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**Implementing information and  
consultation: developments in  
medium-sized organisations**

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EMPLOYMENT RELATIONS RESEARCH SERIES NO.106

## **Implementing information and consultation: developments in medium- sized organisations**

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# Foreword

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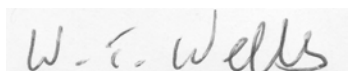
As part of that work the Employment Market Analysis and Research (EMAR) branch of the Department manages an extensive research programme to inform policy making and promote better regulation on employment relations, labour market and equality and discrimination at work issues.

The project on which this report is based is funded under this research programme, and co-sponsored by Acas and the Chartered Institute of Personnel and Development. The research was commissioned to investigate organisational responses to the Information and Consultation of Employees Regulations 2004.

This report provides an update on key findings from the research in respect of information and consultation arrangements in medium-sized organisations. It draws on continued research in six case study organisations with 100-150 employees as well as initial case reports and employee surveys covering four case study organisations in the 50-100 employees size band. Case studies have been completed in twelve larger organisations with 150 or more employees and are the subject of a separate report published in the Employment Relations Research Series.

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# Executive summary

*This report presents findings from research in ten medium-sized organisations looking at employee consultation practice in the light of the Information and Consultation of Employees Regulations 2004. It draws on continued research in six case study organisations with 100-150 employees as well as initial case reports and employee surveys covering four organisations with 50-100 employees. There was little difference attributable to workforce size in the nature and experience of the information and consultation arrangements of the organisations in these two size bands. However, compared to the larger organisations that were the focus of an earlier phase of the research, information and consultation practice in the medium-sized organisations exhibited greater informality, involving less-detailed constitutional provisions, a lower incidence of contested elections for employee representatives, fewer 'strategic' issues being tabled for discussion by management and a greater reliance on employee-raised, largely housekeeping issues to make up the agenda. A minority of information and consultation bodies in the medium-sized organisations were the forum for 'active consultation'; most were used largely for 'communications' and fielding employee concerns.*

## Aims and objectives

The Information and Consultation of Employees (ICE) Regulations 2004 established a general statutory framework giving employees the right to be informed and consulted by their employers on a range of business, employment and restructuring issues. The legislation has applied since April 2005 to undertakings with at least 150 employees, since April 2007 to those with at least 100 employees and since April 2008 to undertakings with 50 or more employees. The Regulations provide considerable flexibility of response, and enable the adoption of organisation-specific information and consultation (I&C) arrangements.

The research is investigating organisational responses to the Regulations, paying particular attention to:

- how the strategic choices of management, employees and trade unions (where present) determine the organisation's approach to I&C;
- the key features and practical operation of organisations' I&C arrangements; and
- the impacts of I&C practices on management decision-making, employee commitment, employment relations climate and organisational effectiveness.



This report is based on data derived from a second and third wave of case studies, undertaken in organisations with 100-150 employees and 50-100 employees respectively

## The case study organisations

The participating organisations are drawn from the private and voluntary sectors and include both manufacturers and service providers as well as organisations with unionised and non-union workforces. In all but one case, the organisations had introduced either I&C bodies representing – and elected by – all employees, or ‘hybrid’ I&C bodies involving both representatives elected by employees and representatives nominated by recognised trade unions. The other carried out I&C via the trade union it recognised. In a minority of cases, the organisations had obtained the formal agreement of employee representatives to the I&C arrangements introduced, but did not regard the agreement as having particular legal status as a ‘pre-existing agreement’ under the ICE Regulations. In one case, I&C via union representatives was underpinned by the union recognition agreement. Elsewhere, the I&C arrangements were introduced unilaterally by management.

## Establishing I&C in the ‘wave 3’ cases

In the four wave 3 cases, the establishment of I&C bodies (or in one case, an employee benefit trust with employee representation) was driven primarily by internal employment relations/company considerations and key individual managers rather than by external factors or the experience of major change. Notably, the impact of the ICE Regulations was slight, with the legislation cited as a factor in only one case.

In each case, fairly detailed constitutions or other documents set out the role and remit of the I&C bodies. The influence of the ICE Regulations on their provisions or wording appears negligible. Senior operations managers were regular participants in meetings of the I&C body in three cases, with the human resources (HR) manager being the primary management participant at the fourth. Formal elections took place for employee representatives in two cases; at the others, representatives were volunteers. In practice, employee representatives at all four organisations were given paid time off to attend I&C meetings. This was reflected in the constitutions of the I&C bodies in two cases. Though not formally specified, representatives at each organisation were allowed access to office and communication facilities to enable them to carry out their role. Externally-provided training for representatives took place in three of the four cases. None made formal provision for pre-meetings of representatives. These took place in one case, but elsewhere informal contact between representatives was limited. Methods of reporting back to the workforce varied. In one case, updates on discussions at the I&C body were included in the weekly briefing for all staff. In the others, representatives relied largely on personal contact. Representatives undertook individual case work in only one of the organisations. Confidentiality clauses were included in the constitution in three cases but, except in one case, discussion of confidential matters at the I&C body was rare.

Practice varied in respect of the origins of agenda items for the I&C bodies. Issues for discussion were raised by both management and employee representatives in one case whereas the bulk of the agenda came from

management in another case and from employees in a third. Issues raised by employee representatives were typically housekeeping and HR issues, while more strategic or business-related matters were usually tabled by management. A proactive approach to consultation over major issues was exhibited by management in two cases, although in one the extent to which the most significant consultation exercise to date had influenced management decisions remained to be seen at the time of the initial research visit. In another the I&C body was more a vehicle for communications and staff concerns. In the fourth case, the scope of informal I&C processes developing alongside formal employee participation via the employee benefit trust was still to be clarified, but the expectation was that consultation would take place over major changes. To varying extents, pay-related issues were discussed by the I&C bodies in all cases.

The employee survey, administered in three wave 3 cases to date, showed a lower incidence of formal direct means of informing and involving employees than was typical in the wave 1 and wave 2 cases. Echoing findings from surveys in the wave 2 organisations, the surveys suggested that employees in smaller organisations particularly valued meetings with managers, both formal and informal, and performance appraisals a means of both information and involvement. Indirect, representative mechanisms were seen as a helpful source of involvement by nearly 75% of respondents in one case and nearly 30% in another, but rated very lowly in the third. Perceptions of the effectiveness of employee representatives were generally rather lower than the WERS 2004 benchmarks. Views on the responsiveness of managers were more positive, with employees rating their managers better than or almost the same as the WERS national averages.

## I&C developments in the ‘wave 2’ cases

All six wave 2 cases exhibited broad stability in the role and operation of the I&C bodies over the 12 months or more since the initial research visit. There were few indications of sustainability problems, but in half the cases it was reported to be hard to find replacements for representatives who stood down. In a number of cases, reviews of the operation of the I&C body had resulted in agreed adjustments in practice aimed at improving the I&C body’s effectiveness.

The experience of major change was a feature of three cases, although the nature and extent of I&C bodies’ involvement in handling its consequences varied. At one, cost cutting measures including a pay freeze were discussed with the (union-based) joint negotiation and consultation body but there was little evidence of resulting changes to management proposals. At a second, the staff council was informed about restructuring proposals but its role was largely confined to communicating the rationale for the changes to staff. In the third case, following job losses due to the economic downturn, concerns raised at the staff forum about the need to keep staff informed about the issues involved prompted site-level briefings of staff by senior management. The three remaining cases had not been affected by major organisational change over the previous year. In one, management regularly briefed the staff council on ‘strategic’ issues, though reportedly without prompting much engagement from staff representatives. In the two others, the organisation’s development plan was discussed following pressure from employee representatives for further

information. Across all cases, the bulk of the I&C body's agenda continued to be made up of mainly employee-raised items to do with housekeeping/facilities issues, operational issues, HR policy, staff development and staff benefits. Discussion of strategic issues was untypical or, at best, limited.

The wave 2 cases presented a mixed picture in terms of management support for employee representatives and measures to raise the profile of the I&C bodies. Time off and facilities for representatives continued to be provided in all cases but ongoing training took place in only two cases. Coordination between representatives was informal at best and in no cases extended to pre-meetings. In most cases representatives were given slots in team or departmental meetings to report back to staff on issues discussed by the I&C body, and the work of the I&C body was publicised via in-house media.

The relationship between I&C arrangements and trade union representation was a prominent issue in the three wave 2 cases with recognised unions, but in contrasting ways. In one case union and non-union representatives sat alongside each other on the 'hybrid' staff forum. It remained to be seen whether the prospective extension of recognition to the majority of staff (and an additional union) would affect the role of the staff forum. At another, the recognised union refused to take up its reserved seat on the formally hybrid I&C body although most representatives were union members. At the third, I&C was undertaken via the recognised union but the latter's continuing minority membership amongst the workforce was seen as potentially problematic by management.

## Overall assessment

Most wave 2 and 3 I&C bodies were still young and 'bedding down'. They appeared to be operating very much as intended when they were established, with few sustainability problems evident.

There was little difference attributable to workforce size in the nature and experience of the I&C arrangements of the organisations in these two waves of case studies. However, compared to the larger organisations that were the focus of an earlier phase of the research, I&C practice in the medium-sized organisations exhibited greater informality, involving less-detailed constitutional provisions, a lower incidence of contested elections for employee representatives, fewer 'strategic' issues being tabled for discussion by management and a greater reliance on employee-raised, largely housekeeping issues to make up the agenda. The smaller size of the wave 2 and 3 organisations also facilitated more direct feedback by representatives to constituents.

While the varying approaches to I&C adopted by the wave 2 and 3 companies fell within the Regulations' terminology of 'the exchange of views and establishment of a dialogue', only a minority of I&C bodies in the medium-sized organisations were the forum for 'active consultation'; most were used largely for 'communications' and fielding employee concerns.

The contrasting experiences of the unionised case study organisations exemplified the wider ambivalence exhibited by trade unions towards involvement in 'universal', workforce-wide I&C arrangements.

## About this project

The research method used is that of longitudinal case studies, tracking developments in each of the case study organisations over a two-year period. The case studies involve semi-structured interviews with senior management, trade unions (where present) and employee representatives, as well as an employee survey where possible. During 2006, case studies began in private and voluntary sector organisations with over 150 employees. In 2007, a second wave of case studies began in organisations with 100-150 employees. A third and final wave of case studies started during 2008 in organisations with 50-100 employees.

The present report focuses on the experience of I&C arrangements in organisations included in waves 2 and 3 of the research. It draws on research updates prepared on six surviving wave 2 organisations and initial case reports and employee surveys covering the four wave 3 organisations.

## About the authors

Mark Hall, John Purcell and Michael Terry are members of the Industrial Relations Research Unit at Warwick Business School, Sue Hutchinson is at Bristol Business School at the University of the West of England and Jane Parker is at Auckland University of Technology.

# 1: Introduction

This report is the fifth to be published as part of a research project, co-sponsored by BERR, Acas and CIPD, investigating organisational responses to the Information and Consultation of Employees (ICE) Regulations. It aims to provide an update on key findings from the research in respect of information and consultation arrangements in medium-sized organisations. The report draws on research updates prepared on six of the eight case study organisations with 100-150 employees that were the subject of an earlier report (Hall et al, 2008), as well as initial case reports on four smaller case study organisations in the 50-100 employees size band.

## 1.1 Background

The ICE Regulations have applied since April 2005 to undertakings with at least 150 employees, since April 2007 to those with 100-150 and since April 2008 to those with 50-100, and constitute a significant change in the context within which employers develop their information and consultation (I&C) practices. Intended to implement the 2002 EU I&C Directive, the Regulations establish for the first time in the UK a general statutory framework giving employees the right to be informed and consulted by their employers on a range of key business, employment and restructuring issues.

At the same time, the legislation allows employers considerable flexibility of response, both procedurally and substantively. The Regulations are a prime example of 'reflexive' employment law whereby 'the preferred mode of intervention is for the law to underpin and encourage autonomous processes of adjustment' by the parties to the employment relationship (Barnard and Deakin, 2000: 341). Under the Regulations, employers need not act unless 10% of their employees trigger statutory procedures intended to lead to negotiated agreements. Moreover, voluntary, 'pre-existing agreements' (PEAs) may effectively pre-empt the use of the Regulations' procedures. Under either route there is considerable latitude to agree enterprise-specific I&C arrangements. Only in the event that the Regulations' procedures are triggered but no agreement is reached are 'standard' or default I&C provisions enforceable.

To date, there has been little systematic evidence on how employers, employees and trade unions are responding to the changed legal environment. Prior to the commencement of the ICE Regulations, it was suggested that their main impact was likely to be 'legislatively-prompted voluntarism' (Hall and Terry, 2004: 226), with the new legislation driving the diffusion of organisation-specific I&C arrangements. The findings of the 2004 Workplace Employment Relations Survey (WERS 2004) showed that the then imminent prospect of the ICE Regulations had not resulted in an upturn in the proportion of workplaces covered by joint consultative committees and that, on the contrary, the previous downward trend had continued (Kersley et al, 2006). Since then, a number of smaller, less comprehensive surveys have suggested that the Regulations have prompted increases in the incidence of formal I&C arrangements (CBI, 2006) and modifications to existing arrangements (IRS, 2006; LRD, 2006), particularly in the UK operations of multinational companies (Edwards et al, 2007).

Other research also suggests considerable employer-led activity in terms of reviewing, modifying and introducing I&C arrangements (Hall, 2006), but there is currently no data available of the incidence of 'pre-existing agreements' or 'negotiated agreements' as defined by the Regulations. An early assessment, one year on from the commencement date of the Regulations, noted that relatively few companies were reported to have put formal PEAs in place, despite the protection they offer against the Regulations' statutory procedures being invoked by employees, and that negotiated agreements appeared to be extremely rare (Hall, 2006). Trade unions have generally adopted a defensive approach to the Regulations, reflecting concern that the introduction of workforce-wide I&C arrangements could potentially undermine or marginalise union recognition where it exists. While little litigation has yet arisen under the Regulations, the leading case, *Amicus and Macmillan Publishers Ltd*, demonstrates the scope for employees and unions to use the law effectively against defaulting employers.

## 1.2 Objectives and research design

Against this background, and in the light of the legislation's 'reflexive' design, the research aims to explore:

- the strategic choices of the key actors (management, employees and trade unions where present) in determining the organisation's approach to designing and introducing systems of I&C, taking account of both the internal organisational context and the external legal environment;
- the practical operation of I&C arrangements, including the respective roles and approaches of the key management/employee participants and the relationships between them, the issues most commonly dealt with and the nature of the processes used; and
- the impacts of I&C practices in terms of quality of management decision-making, employee commitment, employment relations climate and organisational effectiveness.

The method adopted to carry out the research is that of longitudinal case studies, tracking developments in each of the case study organisations over a two-year period (or over a one-year period in the third and final wave of case studies). The case studies involve semi-structured interviews with senior management, trade unions (where present) and employee representatives, as well as an employee survey where possible.

An initial research visit focuses on the business and employment relations context, the factors shaping management and employee/union approaches to I&C, the particular arrangements established and their experience to date. In the first two waves of case studies (see below), this is followed one year later by telephone interviews to monitor interim developments, and two years later by a final full return visit to assess the state of play and the longer-term organisational impacts of I&C practices. The employee survey takes place after the first research visit and is repeated after the final research visit. For the third wave of case studies – in the smallest category of organisations subject to the ICE Regulations – a shortened research programme applies. The initial research visit will be followed by a final update (phone interviews) one year later. Both of these stages are to be followed by an employee survey.

Reflecting the phased implementation of the ICE Regulations, the first wave of case studies began in 2006 in 13 private and voluntary sector organisations with 150 or more employees. A second wave of eight case studies in organisations with 100-149 employees started in 2007, and a third wave of four case studies in 2008 in organisations with 50-99 employees.

Identification of the case study organisations has primarily been via Acas. Acas assisted by identifying potential cases from its advisory work databases and from information provided by senior advisors in the regions and seeking permission from the organisations concerned to release contact details to the research team. Access in other cases has resulted from leads provided by the CIPD, the Involvement and Participation Association (IPA) and the National Council for Voluntary Organisations (NCVO), or through IRRU's existing contacts.

The choice of case study organisations is, of course, not representative in a sample sense. All were studied because they had relatively recently introduced or reformed I&C bodies (or 'employee forums' – terms used interchangeably in this report), and because they were prepared to take part in the study, unlike many more which were approached but refused. This may mean that the companies studied are likely to be examples of good or better practice in this area and in people management in general. This would appear to be borne out by comparisons between employee survey responses in the case study organisations and the national picture as revealed by WERS 2004 (see Hall et al, 2007; 2008)

Further details of the methodology employed in the research are given in Annex A.

### 1.3 Structure of the report

This report presents and analyses key findings from interim research updates prepared on six of the eight original 'wave 2' case study organisations with 100-150 employees, as well as the initial interviews and employee surveys in four 'wave 3' case study organisations with 50-100 employees.

Chapter 2 outlines the key characteristics of the case study organisations and their I&C arrangements. Chapter 3 examines the establishment, nature and functioning of the I&C bodies in the 'wave 3' organisations. Chapter 4 discusses key findings from the interim update interviews in the remaining 'wave 2' organisations, highlighting the dynamics of I&C over the 12 months since the initial research. The concluding chapter draws out key themes from the analysis of the case studies, focusing in particular on whether and how far organisations' experience of I&C differs according to workforce size.

# 2: The case study organisations and their I&C arrangements

This chapter briefly profiles the ‘wave 2’ and ‘wave 3’ case study organisations and the I&C arrangements they have adopted.

Table 1 provides an overview summary of the key characteristics of the ‘wave 2’ case study organisations, the nature of the I&C arrangements they have introduced and the basis or status of the arrangements (e.g. whether they are regarded as ‘pre-existing agreements’ or ‘negotiated agreements’ as defined by the ICE Regulations). Table 2 does the same thing for the ‘wave 3’ cases, while Annex B contains case study summaries for each wave 2 and wave 3 organisation.

## 2.1 Characteristics of the ‘wave 2’ case study organisations

### **Sector**

The wave 2 case study organisations are drawn from the private and voluntary sectors. Their spheres of activity vary considerably. The six remaining case study organisations comprise: a regional airport, a housing association, a regional charity, a professional association/trade union, a law firm and a hospice. Two organisations – a pharmaceuticals company and a bathroom manufacturer – dropped out after the initial phase of the research (the findings from which are reported in Hall et al, 2008).

### **Nature of the organisations**

Three of the remaining case study organisations are limited companies. The professional association is a listed trade union, the hospice a registered charity, and the law firm a partnership that recently assumed limited liability partnership status. The northern housing association and the regional charity, though companies, are also both registered charities.

### **Workforce size**

The target workforce size range for wave 2 case study organisations was 100-149 employees, i.e. organisations that became subject to the ICE Regulations in April 2007. In practice, the case study organisations’ workforces ranged from 90 to 170. The regional charity employed 90 people at the time of the initial research visit but employment was due to rise to 105 within two months because of a new contract. At the upper end of the size range, there had been a rapid expansion of the workforce at the housing association.

### **Main types of employees**

Employee mix tended to be shaped by the organisations’ service orientation, emphasising knowledge-based/white collar workers of varying skill level and



function. For example, the professional association's staff work mainly in administrative roles, whereas nurses and health care assistants predominate at the hospice. At the law firm, fee-earning staff are supported by a larger group of administrative staff. The largest occupational group at the regional airport is fire-fighting staff, followed by air traffic control. There is considerable part-time employment at some of the organisations, including the hospice and the regional charity. Extensive use of volunteers is also a feature of these two organisations.

### **Union presence**

As can be seen from Table 1, half of the six organisations recognise trade unions for collective bargaining purposes, and half do not. This distribution of union/non-union cases is not typical of organisations in this size range. Recognition is underpinned by varying levels of union membership density. As might be expected, there is a high union density at the professional association/trade union (70%). Union recognition is more recent and membership lower at the housing association (40%) and airport (confined to air traffic control, engineering and fire service staff) following recent recognition claims. In one case – the regional charity – management had recently derecognised a union. At the hospice, most nurses are thought to belong to one of two trade unions but there has never been a request for recognition.

### **Type of I&C arrangements**

Table 1 shows the principal type of I&C arrangement at each of the wave 2 case study organisations. These fall into three different categories:

- I&C bodies representing – and elected by – all employees;
- 'hybrid' I&C bodies involving both representatives elected by employees and representatives nominated by recognised trade unions; and
- I&C carried out via recognised unions within the organisation.

The three non-union organisations had each established an I&C body elected by all employees.

Of the three case study organisations that recognised unions, two had established 'hybrid' I&C bodies involving union representatives and elected representatives of non-union employees. The format of these 'hybrid' arrangements differed:

- at the regional airport, union representatives from the parts of the organisation where unions are recognised sit on the staff forum alongside employee representatives elected to represent other departments/work groups;
- at the professional association, the employee members of the staff forum consist of a representative elected from each department, around two-thirds of whom are thought to be union members, plus a seat reserved for a representative nominated by the recognised union (though the union leaves this seat vacant).

**Table 1: Key characteristics of the ‘wave 3’ case study organisations and their I&C arrangements**

Organisation/sector	Workforce size (in 2007)	Union recognition	Date I&C arrangement set up	Type of I&C arrangement			Basis/status of I&C arrangements				
				I&C body elected by all employees	‘Hybrid’ I&C body (involving both union and non-union representatives)	I&C via trade unions	Voluntary agreement/PEA	Negotiated agreement under the Regulations	Introduced unilaterally by management	Union recognition agreement	
Hospice	150	No	Reconstituted 2007	✓						✓	
Law firm	130	No	2007	✓			✓				
Northern housing association	170	Yes	2007			✓					✓
Professional association/trade union	150	Yes	2007		✓ (but union seat currently left vacant)		✓ (but no detailed constitution)				
Regional airport	124	Yes	2005		✓					✓	
Regional charity	90 (rising to 105)	No	2006	✓			✓				

**Table 2: Key characteristics of the ‘wave 3’ case study organisations and their I&C arrangements**

Organisation/sector	Workforce size (in 2008)	Union recognition	Date I&C arrangement set up	Type of I&C arrangement			Basis/status of I&C arrangements				
				I&C body elected by all employees	‘Hybrid’ I&C body (involving both union and non-union representatives)	I&C via trade unions	Voluntary agreement/PEA	Negotiated agreement under the Regulations	Introduced unilaterally by management	Union recognition agreement	
Theatre	60 + 150 casual staff	Yes	2006		✓					✓	
Safety company	38 (45 in 2007)	No	2000/2001	✓						✓	
Snacks company	100-114	No	2007	✓			✓				
Marine services	73	No	December 2007	✓*						✓	

\* Election of employee representatives on employee benefit trust

The other unionised case study organisation – the northern housing association – informs and consults via the trade union it recognises. The joint negotiation and consultation group set up to give effect to union recognition includes within its remit specific terms of reference, broadly reflecting the ICE Regulations, that identify the issues to be subject to consultation (as opposed to negotiation).

### **Basis/status of I&C arrangements**

Three of the case study organisations had obtained the agreement of employee representatives to the I&C arrangements introduced. At the regional charity, management and employee representatives formally adopted an agreement establishing the staff council at its first meeting. At the law firm, the constitution of the employee forum was signed by the staff representatives as a ‘formal consultation agreement’ at the second meeting of the body. The professional association’s staff forum resulted from recommendations by a joint management-staff working party. There is, however, no detailed constitution: it operates on the basis of a one-page document agreed by the staff forum outlining its aims, structure and working methods.

In none of these three cases did management regard the agreement as having particular legal status as a ‘pre-existing agreement’ under the Regulations. More generally, none of the wave 2 organisations displayed much concern with meeting the Regulations’ procedural standards for introducing I&C arrangements.

Table 1 does differentiate between those cases where the formal agreement of employee representatives to the I&C arrangements was obtained (or, in the case of the professional association, where the I&C arrangements were jointly developed) and those where the I&C arrangements were designed and introduced unilaterally by management – i.e. where the agreement of employee representatives was not sought. However, this can be a rather artificial distinction. At both the law firm and the regional charity, the constitution/agreement was essentially drafted by management though did incorporate some changes/refinements suggested by staff representatives. At the northern housing association, as noted, I&C via union representatives is anchored in the union recognition agreement.

Finally, in no case was a ‘negotiated agreement’ sought or reached via the Regulations’ statutory procedures. This appears to be in line with experience under the Regulations more generally, with few ‘negotiated agreements’ being reported (Hall, 2006).

## **2.2 Characteristics of the ‘wave 3’ case study organisations**

### **Sector**

The wave 3 case study organisations are again drawn from the private and voluntary sectors. As set out in Table 2, two are manufacturers – one producing in-vehicle safety equipment and the other in the food industry specialising in snacks. The other organisations are a theatre and a marine services provider.

### **Nature of the organisations**

The case study organisations all take the form of limited companies, but marine services is employee-owned via an employee benefit trust and the theatre is operated by an independent charitable trust.

### **Workforce size**

The target workforce size range for wave 3 case study organisations was 50-100 employees, i.e. organisations that became subject to the ICE Regulations in April 2008. In practice, the case study organisations' workforces ranged from just under the Regulations' minimum workforce size threshold (38 at the safety company, down from 45 the year before the first research visit) to just over (the snacks company had 100 employees in the summer of 2008 but by the time of the first research visit the workforce had increased to 114). There were 73 staff at marine services, including 11 vacancies and 24.5 specialist consultants/sub-contractors. The theatre had 60 permanent staff, augmented by a pool of 150 casual staff

### **Main types of employees**

The case study organisations embrace a range of different types of employees. At the snacks company, most employees are semi-skilled or unskilled factory operatives with the largest numbers concentrated in the packaging area. Most are paid the national minimum wage. At the safety company, the largest occupational group consists of manual shop floor and warehouse workers, many of whom are highly trained (e.g. are able to read engineering drawings and spot variances) with work with a high degree of functional flexibility. The workforce at marine services is highly skilled and comprises naval architects, marine engineers, skilled draughtsmen and administrative staff. At the theatre, most permanent staff work in administrative functions such as marketing, finance and sales. The bulk of the casual workforce are technical/backstage and 'front of house' staff.

### **Union presence**

As can be seen from Table 2, only the theatre recognises a trade union for collective bargaining purposes. The membership base is reportedly low – some 20-30 members, many of them casual staff. The remaining three case study organisations are non-union.

### **Type of I&C arrangements**

The three non-union organisations had each established an I&C body elected by all employees. (At marine services, which is employee owned, there is no I&C body as such but employees elect representatives to represent them on an employee benefit trust and these representatives are also a developing channel for I&C with senior management.) The theatre had set up a 'hybrid' I&C body involving union representatives as well as representatives of non-union employees.

### **Basis/status of I&C arrangements**

In only one case – the snacks company – were the I&C arrangements the subject of formal agreement with employees. Here, a staff forum policy document had been signed by employee representatives, but it was unclear whether or how far employee representatives had influenced the content of the document. In the other three cases, the I&C arrangements were designed and introduced unilaterally by management. At the safety company, the constitution for the I&C body was written by management. At the theatre, a document setting out the I&C body's remit was drafted by management and, although the minutes of the first meeting record that the HR manager went through the new body's role and responsibilities and '*all agreed with the approach*', was not intended as a PEA

under the Regulations. Finally, at marine services, there appeared to be very little employee involvement in its decision to move to employee ownership, nor in the details of the employee benefit trust. Again, as with the wave 2 case studies, in no case was a 'negotiated agreement' sought or reached via the Regulations' statutory procedures.

# 3: Establishment, nature and functioning of ‘wave 3’ I&C bodies

This chapter summarises key findings from the initial research visits and employee surveys in the four wave 3 case study organisations. Brief details are provided of:

- the factors shaping the organisations’ I&C strategy;
- the constitutional/operational arrangements introduced;
- their approaches to I&C in practice; and
- employee perceptions of I&C.

## 3.1 Factors shaping organisations’ I&C strategy

Our ‘wave 1’ case studies (Hall et al, 2007) found that the new legislative context was only one, and by no means the most significant, of a number of factors shaping organisational strategy on I&C. Others included ownership and corporate values, the experience of major change, the impact of newly-appointed managers, a wider emphasis on employee involvement and the existence or prospect of union recognition.

The same set of factors emerged from analysis of the development of I&C in the ‘wave 2’ organisations (Hall et al, 2008), with some differences in emphasis, such as the unsurprising finding that wider employee communications and involvement mechanisms were less well developed among smaller organisations. Notable additional factors driving I&C developments in a number of the wave 2 organisations were the role of external standards (Investors in People (IiP) etc) and the need to formalise and professionalise human resource management arrangements in smaller companies experiencing growth and change.

Our examination of the influences on the four ‘wave 3’ case study organisations’ I&C strategy suggests that the establishment of I&C bodies was driven primarily by internal employment relations/company considerations and key individual managers rather than by external factors or the experience of major change. Notably, the impact of the ICE Regulations was slight, with the legislation cited as a factor in only one case (the theatre).

### **Ownership and corporate values**

The establishment of the I&C bodies was consistent with – rather than strongly driven by – the ownership and corporate values of the wave 3 case study organisations. Despite their strong Christian/Baptist ethos, which highlights the involvement and development of all employees, the safety company’s US owners were initially suspicious of the I&C body set up at their UK plant. At the theatre, the establishment of the I&C body was seen by management as supporting the theatre’s stated ethical standards and culture/values which include ‘*[compliance]*

*with all laws that apply to the company*, *'[working] together as one open and honest team'* and *'[fostering] a collaborative management style'*. The snacks company's previous owners were strongly supportive of local management's establishment of the I&C body, reflected in head office involvement in meetings but the current owners' approach is more 'hands off'. Marine services' approach to I&C reflects its conversion to employee ownership status in 2007 and a change from paternalism to a more open 'partnership' style of management.

### **Experience of major change**

At the theatre, the establishment of the I&C body formed part of a wider process of modernising its (previously *'very traditional'*) employment relations culture. At the snacks company, the initiative was a response to a growing business outgrowing previously informal communication methods, whereas at marine services the recently introduced arrangements for staff representation on the employee benefit trust and associated I&C procedures are part and parcel of the move to employee ownership. At the safety company, the establishment of the I&C body predated rather than resulted from employment growth.

### **The role of new managers/management structures**

Newly-appointed managers were influential in driving the introduction of I&C arrangements at the theatre and the safety company. At the theatre, the establishment of the I&C body was initiated by a recently-recruited HR manager – the first ever HR specialist at the theatre. At the safety company, the I&C body was set up by the general manager appointed soon after company had established its UK operations, and at the snacks company, the initiative for the creation of I&C body came from the existing operations manager. In both these cases the manager concerned had had positive previous experiences of consultative bodies. At marine services, it was the move to employee ownership that resulted in new management structures and employee representation arrangements.

### **Wider approaches to employee involvement**

The theatre introduced a range of new direct mechanisms alongside its new I&C body, including a staff newsletter, intranet and regular team and departmental meetings with the aim of remedy previous weaknesses in staff communications. Elsewhere, formal mechanisms for direct employee involvement are not extensive, but weekly workforce briefings take place at the safety company, including on matters discussed at I&C body. There are irregular team briefings at the snacks company but little formal direct information sharing or staff involvement beyond that. Marine services rely on email and the intranet as the main channels of direct communication, but senior managers have been round the offices from time to time taking staff questions informally.

### **Interaction between I&C and union representation**

The theatre is the only wave 3 case study organisation with union recognition. Only a minority of staff are members, mainly casual staff, and the union's role is limited to annual pay negotiations. It reportedly took no view on the establishment of the I&C body, though some members, including one of the union's informal representatives at the theatre, sit on the I&C body. More generally, there was reportedly no particular pressure from staff for the establishment of an I&C body as such, although there had been staff complaints



about a *'lack of communication'*. Staff pressure was apparently not a factor in the establishment of I&C arrangements at the other three cases either.

### **Impact of legislation**

The new legal context was a consideration only at the theatre, where the ICE Regulations provided something of a catalyst for action. Here, the HR manager, while not expecting the theatre's employees to trigger the ICE Regulations' procedures, *'wanted to be ahead of the game'*. But the introduction of the I&C body was *'really about [improving] workplace relations'* – to provide feedback on new initiatives and foster staff identification with the business. The legislation was not a factor at the safety company, where the I&C body predated both the EU Directive and the UK Regulation and, in any case, the company has never reached the size threshold to be within their coverage. The legislation was not mentioned as a factor at the snacks company, nor has it influenced developments at marine services.

### **External standards**

In contrast to a number of wave 2 case study organisations, external standards were not a key driver of the development formalised I&C arrangements in the wave 3 cases. While the modernisation of employment relations at theatre included seeking liP accreditation, liP was not a direct factor in the introduction of its I&C body – the latter was set up before the liP accreditation exercise was initiated. The introduction of the I&C body at the safety company also predated liP accreditation. Elsewhere, neither the snacks company nor marine services have sought liP accreditation.

## **3.2 Constitutional/operational arrangements**

This section briefly summarises the approaches adopted by the four wave 3 organisations to the constitutional and operational aspects of their I&C arrangements, drawing on the fairly detailed constitutions/documents that exist in each case setting out the role and remit of the I&C bodies (and the employee benefit trust at marine services) and evidence of actual practice.

### **Management participants**

There is regular senior/operations management participation in meetings of the I&C body at the safety company (the general manager plus the HR manager) and the snacks company (the operations manager plus the HR manager), whereas at the theatre the HR manager is the only regular participant, although other managers sometimes attend meetings for the discussion of specific items. At marine services, where there is no I&C body as such (as opposed to the employee benefit trust), board-level senior managers have agreed to meet with the two employee representatives on the trust after each board meeting to outline the key issues discussed and answer questions.

Management representatives chair the meetings of the I&C bodies at the safety company and the theatre whereas at the snacks company the I&C body is chaired by an employee representative.

### **Employee representatives**

The employee representatives at the snacks company were elected in a contested ballot, as were the employee representatives on the employee benefit trust at marine services. At the safety company, representatives are, according to the I&C body's constitution, *'nominated and/or elected'* but elections have rarely

been necessary and when three people recently came forward to fill two vacancies all were invited to become members of the I&C body rather than have an election. At the theatre, the constitution of the I&C body provides for 'non-elected members' (i.e. volunteers) as '*a formal election process just wouldn't work here*' (HR manager).

Representation is on a departmental basis at the snacks company and the theatre, but at the latter the HR manager wanted to ensure that some members of the recognised union take part in the I&C body and this has transpired. Among them is one of two union representatives at the theatre. Similarly, management at the theatre was keen that the I&C body should include some casual staff and this too has happened. Other dimensions of workforce diversity (e.g. sex, race and age) were not reflected in organisations' approaches to the recruitment of representatives but at the theatre the HR manager was satisfied that the I&C body was broadly representative of the workforce overall.

### **Time off**

In practice, employee representatives at all four case study organisations are given paid time off work to attend meetings of the I&C body (or the employee benefit trust at marine services) and carry out associated duties. This is formally reflected in the constitutions of the I&C bodies at two organisations. At the theatre, it is specified that time spent in meetings of the I&C body '*will be considered as working time, and will be compensated appropriately*'. Meetings of the I&C body are scheduled for Thursday afternoons for an hour between matinée and evening performances, with representatives who are casual staff being paid for an extra hour for taking part in the meeting. At the snacks company, the constitution states that '*employee representatives will be allowed sufficient time off their duties to attend forum meetings and speak to staff to canvass views or collate agenda items*'. Unusually, the employee representatives at the snacks company receive an additional payment of £20 per month for carrying out the role of representative.

### **Facilities**

Though not specified in the I&C body's constitutions, employee representatives at each organisation are allowed access to the necessary office and communication facilities to carry out their role, though the representatives at the snacks company do not have access to email.

### **Training**

At the safety company, training is regularly provided by Acas and includes both management and employee representatives. Acas also provided training for representatives after the establishment of the snacks company's I&C body. At marine services, training has been provided by the IPA on how the management team and employee representatives should interact and how the communication and consultation process would operate. No training had been provided for staff representatives at the theatre but was reportedly under consideration. Staff representatives interviewed at the theatre did not voice any concerns about the absence of training.

### **Networking by employee representatives**

Though not provided for by the constitution, there are short monthly meetings of employee representatives at the safety company. These are primarily to plan expenditure from the I&C body's budget for social events but are also used to

filter items to be raised at the I&C body. At the theatre, little or no independent networking by staff representatives was reported beyond some informal contact between representatives in the same department. At the snacks company, there are no pre-meetings, their organisation being inhibited by representatives being drawn from different shifts.

### **Reporting back**

In addition to the publication of minutes of meetings of the I&C body, which takes place in all four cases, at the safety company the general manager uses the weekly briefing for all employees to report on discussions at the I&C body. At the theatre, staff representatives variously use noticeboards, email and personal contact to report back to constituents on discussions at the I&C body. At the snacks company this is largely done through personal contact and ‘word of mouth’.

### **Role of representatives in individual casework**

At the snacks company, it is a specified part of the employee representatives’ role ‘*to accompany fellow work colleagues during disciplinary, grievance and redundancy hearings*’. In practice, this is done by the employee representative who chairs the I&C body and who was a shop steward in previous employment. Elsewhere, employee representatives do not have this role. The safety company was reportedly considering training representatives in handling grievance and disciplinary issues but this was not a pressing issue since the volume of such issues is low.

### **Confidentiality**

At each of the three organisations with I&C bodies, the constitutions included confidentiality clauses requiring representatives not to divulge information provided in confidence. At the theatre and the snacks company, management has invoked such restrictions only rarely, but confidential discussions often take place in the safety company’s I&C body, on occasion attracting adverse comment from representatives’ constituents.

## **3.3 I&C practice**

This section briefly reviews the varying approaches to I&C adopted by the ‘wave 3’ case study organisations, in terms both of the written provisions in the constitutions of the I&C bodies and actual practice. Particular attention is paid to the nature of the issues which are discussed by I&C bodies and the meaning and extent of consultation in practice. Analysis focuses on the three cases which have established I&C bodies, commenting on the operation of marine services’ distinctive arrangements for employee representation and input – the employee benefit trust and associated I&C procedures – as appropriate.

### **Formal provisions on I&C**

Our earlier research found that the ICE Regulations had exerted a significant influence on the provisions and wording of agreements and constitutions underpinning I&C bodies in the larger, ‘wave 1’ case study organisations (Hall et al, 2007), but considerably less so in the case of the ‘wave 2’ medium-sized organisations (Hall et al, 2008). In the wave 3 cases, no such influence was discernible. Textual analysis of the constitutional documentation made available in relation to the I&C bodies at the safety company, theatre and snacks company revealed no evident echoes of the Regulations. This is hardly surprising in the

case of the safety company, where the I&C body was established in 2000/2001 – well ahead of the adoption of the I&C legislation at either European or domestic level – but equally true in the cases of the theatre and the snacks company whose I&C bodies date from 2006 and 2007 respectively.

Each of the three constitutions includes an indicative list of topics for discussion but these appear to be specific to each company and do not reflect the ICE Regulations' provisions. The meaning and procedural aspects of 'consultation' are not spelt out in the constitutions at the safety company or the theatre. Conversely, the snacks company's staff forum constitution nowhere uses the term 'consultation' but does specify that employee representatives' *'views and ideas will be given serious consideration by management before any final decisions are made on the given issue'*.

At marine services, formal arrangements relate to employee representation on the employee benefit trust, but the developing role of the two employee representatives as a channel for I&C with senior management is not underpinned by written provisions.

### **Scope of agenda items**

At the safety company, issues for discussion are tabled by both management and employee representatives. Issues raised by employee representatives are typically housekeeping matters or queries about terms and conditions and HR policy. Business-related matters are usually tabled by the general manager, who has initiated discussions with the I&C body on a range of important issues. A regular agenda item is the 'operational review' looking at performance in areas such as sales, deliveries, quality and efficiency. The employee representatives are also responsible for the organisation of social events like the Christmas party and a summer outing.

At the theatre, it is the HR manager who plans the bulk of the I&C body's agenda. Issues from staff are usually raised under 'any other business'. The I&C body has dealt with a mix of HR, restructuring, staff benefits and housekeeping issues.

In contrast, the I&C body at the snacks company is conceived of largely as a forum for representatives to raise staff concerns rather than a vehicle for discussing management decisions or providing information on business developments and results. As a consequence, much of its agenda concerns housekeeping issues and in general there is little management information shared with employee representatives. As at the safety company, the I&C body has responsibility for organising social events for the workforce. Both of these I&C bodies have a budget to spend on social activities.

At marine services, in addition to formal employee participation via the employee benefit trust in voting to approve the appointment of board members and the annual bonuses, the scope of the related I&C processes is still not fully clear. The employee representatives referred to a lack of clarity on the matters that could be discussed with senior management, although their expectation was that consultation would take place over major changes. Managers interviewed stressed that they intended to share information on fundamental issues, such as winning or losing business, and that discussion could take place on *'anything and everything'*.

## Process

As noted previously, no formal consultation procedure is specified at the theatre. The approach taken by the HR manager has varied according to the issue involved. Agenda items relating to restructuring are essentially for information or explanation rather than consultation as such. For example, the HR manager put the restructuring of the box office – a *'big business change'* – on the I&C body's agenda once the changes to the box office function had been decided by senior management and the key new appointment made, in order to explain the business rationale for the restructuring and *'allay gossip'*. One of the staff representatives interviewed noted that the I&C body was not given *'early information'* about restructuring.

However, the HR manager has actively consulted the I&C body on certain issues, requesting detailed feedback on particular management- or staff-initiated proposals. For example, management proposals for moving from weekly to four-weekly payment for casual staff were discussed with the I&C body over two scheduled meetings and, in the light of employee concerns put forward by the representatives, the HR manager subsequently prepared a comments sheet for staff and asked representatives to collate staff opinions and bring them to the next meeting. Travel loans were also under consideration by management following a request from the I&C body: the HR manager asked staff representatives to seek staff feedback on the likely take-up of such a scheme.

The I&C body at the safety company has been used by the general manager to discuss important issues, sometimes on a confidential basis (see above), as well as staff-raised matters. The most notable instance concerned managing an enforced shut-down due to the end-customer in China shutting down during the Olympic Games. The aim is reportedly to consider options, consult the workforce via the representatives and arrive at a consensus. At the snacks company, relatively few agenda items are raised by management; most are employee-raised housekeeping concerns. Where major decisions have been announced and discussed at the employee forum, representatives have been asked or expected to pass on this information to the shop floor. According to one representative interviewed: *'We are not involved in decision-making; they get us involved in communication.'* Examples have included the implications for the snacks company of the closure of another company in the group, pay increases, and inducements to staff for working additional hours on Sundays in the run up to Christmas.

At marine services, in addition to formal employee participation via the employee benefit trust, the two employee representatives meet with senior management after each board meeting to be informed of the key issues discussed, ask questions and agree what information can be provided to staff.

## Impact/outcomes

At the theatre, employee-raised facilities and staff benefits issues have often met with a receptive response from management and in many cases have resulted in management agreeing to introduce practical changes of benefit to staff. Examples include the setting up of a dedicated recruitment phone line to avoid stage door crew having to field job enquiries out of office hours, and the extension and enhancement of the complimentary staff tickets scheme. Where suggestions are rejected, reasons are given to the I&C body. However, staff

representatives expressed some uncertainty as to how far management took account of staff views on major issues, and perceived the outcome of (then ongoing) consultation over the proposed move from weekly to monthly pay for casual staff as a key test of the value of the I&C body to staff. The latter consultation exercise had confirmed that staff were strongly against the proposal and, although management had yet to reach a final decision at the time of the research visit, it seemed likely that the proposal would be dropped.

At the safety company, the contribution of representatives on the I&C body to dealing with the enforced shutdown issue was described by one manager as 'key'. *'While the main idea came from management, they came up with different rules on how to operate it.'* Other areas where there is evidence of the I&C body making a material difference include early finishing times on Fridays, an increase in the employer's pension contribution from 4% to 4.5%, recycling and holiday planning. In addition, there is the I&C body's previously-mentioned role managing a budget for the organisation of social activities. The impact of the employee forum at the snacks company has been more limited. Its early operation reportedly did make a difference in respect of staff-raised concerns, e.g. on booking holidays over Christmas and how many people per shift could be on holiday at the same time. The (employee) chair of the forum reported that *'Initially there was a lot of change'*, but that, since the takeover of the company, issues have often had to be referred to group headquarters causing delays in their resolution (and frustration on the part of the employee representatives). Otherwise, the forum has essentially played a 'communications' role.

At marine services, the I&C arrangements are at an embryonic stage and, at the time of the first research visit, there had not been any substantial issues to test the process.

### **Pay – included or excluded?**

At the theatre, the only unionised wave 3 case study organisation, although pay rates and allowances are determined in discussion with representatives of the recognised union, other pay and pay-related issues – including the controversial proposed move from weekly to monthly pay for casual staff – have been discussed with the I&C body. At the safety company, while pay scales and pay reviews are formally excluded from the I&C body's remit, in practice pay is raised and discussed, but there are no negotiations since this is a matter for the American owners. At the snacks company, 'changes to terms and conditions of employment' are listed among 'matters for discussion', but 'remuneration' is specifically excluded. Nevertheless, pay issues (e.g. the non-payment of a traditional summer bonus) have been raised at the I&C body and it is informed about pay rises and asked to disseminate the details to the workforce. At marine services too, basic pay increases are decided unilaterally by the board, although staff are consulted, via approval by the employee benefit trust, on the scale of profit-related bonus awards.

## **3.4 Employee perceptions of I&C**

The employee survey administered to the wave 1 and wave 2 case studies was also used in the wave 3 organisations. Employees' experiences and perceptions of different forms of I & C arrangements (direct and indirect) were sought, plus their views on management and employee representatives' effectiveness, certain HR practices and other employee outcomes. Some of the questions in the survey

are based on the Workplace Employment Relations Survey 2004<sup>1</sup>, and this enabled the research team to position the case study organisations against this benchmark. Further methodological details are provided in Annex A.

To date, surveys have been conducted in three out of four wave 3 organisations (the exception being the snacks company), resulting in a total of 127 responses. Response rates varied between 37% and 47%. The results are summarised in table 3.

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<sup>1</sup> The Workplace Employment Relations Survey (WERS 2004) is a nationally representative survey of British workplaces employing five or more employees. The survey was jointly sponsored by the Department for Business, Enterprise and Regulatory Reform, Acas, the Economic and Social Research Council and the Policy Studies Institute. More information on the survey can be found at:  
<http://www.berr.gov.uk/employment/research-evaluation/wers-2004>

**Table 3: Employee perceptions – year 1 survey comparisons in ‘wave 3’ organisations**

	Theatre	Marine services	Safety company	WERS 2004
Union membership (%)	22	10	18	37
Mgt/employee relations (% very good/good)	61	79	82	61
Satisfaction with HR practices (% very satisfied/satisfied):				
Training *	63	37	64	51
Pay	58	57	46	36
Influence over job	59	60	82	58
Involvement	38	43	64	38
How good are managers at (% very good/good):				
Seeking the views of employees/ reps	49	56	55	48
Responding to suggestions	41	44	64	43
Allowing employees/ reps influence final decisions	31	36	46	32
Managers here (% strongly agree/agree)				
Can be relied upon to keep promises	47	64	64	47
Are sincere in understanding employees views	49	66	64	53
Deal with employees honestly	59	79	64	54
Treat employees fairly	49	72	73	55
Employee reps here (% strongly agree/agree):				
Take notice of staff problems and complaints	58	55	82	65
Are taken seriously by mgt	38	39	36	53
Make a difference to what its like to work here	36	25	36	40
Employee commitment (% strongly agree/agree)				
I share the values	61	68	82	55
I feel loyal	85	72	55	70
I feel proud to tell people where I work	85	79	55	61
Sources of information (% helpful)				
Notice Boards	80	10	64	58
E-mail	87	90	44	53
Intranet	58	66	30	42
Newsletter	59	32	36	47
Meeting with managers and employees	69	39	82	63
Unions or employee reps	26	7	64	24
Sources of involvement (% helpful)				
Unions or employee reps	27	7	60	n/a
Joint consultative committees/ staff forums/ works councils	28	7	73	n/a

\* WERS survey question is about satisfaction with 'training'. This survey asked about satisfaction with 'training, coaching and guidance'.



All wave 3 organisations showed evidence of formal and informal direct voice mechanisms as a means of informing and involving employees, although the range of types was less extensive compared to most of the wave 2 and wave 1 organisations. None of the wave 3 organisations, for example, used attitude surveys or suggestions schemes, although the theatre was planning to introduce an annual survey. Marine services had only 5 out of a possible 13 forms of direct voice mechanism in use, with the majority of employees reporting to have little experience of 8 direct voice mechanisms. This included financial involvement schemes, with over three quarters of employees answering 'not used here' or 'don't know' to questions about the helpfulness of such schemes. This is surprising given that this co-ownership organisation shares profits amongst eligible employees and in the first year of operation the company distributed 15-20% of profits to staff, averaging around 6% of individuals' salary. The newness of the scheme may explain this finding or it may simply be that employees do not perceive profit share as a source of financial information or involvement. It should also be noted that the survey focuses mainly on formal approaches, and informal communication and involvement is only captured explicitly in one question on informal meetings with managers. The survey may therefore understate the importance of informal, personal relationships in these much smaller organisations.

The survey distinguishes between mechanisms as sources of information and as sources of involvement, expressed as 'the opportunity to express views', and in the main these direct forms are most valued as sources of information. However, meetings with managers, both formal and informal, and performance appraisals were some of the most valued ways of both informing and involving employees in all these organisations. This is similar to the experience of the wave 2 organisations and confirms that employees in these smaller organisations particularly value meetings with managers, whether on a one to one basis in say an appraisal, or as a team.

Comparisons with the WERS national data (which is only available for notice boards, e-mail, intranet, newsletters and meetings with managers) shows that employees in these wave 3 organisations rated all (in the case of the theatre) or some (marine services and safety manufacture) of these information sources more highly.

There was a more varied experience in relation to views on indirect or representative mechanisms (joint consultative committees, employee forums and or works councils).<sup>2</sup> In only one organisation, the safety company, did employees rate these voice mechanisms highly as both a source of information and involvement, reflecting the fact that the works council, which has been operating for over eight years, is clearly embedded in the company. In the other two organisations, employees rated these I & C bodies poorly as a means of informing and involving employees, although employee awareness of these arrangements was limited. In marine services, for example, around 83% of employees claimed to have little experience of this body (answering 'don't know' or 'not used here' to the questions about helpfulness), although the I & C arrangements had been set up recently and were still being developed.

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<sup>2</sup> The survey does not distinguish between the different types.

These views on the I&C body were also partially reflected in perceptions on the effectiveness of employee representatives. Employees were asked to rate their representatives (the survey does not distinguish between union and non union representatives) on the basis of whether they took notice of staff problems and complaints, are taken seriously by management, and made a 'difference to what it is like to work here'. Employees in the safety company rated their employees very highly in terms of taking notice of staff problems and complaints, particularly in comparison to the WERS national dataset. However, employee responses in the other two organisations, and to the other two representative questions in the safety company, compared less favourably with the WERS data, and with most of the wave 2 organisations.

Views on managers were more positive. In two organisations (marine services and the safety company), employees rated their managers better than the WERS data set in terms of responding to suggestions, seeking the views of employees and allowing them to influence final decisions. In the remaining organisation, the theatre company, employee views were almost the same as the WERS national averages. These findings are likely to be associated with the very positive views on meetings with managers, both formal and informal, discussed earlier. A similar picture emerged from the wave 2 organisations and further analysis will allow the research team to explore the relationship between the I&C arrangements and management style.

In terms of employment practices, employees in all the wave 3 organisations rated pay and job influence better than their WERS counterparts, and two out of the three organisations compared more favourably on satisfaction with involvement and training. This suggests that these organisations employed best practice or high commitment management.

Employees in all three organisations also displayed strong identification with company values, particularly in the safety company which had a strong and distinctive Christian ethos. Loyalty and pride were also very high in the theatre company and marine services, but less favourable, in comparison to the WERS average, in the safety company possibly reflecting the impact of the recession on the business.

# 4: The dynamics of I&C in 'wave 2' organisations

This chapter briefly highlights key findings from the interim research updates prepared on the six surviving 'wave 2' case study organisations with 100-150 employees approximately one year after the original research visits. Full details of the I&C arrangements in each of these organisations and their early operation and experience were provided in the previous report on the wave 2 cases (Hall et al, 2008).

## 4.1 The development/sustainability of the I&C bodies

All cases exhibited broad stability in the role and operation of the I&C bodies over the 12 months or more since the initial research visit. Most interviewees indicated that the types of issue dealt with by their I&C body had generally been neither more nor less substantial. In most cases, the majority of agenda items were raised by employee representatives with few 'strategic' issues being tabled by senior management, although in some cases there had been major organisational change, discussed to varying extents with the I&C body (see below). There were few indications of sustainability problems. Regular meetings continued in all cases, with senior management participation. Cancellations were rare. In most cases the levels of turnover in membership of the I&C body demonstrated a balance between stable membership and an influx of 'new blood'. Experience varied in terms of the ease with which replacements were found for representatives stepping down. This was done without too much difficulty at the regional airport, professional association and the law firm (invariably without contested elections taking place) but problems in this respect were reported in other cases, where vacancies persisted.

In a number of cases, reviews of the operation of the I&C body had resulted in agreed changes in practice. For example, at the regional charity, the constitution of the I&C body was changed to increase the term of office of representatives from one year to two, to overcome some of the problems in attracting staff to volunteer to be representatives. The length of meetings was also increased to enable fuller I&C to take place. Reviews of the forum's remit at the professional association also resulted in adjustments to its constitutional arrangements. Changes to the frequency and duration of I&C meetings and other arrangements were under consideration at the hospice, and an 'open review' of the way the staff forum operated was planned at the regional airport.

## 4.2 Strategic or housekeeping issues?

The experience of major change was a feature of three cases, although the nature and extent of I&C bodies' involvement in handling its consequences varied. At the regional charity, a fundamental restructuring was necessitated by losses of funding and an adverse assessment of its 'top heavy' structure by a major commissioner of services in the field. This largely affected managerial roles but also entailed limited redundancies. The staff council was not involved in the decisions concerning the restructuring, but at a special meeting the council

was informed of the proposed changes and made comments. Nothing substantial was changed as a result of this process but some minor changes were made. Representatives then played a 'communications' role – *'collating questions and disseminating responses'* – when the changes were 'rolled out' across the organisation. Individuals affected by potential redundancy were given the option of being supported by staff council representatives in meetings with management, though reportedly no-one took this up. At the northern housing association, loss of a contract also prompted cost cutting measures including an organisation review, a pay freeze and a review of staff terms and conditions, all handled via the (union-based) joint negotiation and consultation group. At the time of the interim update interviews, there was little evidence of substantial changes to management proposals as a result of discussions with the union but the terms and conditions review was in its early stages.

The law firm's volume of business had been hit by the economic downturn, with the stagnation of the housing market having a particularly detrimental effect, leading to job losses, primarily in the conveyancing department. The firm initially relied on natural wastage but subsequently implemented some half a dozen redundancies. The staff forum was not involved in discussing specific staffing/redundancy issues. These were handled via individual/departmental-level discussions. There was, however, a more general discussion at the forum meeting in June 2008, in which the managing partner responded to concerns from staff representatives about the need to keep staff updated with regard to the firm's stability and the issues surrounding the staff cut-backs. He canvassed the meeting for ideas as to how to address staff concerns. The upshot was that the managing partner attended meetings with staff at all the firm's offices and updated them on the current situation. Feedback from this exercise was reported to be *'very positive, with staff reporting that it had given them a better understanding of recent events'*.

Although the three remaining cases had not been affected by major organisational change over the year before the interim update interviews, 'strategic' issues were raised and discussed at the I&C body, again to varying extents. At the hospice, senior management discussed the organisation's three-year business plan with employee council, following criticism that the plan had been presented to departmental meetings but not the forum. However, senior management did not consult the forum over its decision that the existing sick pay scheme would no longer apply to new employees. Since there were no changes planned for existing staff, management felt there was no need to consult on the change but again this course of action prompted criticism from staff and was recognised to have been a mistake.

At the regional airport, representatives on the staff forum noted at the December 2007 meeting that there had been few, if any, updates from management about modifications to the airport's development plan. The operations director stated that the review of the redevelopment project was still ongoing and, as such, little information could be communicated pending finalisation of the redesigned plans. He undertook to remind managers who attend the airport's weekly planning and development meetings that they should be cascading information about the redevelopment plans to their staff. At the March 2008 staff forum meeting it was noted that the managing director would be briefing staff as soon as the plans had been finalised.

In the final case – the professional association – key organisational developments were discussed with the staff forum primarily in the context of a standing agenda item on the association’s ‘performance and plans’ under which a senior manager briefed the forum on strategic issues facing the organisation. According to the management interviewee, the aim of this agenda item was to ‘*encourage more consultation and opinion*’ on key issues, and ‘*hopefully more of a shared understanding of where we are*’. However, the staff forum ‘*[hadn’t] really got engaged in strategic decisions*’. The organisation had been ‘*turned round*’ in recent years but in a ‘*top-down way*’ and senior management wanted ‘*more bottom-up input*’.

Aside from these (mostly untypical) instances of strategic issues being discussed by the I&C bodies, the bulk of their agendas continued to be made up of mainly employee-raised items to do with housekeeping/facilities issues, operational issues, HR policy, staff development and staff benefits. ‘Green’ issues were also a notable feature of the staff forum’s activities at the professional association and the law firm where in both cases green working parties had been set up. The organisation of social events was a specific responsibility of the same two forums, and at the professional association the staff forum set up a sports committee – a move intended partly to widen the appeal of the forum and to engage with a different group of staff members. The comment by one employee representative at the regional airport neatly sums up the position and could apply to almost any of the wave 2 cases: discussion at the forum was ‘*not on a grand scale*’, but concerned ‘*the little things that people are up in arms about*’. Similarly the (employee) chair of the staff forum at the professional association noted that it did not deal with ‘*big picture things*’.

### 4.3 Support for and coordination of employee representatives

Our research suggests that one of the challenges faced by the case study companies is how to create vibrant systems of employee representation since these do not emerge without deliberate activity. Where forums appear to be working well, there is often clear evidence that managements provide strong support for representatives and take steps to increase the profile of the work of the I&C bodies. Developments in the wave 2 organisations present a mixed picture in this respect.

Time off and facilities for employee representatives continued to be provided in all cases. Line managers were not generally reported to have placed constraints on employee representatives seeking to carry out their duties, although line management support for representatives at the hospice was sometimes a problem and representatives felt that wider senior management support for the I&C body was ‘*grudging*’ beyond the actual management participants. At the regional airport, operational requirements or shift patterns were sometimes a constraint on representatives’ participation in meetings of the I&C body.

Whereas all but one of the wave 2 organisations had arranged initial training for employee representatives at the time the I&C bodies were established (the exception being the professional association), ongoing training and training for newly appointed representatives was much rarer. Ongoing training was provided at the regional charity and, at the hospice, a further training/review session had

been provided by Acas. At the law firm, internally-provided induction and training for new representatives took place, drawing on the initial Acas-provided training. At the regional airport, the operations director said that continuing training provision was '*maybe something we should look at*'. At the professional association management said training would be provided if needed on specific issues, though the employee-side chair felt that training was '*not necessary*'.

In terms of coordination between employee representatives, pre-meetings did not take place, even though provided for in the constitution of the I&C body at one organisation (the regional airport). At the law firm, occasional informal contact between representatives in same office or via email was reported. At the regional airport, one representative interviewed thought pre-meetings would be helpful. Another felt that no issue requiring representatives to get together had arisen but they could do so if one did. More generally, at the regional charity, where the wide dispersal of staff was seen as a factor inhibiting pre-meetings, agendas for meetings of the I&C body were now issued two weeks in advance to facilitate fuller consultation between staff and representatives. Similarly, at the hospice, agendas for meetings were prepared one or two weeks ahead of meetings, and the expectation was that representatives would consult their constituents before meetings.

In most cases, representatives were given slots in team or departmental meetings to report back to staff on issues discussed by the I&C body. This was the case for some representatives at the regional airport. At the professional association, staff forum developments were a standing item on agendas for team meetings, enabling representatives to report back, but more generally there was a strong emphasis on informal interaction with staff. Representatives at the law firm had report-back slots at the end of team meetings (at which point partners and senior managers left the room) and communicated with staff via email e.g. to seek staff views on issues raised by other representatives. At the northern housing association, staff were kept informed of discussions at the (union-based) joint negotiation and consultation meetings through items at regular team briefings, irrespective of union membership. The outcome of issues raised at the regional airport's staff forum was also sometimes covered in monthly team briefings.

In terms of publicity for the work of the I&C body in wider in-house media, the staff forum regularly features in the law firm's bi-monthly staff newsletter, which always includes a link to latest minutes. Coverage of the I&C body's activities in the staff newsletter was also reported at the professional association, northern housing association and, to a limited extent, the regional airport. At the regional charity, lower levels of in-house media coverage over the past year were attributed to the lack of a representative from the administrative staff, but the re-election of representatives had been featured in the staff newsletter. At the law firm, management also circulated a note to all staff designed to highlight the main issues raised at the I&C body and what the outcomes had been over its first year of operation.

#### **4.4 Interface between I&C and trade union representation**

The relationship between I&C arrangements and trade union representation was a prominent issue in the three wave 2 cases with recognised unions, but in different ways.

The staff forum at the professional association was formally a 'hybrid' body in that there was a reserved seat for a representative of the recognised union alongside departmental staff representatives. However, the union continued to operate an 'empty chair' policy intended to demonstrate the separate and distinct functions of the staff forum and the union, and to maintain the union's position as the sole negotiator role of terms and conditions of employment for staff. The union had asked for its seat on the forum to be abolished but the forum decided to retain it, listing it as 'vacant'. However, a number of forum representatives were union members – probably the majority, according to the forum's employee-side chair.

At the regional airport, union representatives from work groups covered by union recognition sat on the hybrid forum alongside staff representatives from other departments and the union concerned had a positive attitude towards the forum. The prospective extension of recognition to further groups (and an additional union) meant that some 70-75% of airport staff would be covered by collective bargaining, with potential implications for the staff forum, even though the latter has no remit to deal with pay. At the time of the interim interviews, none of the interviewees (management, union and non-union representatives) felt that wider union recognition would affect the role of the staff forum.

At the northern housing association, where the recognised union constituted the employee side of the consultative body and no 'hybrid' arrangements had been put in place, the issue for management was whether union-based I&C was sustainable in the light of the Regulations' preference for 'universal workforce coverage. In particular, there was some management concern that union membership may have '*hit a barrier*' at just over 40%. At the time of the interim interviews, it remained to be seen whether the union's continuing minority membership might prompt management to review the question of the consultation rights of non-union employees.

# 5: Conclusion

This report has focused on ten medium-sized organisations and their experience of setting up and operating I&C arrangements. In the case of the six organisations with 100-150 employees forming ‘wave 2’ of the research project, the report is based on research updates prepared approximately one year after the initial case visits. The four smaller ‘wave 3’ cases are new additions to the research project and, for these organisations, the data on which this report is based derives from initial case reports and (in three cases) employee surveys.

Most wave 2 and 3 I&C bodies are still young and ‘bedding down’ and appear to be operating very much as was intended when they were established. There were few indications of sustainability problems. The previous report on the wave 2 organisations (Hall et al, 2008: 57) raised the question of whether, in these smaller organisations, there might be insufficient employee representatives to form a ‘critical mass’ – a group that can be mutually supportive and self-sustaining. The subsequent research has not generally found evidence to support such a concern, but in three wave 2 cases problems were reported in finding replacements for representatives stepping down and vacancies on the I&C body went unfilled. This is an area that will continue to be monitored in the final phase of the research.

There were no significant differences discernible between nature and operation of I&C arrangements in wave 2 and wave 3 organisations to suggest that size was a factor of importance. Indeed the smallest organisation, the safety company (wave 3), had one of the more effective I&C bodies. But when compared to the larger companies in ‘wave 1’ of the research, the smallest of which had 260 employees and the largest over 6000, there were important differences. In the smaller organisations covered in this report, there was generally greater informality in employment relations and a more limited HR capacity. This is reflected in less-detailed provisions in the constitutions of I&C bodies on what consultation entails, a lower incidence of contested elections for employee representatives, greater informality in I&C practice, fewer ‘strategic’ issues being tabled for discussion by management, and greater reliance on employee-raised issues to make up the agenda. Moreover, the smaller size of the organisations appears in some cases to have facilitated more direct feedback by representatives to constituents. One notable feature, confirmed in the employee survey, is that formal methods of direct communication and involvement with employees are less well developed while reliance is placed on informal contact between line managers and their staff.

This lack of formality, which can be expected in small to medium-sized organisations, was also reflected in managements’ approach to the design of the I&C bodies. There was less reliance on the Regulations in the design of the constitutions of these bodies than in found in the larger organisations in wave 1. This was especially evident in the wave 3 cases. In every case, management, often a single dominant manager, was the driving force in establishing the I&C body and drawing up the constitution. The most frequently cited reason for creating an employee forum was in response to ‘communication problems’ often caused by, or attributed to, growth pains. Reliance on informal means of



communicating was no longer seen as sufficient. Only at the theatre were the ICE Regulations reported to have been a catalyst for action. The Regulations had no impact – direct or indirect – in the other wave 3 cases.

Management approaches to I&C in both the wave 2 and wave 3 cases are broadly consistent with the Regulations' (very general) definition of consultation as 'the exchange of views and establishment of a dialogue'. In most cases, however, consultation practice does not come close to the more stringent public policy benchmark, in both substantive and procedural terms, provided by the default 'standard information and consultation provisions' which, in respect of substantial changes in work organisation or contractual terms, envisage detailed discussions of management plans 'with a view to reaching agreement'.

In terms of the categorisations used in the final report on the wave 1 case studies (Hall et al, 2009), most of the I&C bodies at the wave 2 and 3 organisations were 'forums for communication and staff concerns'. That is, they are used by management primarily for 'communications' purposes rather than consultation as such, and as a forum for progressing staff-raised issues, typically centring mainly on HR policies, 'housekeeping' matters and social activities. It was this type of body which, it was hoped, would bridge the communication gap. A minority of the wave 2 and 3 I&C bodies were – or came close to being – a forum for 'active consultation' (defined as embracing I&C on 'strategic' organisational issues, a proactive approach in this respect by management and a degree of employee influence over outcomes, in some cases extending to consultation 'with a view to reaching agreement'). The regional charity and northern housing from wave 2 and the safety company from wave 3 form this group of 'active consulters'. Depending on its outcome, the consultation exercise at the theatre, also from wave 3, over controversial management proposals to move from weekly to monthly pay for casual staff, might arguably put the theatre close to this category too. Certainly there was an active discussion of the proposal of a sort not often experienced in the 'communication' I&C bodies. This was reflected in the wave 3 employee surveys where nearly three-quarters of respondents in the safety company and nearly 30% in the theatre thought the I&C bodies were a helpful source of involvement.

The evidence here is similar to that from wave 1 suggesting that 'active consulters' generally have, and need, more effective 'employee sides' than found among the 'communicators'. Unusually, one company in wave 3 paid £20 a month for employees to attend meetings but this did not create an effective I&C body in terms of active consultation since, in practice, meetings were restricted to the discussion of housekeeping issues, mostly raised by employees, and organising social activities.

It is hard to draw any general conclusions about the approaches of trade unions from the varied experiences to date in the four unionised wave 2 and 3 case study organisations, other than to note that they exemplify union ambivalence towards 'universal' I&C arrangements. In one case, union and non-union representatives cooperate with each other in a 'hybrid' I&C body without difficulty, whereas at another, the recognised union refuses, out of principle, take up the reserved seat allocated to it even though most departmental representatives on the body are union members. The two other cases also illustrate contrasting situations. At one, the union is recognised as the employee side of the

consultative body and no 'hybrid' arrangements have been put in place. Here management are concerned about the continued viability of this arrangement in the light of the union's continuing minority membership. In the other, it remains to be seen whether the role and operation of the hybrid I&C body will be affected by the prospective extension of union recognition to cover the majority of the workforce.

The concluding phases of the research in both the wave 2 and wave 3 case study organisations will be carried out in the second half of 2009, continuing in some cases into early 2010. The final research report from the project in 2010 will provide a more definitive analysis of the drivers, dynamics and sustainability of I&C across the range of organisations researched.

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# Annex A:

## Methodological note

The purpose of the research project is to investigate organisational responses to the Information and Consultation of Employees Regulations and assess the quality and impact of the resulting consultative relationships. The research method adopted to carry out the research is that of longitudinal case studies, tracking developments in each of the case study organisations over a two-year period.

Our focus on strategic factors influencing the introduction, design and operation of I&C arrangements highlights the importance of organisational context. This requires a qualitative research approach designed to facilitate an understanding of the importance of contextual factors influencing the approach to I&C adopted by each organisation. The case studies involve in-depth, semi-structured interviews with senior management, trade unions (where present) and employee representatives, supplemented by analysis of documentary material obtained (e.g. agreements/constitutions underpinning the I&C arrangements, policy statements on employee involvement and minutes of I&C meetings).

In addition, the use of an employee survey in each case study organisation is designed to examine employee attitudes towards I&C, and the wider issues of employment relations climate, management and employee representative effectiveness, associations with HR practices and employee engagement. It therefore adds a quantitative element to the research and provides a valuable insight into the actual practice of I&C as experienced by the employees themselves. Some of the questions utilised in the survey are modelled on the WERS 2004 questionnaire, enabling the research team to benchmark against nationally representative data and make sector, occupation and size comparisons.

The longitudinal element of the research design enables the research team to monitor any evolution of practice in what are in many cases fairly recently introduced I&C bodies which, at the time of the initial phase of fieldwork, had yet to accumulate much experience of the I&C process. Following Marginson et al (2004: 215), tracking I&C activity over a two-year period will 'enable a portrait to be constructed on a "long exposure", better capturing the range of issues which tend to arise and the ways in which they are handled than would a single, moment-in-time snapshot'.

The initial research visit focuses on the business and employment relations context, the particular arrangements established and the factors shaping management and employee/union approaches to I&C. This is to be followed one year later by telephone interviews to monitor interim developments, and two years later by a final full return visit to assess the impacts of I&C practices in terms of quality of management decision-making, employee commitment, employment relations climate and organisational effectiveness. The repeated employee surveys enable the research team to chart employee attitudes to their

organisation's I&C practices and other key indicators of employee commitment/satisfaction over time. The employee survey takes place after the first research visit and is repeated after the final research visit. For the third wave of case studies – in the smallest category of organisations subject to the ICE Regulations – a shortened research programme applies. The initial research visit will be followed by a final update (phone interviews) one year later. Both of these stages are to be followed by an employee survey.

Reflecting the phased implementation of the ICE Regulations, a first wave of case studies began in 2006 in 13 organisations with 150+ employees (see Hall et al, 2007). A second wave of eight case studies in organisations with 100-149 employees began in 2007 (Hall et al, 2008). A third wave of four case studies in organisations with 50-99 employees began in 2008. The present report draws on the research updates prepared on the six surviving 'wave 2' case study organisations and the initial case reports on the four 'wave 3' organisations.

## Research access

Identification of the case study organisations has primarily been via Acas. Acas assisted by identifying potential cases from its advisory work databases and from information provided by senior advisors in the regions and seeking permission from the organisations concerned to release contact details to the research team. Access in other cases has resulted from leads provided by the CIPD, the Involvement and Participation Association (IPA) and the National Council for Voluntary Organisations (NCVO), or through IRRU's existing contacts.

A condition of the relatively open access the research team were able to secure was the use of pseudonyms to protect the organisations' identities when reporting results.

## Research interviews

The initial research visits/interviews in the wave 2 case study organisations took place between June and December 2007. Details of the interviews undertaken were provided in a previous report (Hall et al, 2008: 60-61). Approximately one year later, the research team prepared interim updates on developments in the six remaining wave 2 organisations (the bathroom manufacturer and pharmaceuticals company having dropped out of the research), based mainly on 30-minute telephone interviews with the principal management contact and leading employee representative, plus a trade union representative where appropriate. Four different researchers were involved in undertaking the interviews, which were based on a topic guide for interim interviews previously used for the wave 1 organisations. Interviews focused on developments over the previous year in respect of key issues and events, the sustainability/development of the I&C body, democratic processes, union relations, and any evaluation of the I&C arrangements. Participating organisations were also asked for copies of minutes of I&C meetings and other relevant documentation. These updates provided the basis for the discussion of interim developments in the wave 2 organisations in chapter 4.

The initial research visits/interviews in the wave 3 case study organisations took place between September and November 2008. Management representatives interviewed included the senior manager with co-ordination responsibility for the

I&C body and other senior (operations and human resources) managers as appropriate. On the employee-side, employee and, where present, trade union representatives on the I&C body were interviewed. The number of respondents interviewed varied between the companies, and ranged from four to six, depending on the availability of interviewees. In each case, interviews were conducted with a single respondent. Interviews usually lasted between 45 and 90 minutes, depending on the amount of time made available by the respondents. Three different researchers were involved in undertaking the interviews.

The interview schedules developed for the initial research visits to the wave 1 and wave 2 organisations were again used as the basis for semi-structured interviews with managers, employee representatives and workplace trade union representatives/full-time union officials (where recognised unions were present). These cover a range of issues including:

- preliminaries/organisational profile;
- employer strategy for responding to the ICE Regulations;
- trade union attitudes to the Regulations;
- details of new arrangements/modifications introduced;
- employee representation;
- operational issues;
- information and consultation in practice;
- anticipated/actual impact of information and consultation arrangements; and
- pre-existing employment relations culture/historical background.

The schedules of questions are designed to provide a broad, flexible framework for the interviews and ensure that all key issues are addressed while allowing space to interrogate specific issues in greater depth if appropriate. They are not intended to be rigidly prescriptive in terms of the ordering of the topics or the precise terminology of the questions used, not least because data sought by particular questions will often already be available to the interviewer deriving from documentation provided by the case study organisation and/or from earlier discussion over research access.

## Employee survey

The standard employee survey already used in the wave 1 and wave 2 case study organisations was used again in the wave 3 organisations. To date, as reported in chapter 3, surveys have taken place in three of the four wave 3 organisations. Discussions on conducting the outstanding survey are continuing with the fourth company.

Where the survey has taken place, discussions were held with the organisations concerned about the best way to proceed with the survey and all were offered the opportunity to complete the survey on-line and/or as a postal version. In one organisation the survey was postal only, one opted for the on-line only approach, and the third organisation chose a mixture of both methods. In total 46% of respondents replied using the on-line method. All participants received a covering letter from the research team explaining the nature of the survey,

including assurances on confidentiality, and all returns came direct to the research team.

In each case, all employees were surveyed rather than a sample. Response rates varied from 37% to 47%, compared to between 9% and 49% in other waves of the research.

## Data analysis and reporting

Interviews were recorded and, along with relevant documentary material obtained from the participating organisations (such as agreements, constitutional arrangements of consultation bodies, minutes of meetings and communications to employees), formed the basis of the initial case reports (5,000+ words) or interim updates (1,500+ words) drawn up in respect of each participating organisation. These were prepared to a common template to facilitate comparison, and shown to the respondents for comment and clarification. Each wave 3 organisation where the employee survey has been carried out has also been provided with an organisation-specific summary of key findings.

Content analysis of the case reports/interim updates and other documentation collected during the research process and statistical analysis of the employee survey have been the principal source of data used in the preparation of this overview report. The key themes to emerge from the data were identified by the research team, discussed with the project advisory group and elaborated in further analysis of the case reports and related material.

# Annex B:

## Case study summaries

### 'Wave 2' cases

#### **Hospice**

The hospice, a charity, specialises in palliative care. Since 2007, staff numbers have increased slightly to 160, most of whom are women and many part-time. These are helped by volunteers. Although many nurses belong to a union for professional reasons, unions are not recognised.

In 1997 a staff forum was established with the key positions held by elected representatives. Only the chief executive attended from management. Agenda items were suggested by the representatives and tended to focus on grievances and problems. Changes to the senior management team (SMT) occurred in the late 1990s following the appointment of a new chief executive. This led to efforts to modernise management, in part to meet the audit requirements of external bodies like the Health Commission and Investors in People. The publication of the ICE Regulations in 2004 provided a platform to design a new forum, known as Voice. Acas was asked to help design Voice and provide training.

Having been established in 2007 on an interim basis, Voice was fully launched in 2008. There are four constituencies with three representatives from each. Appropriate time off and training is available. The chair and secretary remain employee representatives but Voice now includes three members of the SMT.

One innovation was the use of project teams of representatives to explore controversial issues such as the smoking ban. Much of the agenda is tabled by employee representatives. A problem occurred when management discussed the three year business plan at departmental meetings but not at Voice but later this was discussed with the Chief Executive. Changes to the sick pay scheme for new employees was also not discussed at Voice but this triggered some unease and management now recognise that it should have been tabled. Further training and development work led by Acas took place in 2008.

#### **Law firm**

The law firm is a regionally-based, 'full service' solicitors' practice in southern England. It established its 'Voice' forum in 2007. While the initiative was shaped to some extent by the ICE Regulations, they were not the main driver. It reflected the perceived need to develop more formalised employee involvement mechanisms in response to growth in staff numbers, multi-site offices, the emphasis placed on communications by the most recent 'Investors in People' assessment and a broader approach to modernising staff relations within a previously 'traditional' law firm setting.

Managers conceived the forum as a staff suggestion group and most agenda items come from staff not management. It has dealt with a mix of HR, operational and housekeeping issues. A considerable number of staff suggestions have led to positive responses from the partners and practical changes of benefit to staff.



In some other areas (e.g. flexible working), the joint exploration of the practical issues involved has led to the conclusion that the proposals would be impracticable. A working party has been established to deal with 'green' issues.

The firm's business has been hit by the economic downturn, leading to some job losses. Staff numbers fell from 130 in December 2007 to 100 a year later. The firm initially relied on natural wastage but subsequently implemented some half-dozen redundancies. Staffing/redundancy issues were handled through individual or departmental discussions, not via the Voice forum. However, a Voice meeting in June 2008 discussed staff concerns about job losses, resulting in the managing partner holding office-based meetings to update staff on the firm's economic position.

Staff representatives have report-back slots at end of team meetings and also communicate with staff via email. There is some informal networking between representatives outside forum meetings but this is mainly between those in the same office or by email.

### **Northern housing association**

This charity, providing housing and other support services for young offenders out of several offices in the north of England has, as anticipated in the first report, been through a turbulent period following significant tightening of the regime for awarding contracts. The unexpected loss of a key contract early in 2008 'sent shockwaves through the organisation' leading to a drive to take cost out of the organisation. This involved the closure of some offices, a pay freeze for 2008-9 and a review of staff terms and conditions. As a consequence of winning some contracts and losing others, staff size has remained at around 180.

The union partnership which provides the basis for I&C has remained stable, despite the loss of some representatives as a result of staff turnover. Union membership has remained stable at around 40%. A new union full-time official remains central to the operation of the arrangements.

The Joint Consultation and Negotiation Group handles substantial items including updates on the organisation review, the financial position, the review of terms and conditions to be undertaken with the union (outside the formal JCNG) and the pay freeze for staff. There is little evidence of substantial change as a result of meetings but this may change with the terms and conditions review. Outside the formal JNCG management informs and consults in individual offices/teams over proposed changes and this may involve union representatives if present or the union official.

Staff were kept well informed through the representatives and effective internal communication procedures; monthly team briefings include reports on JCNG proceedings. The partnership was still considered valuable by the HR Director as making change more acceptable but I&C arrangements remain under review in the light of the loss of representatives and the failure to increase union membership and hence representativeness.

### **Professional association**

This trade union/professional association has some 120,000 members and employs 150 staff. It recognises a trade union for most of its 100 office staff. Representatives from two 'joint consultative committees' negotiate with the association on behalf of some 50 caseworkers. The association has sought to

move from low trust employee relations towards a more open organisational culture. Related to this, a staff working party (SWP) recommended the establishment of a permanent staff consultation forum in late 2006. Although conscious of the ICE Regulations, management and SWP representatives saw extending I&C to all staff as a logical development.

The staff forum comprises senior managers and departmental staff representatives, and is chaired by a staff representative. It is formally a 'hybrid' body in that there is a reserved seat for a union representative, but the union operates an 'empty chair' policy intended to underline its separate negotiating role. Nevertheless, a number of forum representatives – probably the majority – are union members.

Under a standing agenda item on the association's 'performance and plans', a senior manager briefs the forum on major organisational developments. However, a management interviewee commented that the forum had not really engaged with 'strategic decisions' and the forum's chair concurred that it did not deal with 'big picture things'. Other agenda items raised by HR or by staff representatives have included staff development and team building initiatives, issues to do with facilities and the physical working environment, and the planning of social events. A sports committee and a green working party were set up during 2008. Reviews of the forum's remit also resulted in adjustments to its constitutional arrangements.

Staff forum developments are a standing item on agendas for team meetings, enabling representatives to report back, but more generally there is a strong emphasis on informal interaction with staff.

### **Regional airport**

This small commercial airport, part of a larger airports group, has some 120 employees. It established a staff forum in 2005, driven primarily by the need to develop formal I&C procedures in the context of its application for 'Investors in People' status and the emphasis placed on employee communications by the wider corporate group. A union was recognised for air traffic control and engineering staff in 2007 and, as at mid 2008, recognition of a second union for fire service crews and the further recognition of the original union for other groups was awaiting formalisation.

Union representatives from work groups with union recognition sit on the forum alongside staff representatives elected from other departments. Management participants are senior general managers. Most agenda items are raised by employee representatives and generally concern facilities or operational issues. Pay and conditions of employment fall outside the forum's remit but it has been consulted on draft group-wide HR policies.

Although the airport's development plan was initially discussed with the staff forum, representatives felt there had been few updates about subsequent modifications. Management's approach was that little information could be communicated pending finalisation of redesigned plans but that staff would be briefed directly at that stage.

Some representatives are given slots in team or departmental meetings to report back to staff on forum meetings but in some departments this is constrained by

shift patterns. Issues discussed at the staff forum are also sometimes covered in monthly team briefings.

The prospective extension of union recognition means that a majority of staff will be covered by collective bargaining. It remains to be seen whether this will affect the role of the staff forum. At the time of the interim interviews, the expectation of the interviewees (management, union and non-union representatives) was that it will not.

### **Regional charity**

The regional charity is a rapidly expanding non-statutory organisation and registered charity with a workforce made up predominantly of professional social workers, many of whom are employed on part-time or flexible contracts. There have been tensions between a residual 'public sector' culture and the developing competitive environment.

The charity set up a staff forum in 2006 in response to the ICE Regulations and the projected growth of the organisation, and after a breakdown in relations between management and the recognised trade union led to the union being de-recognised. The forum failed to engage employees and difficulties were experienced in recruiting staff representatives. HR issues were discussed but items specific to individuals and collective bargaining procedures were excluded. The forum served very much as a 'top-down' communications channel although a more proactive role was envisaged for the future.

Changes in funding and commissioning led to fundamental changes in structure and style for the regional charity in 2008. Whilst not involved in the decisions surrounding the restructuring, the forum was central to communicating the changes to the wider organisation. Staff representatives were presented with the proposed changes to structure and given an opportunity to raise any issues. No substantial changes were made as a result of the consultation. It was suggested that the forum acted as a 'filter' for common questions raised by staff thereby reinforcing the communications role of the forum members to their constituents.

A drive led by the management chair of the forum succeeded in generating more interest and vacant positions were filled. The constitution was changed to allow elections of representatives every two years rather than annually to overcome some of the problems with recruiting volunteers, and meetings were extended from two to three hours. A further review of the operation of the forum was anticipated.

## **'Wave 3' cases**

### **Theatre**

The theatre established its staff representatives group in mid 2006 to address weaknesses in staff communications and as part of a wider modernisation of HR management. The ICE Regulations were a catalyst.

The SRG is chaired by the HR manager who plans the bulk of its agenda; issues from staff are usually raised under 'any other business'. It has dealt with a mix of HR, restructuring, facilities and staff benefits issues. Pay negotiations are conducted via the recognised union, but the SRG has been consulted about a proposed move from weekly to four-weekly pay.

Management reported that staff representatives generally provided effective feedback and representatives said they actively sought issues from staff, represented their views at meetings and reported back on the outcome of discussions. Engaging effectively with the high proportion of casual theatre staff is a key management objective and the fact that some representatives are themselves casuals was seen as valuable.

No formal consultation procedure is specified. The approach taken by the HR manager has varied according to the issue involved. She has sometimes requested detailed feedback on particular management- or staff-initiated proposals, including staff payment intervals and travel loans. Agenda items relating to restructuring are essentially for information or explanation rather than consultation as such. A number of staff suggestions have generated positive management responses and practical changes of benefit to staff. Staff representatives expressed some uncertainty as to how far management took account of staff views, particularly on major issues, and perceived the outcome of (then ongoing) consultation over the proposed move from weekly to monthly pay as a key test of the value of the SRG to staff.

A move to longer intervals between meetings reflecting prevailing levels of business was not regarded by either management or staff representatives as indicating potential sustainability problems.

### **Safety company**

At the time of the initial research visit, 38 employees worked in this manufacturing site in northern England. Owned by an American company with a strong Christian ethos, it makes safety harnesses mainly for off-road vehicles. Much of the work is the assembly of components organised in line with the principles of lean manufacturing. There is a strong 'no blame' culture with emphasis on self-supervision. A weekly briefing for all employees takes place and the general manager reports then on discussions held at the Works Council (WC).

The WC was established by the general manager in 2001 – well before the ICE Regulations, which in any case do not apply to an undertaking of this size. At that time there were only 12 employees. It has met quarterly ever since and is now an established institution. There are seven employee representatives. The WC is provided with £2000 each year to spend on social events and representatives meet monthly in the canteen for 20 minutes to plan these. They also use these meetings to filter items to be raised at the WC ensuring that meetings are not overwhelmed with housekeeping issues. Training is regularly provided by Acas and includes both management and employees.

While the WC does not have decision-making powers it is used by the general manager to discuss important issues, often on a confidential basis (though representatives sometimes find that their constituents do not appreciate the need to maintain confidentiality). One example was the sudden need to have an enforced shutdown due to the end-customer in China shutting down during the Olympic Games. Proposals were debated at a specially-convened WC meeting, employees consulted and consensus achieved. Other important items have concerned company pension contributions, early finishing times on Fridays and holiday planning as well as regular business information.

## **Snacks company**

This manufacturer of 'hand made' potato crisps employs 114 people on a single site in Wales. Most of the product is sold to pubs and delicatessens but the company also makes increasing volumes of supermarket 'own label' crisps. The company was sold in 2007 to a major UK snacks group. Most of the employees are semi-skilled and paid the statutory minimum wage. There is no union recognition. Apart from irregular team briefings there is no direct information sharing or communication.

The site manager established the employee forum (EF) in 2007 based on his previous experience. He felt that, with growth, communication problems were mounting. Acas provided a two-day training programme for representatives which explained the ICE Regulations, although these were of little influence in the decision to establish the forum. The constitution allowed all six representatives to sign their acceptance. Representatives are paid £20 per month to attend meetings. The EF's chair, an employee representative, supports individuals involved in grievance and disciplinary cases.

Relatively few items at EF meetings are raised by management. Most time is devoted to dealing with matters raised by employees. Initially some of these were seen to be important but since these have been resolved, meetings have become clogged with housekeeping matters. These tend to stay on the agenda from one meeting to the next, to the frustration of all.

There are no pre-meetings of representatives, and representatives do not have access to e-mail. When an item raised has to be referred to 'head office' the lack of a response can cause difficulty. In times of major change, like the sale of the company and new shift patterns, management will sometimes inform the EF which is then expected to communicate to employees. The most successful work of the EF is the organisation of social events.

## **Marine services**

Marine services is a small independent design and engineering company serving the marine, offshore and defence markets. The company employs around 73 staff including a significant number of specialist contractors and is based across five sites in the UK. The company is non-union, and at the end of 2007 moved to employee ownership when an employee benefit trust (EBT) acquired all the shares in the company.

The transfer to co-ownership was initiated by the former owners of the company who wanted to protect its independence and provide some stability for employees. Co-ownership was also seen as an aid to the recruitment of highly skilled staff in a competitive labour market, as well as being a tool to recruit subcontractors into permanent employment. There was no suggestion that the employee ownership strategy and associated I&C practices had been influenced by the ICE Regulations.

The EBT enables staff to have a beneficial interest in the company and share in rewards and responsibilities. There is no formal representative body but there are two employee representatives who represent non-managerial beneficiaries on the trust, voting on a share of the profits, the composition of the board and major changes to the operation of the company. These representatives also act as a communication channel between staff and managers. The board of the company

meet the representatives after each board meeting, inform them of key issues discussed, and take questions.

There is limited evidence of any consultation being carried out and the company are still feeling their way through the I&C arrangements, which are still being developed. There had been no substantial issues to test the process and, at the time of the initial interviews, further clarification was needed on the scope of issues for EBT discussion, and on the mechanisms to communicate and consult.

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