Procedures when deciding whether the dismissal has been handled in a reasonable way. Tribunals need to refer to the Acas Code for reasonable behaviour guidance and the principles behind it.

Acas offers a choice in cases of unfair dismissal and where an employee believes their request to work flexibly (e.g. part-



time or during different hours) has not been dealt with properly. If both parties agree, they can opt for Acas arbitration - the advantage over a tribunal hearing being that it is less legalistic and not in public.

Training

Acas offers training to help employers introduce good practice and manage change. It can also design courses especially for an organisation. Typical subjects include tackling absence, managing discipline and grievance, bullying in the workplace and skills for supervisors, all of which contribute to business goals.

Acas also offers sessions, specially designed for small businesses, which cover key points about recruiting and employing people. SMEs with fewer than 50 employees often do not have a human resources (HR) management specialist. This lack of HR expertise may be one reason why small businesses are involved in a higher proportion of complaints to tribunals than would be expected from employment statistics.

It also provides e-learning via its website on a number of subjects such as handling discipline and grievance for those who are unable to or do not want to attend one of its face-to-face sessions.

Advice and information

Acas uses a number of ways to deliver the workplace advice and guidance people need on what good practice looks like in day-to-day life at work or how to improve the employment relationship. These include:

- helpline (0300 123 1100)
- Helpline Online
www.acas.org.uk/helplineonline
- personal visits from Acas advisers
- guidance on its website
- publications and free resources

Acas' helpline answers around a million calls a year from employers, employees and representatives on all sorts of employment relations matters.

5. Equality, diversity and effective workplaces

Equality and diversity

The workforce and working patterns are changing. The working population is getting older, especially since the removal of the default retirement age in 2011, and there are more women and men from different cultural and ethnic backgrounds. Employees rightly expect to be treated fairly and considerately. This expectation is generally supported by the law.

It is unlawful to discriminate against people at work because of:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- sexual orientation
- religion or belief

Valuing the diversity of employees is also important from a business point of view. Companies with a diverse range of employees are better able to understand the needs of a diverse range of customers.

They are also best placed to recruit and retain staff in an increasingly diverse and competitive labour market. These factors affect company performance. The starting point is a good and well communicated equality and diversity policy with an action plan to back it up. Acas has specialist advisers who give hands-on help putting these in place.

6. Conclusion

Good working relationships are vital for every organisation. The health of the UK economy is determined by the

performance of all these organisations added together.

The government set up Acas to help employers and employees avoid disputes and resolve them where necessary. As an impartial organisation trusted by all sides, Acas encourages them to work closer together.

Acas helps organisations to avoid disputes in the first place through informing, advising, training and working with individual businesses to create effective workplaces.

Free tools and resources

Forms and templates - Having correct draft letters, forms and checklists can save employers time, and helps them manage information quickly and easily. Acas provides a range of free letters and templates.

A to Z advice pages – Acas has a wealth of guidance available on its website available to anyone looking for the latest employment law changes, workplace rights and the best way to develop good work relationships.

Acas helpline

Acas has a helpline, 0300 123 1100, that employers, employees or representatives can call for free, confidential and impartial advice on employment rights and rules,

best practice or advice about a workplace dispute. It gets around a million calls a year on a range of workplace topics such as holiday pay, bullying, discipline and grievance and flexible working.