Employment Relationship Management Assignment (5HR01)

Section 1

1. Review emerging developments to inform approaches to employee voice and engagement. (AC 1.1)

Employee voice is defined as the way individuals communicate their opinions to their employer and influence matters that affect them at work (CIPD, 2022d). Employee engagement is where employees participate in activities and feel passionate and committed to their work and put in discretionary effort.

One emerging development is the gig economy which is used to describe working arrangements such as independent contractors, online platform workers and zero-hours such as Uber (Waite et al., 2021). This allows organisations to increase and decrease their workforce on a flexible basis. Additionally, this is beneficial for employees as they can tailor their working patterns. Despite this, it is employment which is less secure and income less predictable. GOV UK (2018) research reveals that 4.4% of the British population has worked in this economy in the last 12 months which roughly equates to 2.8 million people. Another significant development is the rise of digital platforms and social media tools such as social networking, instant messaging, and online forums within the last 25 years. These have enabled employees' new ways of expressing their concerns and ideas (CIPD, 2022d). This has enabled real-time communication and allowing organisations to gather feedback quickly and respond in a timely manner.

The increased significance of employee wellbeing. According to CIPD (2022f) research employees who feel supported and valued at work are more likely to be engaged and motivated. Organisations are now considering wellbeing as paramount and encouraging wellbeing initiatives and healthier work-life balance. Fostering wellbeing initiatives can be help prevent stress and positive working environments and be a core enabler to employee engagement.

There are legal frameworks for employee voice set out in The Information and Consultation of Employees (ICE) Regulations. This includes employees right to request information about key issues affecting their work. This can be supported through an employee forum to consult the workforce. This has the goal of informing employees and promoting employee involvement in the operation (CIPD, 2020a).

2. **Differentiate between employee involvement and employee participation and how it builds relationships. (AC 1.2)**

Employee involvement refers to the processes and work structures offered to employees to participate in the day-to-day business activities. This empowers individuals the opportunity to contribute, and they feel valued and recognised for this. Employee participation is where employees are actively involved in organisational decision-making to attain a shared goal (Taylor and Woodhams, 2022). This is a more active form of engagement as employees are actively shaping organisational strategies.

The unitarist perspective assumes that organisations work as a team in complete harmony and share the same interest of the organisational goal (Benedix, 2000). It is viewed as employees and managers work together and there is no conflict as it is seen as unnecessary. The pluralist perspective recognises that there are different interests within sub-groups which can cause conflicts and is inevitable and can be helpful if identified and controlled appropriately (Rose, 2008).

When employees are actively involved in the decision-making process, they feel their contribution is valued and in turn become engaged and committed. Therefore, employees feel like they have a voice and are more likely to voice their concerns boosting employee morale. It is evident that organisations with active employee involvement and participation have happier workforces. Therefore, a higher employee satisfaction rate and lower turnover, this means that the best employees can be retained.

Organisations should embrace employee motivation and job satisfaction. This can be achieved through job design, will increase employee involvement and satisfaction, and motivate to perform well. As it can help employees to become highly productive and loyal, whilst making them feel involved (Yadav, 2017). Alternatively, those which have poorly designed jobs may start to feel frustrated and unwilling to perform their duties. This is evident in job roles such as manufacturing where they have no autonomy to influence. This can lead to dissatisfied and demotivated employees (Yadav, 2017). This is evidenced in CIPD Good Work Index (2023a) that 39% had little or no influence and autonomy over their work.

3. **Assess three employee voice tools and two approaches that might be used to drive employee engagement. (AC 1.3)**

One tool is surveys which provides a platform for employees the opportunity to freely express their views and opinions and offer potential recommendations with confidentiality and anonymity (Edmondson, 2006). These gain critical insight on employee lifecycle, engagement and feedback on organisational matters such as new starter surveys and pulse feedback. This be conducted periodically to understand employee engagement and satisfaction levels. The second tool is suggestion schemes which is a relatively old form of employee voice. This allows employees to provide direct feedback on specific issues or suggest improvements or recommendations confidentially. However, with the rise of technology this method has been adapted over time and utilised through various software and apps. Third tool that can be utilised is employee forums that gives employees a platform to raise any employment issues that may affect them. This allows employee representatives to gather in a meeting with management for the purpose of information sharing and consultation. ACAS (2022b) states that this creates an environment to raise questions and concerns openly with management resulting in improved performance, boosts employee morale as employees feel valued and appreciated and building trust with their employer.

Organisations may further implement approaches to drive employee engagement through organisational culture of trust. This may include a line manager who communicates effectively, supports innovation, and works collaboratively. This draws employee's engagement as the working environment is viewed as approachable and there is open communication. Secondly, this can be achieved through rewards, where an organisation may offer increased benefits such as staff bonuses, wage raises, paid sick leave and further enhancements (Holbeche, 2018). By investing in rewards this demonstrates commitment to enhancing employees' benefits. This benefits the organisation as it enhances employees remaining and not looking for alternative employment.

4. **Critically evaluate the interrelationships between employee voice and organisational performance. (AC 1.4)**

Employee voice refers to the ability for employees to express their opinions and concerns whilst organisational performance is the overall effectiveness and efficiency of an organisations achieving its goals.

There is a growing body of evidence that suggests that organisations with high levels of employee engagement are more likely to be successful. Ruck and Welch (2012) state that organisations with employee voice strategies give employees the opportunities to provide feedback and has been identified as one of the biggest drivers for employee engagement and satisfaction. Whilst Kaufman (2014) discusses that employee voice allows employees to suggest constructive ideas and opinions to improve the overall organisational performance. To further support this MacLeod and Clarke (2009) state that there is evidence proving that employee engagement correlates with organisational performance. One of the major findings reported was the Standard Chartered Bank in 2007 found a statistically significant increase in levels of employee engagement had a 16% higher profit margin growth compared to those with decreased levels of employee engagement. In practice (Cummings, 2021 cited in Feely 2021) stated that by listening to feedback and creating actin plans to support improvement, a direct link between engagement and performance has been identified.

Despite this, there are arguments which question whether employee voice does have a positive impact on organisational performance. Research reveals that employee voice is implemented to enhance organisational performance. However, it was established that over a quarter of organisations adopted this approach as a nice thing to offer, but do not act upon employees being able to directly influence decisions that impact them (Busher, 2019). Therefore, this indicates some organisations may implement this because it's best practice for their employees. This may be down to some organisations not being able to effectively manage employee feedback or not have the resources in place to implement suggestions. Therefore, the potential benefits of employee voice may not be fully recognised and can be meaningless if no action is implemented.

5. Explain the concept of better working lives and how this can be designed. (AC 1.5)

The concept of better working lives consists of work-life balance and a quality working life. The CIPD's purpose is to 'champion better work and working lives by improving practices in people and organisation development' (CIPD, 2019, p.3). CIPD (2022a) reinforces that good work comprises of being rewarded fairly, securely make a living, opportunities to develop skills and a career, supportive environment with constructive relationships, work-life balance, physically and mentally healthy, give employees the voice and should be accessible to all.

One way this can be designed is through implementing a work-life balance. This could involve working flexible hours, remote working, and family-friendly policies such as parental leave or childcare support to enable employees to cope with demands and responsibilities (CIPD, 2018). By

allowing employees to have increased job autonomy to have control over their work time and personal commitments they can achieve a healthier balance. The Flexible and hybrid working practices report 2023 revealed that a lack of flexibility is prompting job and career changes, whilst 71% said flexible working patterns is important and 69% stated the importance to work remotely (CIPD, 2023b). This reveals that organisations need to offer flexible working practices to attract and retain staff.

Secondly, through prioritising employee health and wellbeing. CIPD's mission includes implementing a wellbeing programme which is effective for the organisation and employees. This can help prevent stress and create positive working environments for employees to thrive. Investing in employee wellbeing can lead to increased resilience, better employee engagement, reduced absence and increased productivity (CIPD, 2022f). Go Quest need to ensure they promote better working lives and this is designed effectively for their employees. Firstly, they need to understand their current position on how they offer this which can be understood by conducting an audit. This will allow them to then implement the most effective practices on promoting better working lives such as flexible working and employee wellbeing.

Section 2

1. **Distinguish between organisational conflict and misbehaviour, and between informal and formal conflict. (AC 2.1)**

Organisational conflict is defined as disagreement between individuals where their perspectives may differ (Neupane, 2022). Conflict can be a natural occurrence and be constructive if it leads to positive change and destructive. Vardi and Weiner (1996) define organisational misbehaviour as an intentional action that violated organisational rules or societal norms such as sabotage. For example, if an employee is dissatisfied with being made redundant, they could damage property to express their discontent (Williams and Adam-Smith, 2010). When conflict is not handled correctly it can escalate (Abbas, 2022).

Formal conflict is where conflict is resolved through established, formal processes or procedures such as grievance with a line manager, arbitration, or mediation this may include formal writings and investigations where discussions have failed to seek a solution. These types of matters may involve more serious issues so the resolution process tends to be more structured and formalised and may involve external parties to ensure it is a fair and compliant process (CIPD, 2020b)

Informal conflict is where conflict is resolved informally through open communication without using formal processes or procedures dealing with minor issues such as personality clashes or spontaneous arguments. This may include informal discussions or negotiations between the parties involved to establish a viable solution (CIPD, 2020b). Informal conflict is less structured and formalised and may involve a third part such as a HR representative to facilitate resolution.

2. **Distinguish between official and unofficial employee action. (AC 2.2)**

Official employee action is defined as a procedure taken by employees to protest that has been approved by an authoritative organisation such as a trade union. For example, to protest unsafe working conditions. This may include action such as strike, picketing and filing a grievance. For an action to be stated as official balloting requirements and procedures need to be implemented. This requires all employees casting a vote to determine whether the strike is supported, and then a decision is made based on this (Daniels, 2022). This is stated under The Employment Right Act 1996 which focuses on the enhancement of employee's rights. Official employee action needs to be authorised and prior notice is to be given so hence is legal, and employees cannot be dismissed as a result unlike those engaging in unofficial action.

Unofficial employee action is referred to as protests that have not been approved by an authoritative organisation. Employees tend to engage in this form of action as a demonstration of rivalry. This doesn't need to be approved and can be conducted without anyone's prior knowledge (Daniels, 2022). For example, a protest on an increase in wages which may be against organisational policy. This may include action such as sabotaging company property, spreading rumours and stealing company secrets. Since unofficial actions are unprotected employees are at risk of dismissal.

3. **Assess emerging trends in the types of conflict and industrial sanctions. (AC 2.3)**

One significant trend is the shift from long strikes to strategically planned shorter strikes. This is where employee organise short strikes to communicate their conflict. Compared to recent years strikes are now being resolved more quickly. Along with this there has been a reduction in the recorded number of days lost due to strike. In 1979 there was 3 million days lost, whilst in 2018 there was only 9000. This indicates a massive shift in how strikes have changed. However, employees are using other methods of action to protest include sabotage and absenteeism (Hughes and Dundon, 2018). Research found that employers 1 in 4 employers have seen an increase in staff being sick off work including strike action (ACAS, 2022c).

Another form of conflict and resistance include social media campaigns over the unjustified zero-hour contracts, lunchtime protests, employee sits ins as well as solidarity with students supporting and join in strikes with university lecturers (Hughes and Dundon, 2018). Additionally, there is the impact of social media. It can be argued that the emergence of social media has supported the way organisations communicate with employees and trade unions to organise official industrial action. Although this has also led to unofficial action been implemented with negative messages and information being shared leading to miscommunication and confusion (Everett, 2010).

4. **Distinguish between third-party conciliation, mediation, and arbitration. (AC 2.4)**

Third-party conciliation is like mediation as they use a mediator to help them reach a solution to the conflict (GOV UK, 2023). Conciliation is often used to resolve specific legal issues; they listen to both parties guide them without deciding and encourages both parties to reach an agreement. In conciliation the legal issues are discussed and are assisted in reaching a legally enforceable agreement.

Mediation involves two conflicting parties creating an agreement on a neutral third party to help them resolve their conflict known as a mediator. The mediator is impartial listens to both sides of the matter and their main aim is to help everyone find a solution they can all agree on. It looks at

possible solutions on how to resolve the matter (ACAS, 2023b). The two conflicting parties must agree a way to solve the dispute but not legally binding.

Arbitration is when a neutral and impartial third party decides on a dispute to resolve the matter known as an arbitrator. Therefore, they consider the arguments from both sides at a hearing. Unlike mediation they decide based on the evidenced that has been presented (ACAS, 2022a). ACAS can provide individual arbitration and collective for disputes. Despite this, both parties must abide by the decision made as it is legally binding, meaning one party is not satisfied (GOV UK, 2023).

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

According to the Employment Rights Act 1996 misconduct and capability are reasons for dismissal. In case of capability is where an employee is unable to perform their work to a satisfactory standard (CIPD, 2022b). The employer must be able to demonstrate that their performance falls below in comparison to the expectations required. It is required that reasonable opportunity is given to improve their performance with support. An employee can be dismissed due to misconduct which is where an employee inappropriate behaviour breaks workplace rules such as absent without leave (ACAS, 2023c). In the case of physical violence this is gross misconduct. There must be reasonable grounds to believe that they are guilty. An evaluation of the issue needs to be investigated and inform the employee through writing.

It is critical that employer follow a fair dismissal process, this involves giving the employee an opportunity to improve as well as a holding a disciplinary hearing to allow them to defend. The employee is entitled to be accompanied by a work colleague or trade union representative (CIPD, 2022c). In the case where it can't be resolved or no improvement, the employee is informed of the decision through writing and an opportunity for an appeal should be offered and once both parties agree, the dismissal can be conducted as it will be considered as fair. It is significantly important that records are kept of disciplinary action and communication if a case would go to Employment Tribunal (CIPD, 2022b).

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

A grievance is where one or more employee raises a complaint towards their employer (ACAS, 2023a). This can be on an individual or collective basis. Grievances are a common occurrence where 30% of employers have seen an increase in grievances in the last two years (Tait, 2023). One of the most common causes is inadequate pay. This can include regular salary delays, insufficient raises, and failure to revise salaries. When employees feel undervalued, or their efforts are not recognised they can become dissatisfied. It is important that pay and compensation and benefit packages ae regularly reviewed to remain a competitive employer.

Another significant cause is poor working conditions. Employees have the right to operate in a secure and comfortable environment which may lead to grievances and looking for alternative employment (CIPD, 2022b). Additionally, poor management research revealed that 54% is due to relationships with managers (Tait, 2023). It explained that managers were ineffective resolving issues, lack of training which leaves them ill-equipped to deal with complaints and do not want to be seen as the 'bad guy'. This can result in an increased negative impact on the working relationship between management and employees. This is further supported by research stating that 2 in 5 have left a job because of a bad manager and 53% are considering leaving due to their manager (Urquhart, 2022).

7. **Explain the skills required for effective grievance and discipline-handling procedures. (AC 3.3)**

One skill required is the ability to investigate, this is a process whereby all the relevant information is collated. ACAS (2020) states that it is important to carry out necessary investigations without unreasonable delay to establish the facts. In some cases, this may involve the evidence collated, so the individual should be able to collect data, facts and generate relevant conclusions. This includes report writing for documenting and maintaining accurate record of conversations, actions taken, and outcomes reaches for future reference.

Additionally active listening, this is where the individual can listen to what is being said, but also the message the individual is trying to convey. This can be demonstrated through body language and tone of voice. Hence, it is critically important that they pay attention and not become easily distracted (Mind Tools, 2023). Furthermore, it is important to have the ability to ask relevant questions to gather information, maintain clarity and understand the perspectives of the individuals (ACAS, 2023a). Also being objective is vital by only dealing with the facts. To ensure bias is minimised all points should be backed up with reasoning or evidence.

For Go Quest to ensure their employees have the skills required, they could conduct a skills analysis which would enable them to identify the current skillset and evidence what skills are needed. This will allow the organisation to have insights into its workforce by identifying development needs and strategic workforce planning (McKinsey, 2022).

8. Advise on the importance of handling grievances effectively. (AC 3.4)

Effective grievance handling is critically important in organisations as they are inevitable as they arise from dissatisfaction and conflicts. Failing to address these efficiently and effectively can have detrimental effect on morale and productivity. By addressing grievances effectively, it demonstrates that employees' concerns are investigated, and they feel heard and supported and therefore more likely to be engaged and committed. By ignoring them it will lead to psychological impacts such as resentment and frustration.

The grievance procedure should provide a clear, impartial, and transparent framework for dealing with complaints that may arise within the workplace. By resolving conflict in a fair and timely manner, this creates a level of respect to express concerns without the fear of negative ramifications or retaliation (CIPD, 2022b). However, in the case where grievances are not handled effectively there can be significant implications. This can lead to decreased employee morale and job satisfaction. If employees feel their concerns unheard, they may become frustrated and resentful, leading to decreased performance and job satisfaction. This in turn can mean higher rates of absenteeism leading to resignation, turnover and legal action becoming costly and disruptive (CIPD, 2022b).

Subsequently Go Quest need to handle grievances effectively by being aware and up to date on relevant laws and regulations governing employee grievances, have established procedures for handling grievances and to be impartial when investigating and resolving grievances.

9. Explain the main provisions of collective employment law. (AC 4.1)

Collective employment law is the branch of employment law that focuses on regulating the behaviours and activities of employer's associations, trade unions and work councils and the form of relation between employers and employees (Oxford University Press, 2023). There have been changes to the law including the introduction of statutory recognition procedures, adopting ICE regulations and European works council legislation in the UK.

Statutory recognition procedures are governed by The Trade Union and Labour Relations (Consolidation) Act (TULRCA) 1992. This process is where trade unions fail voluntary recognition and

therefore apply to the Central Arbitration Committee. This process allows employees and trade unions to bargain for several aspects such as pay, holidays or benefits. Granting recognition is when majority of the bargaining unit in agreement, this may be rejected when the employer has less than 21 employees. Furthermore, with TULRCA 1992 and ACAS Code of Practice there is a duty for information to be disclosed by employer to trade union representatives for the purposes of collective bargaining (ACAS, 2003).

Official industrial action is where employees who are members of an authorised trade union participate in strike action. Unofficial industrial action occurs when employees take part in action that has not been authorised by a union (Qureshi, 2018). The agreement can only be legally binding when in writing and thus legally enforceable when outlined in the contract of employment (Reuters, 2023).

10. Compare the types of employee bodies, union, and non-union forms of employee representation. (AC 4.2)

Union representation is a formal organisation that represents a group of workers when dealing with various issues and conflict through collective bargaining. Trade unions are the most well-known union employee representation which is defined as organisations whose members are usually employees, formed to protect and advance their interests through collective action (CIPD, 2022e). They negotiate contract on behalf of employees, addressing issues such as wages and working conditions.

Alternatively non-union representation includes work councils, employee associations and committees. These bodies can address concerns related to the working environment, safety regulations or organisational policies. This differs from trade unions as an employee does not need to be a member to be represented. Unlike unions, non-union concentrates more on fostering collaboration between management and employees with a supportive approach rather than engaging in collective bargaining.

Unions have more leverage and power due to their ability to collective bargain for better terms and conditions. To further support this, there is legal protection in place to able them to enforce agreements making them legally binding. Whilst with non-unions their level of power is less. Additionally, according to research union members can earn up to £60,000 more over their working lives compared to non-union members (Khan, 2022) and medical benefits and job security (Bryson

and White, 2006). Despite this, they are subject to paying a fee which for some can be a significant cost.

11. Evaluate the purpose of collective bargaining and how it works. (AC 4.3)

Collective bargaining is the process of negotiation of employment terms and conditions between an employer and a group of workers. Collective bargaining is a fundamental right (ILO, 2023). The goal is to a establish a collective agreement through a written contract. Morris (2022) states that more can be achieved through employees joining together than working alone.

The process involves preparation where both sides gather information and review the current contract. Next is conducting negotiations where the union and management side express the rationale. Ratifying the contract is where on reaching a tentative contract agreement, each party review the proposal. The majority votes determine whether the contract is rejected or ratified. If rejected negotiations continue. Then resolving a contract dispute can occur in the case of a disagreement where state law takes over. Furthermore, changing or clarifying the contract where upon reaching an agreement all the ratified sections of the contract are revised (National Education Association, 2023).

The agreement reached through this process apply to all employees in the bargaining unit regardless of if they are union member or not (CIPD, 2023c). The terms of a collective agreement dealing with terms and conditions of employment are incorporated into contracts. It is crucial this is in writing with dates of when it will become effective and signed by both parties. Failure to comply to these terms can be treated as a breach of contract.