Implementing information and consultation: evidence from longitudinal case studies in organisations with 150 or more employees

BY
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Foreword

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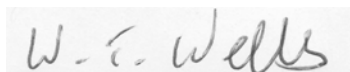
As part of that work the Employment Market Analysis and Research (EMAR) branch of the Department manages an extensive research programme to inform policy making and promote better regulation on employment relations, labour market and equality and discrimination at work issues.

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 is based on longitudinal case studies carried out between 2006 and 2009 in organisations with 150 or more employees. It analyses and accounts for the differing experiences of information and consultation bodies in 12 private and voluntary sector case study organisations over the two-year period between initial and final research visits and employee surveys, highlighting the key factors shaping developments.

Two further waves of case studies – in organisations with 100-149 employees and 50-99 employees – are continuing and will be the subject of further reports. We hope you find it of interest. Electronic copies of this and all other reports in our Employment Relations Research Series can be downloaded from the BIS website. Printed copies can be ordered online, by phone or by email. A complete list of our research series can be found at the back of this report.

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Executive summary

This report presents findings from longitudinal research completed in 12 private and voluntary sector organisations with 150 pr more employees which had established information and consultation bodies around the time the Information and Consultation of Employees Regulations took effect for organisations of this size in 2005. In each case study organisation the research evidence was collected over a two-year period. The longitudinal nature of the research provides evidence of the dynamism of information and consultation in practice. The report focuses on the wide-ranging experience of consultation in practice and seeks to provide explanations for variances in managerial beliefs and actions, the integration or otherwise of the employee representative body, the approach of trade unions and the views of employees.

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 the first wave of case studies, undertaken in organisations with 150 or more employees.

The case study organisations

The organisations covered in the research ranged in size. Four were large with over 3,500 employees while five had 750 employees or below. Some larger organisations had established employee forums at a number of sites and in three there was a hierarchy of local, national and international I&C bodies. Trade unions were recognised in seven cases. In one case union membership was high

at around 80% while in others there was a range of levels of minority membership. In seven cases the I&C bodies had been elected or selected by all employees while in six cases where unions were recognised the unions had seats on the 'hybrid' employee forum (one company using both types of arrangement at different sites).

The experience of consultation

In every case, there had been actual or planned strategic decisions with significant impacts on employment or work organisation. The approach managements took towards consultation varied markedly. On the basis of the longitudinal evidence a three way classification is developed.

Group A were 'active consulters', regularly presenting business results to the I&C body and, often in confidential meetings, discussing strategic decisions. Of these two were pro active in taking anticipated decisions to the I&C body and engaging in discussions with 'a view to reaching agreement'. The others provided explanations for a decision and answered questions from employee representatives. These discussions usually took place before any announcement was made.

Group B used the I&C body primarily for communication purposes rather than consultation as such. Business results and strategic issues rarely featured on the agenda, and any discussion of major decisions usually followed their wider announcement. The role of the employee representatives typically involved reporting the decision to their constituents and feeding back concerns. In addition, representatives raise items themselves, usually human resources and housekeeping matters.

Group C covers two cases where the employee forum is now defunct, not having met since 2007.

Only rarely had management undertaken a systematic evaluation of the consultative body and the process of consultation, and none of the case study organisations had sought to measure the wider potential business and operational impacts. The explanation most often given for this was that the I&C bodies were now accepted as part of the normal routine of organisational life.

Explanations for the different approaches to consultation

The different approaches to consultation are related to the way senior management envisaged the role of the I&C body and this in turn influenced the effectiveness of the body as a consultative partner. Where management took them into their confidence, as in Group A companies, the employee representatives had usually developed, with management support, means of communicating with each other between meetings and had, in the case of the two most pro-active consulters, worked on considered responses to management proposals. In contrast, among the Group B organisations that emphasised the communications role, it was usual for representatives to meet only at formal meetings of the I&C body, with little interaction in between. There was little experience of collective endeavour and scant opportunity to develop it. This led in some cases to a high turnover of representatives and difficulty in getting replacements. Management were often critical of the way the forums operated. In some cases they had taken action to seek to regenerate enthusiasm. The ability

of employee representatives to construct strong organisations capable of contributing to effective consultation reflects above all a managerial preparedness take consultation seriously and value the contribution made by representatives.

Senior managers in both Groups A and B were committed to the I&C body, seen in the regularity of meetings, the attendance of senior managers and the provision of training. This support reinforces the conclusion that the differences in the practice of consultation emanated from active management preferences around the meaning of consultation rather than from inactivity and decline through neglect. Sustainability came from the experience of the consultative process involving the raising of expectations as to the effectiveness of consultation and then meeting them. This was the experience, to varying degrees, of the 'active consulter' organisations.

In the two cases where the I&C was defunct, management had lost interest in it especially as it was not serving their interests. In part the inability of the employee representatives to play an active role was blamed but the conditions for them to do this did not exist.

Individuals were influential in a number of cases. Management 'champions' were pushing the consultation process in some cases as they had from the start. The two most pro-active consulters had full-time lead representatives on the employee side. As a consequence, informal contact between these representatives and senior management was frequently aided by high levels of mutual trust. In another of the active consulters the external trade union official worked closely with senior management leading to useful initiatives, for example allowing the union representatives on the I&C body to hold pre-meetings.

The influence of unions on the consultative process where they were recognised was similarly shaped by the importance they attached to consultation. Where they were the dominant player by virtue of substantial membership they added consultative activities to their collective bargaining role. Where they had low membership and few seats on the I&C body they sought to preserve their collective bargaining role outside the I&C body and ensure that individual discipline and grievance issues were handled exclusively by them. In contrast to the time when the I&C bodies were established, two years later this pattern of behaviour no longer caused friction and was accepted by all.

The ICE Regulations have been of only limited significance in terms of influencing the practice of consultation, although they had had some catalytic effect when the I&C bodies were established. The range of I&C practice is facilitated by the Regulations' flexibility and their policy of promoting organisation-specific I&C arrangements. As a public policy benchmark, the indirect influence of the Regulations' default provisions appears to have been negligible.

The employee survey

Surveys of all employees were undertaken following the initial research visits and again at the end in nine of the 12 organisations. While the response rate was low in some cases, perhaps reflecting indifference on the part of employees, the surveys do provide useful indicators of how the I&C bodies were becoming embedded. In summary, the most recent surveys show:

improved employee support for the I&C bodies. Overall, employees perceived the I&C bodies to be more helpful and awareness of them had increased;

improvements in the perceived effectiveness of employee representation in most organisations;

continued strong and extensive use of direct forms of communication. In particular, meetings with managers (formal and informal) are valued highly in nearly all organisations;

a mixed picture on how employees judge the seriousness with which senior managers approach their involvement and consultation activities;

increased employee commitment in almost half the organisations, with reduced levels in just under half; and

consistent improvements in most employee attitudes at the two pro-active consulters.

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.

About the authors

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1: Introduction

This report is the fourth to be published as part of a research project, co-sponsored by BIS, Acas and CIPD, investigating organisational responses to the Information and Consultation of Employees (ICE) Regulations. It analyses and accounts for the differing experiences of information and consultation bodies in 12 private and voluntary sector case study organisations with 150 or more employees over the two-year period between initial and final research visits and employee surveys, highlighting the key factors shaping developments.

1.1 Background

The ICE Regulations, which have applied since April 2005 to undertakings with at least 150 employees, and more recently to smaller organisations, 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. The case studies involve semi-structured interviews with senior management, trade unions (where present) and employee representatives, as well as an employee survey.

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. 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 was conducted after the first research visit and again after the final visit two years later.

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 (one of which subsequently went into administration and dropped

out of the research). These have now been completed and provide the basis for the present report. A second wave of eight case studies in organisations with 100-149 employees started in 2007, and a third wave in 2008 in organisations with 50-99 employees.

Identification of the 'wave 1' case study organisations was primarily 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 resulted from leads provided by the CIPD and the Involvement and Participation Association (IPA), 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 were 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 chapter 5).

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 the final interviews and employee surveys carried out in the 12 surviving 'wave 1' case study organisations, taking account of findings from the initial and interim phases of the research (reported in Hall et al, 2007, and Hall et al, 2008, respectively).

Chapter 2 reviews the key characteristics of the 12 case study organisations and their I&C arrangements. Chapter 3 provides an overview of the development and experience of the I&C bodies over the two-year period between the initial and final research visits, categorising them on the basis of the researchers' overall assessment of the role and impact of the I&C bodies. Chapter 4 discusses the range of factors whose interplay has shaped the experience, development and sustainability of the I&C bodies. Chapter 5 examines employee perceptions of I&C, highlighting the main results from the employee surveys. The concluding chapter summarises the key themes to have emerged from the analysis of the case studies.

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

This chapter briefly profiles the 12 surviving 'wave 1' case study organisations and the I&C arrangements they operate.

Table 1 provides an overview summary of the key characteristics of the case study organisations, the nature of the I&C arrangements they 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). Annex B contains case study summaries for each organisation. Full details of the background to and rationales for the establishment of the I&C bodies are given in the first report on the wave 1 case studies (Hall et al, 2007).

2.1 Characteristics of the case study organisations

Sector

The case study organisations were drawn from the private and voluntary sectors. Their spheres of activity vary considerably. Three manufacturing companies cover engine building, tyre pressure monitoring systems, and diversified technologies. One company straddles both manufacturing and service provision, making and maintaining rail and road transport infrastructure. The eight service providers are similarly diverse, spanning media, social housing, telecommunications, medical research and fundraising, community care and support services, and financial processing. The cluster of three housing associations provides a particular focus on a sector where, according to the IPA, the ICE Regulations have had a notable impact.

Nature of the organisations

All of the case study organisations are companies, but the five organisations drawn from the voluntary sector (the three housing associations, the charity and the care services company) are not-for-profit organisations with varied status including registered charities and exempt charities incorporated as industrial and provident societies.

Table 1: Key characteristics of the case study organisations and their I&C arrangements

Organisation/ sector	Workforce size (in 2006)	Union recognition	Date I&C arrangement set up	Single- or multi-tier arrangement	Type of I&C arrangement			Basis/status of I&C arrangements			
					I&C bodies elected by all employees	'Hybrid' I&C bodies (involving both union and non-union reps)	I&C via trade unions	Voluntary agreement/PEA	Negotiated agreement under the Regulations	Introduced unilaterally by management	Union recognition agreement
Engineering company	4,500	✓	2005	Multi-tier		✓			✓ (draft)		
Infrastructure contractor*	2,500	✓	2005	Single-tier		✓		✓			
Electronics company*	620		2005	Single-tier	✓			✓			
News agency	1,700		2003	Single-tier (but multiple regional I&C bodies)	✓			✓			
Urban housing association	750	✓	2006	Single-tier		✓				✓	
Rural housing association	275	✓	2004	Single-tier		✓				✓	
Seaside housing association	240		2003	Single-tier	✓					✓	
Mobile phone company	6,200		2003	Multi-tier	✓			✓			
National charity	3,500		2005 (relaunch)	Initially multi-tier, then single-tier	✓			✓			
Care services company	500	✓	2006	Single-tier		✓		✓			

Cosmetics company**	1,300	✓ (at one of two sites)	2006 (relaunch)	Single-tier (but multiple site-based arrangements)	✓ (non-union site)		✓ (unionised site)		✓ (non-union site)	✓ (unionised site)
Financial processing company	2,000	✓	2005	Single-tier	✓		✓			
Diversified technology company	3,500	✓ (at some sites)	2003-4	Multi-tier	✓ (at two sites researched)	✓ (at one site researched)	✓			

* I&C body now defunct.

** Dropped out of research after initial phase, having gone into administration.

Workforce size

The 'wave 1' case study organisations all have 150 or more employees and became subject to the ICE Regulations as from the initial April 2005 commencement date. Workforce size (at the time of the initial research visit) ranged from 240 in the seaside housing association to 6,200 in the mobile phone company, with five organisations having fewer than 1,000 employees.

Over the subsequent two years, the size of a number of the organisations' workforces was reduced, most radically at the infrastructure contractor where employment in the rail sector was reduced from 2,500 to 500 as a result of losing major contracts, offset to a limited extent by the (fragmented) expansion of road activity. At the unionised plant of the diversified technology company, major job losses reduced the workforce from 450 to 100 and job losses have also affected other sites, and at the national charity some 200+ staff on the clinical side were transferred to university employment. The financial processing company's workforce has fallen to 1,800 as a result of restructuring and transfers. Slight falls in staff numbers were also reported at rural housing and seaside housing. Elsewhere, the mobile phone company's overall workforce has grown to over 7,000 despite the impact of restructuring and outward transfers. Employment growth had continued until mid 2008 at the electronics company and had also taken place at the care services company due to acquisitions. Workforce numbers elsewhere were broadly stable.

Union presence

As can be seen from Table 1, seven of the 12 surviving case study organisations (i.e. excluding the cosmetics company) recognise trade unions for collective bargaining purposes. These arrangements are underpinned by varying levels of union membership density, ranging from 80% in the engineering company to 15-20% in the financial processing company, and with minority membership in a number of other cases, e.g. urban housing (25%, subsequently falling to below 20%), rural housing (33%) and care services (30-40%). One of the diversified technology company's sites researched has long-standing union recognition arrangements while union presence is weak at two other sites researched at which unions are not recognised. The mobile phone company does not recognise unions but membership at the time of the initial research visit in 2006 was thought to be around 20%. Here, interviewees in 2008 reported that membership had fallen somewhat. This partly reflected transfers out of the company among unionised groups of staff but was also attributed to the influential role of its employee councils.

2.2 Type of I&C arrangements

Table 1 also shows the principal type of I&C arrangement at each of the 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 variant most commonly adopted by the case study organisations is an I&C body or bodies elected by all employees. This is the case at seven of the 12 surviving case study organisations, including all those which do not recognise unions.

Six of the case study organisations, all of which recognise unions, established 'hybrid' I&C bodies involving union representatives and elected representatives of non-union employees. The format of these 'hybrid' arrangements varies considerably between the cases:

at the engineering company, a draft agreement provides for national and location-level I&C arrangements that are to include both union nominees and elected employee representatives;

at the infrastructure contractor, the consultative forum, now defunct, included union representatives, elected employee representatives and a full-time officer from each recognised union;

at urban housing, the recognised union initially had one representative on the employee forum and one observer, sitting alongside elected employee reps. The forum operates in parallel with the union-based JCNC, meeting on the same day with identical agendas, but union representatives no longer attend forum meetings, satisfied that the latter will not impinge on the union's bargaining role. Joint meetings are now restricted to issues relating to residential homes;

at rural housing, the employee forum comprises elected departmental employee representatives plus one representative from each of two recognised unions;

at the care services company, the information and consultation committee, made up of elected employee representatives, and the union-based joint negotiating committee meet jointly with management and over time have increasingly operated as a combined body; and

at some sites of the diversified technology company (including one covered by this research) union recognition or partnership arrangements were extended by the addition of elected representatives of non-union employees to form 'hybrid' I&C bodies. (The company also operates elected I&C bodies at a number of its non-union sites, including two that were examined as part of this project.)

Of the twelve cases, the four with the largest workforces (the engineering, mobile phone and diversified technology companies and the national charity) introduced multi-tier I&C arrangements operating at both workplace (or divisional) level and national level, though the charity's three divisional forums covering its principal business activities were abolished during the course of the research leaving only its national-level forum in place. At the engineering, mobile phone and diversified technology companies, European Works Councils (EWCs) also exist at parent company level, in each case pre-dating the introduction of the national I&C arrangements which are the focus of this report. The operational implications of such multi-tier I&C arrangements are addressed in chapter 4. All the other I&C arrangements examined were single-tier, consisting of either a single I&C body embracing all the employees in the organisation or of two or more site-, regionally-

or divisionally-based I&C bodies operating at the same level but without any overarching national-level I&C body (e.g. the news agency).

2.3 Basis/status of I&C arrangements

Management at eight of the case study organisations considered that their I&C arrangements had the status of 'pre-existing agreements' within the meaning of the Regulations, or had otherwise obtained the agreement of employee representatives to the I&C arrangements introduced. Relatively few of the organisations placed a particularly strong emphasis on meeting the statutory criteria for PEAs, but Table 1 differentiates between those cases where the written agreement of employee representatives to the I&C arrangements was obtained 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 (four cases). This can be a rather formal distinction. In some cases (e.g. the electronics and mobile phone company), the terms of the PEAs were very much drafted by management, with only limited input from employee reps, whereas at seaside housing joint management-employee workshops were held to discuss the design and operation of its proposed staff council even though the eventual arrangements were not 'agreed' as such. In only one case – the engineering company – will the I&C agreement, if and when ratified, have the status of a 'negotiated agreement' reached via the Regulations' statutory procedures. This is in line with experience under the Regulations more generally, with few 'negotiated agreements' being reported (Hall, 2006).

3: I&C in practice: a mixed picture

This chapter provides an overview of the development and experience of the I&C bodies in the 12 surviving 'wave 1' case study organisations over the two-year period between the initial and final research visits.

The original report on the wave 1 case study organisations, written following the initial research visits, found considerable variation in the nature and extent of their I&C practice (Hall et al, 2007, chapter 5). In many cases, the role of the I&C bodies was largely confined to the discussion of management-provided business information along with the resolution of employee-raised 'housekeeping' issues. A widespread perception among employee representatives was that the agendas of I&C bodies were predominantly management-led, and that the balance of activity was weighted towards information rather than consultation. Only four of the I&C bodies were reported to have had specific impacts on management decisions by securing modifications to the implementation of restructuring initiatives and/or changes affecting terms and conditions of employment, whereas over half the case study organisations reported either specific examples of housekeeping issues raised by employee representatives which had led to agreed solutions, or general satisfaction with management responsiveness to such issues.

One year on, the interim data collection exercise found a range of developmental trajectories (Hall et al, 2008). In four cases, there was evidence of the I&C bodies declining in effectiveness (evidenced by, for example, a lack of weighty items on the agenda, or the I&C body having no role in major organisational change). Stability or 'business as usual' was reported in three others, and five cases showed signs of growing effectiveness, such as employee representatives developing a greater understanding of their role and gaining in self-confidence, or the I&C body developing an enhanced capacity to engage in more detailed and higher level conversations with management, notably over restructuring issues.

The aim of the present report, drawn up after the final research visits to the wave 1 organisations, is to provide an overall evaluation of the role and impact of the various I&C bodies. The three-way categorisation presented below is based on the research team's assessment of each I&C body, taking account of a variety of indicators including:

the nature of the agenda (strategic issues v housekeeping);

the extent of information and consultation (active consultation v communication); and

its influence, if any, on management decision-making.

These criteria are informed by the provisions of the ICE Regulations. Although in legal terms the Regulations' 'standard information and consultation provisions' apply

only where an employer fails to initiate negotiations following a valid employee request under the Regulations, or where the parties fail to reach a negotiated agreement within six months, they nonetheless provide a public policy benchmark, reflecting the 'default' provisions in the EU Directive, against which to assess the nature and extent of organisations' I&C practice. Substantively, the 'standard information and consultation provisions' specify I&C (to varying extents) on:

the development of the undertaking's activities and economic situation;

employment developments, including any measures envisaged in relation to prospective job losses; and

decisions likely to lead to substantial changes in work organisation or in contractual relations, including collective redundancies and transfers of undertakings.

Procedurally, the meaning of 'consultation' is defined in fairly broad terms by the ICE Regulations and the Directive as 'the exchange of views and establishment of dialogue' between management and employee representatives. However, the Regulations' standard information and consultation provisions set out a more specific, phased consultation procedure: employee representatives must have the opportunity to meet with management at the appropriate level and be given a reasoned response to any opinion they may express to management. On 'decisions likely to lead to substantial changes in work organisation or in contractual relations', consultation should be 'with a view to reaching agreement'.

More generally, in UK industrial relations terms, consultation has traditionally meant managers seeking and taking account of employees' views before making a decision (Acas, 2005; CIPD, 2004). This has been elaborated in relevant case law (*R v British Coal Corporation ex parte Price and others*, 1994) to entail consultation at a point when proposals are still at a formative stage, giving those consulted a fair and proper opportunity to understand fully the matters about which they are being consulted and to express their views, which would then be given genuine and conscientious consideration by management. However, responsibility for making the decision remains that of management.

With these criteria in mind, the wave 1 I&C arrangements can be grouped into three categories (see Table 2, column 1, in chapter 4):

Group A – Forum for active consultation: Five case study organisations – mobile phone company, diversified technology company (one site), care services company, financial processing company and news agency – have I&C bodies that are the forum for what can be termed 'active consultation'. This embraces information and consultation on 'strategic' organisational issues (e.g. restructuring) as envisaged by the ICE Regulations' standard provisions, 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'.

Group B – Forum for communication and staff concerns: In six organisations, the I&C bodies meet regularly and 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 human resources (HR)

policies, 'housekeeping' matters and social activities. The organisations falling into this category are: the engineering company, urban housing association, rural housing association, seaside housing association, national charity and diversified technology company (two sites).

Group C – Forum defunct: In two organisations – the electronics company and the infrastructure contractor – the I&C bodies have fallen into disuse and are now defunct.

Groups A and B are broad categories, each encompassing a range of I&C practice.

3.1 The 'active consulters'

Within group A, management at the mobile phone company initiates consultation and seeks agreement with the national or local employee councils on the business case for, and implementation of, most '*big ticket items*' including restructuring, redundancies, outsourcing and staff transfers. Management routinely engages with employee representatives on such issues at an early stage, sometimes under a non-disclosure agreement, and the employee councils usually put forward counter-proposals. On each issue, management's objective is an '*agreed outcome*' and few management proposals go through '*completely unmodified*' with in some cases '*quite major*' changes being agreed. Management described this approach as '*effectively negotiation*', and the lead employee representative agreed that the employee councils have the '*ability to influence*' management decision-making.

A second organisation – the diversified technology company – has also engaged in extensive and detailed consultation with the joint works council (a 'hybrid' body in which union representatives predominate but non-union staff are also represented) at one of the plants researched, but employee forums at two further, non-union plants covered by the research are reported to have a much more limited and less effective role (and are therefore included in group B). At the unionised plant, monthly meetings of the joint works council cover a wide range of issues. Union/employee representatives report that management is '*always up front with us*' and '*do take things on board*'. During 2008, major proposed redundancies at the site were the subject of an intensive consultation exercise involving both union and non-union representatives via a sub-committee of the joint works council. Again, this amounted to negotiation rather than consultation and a package of measures was agreed which substantially reduced the number of eventual redundancies while introducing new lean and flexible work organisation arrangements.

At none of the other three case study organisations in group A – the care services company, financial processing company and news agency – has consultation practice developed to such an extent. In each case there has been a degree of I&C on 'strategic' organisational issues, but with more limited evidence of employee influence over outcomes.

At the financial processing company, the communication forum, which has traditionally dealt with a mixture of HR and housekeeping issues, has reportedly been faced with more meaningful issues following the company's takeover by a private equity group and a change in business volumes. At a series of special

meetings, the company kept the forum informed of developments such as management changes, job losses and the redeployment of staff, with discussion of such items being treated as confidential, while simultaneously entering into separate consultations over redundancies with the recognised union. Employee representatives also reported that an increasing number of issues were the subject of consultation, rather than simply information, with working parties typically being set up to make recommendations to the forum, including on some HR and reward issues.

At the news agency, restructuring issues have also been dealt with by the works councils, albeit to a limited extent. In 2008, the possible sale of one of its divisions was a '*big topic*', prompting numerous questions from employee representatives. Management responded to the extent they felt able to do so at that stage, and also said the company would schedule works council meetings immediately before or after the sale if it proceeded. The news agency also used the works councils to update staff representatives and answer questions about the employment and operational implications of the launch of a new video service. While management tends to emphasis the councils' information rather than consultation role, at an earlier stage of the research the councils did successfully press for amendments to the news agency's bonus scheme – described by management as '*their biggest coup with the most impact*' – as well as influencing the outcome of a review of the company's employee benefits package.

At the care services company, the hybrid representation employee body integrating the information and consultation committee (ICC) with the union-based joint negotiating committee (JNC) is informed about key strategic developments and consulted about changes to staffing structure. Special consultation meetings have been held on care and support management restructuring proposals, the formation of an in-house staff bank and the annual cost-of-living pay increase. The ICC/JNC is also asked to approve new HR policies and procedures. Managers reported that the special meeting on restructuring care and support management had produced '*lots of views*' and suggestions, but that representatives' input was not generally '*challenging*'. The representatives themselves were unable to recall recent occasions when changes had been made as a direct consequence of the consultation process.

3.2 The 'communicators'

Similarly, group B spans a range of patterns and experiences of I&C but the common features are that management uses the employee bodies essentially for 'communications' purposes rather than consultation as such. Strategic issues rarely feature on the agenda and instead the bodies are primarily a forum for progressing staff-raised issues, typically centring mainly on HR policies, 'housekeeping' matters and social activities.

At the engineering company, the twice-yearly national I&C meetings rarely deal with either strategic corporate issues or with issues related directly to employment and contractual issues. The former are dealt with by the company's European Works council; the latter by individual locations via their collective bargaining machinery.

Instead, the national meeting's focus has been on emerging corporate HR policy issues and the promotion of good HR practice across locations.

At the rural housing association, the employee forum has taken on a predominantly communications role, with representatives acting as the conduit to the workforce for information about, for example, a recent planned amalgamation that eventually failed to happen. A staff survey to gauge support for social and sporting events has resulted in a calendar of social activities coordinated by the forum.

At the urban housing association, the agenda of the forum has been dominated by housekeeping issues raised by representatives, with items tabled by management for downward communication (e.g. the relocation of the head office) becoming increasingly rare. Efforts to revitalise the forum include the discussion of issues such as sickness policy and the well-being agenda.

At the national charity, the primary emphasis of the national employee forum (three lower-level business-line forums having been wound up) is on '*two-way communication*' (reflected in a shift in the full-time facilitator's reporting line from HR to communications). Issues appearing on the agenda include restructuring, reorganisations and pay review guidelines. A diverse range of issues are dealt with by sub-committees but with a high level of informality.

At the diversified technology company, employee forums at two non-union plants covered by the research have a much less developed role than the joint works council at the unionised plant included in group A above. The main topics discussed are housekeeping matters. I&C over redundancies occurred only after individual discussion with those affected. At least one of these bodies is not considered by management to operate particularly well, nor to be robust enough to handle change.

At the seaside housing association, the staff council's agenda includes organisational performance issues such as tenders won and lost but is dominated by HR issues. Agendas and the extent of involvement are determined by management. Recent management proposals to withdraw from nationally-negotiated pay rates are potentially the most significant issue dealt with to date. Management views the council's effectiveness as fairly low. There is some evidence of consultation, but its outcome is limited to minor changes in HR policies and procedures.

3.3 The defunct I&C bodies

Finally, at the two group C organisations, the I&C bodies have become defunct, but in differing circumstances.

At the electronics company, the I&C forum's early agenda was dominated by the company's expansion plans and the impact of cancelled orders on planned increases of production. However, the forum soon became perceived as ineffective by both management and employee representatives and fell into disuse. This reflected a divergence of view concerning the role of the forum and the representatives. In the management's view, the employee representatives were insufficiently active in driving the forum's agenda. Employee representatives felt the forum's agenda was controlled by management and were disappointed that

employee concerns that had been raised were rejected by management as falling outside the 'strategic' remit of the forum.

At the infrastructure contractor, the initial experience of its transport forum was reported to be broadly positive, having encouraged greater dialogue on issues such as business strategy and restructuring, including acquisitions and outsourcing and redundancies. However, extensive restructuring involving both acquisitions and divestments prompted an early decision to split the original forum, covering both road and rail activities, into two. Only one meeting of each new forum was held – in November 2007 – since when no further meeting of either forum has taken place. Restructuring has continued with a radical reduction of the rail workforce and the (fragmented) expansion of road activity, but with no reported pressure from either trade unions or non-union representatives for further forum meetings to be convened.

The reasons why the wave 1 case study organisations' I&C arrangements have followed these differing developmental trajectories are the focus of the next chapter.

4: Explaining the variation in the experience of I&C bodies

This chapter of the report will discuss the range of factors whose interplay has shaped the experience, development and sustainability of I&C bodies in the different case study organisations. The broad themes are summarised in Table 2. The chapter first considers how far the business and financial conditions facing the organisations helped shape the opportunity for and practice of consultation and information sharing. It then goes on to look at the role of management, which in all cases was the dominant influence on the operation of the ICE bodies. In doing so it explores the depth of management commitment and their approach to consultation and then the various ways in which managements supported the consultation process and the operation of the I&C bodies.

Management do not act alone and it is the interaction between management and other factors which helps shape the operation of the I&C bodies. The organisation and conduct of the 'employee side' party to consultation and information sharing is one influence while, in those companies where unions have a presence, the approach of trade unions to the I&C bodies is another factor. Both of these are considered later in the chapter. Finally, there remains the question of how far the Regulations themselves can be seen as an influence on management's approach to consultation and the operation of the I&C bodies.

4.1 The economic/business context

The first and second reports deriving from the project (Hall et al 2007, 2008) noted that in some cases it was too early to reach conclusions on the approach organisations had adopted to consultation on strategic or major business change. This no longer applies since all of the 12 organisations had experienced actual or potential major change. Much of the fieldwork was undertaken before the impact of business slowdown, and then recession, was felt. It is not possible to say whether the changes experienced or planned were due to early indications of turbulent business conditions or part of a normal cycle of business or organisational changes.

In the case of the three housing associations, there was either little or no change reported in the last year of the study, 2008. However, in each there were plans for change. In both urban and rural housing, these concerned a merger with another housing association. In rural housing, there had been some consequential loss of contracts due to delays in going ahead with the merger leading to some job reductions. In seaside housing, the major change focussed on a planned withdrawal from the National Joint Council which sets terms and conditions of employment for the sector.

Elsewhere, outsourcing, offshoring or the sale of parts of the business was a common experience. For example, financial processing was purchased by a private equity group in 2007. Then in 2008 reductions in business volumes led to redundancies, the outsourcing of the print unit and a major restructuring exercise. Outsourcing was also linked to redundancy in the diversified technology company, mobile phone company and infrastructure contractor. In the latter, the outcome was a decline in the number employed on the rail side of the business from 2,500 to 500 while on the roads side contracts won from other firms led to significant expansion. A number of employee representatives lost their jobs as a result with a consequential effect on the operation of the combined, and then split, I&C bodies. These are now defunct.

In two cases, major structural changes were induced by amendments to the external regulatory framework applying to them. In the care services company, these concerned changes to procurement legislation and the ending of block contracts with local authorities and other procurement bodies which led to a change in focus when tendering. Major restructuring took place to ensure the business was equipped to manage these changes, as well as two (inward) TUPE transfers. At the national charity, a new code of conduct on governance of voluntary and community bodies led to internal change linked to restructuring. Earlier, a substantial proportion of the scientific research staff had been transferred to university employment.

The two manufacturing companies both experienced rapid growth in the year before the final research visit and, at the time of this field work, had yet to experience the full effect of the recession, though the electronics company had begun not replacing employees who left.

4.2 Management commitment and approach to the consultation process

One of the prime reasons for classifying the cases into three categories, as shown in chapter 3, is the contrasting ways in which management approached consultation on these major or planned business changes. A management commitment to seek agreement as early as possible in the change process influences the way in which consultation actually takes place. In contrast, the process is different where management will only consult after the decision, and different again where management see their role as to provide information after the event and listen to staff concerns. The following sections compare the 'active consulters' with those who primarily engage in communication, and then seek to explain the fate of the two defunct I&C bodies.

Table 2: Factors shaping the experience/development/sustainability of I&C bodies

Category	Company/organisation	Economic/business context*	Management commitment and approach to consultation	Management support for I&C body	Organisation of employee representatives	Trade union engagement with I&C body
Group A Forum for active consultation	Mobile phone	Highly competitive; extensive restructuring	Proactive; seeking agreement	Top managers attend; training; facilities	Strong	Indirect
	Diversified technology (at one site researched)	Tough; offshoring leading to major redundancies	Proactive; seeking agreement	Top managers attend; training; facilities	Strong; union-based	Strong
	Care services	Rapidly changing sector; expansion and internal reorganisation	Active; after decision taken	Top managers attend; training; facilities	Developing	Influential
	Financial processing	Highly competitive; takeover and restructuring	Active; after decision taken	Top managers attend; training; facilities	Limited	None, despite union recognition
	News agency	Some restructuring	Active; information sharing	Top managers attend; training; facilities	Limited	n/a
Group B Forum for communication and staff concerns	Engineering	Stable; growth	Limited remit; active consultation in other forums	HR attends; facilities	Strong, union based	Strong
	Urban housing	Stable; no change	Communication bridge with staff	Top managers attend; facilities; renew	Individualised	None, despite union recognition
	Rural housing	Some loss of funding and internal reorganisation	Communication bridge with staff	Top managers attend; training; facilities; renew	Limited	Active
	Seaside housing	Loss of some contracts; senior management changes	Communication bridge with staff	Top managers attend; training; facilities; renew	Weak	n/a
	National charity	Internal restructuring	Informal; information sharing	Top managers attend; training	Weak	n/a
	Diversified technology (at two sites researched)	Redundancies at both sites	Extensive information sharing	Site managers attend; training; facilities; renew	Weak; individualised	n/a

| Group C Defunct | Electronics | Growth until onset of recession | Minimalist then avoidance | Withdrawn | Weak | n/a |
| | Infrastructure | Extensive restructuring | Minimalist then avoidance | Withdrawn | Weak | Weak |

* Final research interviews took place between June 2008 and January 2009, in a number of cases before the full implications of the onset of recession had become apparent.

Active consultation

Active consultation took place in five companies. In each case, as shown in Table 2, management commitment to consultation was either 'proactive, seeking agreement', or 'active', consulting after a decision had been taken but before it was announced. An example of active consulting is the financial processing company. The company raised important business decisions with the I&C body sometimes in specially convened meetings with matters discussed in confidence. This allowed the representatives to question senior managers on the reasons behind a decision. The actual purchase of the company by a private equity group was not tabled at the I&C body since local management were not involved either, but decisions on outsourcing and redundancy were. Issues decided in the US by the parent company are, however, beyond the reach and influence of the I&C body.

The most active consulters, as discussed in chapter 3, were the mobile phone company and the diversified technology company's unionised site. In both cases, management took the view that the full participation of the I&C body was an important element in the decision making and taking process and approached it 'with a view to reaching agreement'. Consultations took the form of negotiations with plans presented by management, very detailed responses provided by the employee representatives leading to intense discussions as a prelude to seeking a negotiated outcome. In both cases, management took the view that it was entirely appropriate to seek to reach agreement. It was not something forced on them by union power but came from positive prior experience.

In the mobile phone company, where the I&C structures were originally established as an alternative to union recognition, and union membership, although reduced, is still present in some parts of the business, management adopted a notably advanced approach to consultation. Senior management said that effective consultation is '*right at the heart of the whole people management process in a fast moving business*'. They tried to ensure that all changes were brought to the forum as early as possible and commented that there was '*probably no area where the original management proposal has gone though completely unmodified*'. The consultative body at the company level had been '*a trusted partner for the business*' for two or three years and this had now developed at the local, business unit forums. The level of consultation was *'probably the best it's ever been, notwithstanding the difficult issues we're currently facing*'. Senior operations managers '*now properly appreciate the value of consultation*'.

At the diversified technology company's unionised site, once the American owners had decided on a radical programme of outsourcing, local management proactively sought to have extensive consultation over a major redundancy programme where alternatives were explored and then leading to a radical restructuring of manufacturing processes in line with 'lean operations'. To do this they set up a special, temporary consultative body which met in a local hotel over many weeks of intense negotiations. The meetings were not minuted and, as the leading employee and union representative put it, '*there was blood on the floor, some of it mine*'. The consultation went further and was deeper than the participants expected but did result in saving the plant from closure even if numbers employed fell progressively

from 450 to just over 100. The American owners had always been committed to consultation and I&C bodies had been set up in all of the UK plants in addition to a UK and Ireland consultative body and a European Works Council. Senior management from the USA and Europe came to the plant during the intense consultation process and met the participants. Local management, many drawn from the same locality as the employees, were committed to consultation and doing everything possible to save the plant. There was a high level of mutual trust between management and the union and the two non-union staff representatives on the works council.

In both of these cases, as elaborated later, the leading employee representative worked full time on their representative duties and were members of higher level consultative bodies including the EWC in each company. Given the high level of trust in which these people were held informal discussions with management often took place on a confidential basis, sometimes giving very early warning of planned changes and informal exploration of alternatives and implications.

In the three other cases, there was a form of active consultation that did not go as far as it did in these two. This was because management chose to consult after the decision had been taken. Business decisions were discussed in the I&C bodies in these three companies, often on a confidential basis, before they were announced, but there was little scope for alternatives to be explored. For example, at the news agency, while the I&C bodies, known as works councils, were used extensively, they were not involved in 'options based' consultation looking at alternatives to a business decision as in the earlier cases. '*That would be very radical for this organisation*', said the HR manager. The value was seen to be the impact on the group managing director, who attended every meeting. Hearing the views of the works councils '*sometimes influences his behaviour and his reactions . . . [and] gives him a litmus test that he just wouldn't get in any other format*'.

Communication bodies

Six companies used their I&C bodies for communication, but not active consultation, and as a medium for staff to raise concerns. In the three housing associations, these were nearly always housekeeping matters. Interestingly, in some cases, the facilities manager was brought into the forum to help deal with these. The limits to consultation can be seen in the way these three housing associations handled proposed mergers or the planned withdrawal from a multi-employer bargaining body. In one, rural housing, management told the forum of the failure to conclude the merger five days before announcing it to the staff but there was no active consultation or discussion over this. In urban housing the planned merger was not taken to the I&C body even though the rumours about it were rife. In both companies management said that they intended to share information with the I&C body and listen to staff concerns once the merger decision had been taken.

This is not to imply that there was any less management commitment to maintaining the I&C bodies in these six cases than in the 'active consulters' but management saw consultation in a very different light. They placed emphasis on using the forums as a communication bridge between senior management and staff. For example, management at urban housing foresaw the forum's role in the merger as '*crucial as*

a catalyst for communication with staff. Forum members [the representatives] will ask staff for their views and concerns and raise them at a forum meeting'. The representatives' role was '*to test the temperature of staff concerns*'. An almost identical view was taken by management at rural housing where it was anticipated that representatives '*would play an active role in ensuring that information gets back to staff and keeping them informed, able to bring concerns back to a meeting*'. At seaside housing, the head of HR wanted the staff council to be a vehicle for communication, occasionally getting feedback. In these cases, it was unusual for business results to be discussed or tabled at meetings. The meetings tended to be dominated by housekeeping items raised by individual forum members, usually without any prior discussion among the representatives.

The three other cases using the I&C body for communication purposes had each taken a different route. At the engineering company, the strong union role in collective bargaining at manufacturing sites meant that many items were dealt with via such procedures. Big business decisions were taken at the European level and covered by the EWC, leaving the national body with an essentially information-sharing role involving aspects of HR policy and practice.

In the two non-union sites of the diversified technology company, management consistently provided '*the core management brief*' on business conditions and developments, reflecting their commitment to information sharing. However, the view of management was that the employee representatives paid more attention to housekeeping matters and lacked the experience of their union-based counterparts in the other site covered in the research in terms of engaging in debate on the information. Redundancies were also handled differently at the company's unionised and non-union sites. At the two non-union locations, the employee forums played a less influential role: the staff affected by redundancies were informed and consulted directly before the issue was discussed at the employee forums.

Management commitment at the charity had shifted from support for the institutional mechanisms of consultation to the process of consulting, often informally. The national body remained but was used for two-way communication while the local committees no longer met. If there was an issue to be consulted over, an ad hoc arrangement was created. The emphasis was on a two-way channel of communication which was '*part of the normal communications network*'.

Defunct I&C bodies

The two cases where the I&C bodies are now defunct illustrate the effect of management changing its commitment to consultation. Both blamed, in part, the failure of the representatives to push for an active I&C body but, as explored later, the conditions necessary for them to do this did not exist. What was more important was the growing view held by management that they did not have the time to hold meetings and had no wish, nor any pressure, to engage in consultation over business decisions. There was a strong preference at the electronics company for direct methods of information sharing and providing employees with some form of 'voice' at the work team level. For example, when staff expressed concern at the establishment of a new products group, the managing director held face-to-face meetings with the staff affected. It was '*how he likes to do things*'. Although the

company had grown recently to over 800 employees, management's belief was that it '*still has a small company mindset*' and that it avoided bureaucracy. The post facto rationalisation was that the I&C body, as a result, '*was a poor fit culturally*'. It had been hoped, according to the HR manager, that the forum would require '*minimal supervision*' and, when this did not prove to be the case and senior management doubts became more pronounced, no further meetings were held.

At the infrastructure contractor, following the major restructuring, the part-time HR manager just did not call any meetings. Senior management did not ask him to and none of the remaining representatives sought a meeting. Management's approach to consultation in this case became one of neglect; their approach – perhaps contributing to employee indifference – was reflected in an incident at one of the last meetings of the employee forum when a representative had asked about a rumour concerning the sale of part of the business. Management denied this only for it to happen a week later.

4.3 Management support for the I&C body

The view of the HR manager at the electronics company, where the employee forum is now defunct, that it would need 'minimal supervision' was not one shared by any of the organisations where the I&C body still functions. It was common to find top management attendance at meetings, the provision of training, the use of multiple communications media to publicise the work of the I&C body and to provide paid time off for representatives to attend meetings. There was little difference in level of management support provided between the 'active consulters' and those companies which emphasised the communication role.

One of the most notable features is the commitment of senior managers. This was seen in the regularity of meetings and the attendance of members of the senior management often with the title of 'director'. In five companies, the managing director or chief executive officer (CEO) either chaired the meetings or was a regular attendee while in another, urban housing, the CEO attended once or twice in 2008 (there are eight meetings per year). The senior manager who attended meetings of the I&C body at the care services company was the director of corporate services but the CEO came to an 'away day' event for representatives to provide a business update. In the diversified technology company, the I&C bodies were plant based so the senior manager on site chaired the meetings. It was common to find operational or corporate services directors, HR directors and sometimes facilities directors in attendance. It was quite common, also, for functional senior manages to attend for a specific item on the agenda, for example the finance director or the IT manager. At the engineering company, given the limitations to role of the I&C body relative to plant-based and European forums, management was represented by '*HR leaders*'. At the charity, the national forum was chaired by the CEO and seven other directors attend. In effect this meant that virtually all of the executive committee attended the quarterly meetings.

It was noted in earlier reports that there was sometimes line management resistance or unease in respect of the newly-formed or revitalised I&C bodies. By the end of the research in the wave 1 organisations, there were fewer reports of this. Some

respondents noted that one consequence of senior management commitment to and attendance at the employee forums had been to influence line management behaviour. For example, at the news agency, a greater willingness among line managers to share information, ask opinions and generally be more employee-centred was attributed, in part, to the existence of the works councils and the way senior managers treated information and consultation. The HR manager at the financial processing company said that '*the mention of taking something to the forum often gets line management dealing with it*' and the forum '*has raised individual managers' awareness of the need to communicate*'. Similarly, in rural housing, it was felt that the employee forum helped encourage line managers to consult more than they had in the past.

Some form of induction training of elected employee representatives often took place but not in quite the same systematic way it had when the I&C bodies were created. In part this is explained by the small number of new employee representatives and the irregular timing of their election. Often the training was provided by one or more of the managers who attended forum meetings. For example, at the financial processing company, the Acas training materials were used by the employee relations manager while in seaside housing it was provided by the HR manager. In the care services company a senior manager provided induction training and new representatives were then introduced to heads of departments. Well-organised induction training took place at the mobile phone company reflecting the size of the organisation, the large number of representatives, (around 70) and the election cycle. An interesting additional feature was that prospective candidates were briefed by the lead employee representative before the election to ensure that they had realistic expectations concerning the role and responsibilities they would be expected to carry out. It will be recalled that this company had very extensive consultation processes on business issues and decisions. In addition, the representatives dealt with individual disciplinary and grievance issues. The only company that did not provide induction training, apart from the defunct cases, was urban housing.

Broader-based training for existing representatives was evident in some companies. At seaside housing, a one-day event organised by the HR manager was open to all members of the forum. One manager also attended. The mobile phone company holds two 'development' events each year focussing on particular topics, such as the new Acas discipline and grievance code, mediation and alternative disputes resolution. At the news agency, a refresher programme was provided by the HR manager and a management training specialist. The care services company offered training in chairing skills, and a representatives' away-day was in the planning stage at the time of the final interviews. At the charity, in line with the move to a more informal way of engaging in consultation, especially below the level of the national forum, actors were used to simulate problem-solving and the handling of individual casework.

There is only one known instance where representatives requested training. This was at the diversified technology company's unionised site. The two non-union staff representatives who sat on the joint works council alongside manual workers' union

nominees asked for training in handling redundancy. They subsequently attended a one-day external course.

Very few problems were reported in getting paid time off to attend consultative meetings and undertake the duties of a representative. In part this is because, in many cases, there was relatively little activity outside the scheduled meetings of the I&C bodies. It was rare for representatives to hold pre-meetings or to take time to meet constituents before and after meetings of the consultative body with the exception of some of the 'active consulters', most notably at the mobile phone company. It was not that management had withdrawn support for this type of activity. Rather the habit of communicating with fellow representatives and constituents between meetings had not become embedded in a formal sense. Informal contact in the canteen or 'around the water cooler' was the most common form of communication. In one case, that of urban housing, a dedicated intranet page for representatives had fallen into disuse. The same was true at the charity. Very few representatives handled individual grievance and disciplinary cases, requiring activity outside forum meetings, apart from at the mobile phone company.

Management support was evident in the extensive use of company media to publicise the work of the I&C bodies and typically took the form of reports in company e-newspapers or magazines, placing of minutes on the intranet and notice boards. In some cases representatives were able to report back to their constituents at team briefing meetings. At the news agency, management were assiduous in ensuring that, where ever appropriate, reports of changes in the e-newsletter would say '*as a result of the works council discussion it has been decided . . .*'

Despite these various efforts to support the operation of the I&C bodies, there were, in some cases, management concerns about the effectiveness of the representatives and the consultation process. This was particularly evident among those which emphasised the role of the employee forum in communication and in handling items raised by the employee representatives. In three cases, there had been, or were planned to be, activities to revitalise the forum. In the care services company, management were looking for ways to get better engagement from the representatives, a better understanding of what they do and to find challenges for them to take on. In two cases (urban housing and the non-union forums of the diversified technology company), Acas advisers who had done the original training were invited back to meet the representatives again to provide further development work. In seaside housing, the HR manager was concerned at only occasionally getting feedback from the representatives. One of the representatives there felt, however, that the staff committee needed to '*deal with meaty issues to prove itself*'.

There was often frustration from both managers and representatives at getting bogged down in trivial 'tea and toilets' issues like chipped mugs and broken toilets (urban housing). Here, a new senior manager, who took over the chair of the forum midway through 2008, was determined to weed out some of these and focus on bigger issues like sickness policy. At rural housing, one new role for the forum was to be engaged in organising social events, such as the Christmas party and ten-pin-bowling evenings, informed by a special survey of employees conducted by the representatives. They also became involved in, or discussed, car share schemes,

assistance to give up smoking and the selection of charities supported by staff and the company. Here, and in some of the other companies which placed emphasis on the communication role, the I&C body, strongly backed by management, worked to support the organisation as a social community more than just a business. The fact that the three prime examples of this were all housing associations is no accident.

With the early exception of financial processing, none of the organisations had undertaken any formal evaluation of the operation of their I&C bodies, although, as noted above, some managers had reservations about their effectiveness. The interviews sought to find evidence of any form of cost benefit analysis or impact evaluation on the effect of consultation and the operation of the I&C body on the business. In no case was there any evidence that this had been undertaken. Nor was this an oversight. Management often said that it was not deemed necessary, and certainly not something they had considered, since the employee forums were, by now, accepted as 'normal' or '*a part of what we are*'. In one case the budget had been trimmed to hold meetings of the national forum by video conferencing (at the diversified technology company) but this was exceptional and in any case did not arise from an evaluation of effectiveness and impact. It is quite often the case that HR policies are not subject to rigorous evaluation and the research team is inclined to judge that this better explains the lack of analysis than it being unique to I&C. The decision to allow the I&C bodies to wither away in two organisations was not informed by any systematic analysis of the operation of the forum or its influence. Management just lost interest.

4.4 Organisation of employee representatives

This section explores the factors involved in creating a strong and viable 'employee side' in joint information and consultation processes. Effective consultation, in particular, can only take place between parties with the confidence and skills to engage in the process. It also requires a greater degree of organisational cohesiveness between employee representatives, if consultation is to make an effective contribution; by contrast information handling, both 'upwards' and 'downwards' may be achieved by employee representatives acting in more individualised ways. Identifying the conditions promoting effective employee representation is complex since they are in a process of constant (re-)negotiation and change and no one set of 'fixed' indicators of viability can be specified. To take one simple example, it might be suggested that high membership stability (low turnover) among employee representatives might be one clear indicator and it often is. But it may equally be an indicator of representative 'staleness' and employee apathy; employee side viability might thus equally be compatible with relatively high turnover rates if accompanied by evidence of competition for vacancies and high levels of electoral participation. Bearing this kind of argument in mind, the following sections identify the contribution made by the organisation of employee representatives to the different levels of effectiveness of I&C arrangements identified above.

Active consultation

In two of these five cases the organisation of employees can be described as 'strong' – the mobile phone company and the unionised diversified technology company site, as shown in Table 2. Of these the latter is the more straightforward, based around strong and longstanding trade union recognition (80% membership), active and experienced union representatives who dominate the I&C arrangements and at least one local activist involved both in local discussions and in the company's European Forum as well as the national I&C body. Representatives of non-union employees, in a minority, were increasingly integrated into the employee side and participated in the regular pre-meetings held by representatives. Representative confidence was enhanced by clear evidence of deep-rooted managerial commitment to the process, maintaining close and positive relationships with representatives even after union branch rejection of jointly agreed redundancy terms.

In the mobile phone company, with no formal union presence but a significant minority of 'union sponsored' representatives and a much younger I&C set-up (dating from 2003), one key factor is the role of the lead representative on the national council, effectively a full-time position. He has been heavily involved in providing advice and support, in particular to representatives in the local (divisional) employee councils, to the extent that there is now a proposal under discussion for four such full-time representatives. Following concern that some representatives have not been up to the job and have stood down for performance reasons, the lead representative provides briefings to prospective representative candidates prior to election. Such engagement develops strong relationships around the lead representative. Representatives' term of office has been extended from two to four years, allowing for greater continuity and skills development; the number of training events for representatives has been doubled to two each year and some are receiving advanced training in mediation and alternative dispute resolution. Training representatives to represent individuals in grievances and disciplinary cases has also enhanced their standing. The size and formality of the arrangements – over 70 representatives across the company and close formal and informal integration with national arrangements – may provide a 'critical mass' of representatives able, with managerial support, to develop their own resource base.

The other three cases in this group have less visibly strong employee sides, but appear able nevertheless to act as relatively effective agents in consultation. In the care services company, the employee side is becoming more cohesive and integrated as divisions between the union JNC and non-union ICC structures and representatives diminish and mutual self-confidence increases. Problems in finding representative replacements and lack of interest in elections allied with concerns about the quality of consultation led senior management, working together with a union full-time official, to find ways of improving the quality of representation among relatively young and inexperienced representatives, union and non-union. An away-day for all representatives, with CEO input, facilitated by the union full-time officer (FTO) helped matters and led to agreement to hold pre-meetings but only for union representatives. Additional training, including chairing skills, took place to provide representatives, union and non-union, with the confidence to alternate with

management in chairing union and I&C meetings. Such management and FTO-led efforts contributed to improving the quality of representation in consultation processes.

The remaining two cases show both similarities and differences. At the news agency, representative turnover was relatively low (18 out of 29 representatives have been in post since 2005) and replacements had been easy to find; the ability to find temporary stand-ins to cover for absence also reflected support for the system. At the financial processing company, turnover had been higher (only five out of 15 original representatives remained) although replacements had emerged, usually through non-contested elections. In both cases, employee side pre-meetings or co-ordination were patchy, although there was some evidence of informal contact between representatives before meetings with management at the news agency, but the key factor in improving the quality of participation in both cases appeared to be the growing confidence of individual representatives as they become more familiar with the structures and in their ability to participate. Interestingly, representatives at the financial processing company reported greater confidence in active participation once the notes of meetings had been anonymised before publication.

Communication bodies

The engineering company had a strong, union-based, system of employee representation, similar to that of the diversified technology company, capable of engaging in effective consultation. But in this case the union had no interest in pursuing such consultation, being satisfied with the representation arrangements that already existed at EWC and workplace levels. As the planned introduction of additional non-union representatives had not been implemented by the conclusion of the research, it is impossible to know whether this would have had any effect on the strength and cohesiveness of the employee representation. However, in view of the dominant position of the union, this seems unlikely.

In the case of urban housing, several factors continue to limit the strength of the employee side of the I&C forum. These included uncertainty as to the nature of their role – the issues they could raise and the remit of the body. Significant levels of turnover and an absence of formal training for representatives did not help, although there was little problem in finding replacements, including some contested elections. Employees were reported to be indifferent to or ignorant of the role of the forum. The relationship between the I&C forum and the union-based JNC, although formally clear, was also limiting in that the union did not send representatives to the forum and shows no interest in its activities. In addition, union representatives continued to handle all individual grievances and this reduces the scope of forum representatives. Against that, there were expressions of support for the forum among representatives, opportunities for informal engagement between representatives and staff, and an appreciation of the opportunity to voice staff opinions in a friendly and supportive environment as against the more formal operation of the JNC, with which relationships are perfectly amicable. Representatives have no pre-meetings and appear to approach the forum very much as interested individuals rather than as a collectivity, a feature found in other organisations in this category.

High levels of representative turnover were also a feature of rural housing although replacements were found, but few elections were contested. Greater enthusiasm for the forum appears to reflect the changing character of representatives; they are '*younger, more professional and educated males*'. Representatives were actively encouraged to communicate with employees, let them know what was going on and solicit views. As with urban housing, the unions (two in this case) continue to be responsible for wage negotiations and the handling of individual casework, although a degree of integration is reflected in the presence of one union representative (the other struggles to find one) who has a seat as of right on the forum.

In the charity, the abolition of the devolved 'business' forums had been accompanied by a significant shift in the nature of representative functions with a much greater emphasis on engagement in informal problem-solving activities and individual grievance handling. While formal election procedures still operated, relationships between representatives and employees remained unstructured and informal, and representatives saw themselves and were treated as individual employees expressing a view rather than speaking on behalf of an explicit constituency. The centrality of the management-appointed full-time facilitator, who on occasions acted to express staff concerns or to represent individuals, made for problems in understanding the role of the representatives with regard to the remaining national forum, but it seemed clear that their time and enthusiasm was more concerned with representing individuals and 'problem-solving' than in the relatively limited formal activities of the forum. There had been significant turnover and only 12 of 20 posts had been filled. There were few opportunities for representatives to meet and develop any shared cohesion outside the brief meetings before the national forum; the representative intranet facility had apparently fallen into disuse.

In the case of seaside housing, none of the original staff members remained on the staff council two years later, having left the organisation or changed post. Vacancies have been filled with difficulty and some remained. Representatives had no formal contact between meetings. Training continued to be provided and extended to cover budgets and a dedicated intranet site for the council has been developed. Thus, the representatives were better able to handle information flows but remained hampered by persistent lack of employee interest. At the two non-union sites of the diversified technology company, the representative systems have been maintained but do not appear to have developed. Management felt that union members elected as representatives in the unionised site were '*more effective*' than their non-union counterparts in the non-union sites, but interestingly did not extend this criticism to the two non-union representatives who sat alongside the union representatives and played an active role in the joint works council at the unionised plant researched.

Defunct I&C bodies
In both these cases the employee side was weak. At the infrastructure contractor, the division of the original forum into two, each of which only had one meeting, effectively meant there was no chance to create an 'employee side'. High representative turnover combined with a lack of 'organisational logic' made for little shared employee or union interest in joint working; although it is possible that

stronger employee or union pressure might have prompted management to call meetings, given the employer's formal commitment to consultation, there appeared to be little incentive for them to do so. At the electronics company, one factor in causing the forum's demise was a divergence of view as to the role of representatives, with management rejecting some issues raised by representatives views imposing what representatives saw as a restrictive, management-controlled agenda. Management in turn blamed a lack of initiative on the part of the representatives as contributing to the forum's failure. In both cases, there was insufficient time for representatives to develop any cohesiveness of approach.

4.5 Union engagement with the I&C body

As outlined in the first report (Hall et al, 2007), with the partial exception of the infrastructure contractor, unions played little part in initiating or shaping the I&C arrangements investigated. At the engineering company, late union insistence on reaching a negotiated agreement under the ICE Regulations, conceded by the company, led to lengthy delays in reaching final agreement and the full arrangements had not been implemented by the conclusion of the research. In the diversified technology company's unionised site, the union response was generally positive, reflecting the existing strong, 'partnership'-oriented relationships with management. Otherwise, the initial union response was either hostile (rural housing, urban housing) or cautious (care services, financial processing and engineering companies). At the mobile phone company, unions that had significant membership and had unsuccessfully sought recognition were sharply critical of a the I&C arrangements introduced, arguing that they would be significantly less effective for employees than union-based collective bargaining.

At the end of the two-year research period, relationships have become more stable. At rural housing and urban housing, formal distinctions remain: at urban housing, the union remains outside the I&C forum, still not sending a representative, while at rural housing, it does and the union representative claimed that participation had helped improve relationships between union and company. At the care services company and at the unionised diversified technology company site, as noted, the work of union officials has been a vital ingredient in the success of the I&C bodies while at the engineering company union dominance has not been affected. At the mobile phone company, union criticism has been muted, reflecting pragmatic acceptance of the I&C arrangements and their effectiveness, while still arguing that collective bargaining would be stronger. Unions have provided their representatives with access to legal resources and to the usual range of training provision. In a small number of cases, both union and non-union representatives have participated in training facilitated by unions. Union fears that I&C would operate to weaken them do not in general appear to have been realised; the role and structure of existing collective bargaining arrangements have in general been maintained and, with the exception of urban housing, no significant falls in union membership have been reported (and even in that case the I&C structure was not held responsible).

The second, arguably more significant, dimension of union engagement concerns union participation, directly or indirectly, in the I&C bodies under investigation.

There are two cases where the arrangements are based around strong and well-established union organisation – the diversified technology company's unionised site and the engineering company. In both cases, union representatives dominate the employee side of the consultative machinery, do not feel that their position is threatened by the creation of non-union representative positions (not yet implemented in the case of engineering) and bring, through their experienced and long-serving lay representatives, sufficient expertise to engage in effective consultation with management. The only difference between the two cases is that at the diversified technology company, the 'hybrid' I&C body – the joint works council – has become a forum for robust workplace-level consultation, supplemented by effective consultation through the EWC, while at the engineering company the practice is that effective consultation takes place at EWC level – organisationally logical given the company's structure – and at workplace level, while the new I&C forum has remained, by common consent, largely preoccupied with information exchange.

In both cases, the unions bring the necessary infrastructure to support effective consultation – regular meetings, election procedures for representatives, pre-meetings and other contacts to agree agendas and common approaches – facilitated by employers satisfied with long-standing union recognition arrangements and with no wish to change or undermine them. Non-union representatives are, or are likely to be, 'junior partners' in this process whose presence allows for formal conformity with the ICE Regulations but who appear unlikely to have a significant impact on policy or process. In both cases unions' traditional collective bargaining arrangements are maintained. It can be concluded that strong trade union organisation can, in the appropriate circumstances, make a significant contribution to the success of consultation.

At the opposite end of the 'union engagement' spectrum, in a broad sense, can be found the mobile phone company and the news agency, both non-union companies with, as described in earlier reports, a determination to maintain this position. Indeed, this determination provided one powerful managerial motivation to ensure that the new forums were both effective and visibly so – providing 'negotiation without trade unions' – in part at least to blunt union recruitment efforts. But the two cases differ in one significant respect - that at the mobile phone company in the 2005 elections to the I&C body the unions seeking recognition explicitly backed certain candidates – union members – and succeeded in getting a significant proportion (although estimates varied) elected. It is not clear, however, whether union membership conferred any advantage or difference of approach on these elected representatives compared to those who did not have such backing. By 2008 it was reported that the proportion of union members/activists among the representatives had fallen significantly and that outside the call centres, where proportions remained around 50:50, it was unlikely to be much higher than 10%. It was reported that in the call centres non-union representatives looked to their union colleagues for help and guidance, suggesting that they continued to make use of union resources and experience to support their role. But, as reported above, the decision of the company to allow non-union representatives to handle individual cases, previously the preserve of union representatives, operating with company

agreement, appears to have enhanced the standing of the non-union representatives. One union representative stated that the I&C structure '*works, even if it can't be as strong as a union . . . and is better for having union members on it*', although it is difficult to provide clear evidence in support of this claim. At the news agency, no such union attempts to 'colonise' the I&C arrangements had been made and hence the representatives were all non-union. Management stressed that the decision not to recognise a union continued to ensure managerial determination to make the council effective, while a representative conceded that the absence of union 'muscle' might have the effect of reducing council effectiveness from an employee point of view.

Of the remaining cases, two (the national charity and the non-union sites of the diversified technology company) do not recognise a union and there is no evidence of any union effect or engagement, while four (care services company, financial processing company, urban housing and rural housing) recognise a trade union in respect of a minority of staff and one (seaside housing) has a small proportion of employees in union membership but there is no recognition.

The two of these four cases that the report has defined as engaged in 'active consultation' (the care services and financial processing companies) have very different approaches to the union role on their I&C bodies. At the financial processing company, collective bargaining arrangements remained separate and the employee side of the I&C body was elected without any reference to union presence (i.e. there are no 'reserved seats' for union representatives or any other form of linkage); union members 'take their chances' in all-employee elections. The two activities appear to have remained completely distinct; although it was reported that there was no tension between the union and the forum, the representatives reported no contact with the union and there is no evidence of any union influence, direct or indirect. At the care services company, by contrast, union representatives sit with non-union representatives on the I&C body which '*shares meetings*' with the established (union-based) joint negotiation committee and a union full-time official is active in facilitating the I&C activities, working jointly with the company to increase the effectiveness of consultation. By 2008, many of the distinctions between consultation and negotiation activities and people involved had disappeared and it appeared that many employees were unaware of any distinction. The union plays a significant role in the success of consultation, in particular through the efforts of the FTO who had developed a strong working relationship with key management personnel. The recent decision to hold representative pre-meetings but restrict attendance to union representatives, along with other activities described in the previous section that operated to enhance the union role, clearly indicate growing union influence in the operation of the I&C arrangements. In turn, this indicates that the union played a greater role than might be implied by its membership numbers, reflecting in turn a managerial acceptance of the argument that working co-operatively with a union can support managerial objectives of effective consultation.

The final two companies to be discussed – urban housing and rural housing, both among the 'communicators' group – recognise unions that have only minority membership (down to an estimated 19% in the case of urban housing). Both have

offered reserved seat representation to the recognised unions but this has only been accepted at rural housing (only one of the two unions has a representative) and rejected at urban housing. Even at rural housing, the union representative reported only minimal contact with the external union and in neither case is it easy to discern any impact of union presence on the activity of the I&C arrangements. In both cases pay negotiations and the handling of individual cases remain the preserve of the recognised unions and, as discussed above, this may limit the remit of the I&C body and the activity and standing of the representatives.

The contrast between the care services company and the two housing associations might suggest that unions, even with only a minority presence, might be able to make a positive contribution to consultation processes if the unions are actively encouraged to do so by management and are themselves positive in their approach to the I&C activities. In different ways neither of these conditions applied at the two housing associations but did at the care services company.

4.6 Impact of legislation

One area of only limited significance in terms of influencing the case study organisations' I&C practice has been the statutory framework.

The original report on the 'wave 1' organisations noted that the ICE Regulations had been influential to varying extents in prompting the introduction of the I&C arrangements and shaping their remit. In a minority of cases, it was argued that the Regulations had been of 'background' importance only, i.e. the decision to set up I&C bodies was not linked to the Regulations, though their role and remit may to a degree have been influenced by the emerging legal framework. A larger group saw the Regulations more as a 'catalyst', i.e. there was already a felt need, for a variety of reasons, to do something in the area of employee involvement and representation. What the Regulations did was to help shape the design of the proposed I&C body and provide the basis for gaining top management commitment to act. A final, smaller group of companies recognised that the Regulations had played a critical or pivotal role in prompting the establishment (or relaunch) of their I&C bodies (see Hall et al, 2007: 25-26).

The Regulations also appeared to have exerted a considerable influence on – or had at least been reflected in – the provisions and wording of agreements or constitutions underpinning the I&C bodies. This was most notable in term of the subject matter identified for information and consultation, but less clear cut in terms of the nature and extent of the consultation process (see Hall et al, 2007: 43-48)

But in terms of actual I&C practice, there is little evidence that the Regulations have generally shaped the approach taken by management in the case study organisations, nor that the provisions of the Regulations have been widely used by employee representatives as a point of reference for what they are entitled to expect by way of information and consultation. Only at the mobile phone company had the Regulations been cited in a dispute in 2006 over '*consultation failures*' (lead employee representative). On that occasion, union-coordinated multiple employment tribunal claims relating to disputed changes to customer services staff's pay and reward arrangements were eventually withdrawn in the context of an agreement

between management and the company-level I&C body on the formalisation of the consultation procedures that had been developed within the organisation. More generally, the procedure used by the mobile phone company for consultation on restructuring proposals and other substantial changes in work organisation routinely corresponds to the phased consultation process specified in the Regulations' standard provisions and is undertaken with a view to reaching agreement. Even so (and outside specific instances of collective redundancies and transfers of undertakings where separate statutory requirements have to be met), the mobile phone company's management report that this has been motivated less by the provisions of the ICE Regulations than by internal employment relations objectives, including the need to demonstrate that the company's non-union employee representation arrangements are an effective alternative to union recognition.

This finding – of the limited 'normative' influence of the Regulations – can be seen as being consistent with the Regulations' policy of maximising the flexibility of response available to organisations, and with the general nature of the definition of consultation embodied in the legislation. The more stringent consultation requirements contained in the Regulations' default 'standard information and consultation provisions' apply directly only where the initiation of the Regulations' procedures fail to result in an agreed outcome, and their indirect influence on I&C practice, among the case study organisations and probably more generally, appears to have been negligible.

Unsurprisingly, the areas of the law that have impinged more directly on I&C practice have been the statutory provisions on collective redundancies and transfers of undertakings. For example, the collective redundancies legislation has provided the framework for the handling of major job losses via the I&C bodies at the mobile phone and diversified technology companies. Earlier redundancies at the seaside housing association were also discussed with the I&C body there (see Hall et al, 2008: 13). Similarly I&C bodies have been involved to varying extents in I&C concerning transfers of businesses (inward at the care services company; outward at the financial processing company and mobile phone company). At the mobile phone company, the lead employee representative commented that the consultation process had gone '*much, much further*' than the legal requirements of the TUPE Regulations. But there are examples too from previous phases of the research of transfers of parts of businesses where senior management felt the move to be too commercially sensitive to allow for early consultation and in some cases stock exchange rules have been cited as an inhibitor. For example, at urban housing, a combined meeting of the recognised union and the employee forum was told of the transfer under TUPE Regulations of part of the business to a private sector company quoted on the stock market one hour before announcing it to staff and the media. The company believed (incorrectly) that stock exchange rules prevented early information sharing and consultation.

4.7 Discussion

The 'active consulters' group of case study organisations tended in the main to have the better organised and effective consultative bodies. There would appear to be a

form of symbiosis between management commitment to the process of consultation and the type of consultative body needed for this commitment to be realised. The critical difference between the active consulters and the 'communicators' is that in the former senior management came to the view that organisational benefits might be derived from taking one or more significant strategic issues to the I&C body for discussion prior to implementation.

It is not easy to pin down the origins of this managerial approach. To take the two strongest cases, it can be seen that, at the unionised site of the diversified technology company, it lay in a long history of management-union relationships and a high level of personal trust between key union and management actors. At the mobile phone company, it lay initially in a determination to make consultation succeed as part of a strategy to fend off pressure for union recognition, but that 'negative' motive laid the basis for positive managerial commitment to a strong form of consultation and the development of high-trust relationships. In a number of cases, there were managerial 'champions' of I&C (in the mobile phone and care services companies and others). Sometimes these key actors came from outside the HR function (e.g. rural housing) while in others the HR managers were able to draw key operations managers into active I&C involvement. The active engagement of senior operations management adds weight to the process of consultation and may increase employee confidence that their views will be taken into account. In several cases, I&C was underpinned by the development of relationships of trust between major management and employee/trade union actors.

Sometimes, despite formal managerial commitment to I&C, its operational experience may prove to be at odds with the preferred managerial approach and this may make for relative ineffectiveness. Thus, one of the reasons given for the demise of the I&C body at the electronics company was that it was too structured or 'bureaucratic' compared with the more open style management valued. This is taken to mean the requirement for agendas, minutes, rules on elections and meetings at set intervals. Management's frustration with the indirect, representative form of the consultation process at the electronics company was matched at the charity where greater flexibility was preferred leading to the abolition of the divisional tiers of the I&C structure. At the news agency, the avoidance of a national forum as an overarching tier to the local I&C bodies was explained by management's preference to avoid over-rigid structures of consultation. Successful attempts to overcome such tensions between rigidity and flexibility can be seen among the most active consulters – the mobile phone company and the unionised site of the diversified technology company – where the formality of the consultation process was evident but much lubricated by the high levels of informal or 'offline' contact between senior management and the full time representatives outside formal I&C meetings.

A managerial approach that values effective participation will also appreciate the importance of an effective employee-based interlocutor. Hence the importance – especially in the great majority of cases without a strong trade union presence – of management providing the material basis for effective employee representation. The ability of employee representatives to construct strong organisations capable of contributing to effective consultation reflects above all a managerial preparedness to

take consultation seriously and to value the contribution made by representatives, as well as providing them with the facilities (time, training etc) necessary. This is clearest in those 'active consulters' cases where the I&C arrangements are recent and there is no strong union tradition (at the mobile phone company and news agency in particular). The formality and regularity of meetings helped develop a degree of employee effectiveness, but the mobile phone company's support for a full-time lead representative, and his support for other representatives, contributed to the greater cohesiveness and integration of their employee organisation.

In the case of the mobile phone company, management preparedness to engage in consultation before a decision had been reached and willingness to seek agreement was, almost certainly, reinforced by the effectiveness of the employee side on the I&C bodies at national and divisional levels. This effectiveness has been further enhanced by extensive training in more sophisticated areas and, importantly, by agreeing that representatives can take on individual representation responsibilities. Training, especially when part of an ongoing process, not only equips representatives with skills but provides opportunities for representatives to come together outside scheduled forum meetings to develop a shared sense of responsibility. Responsibility for handling individual cases can also contribute to representative effectiveness, both through the development of skills and through the demonstration to employees of their existence and usefulness.

Both the most effective cases – the mobile phone company and the diversified technology company (unionised site) – reflect the contribution that can be made by key individuals: the lead representative for the former and the union branch chairman for the latter. In both, management were prepared to provide full remission from 'normal' work duties to allow the lead representatives paid time to develop their representative role in various fora. The contribution of such individuals reflects a close relationship with management and, again particularly at the mobile phone company, the ability to enhance organisational strength through personal networking. This was reinforced by their active roles in more than one level of I&C in multi-tier structures. A union full-time official also emerged as a significant figure in the case of the care services company, facilitating important training and briefing meetings.

As made clear in the first report, both the diversified technology and mobile phone companies have the most extensive and structured approach to organised meetings and networking between representatives prior to and between formal I&C meetings. Pre-meetings, permitted and paid for by management, were emerging as an important process in the care services company too, in this case initially for union representatives only. At the news agency, informal pre-meeting discussions and contacts, whether by phone or email, were also growing in value and helped the works councils to become more effective. The clear implication is that employee 'sides' were more able to act as effective agents in consultation when they had the chance both to consider jointly their response to the matters on the agenda and, perhaps, to act in a more unified manner.

Among the 'communicators' group of organisations, especially the three housing associations, the relationship between management commitment to the consultation

process and the effectiveness of representative bodies was more paradoxical. Here, management did not engage in active consultation on business decisions, preferring to provide information, but expected the representatives to pass on the information as a type of 'communication bridge' and then to gather employee reactions. This was true, too, in the case of the charity where 'two-way' communication was expected although it was unclear quite what the form and style of the upward part of the communication process would be. However, concerns were often expressed by managers, and some representatives, about the effectiveness of representatives and their capacity to take a full part in the consultative process. With no pre-meetings, no tradition of tapping employee opinions and an individualised approach to consultation where items were not placed on the agenda but raised directly at the meeting, representatives did not have the wherewithal to meet management expectations of being the vital link with the workforce. Management expectations of how consultation would be conducted once a major change did take place were not, at the time of the research, supported by the type of representative body necessary for these to be met. The actual practice of the consultative meetings, being dominated by housekeeping matters, made it difficult for the representatives to behave in any other way. Interestingly, in one I&C body where there had been a revival of interest and activity, the focus was not on consultation and information sharing per se but on finding a new role as the organiser of social events (rural housing).

In general, it can be seen that the facilities provided by management gave varied opportunities for employee representatives to communicate between themselves and to co-ordinate approaches and that these were better among active consulters than communicators. However, in some cases, little thought was given to supporting processes of communication and engagement between representatives and the wider workforce and it is not clear to what extent even active consultation engaged the attention and support of the wider workforce, reflected in some cases in the discrepancy between the opinions of active participants and those of surveyed employees (see chapter 5).

In short, it can be concluded that management gets the I&C body it deserves; it is management's policy towards the role of the I&C body – whether it is the vehicle for full and effective consultation on key issues or conceived of as just a communications tool – that is the key influence. To achieve active consultation, they need a reasonably effective employee side as interlocutor. Proper facilities and resources for employee representatives are a necessary but not a sufficient condition for effective consultation. The results provide indications, most marked in the mobile phone company, that the employee side has developed because of the active role that management expect it to play and that requires, in turn, a managerial belief that the benefits to be gained from the 'risk' of seeking employee input outweigh any potential disadvantages.

The role of unions, where present, was a factor influencing the operation of the consultative process. The cases of the unionised site of the diversified technology company and the engineering company show that a strong trade union presence and engagement can provide the basis for effective consultation (in the case of the

engineering company at plant level via collective bargaining and high level consultation in the EWC). Weaker trade unions, with small minorities of employees in membership, are understandably more nervous of the destabilising potential of 'all-employee' I&C arrangements and are primarily concerned with protecting what they have rather than with active participation in new arrangements. In several cases (urban housing, rural housing, financial processing company), the unions continue to have at best limited engagement with I&C, with none in the case of the financial processing company. As the latter case shows, however, this is not incompatible with effective consultation if the I&C arrangements are robust. These cases reveal the possibility of some form of effective co-existence between the two sets of arrangements. The first report (Hall et al, 2007) noted initial hostility from recognised unions to the establishment of 'hybrid' I&C bodies involving both elected and union-nominated representatives but these arrangements had become more stable by the time of the interim report (Hall et al, 2008). This remains the case and a form of mutual co-existence is in place.

The hybrid arrangements in the care services company have, however, developed or matured further. Initially, there was some hostility on the part of the union toward the I&C body and in the joint union/non-union meetings separate minutes were produced. This practice soon ended and more joint working was evident. Now the lead union with significant but minority membership (30-40%) has emerged as a key actor in the operation of effective consultation, at least in part as a result of effective working relationships between senior management and the union full-time official, both of whom are committed to improving the consultation process. In this case, a union with minority membership is able to punch above its weight and hence, perhaps, gain in authority and, possibly, membership. Now there will be pre-meetings of the union representatives but not including the non-union members of the consultative body. In organisations where unions are weak, they may develop a role if encouraged by management and able to provide the necessary resources, otherwise their position is likely to remain at the margins of I&C.

It is plausible, then, that strong employee organisation can contribute to effective consultation where there is a strong union presence that wants to make the system work, as at the unionised site of the diversified technology company. Equally, if a strong union is not interested in pushing for fully developed consultation, as is the case with the national forum at the engineering company, it is unlikely to happen (although in this case the unions do participate in and contribute to effective consultation at European and workplace levels). But there are very few private sector workplaces with such high levels (80%) of union membership. Otherwise, as shown by the case of the mobile phone company, effective consultation and strong employee organisation emerge and work together where senior managers display support for the process and facilitate the activities of representatives – through full-time facilities, continuing training, clear election procedures, and continuity of representatives.

Management have to establish the conditions to enable an effective employee body to emerge, especially in non-union circumstances. One of these conditions is a willingness to engage in active consultation. While management in the

'communicators' group of companies were as committed to the operation of the employee forums as the 'active consulters', reflected in regular meetings and top management attendance, they had not, in the main, provided the necessary stimulus for an effective employee side to emerge. This reflected their operational definition of 'consultation' – effectively to inform after the event and take soundings via the representatives. It may be that this type of approach does not need an active employee side, however difficult it may prove for the desired two-way communication to take place. In effect, the emphasis is placed more on downward communication, which does not require a fully-fledged employee side, than on upward communication which does.

5: Employee perceptions of I&C: key survey findings

This chapter considers the findings from the employee survey which focussed on employees' experiences and perceptions of different forms of I&C arrangements (direct and indirect). The survey also sought to examine management and employee representatives' effectiveness and associations between I&C arrangements and other HR practices and employee commitment. Some of the questions in the survey are based on the Workplace Employment Relations Survey 2004[1], and this enabled the research team to position the case study organisations against this benchmark. Further methodological details, including response rates, are provided in Annex A.

The chapter considers the findings from the repeat survey which was conducted in all but one of the ten cases previously surveyed following the final research visit (the exception being the infrastructure contractor where a major reorganisation of the company and then collapse of the I&C arrangements meant that a final survey would not be compatible with the first).

The final survey elicited 1535 responses from nine organisations, compared to 1782 responses in the first year (from ten organisations). In all but one organisation (the mobile phone company), the number of respondents was lower in the final survey, a key factor which needs to be taken in to account when making comparisons between the two.

Tables 3 and 4 compare employee perceptions of the I&C arrangements over the two-year research period, grouping the organisations into the three categories adopted earlier in the report: Table 3 compares the 'active consulters' in group A, and Table 4 the group B and C organisations. The national charity and the engineering company are excluded from group B since they did not participate in any survey. The results from the diversified technology company have been separated into two groups, in keeping with the earlier analysis in this report, with those from the unionised site being included in group A, and those from the other two sites in group B.

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[1] 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-evaulation/wers-2004

Table 3: Employee perceptions of I&C – Group A organisations, years 1 and 3 survey comparisons

	Care Services Yr 1	Care Services Yr 3	News Agency Yr 1	News Agency Yr 3	Mobile Phone Yr 1	Mobile Phone Yr 3	Diversified. Technology[2] Yr 1	Diversified Technology Yr 3	Financial Processing Yr 1	Financial Processing Yr 3	WERS 2004
Number of respondents	*157*	*79*	*158*	*55*	*330*	*877*	*70*	*29*	*139*	*120*	
Union membership (%)	45	76	14	6	19	37	59	31	16	9	37
Mgt/employee relations (% very good/good)	76	77	35	20	62	61	46	79*	53	47	61
Satisfaction with HR practices (% very satisfied/satisfied):											
Training **	79	84	38	35	63	51*	67	76	35	33	51
Pay	38	41	16	24	38	36*	56	76	38	40	36
Influence over job	69	72	57	53	59	58	76	86*	62	54*	58
Involvement	61	60	22	18	34	38	43	66*	32	22	38
How good are managers at (% very good/good):											
Seeking the views of employees/reps	73	71	28	22*	57	48	41	79*	46	33*	48
Responding to suggestions	69	64	29	17*	44	43	28	65*	35	34	43
Allowing employees/reps influence final decisions	55	47	19	10*	33	32	31	54*	21	21	32
Managers here (% strongly agree/agree)											
Can be relied upon to keep promises	66	68	25	19	49	47	37	72*	38	32	47
Are sincere in understanding employees views	70	71	39	26	52	53	46	83*	47	44	53
Deal with employees honestly	70	73	29	26	53	54	51	76*	39	40	54
Treat employees fairly	67	67	31	21	50	55	50	76*	39	35	55
Employee reps here (% strongly agree/agree):											
Take notice of staff problems and complaints	57	52	56	49	60	65	55	74*	45	56	65
are taken seriously by mgt	58	58	28	17*	34	53*	36	76*	21	27	53

[2] One site

make a difference to what its like to work here	47	42	22	12*	31	40*	32	54*	19	30	**40**
Employee commitment (% strongly agree/agree)											
I share the values	80	81	39	45	63	55*	70	90*	47	42	**55**
I feel loyal	80	87	47	47	70	70	88	86	53	47	**70**
I feel proud to tell people where I work	67	76	51	47	65	61	78	86*	35	37	**61**
Sources of information (% helpful)											
Notice Boards	86	84	31	24	42	41	77	69	34	33	**58**
E-mail	71	51*	87	86	95	93	81	93	90	82	**53**
Intranet	52	39	82	75	91	91	68	83	67	64	**42**
Newsletter	76	92	66	55	55	67*	56	52	41	40	**47**
Meeting with managers and employees	92	96	57	49	88	87	69	89*	78	66*	**63**
Unions or employee reps	30	39	15	7	30	32	51	62	15	11	**24**
Sources of involvement (% helpful)											
Unions or employee reps	29	39	17	11	27	29	46	54	12	13	**n/a**
Joint consultative committees/staff forums/works councils	30	32	29	16	32	34	39	66*	29	30	**n/a**
Awareness of indirect mechanisms as sources of involvement (%Don't knows/Not used here):											
Union or employee representatives	53	47	61	48	45	47	32	46	55	57	**n/a**
Joint consultative committees/ staff forums/works councils	57	54	39	27	39	42	39	34	45	44	**n/a**
Changes in last 12 months:											
More satisfied with my involvement	31	50	30	22	31	32	20	31	22	16	**n/a**

| More satisfied with my representatives involvement | 22 | 32 | 15 | 7* | 22 | 27 | 17 | 35 | 10 | 15 | **n/a** |

*Significant differences (p<.05)

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

Table 4: Employee perceptions of I&C – Group B and C organisations, years 1 and 3 survey comparisons

	Seaside Housing	Seaside Housing	Urban Housing	Urban Housing	Rural Housing	Rural Housing	Diversified Technology [3]	Diversified Technology	Electronics Company	Electronics Company	Infra-structure Contractor	WERS 2004
	Yr1	Yr3	Yr 1	Yr3	Yr1	Yr3	Yr1	Yr3	Yr 1	Yr 3	Yr1	
Number of respondents	*71*	*42*	*96*	*13*	*68*	*53*	*346*	*218*	*178*	*49*	*169*	
Union membership (%)	31	48	33	54	34	19	6	2	6	6	63	**37**
Mgt/employee relations (% very good/good)	57	52	71	77	63	76	70	77*	69	43*	40	**61**
Satisfaction with HR practices (% very satisfied/satisfied):												
Training **	62	62	75	77	81	74	65	65	52	56	40	**51**
Pay	68	67	45	69	77	72	56	63	31	33	39	**36**
Influence over job	58	55	72	69	66	74	69	79*	58	64	51	**58**
Involvement	44	49	50	23	46	47	39	42	22	23	29	**38**
How good are managers at (% very good/good):												
Seeking the views of employees/reps	52	48	58	33	52	60	58	66*	43	45	33	**48**
Responding to suggestions	43	39	57	36	54	54	46	50	44	38	31	**43**
Allowing employees/reps influence final decisions	36	37	37	20	33	47	31	31	29	33	21	**32**
Managers here (% strongly agree/agree)												
Can be relied upon to keep promises	51	38	56	50	57	66	51	63*	40	37	33	**47**
Are sincere in understanding employees views	54	56	60	62	54	74	61	69*	52	40	38	**53**
Deal with employees honestly	49	54	56	54	62	69	60	69*	48	39	36	**54**
Treat employees fairly	52	55	55	46	57	70	60	67	49	37	38	**55**
Employee reps here (% strongly agree/agree):												
Take notice of staff problems and complaints	46	41	64	77	67	63	56	52	36	43*	38	**65**

[3] Two sites

Are taken seriously by mgt	29	20*	44	62	44	47	37	35	25	36*	26	**53**
Make a difference to what its like to work here	25	16	47	62	38	49	25	23	22	24*	22	**40**
Employee commitment (% strongly agree/agree)												
I share the values	75	68	81	85	74	69	80	90*	59	33	53	**55**
I feel loyal	73	76	79	92	85	76	81	86*	69	60	54	**70**
I feel proud to tell people where I work	67	62	75	100	74	66	81	86	66	59	42	**61**
Sources of information (% helpful)												
Notice Boards	50	71*	68	39	37	50*	59	62	71	77	60	**58**
E-mail	60	91*	85	92	99	96	81	94*	74	32*	61	**53**
Intranet	21	43*	87	100	75	91*	69	88*	73	38*	57	**42**
Newsletter	41	33*	40	39	76	87	74	82*	81	56*	63	**47**
Meeting with managers and employees	80	81	77	92	77	79	82	82	55	42	68	**63**
Unions or employee reps	20	23	46	62	25	26	16	15	5	10	29	**24**
Sources of involvement (% helpful)												
Unions or employee reps	17	26	40	50	25	19	17	14	9	13	29	n/a
Joint consultative committees/staff forums/works councils	25	32	36	67*	50	49	27	25	11*	13	14	n/a
Awareness of indirect mechanisms as sources of involvement (%Don't knows/Not used here):												
Union or employee representatives	63	46	36	31	63	58	58	62	74	64	47	n/a
Joint consultative committees/staff forums/works councils	48	42	48	17	38	33	41	53	68	48	63	n/a
Changes in last 12 months:												
More satisfied with my involvement	38	25	45	7*	34	34	26	26	26	15	19	n/a
More satisfied with my representatives involvement	22	18	32	15	17	32	13*	14	13	13	13	n/a

*Significant difference (p<.05)

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

The analysis focuses on making comparisons between the first year survey, conducted during the initial phase of the research, and the final year survey. The main findings can be summarised as follows:

improved employee support for the I&C bodies: overall, employees perceived the employee forums to be more helpful and awareness of them had increased;

improvements in the perceived effectiveness of employee representation in most organisations;

continued strong and extensive use of direct forms of communication. In particular, meetings with managers (formal and informal) are valued highly in nearly all organisations;

a mixed picture on how seriously management take their information and involvement activities;

employee commitment has improved in almost half the organisations, and fallen in just under half; and

two organisations – the most active consulters – show consistent improvements in most employee attitudes.

The following sections consider each of these main findings in more depth.

5.1 Improved support for the I&C bodies

In seven organisations, employee perceptions of the employee forums have improved over the two year period, in terms of perceived 'helpfulness'. This includes all but one of the group A organisations (the exception being the news agency which is discussed in more detail later), two of the group B organisations (seaside housing and urban housing) and, surprisingly, the one group C organisation (the electronics company) with a defunct I&C body (further analysis will help explain this finding, but the low number of returns to the final survey is a likely explanation). In only one organisation is the I&C body perceived to be less helpful: the news agency. The remaining two organisations (rural housing and the diversified technology company's sites in group B) show little change in attitudes.

These improvements partly reflect increased management commitment to the forums. At the financial processing company, for example, the employee representatives interviewed felt that not only had the quality of issues discussed at the forum improved, but there was a greater willingness on the part of management to share information. In two organisations, the improvements in employee attitudes were significant, and employees in these organisations rated their forums most highly in comparison to the other organisations. At the unionised plant of the diversified technology company, almost two-thirds of employees rated the I&C body as 'helpful in giving you the opportunity to express your views', compared to just 39% in the first year, reflecting the proactive behaviour of local management, seen, for example, in consulting over a major redundancy exercise.

A change in employee attitudes may also be linked to improved awareness of the I&C bodies. The first survey revealed that a significant proportion of employees were

ignorant of the I&C arrangements, answering 'don't know' or 'not used here' to questions about helpfulness as sources of both information and involvement, and it was suggested that this was due to their brief existence and the relative novelty of such arrangements. Two years on, however, this situation has changed and in all but two organisations employee awareness of these bodies has increased. Across the organisations, the range of employees claiming to be unaware of the I&C arrangements has fallen somewhat as shown towards the bottom of Tables 3 and 4. These findings suggest that the I&C arrangements are bedding down in most organisations and, in some cases, this can be partly attributed to management and/or the employee representatives actively seeking to heighten awareness about the role and profile of the relevant body. For example, at the financial processing company, notes on forum meetings are now sent to all employees and a table of actions is produced after each meeting which is seen as a useful tool to track the progress of issues raised.

5.2 Employee representative effectiveness

A striking finding from the first survey was that in most organisations employees rated their employee representatives poorly and less favourably than their WERS counterparts (national and same sector basis). These views concerned questions about how well employee representatives took notice of staff problems and complaints, whether employee representatives were taken seriously by management and whether representatives 'made a difference to what it's like to work here'. In six organisations, employees rated their representatives higher in the final survey on all or most of the questions: three of these are group A organisations (the mobile phone company, the unionised site of the diversified technology company and the financial processing company), and two are group B organisations (urban housing and rural housing). Two organisations, the mobile phone company and the unionised site of the diversified technology company, showed significant improvements in attitudes. As discussed in chapter 4, these are organisations where employee representation is considered strong. In the case of the mobile phone company, support for a full-time representative and his support for other representatives, together with extensive training and an organised approach to meetings, may have contributed to the perceived effectiveness of employee organisation. At the unionised diversified technology site, a strong history of trade union recognition coupled with increasing integration of non-union representatives in the I&C bodies appear to have been a key contributory factor. Employees at this site also rated their employee representatives considerably better than their WERS counterparts, showing a marked improvement on the first year findings. Factors that may have contributed to perceived improvements in employee representation in the other organisations include stability and growing confidence amongst the representatives at the financial processing company, and a change (for the better) in individual employee representatives at rural housing.

In two organisations, news agency and seaside housing, however, there were marked declines in perceived employee representative effectiveness. At seaside housing, representatives were poorly organised. For example, there were no pre-meetings, and no formal means to gather suggestions from staff nor provide

feedback, plus a high turnover of representatives. At the news agency, the limited role representatives play in active consultation may be a contributory factor. It is also true that in six organisations employees continued to rate their employee representatives, on all measures, worse than their WERS counterparts (although it is not possible to make an accurate like for like comparison since the WERS questions related to a union or staff association rather than all employee representatives). These include three organisations in group A, classified as 'active consulters'. One explanation for this could be the confidential nature of some items discussed, as this employee representative who responded to the survey noted:

'I feel that the employee representative organisation we have is under rated, under publicised and not taken seriously by management. Most of these issues stem from the fact that much of what we do is confidential so most of the population are unaware of what and how much we actually do.'

5.3 Direct forms of involvement

All organisations showed extensive and strong use of direct voice mechanisms as a means of informing and involving employees, continuing the trend seen in the initial survey. Comparisons with the WERS data (which is only available for notice boards, e-mail, intranet, newsletters and meetings with managers) show that, as a means to disseminate information, most organisations rated these mechanisms better than their WERS counterparts.

In terms of changes over the two year period of the research, three organisations showed consistent improvements in the perceived helpfulness of most forms of direct voice mechanisms as sources of information (the non-unionised diversified technology company sites, rural housing and seaside housing). These organisations primarily use their I&C bodies for communication rather than active consultation and it is likely that these mechanisms are used in conjunction with the I&C bodies to inform staff. At seaside housing, for example, it was reported that newer representatives on the staff council were taking their role more seriously by communicating to staff through e-mails and notice boards. Three organisations showed a decline in the perceived usefulness of most types of direct involvement (the financial processing company and the news agency, who are 'active consulters', and the electronics company, where the I&C body became defunct). The remaining organisations show a mixed picture, with changes varying by type of mechanism. This may simply reflect a preference by the company for certain types of medium at the particular time of the survey, or the type of information being disseminated.

Of the 13 different forms of direct involvement identified in the survey, meetings with managers, both formal and informal, continue to be perceived as one of the most helpful ways to inform and involve staff. In comparison to the WERS data set, eight organisations rated their managers better in terms of being a helpful source of information (the only two exceptions being the news agency and the electronics company). Employees in four organisations rated this medium as more helpful in the final survey (urban housing, rural housing, the care services company and the diversified technology company's unionised site). Two organisations showed a

decline in attitudes towards the usefulness of these means of communication (the electronics and financial processing companies). At the financial processing company, the improved effectiveness of the employee forum had resulted in a separate series of meetings between a cross-section of managers and staff becoming less active as there was a perceived duplication in role. The increase in issues such as job losses and restructuring, which were discussed at the forum on the basis of confidentiality, may also have impacted on employees perception about the usefulness of meetings with managers where such issues would not be discussed. The remaining organisations show little or no change.

5.4 Management behaviour

The final survey shows a more varied picture in relation to employees' views on how seriously managers take their information and involvement activities. Employees were asked to rate managers on how good they were at seeking their views, responding to suggestions and allowing employees to influence final decisions. The survey was therefore seeking general views about management behaviour in involvement and communication rather than their attitudes specifically towards the I&C bodies. Moreover, the survey does not make the important distinction between immediate and senior managers since the questions were taken from the WERS survey where no such distinction is made. However, comments from participants and the research team's own experience with using similar questions in other surveys suggest that there is often a difference in employees' perceptions between senior management behaviour and that of immediate line managers. Line managers are often rated better than more senior managers, as these participants in the survey suggest:

'My line manager is very good but other managers further up the line are not as good.'

'You don't differentiate in levels of managers. Our team managers are very good. They communicate, sympathise with work/life balance and try to effect changes. The next level is a deaf brick wall.'

Given that there are already questions about line managers, as discussed in the previous section, it seems likely that many respondents interpret this question as referring to more senior managers, rather than their immediate line manager. This would also explain the different responses to these questions, which are discussed below, compared to those concerning meetings with managers (which were considered good, particularly in comparison to the WERS data set).

In three cases, employees rated their managers better, in the final survey, on all or most measures (the diversified technology company's unionised site, its non-union sites and rural housing). One of these, the unionised site of the diversified technology company, is an active consulter and there is strong evidence of proactive management behaviour in the area of I&C, as discussed in chapter 4. In the two other non-union sites of the same company, although the I&C bodies are much less developed than in the unionised plant, there is evidence, as discussed earlier, that managers are committed to information sharing. At rural housing, where the I&C body was also used for communication purposes, top management commitment is

evident, seen, for example, in management informing the forum of a merger before announcing it to staff.

However, in six organisations, there were no significant changes in employee ratings of their managers. Comparing the findings with the WERS data also shows a mixed picture: four cases compared more favourably (the care services company, the diversified technology company's unionised site, its non-union sites, and rural housing), two are almost the same (the mobile phone company and seaside housing) and four compare less favourably (the financial processing company, the news agency, the electronics company and urban housing). One of the issues limiting consultation in some organisations is that decisions are taken outside the organisation, e.g. by owners in America or by external agencies. As one respondent to the survey remarked:

'Many decisions are made outside this workplace by agencies like social services. Our local management are unable to have much influence on these decisions. This often causes frustration as we are not consulted or asked our opinions so are often left with poor or inadequate situations to deal with.'

5.5 Employee outcomes

Employee commitment, measured in terms of loyalty, pride and identification with company values, has improved in four organisations (urban housing, the diversified technology company's unionised site, its non-union sites, and the care services company), declined in four (electronics company, rural housing, mobile phone company and financial services company) and shows little overall change in two organisations (news agency and seaside housing). However, with the exception of three organisations (the news agency and the financial processing and electronics companies), employees showed overall high levels of commitment, displaying higher levels than their WERS counterparts. This seems particularly encouraging given that the surveys were undertaken at a time of recession and major organisational change. More detailed analysis will enable the exploration of some of the reasons behind these high levels of commitment, and the changes, including the relationship between commitment and other employee attitudes, in particular employee perceptions of I&C arrangements.

The survey also allows the research team to monitor overall changes in attitudes toward involvement over time. Tables 3 and 4 (bottom two rows) show that it was common for employees to be more satisfied with their involvement compared to 12 months ago, and many were more satisfied with the employee representatives' involvement too. The organisations showing the biggest improvements were the care services and mobile phone companies, the unionised site of the diversified technology company and rural housing. Three of these organisations are 'active consulters'.

5.6 Comparison by cases

Two organisations show consistent improvement in most employee attitudes: the unionised site of the diversified technology company and the mobile phone company. As discussed in chapters 3 and 4, these organisations are the most active

consulters. Management are proactive in their approach to consultation and clearly support the I&C body, and employee representation is effective.

In contrast, one organisation, the news agency, shows a decline in most employee attitudes, although it should be noted that the response rate was low. This organisation, although categorised as an 'active consulter', has not developed consultation to the same extent as the mobile phone company and the unionised site of the diversified technology company. Employees also displayed some of the poorest attitudes in the first year survey. The reasons for these negative experiences are not clear. There have been no significant changes to the works council arrangements although the interviews revealed mixed feelings about scope of I&C. One possible explanation might be the nature of the employees. Those surveyed are largely professionals working in journalism, who may have high expectations and be more critical their organisation. The project's final report will be able to explore whether there are any significant attitudinal difference between groups of employees.

6: Conclusion

This report has sought to explore the key influences on the operation of the I&C bodies in 12 'wave 1' organisations with at least 150 employees following the completion of the research in this first cohort of case studies. Fieldwork is continuing in the medium sized organisations covered by waves 2 and 3 of the research looking at organisations with 100-150 and 50-100 employees respectively. All the research will be concluded in 2010 and it will be then that the research team will be able to look in depth at the structure, operation and outcome of information and consultation in practice in a broader range of organisations following the initial introduction of the ICE Regulations in 2005, progressively extended to cover all undertakings with 50 or more employees in 2008.

A number of conclusions can, however, be reached on the basis of the research evidence collected over a 24-month period in the wave 1 organisations. This unique longitudinal research based on initial research visits, telephone updates after 12 months, and a concluding research visit after 24 months matched with employee survey data collected just after the first visit and then again after the final visit, provides evidence of the dynamism of I&C in practice. The research has focussed on the experience of consultation in practice and sought explanations for variances in managerial beliefs and actions, the integration or otherwise of the employee representative body, the approach of trade unions and the views of employees. It is in the nature of this type of largely qualitative research that the researchers can explore the subtle interplay between factors and influences since no one set of factors stands alone, uncontaminated by the other influences. It is the interplay which is important.

Management is the dominant player and through its actions and inactions establishes the operating parameters for each I&C body and the extent to which there will be a form of consultation taking place. It was clear over the 24 months of study that five organisations were what can be termed 'active consulters'. Two of these met the standard set by the ICE Regulations' under standard provisions – that of consulting 'with a view to reaching agreement' on substantial changes in work organisation and key restructuring issues. A further three discussed strategic issues with their I&C body, often in confidence and in advance of an announcement but only once the decision had been taken so that 'subsequent' consultation could not influence the outcome. The second major group were what termed 'communicators' who saw the role of the employee forum primarily in communication terms, first 'downward' from management, after decisions had been taken, spread to the workforce via the representatives, and then 'upward' with reactions and concerns. Representatives were often encouraged to bring issues to forum meetings as part of the upward communication role. In practice these were often housekeeping matters of no strategic importance yet meaningful to the employees. Finally, two organisations had allowed their employee forums to wither away having lost interest in them and found that they made little contribution to management's concerns. But

here the employee representatives had never developed into an effective body often because of management indifference.

How can these different approaches to consultation be explained? In each case, economic, business and – in two cases – regulatory changes had led to actual or proposed action of the sort that could be expected to be discussed in consultation. In some cases, especially among the 'active consulters', it was normal for information on business and employment to be shared with the I&C body. This was not something which the 'communicators' did as a matter of course. The different approaches to consultation are thus related to the way senior management envisaged the role of the I&C body and this in turn was influenced by the effectiveness of the employee body as a consultative partner. Growing confidence in the positive benefit of consultation and the ability of the employee body to deal with matters in confidence created a virtuous reinforcing circle. This was especially the case in the two most active consulters notwithstanding that the items they were dealing with were often difficult involving redundancy. It was no accident that in these two cases the lead employee representatives were full time in this role and able to engage in informal conversations outside formal I&C meetings. Membership of the I&C bodies was generally stable.

The organisations which emphasised the communication role of the I&C body saw consultation in a different light. The function of the I&C body was to allow employees to raise matters of concern with senior management and, when a major decision was taken, for it to be presented to the representatives who were expected to communicate it to employees and feed back their views. One consequence was that representatives only met at formal meetings of the I&C body, usually between four and eight times a year at meetings usually lasting less than two hours. There was little experience of collective endeavour and scant opportunity to develop it. Often, items were raised by individuals at the meeting rather than as an agreed agenda item. When a representative stood down, it was often hard to find a replacement. It was often the case that management felt that the I&C body was not as effective as they had hoped and efforts were made to revitalise them though further training or, in one case, by developing a new role in organising social activities.

With the exception of the two cases where the I&C body is now defunct due to loss of management support, senior managers attended meetings regularly and showed strong commitment to the process however it was defined. This support reinforces the conclusion that the differences in the practice of consultation emanate from active managerial preferences around the meaning of consultation rather than from inactivity and decline through neglect.

The influence of unions on the consultation process where they were recognised for collective bargaining was similarly shaped by the importance they attached to consultation. Where they were the dominant player on the employee side they added consultative activities to their collective bargaining role. Where, in contrast, they had low membership among the workforce and only one or two seats on the 'hybrid' consultative body they tended to preserve the separation of their collective bargaining role and responsibility for dealing with individual cases and played little or no part in the consultative process. There was one exception to this pattern where a

union full-time official worked with senior management to develop the consultative body and, in effect began to take the lead, for example by ensuring that pre-meetings were held for the union representatives.

None of the organisations had undertaken any evaluation of the impact of I&C on business results or process, or even on the quality of employment relations and employee engagement. It had not occurred to them to do so since, by now, the practice of consultation, in whatever way it was carried out, was embedded and part of organisational life. However, there are two sources of evidence which give some clue to the growing influence of the consultative process. The employee survey in nine of the organisations showed improvements in most of them in employees' perception of the effectiveness of employee representation, knowledge that the I&C body existed and its helpfulness in expressing their views. This was particularly evident in all but one of the 'active consulters' but less clear among the 'communicators'. The two most active consulters showed the greatest change between the two surveys held at the start and at the end of the research. The other source of evidence comes from senior management respondents who suggested, in some companies, that line managers were more likely now to consult with their staff and take account of employee opinions. Management style was evolving toward a more participative and consultative mode. This was attributed to senior management support for the I&C bodies and the process of consultation.

In several of the cases, most especially among the active consulters, the development and reinforcement of I&C has been seen as the experience of successful consultation has reinforced managerial support and in turn increased representative confidence in the process and in their capacity as representatives. This dynamic process, involving the raising of expectations as to the effectiveness of consultation, and then meeting them, is the key to their sustainability; as several cases show, drawing-up constitutions, finding and resourcing representatives and arranging and attending regular meetings, important though they all are, are insufficient of themselves to maintain effective I&C.

Finally, the ICE Regulations have been of only limited significance in terms of influencing the case study organisations' I&C practice. Although the Regulations had been influential to varying extents in prompting the introduction of the I&C arrangements and shaping their remit, there is little evidence that they have generally affected managements' approach to the consultation process, nor that they have been widely used by employee representatives as a point of reference for what they are entitled to expect by way of I&C. The range of I&C practice exhibited by the case study organisations is facilitated by the Regulations' flexibility and their policy of promoting organisation-specific I&C arrangements. As a public policy benchmark, the indirect influence of Regulations' default provisions appears to have been negligible, though the more direct statutory requirements of legislation governing collective redundancies and transfers of undertakings have shaped I&C practice in a number of cases.

References

Acas (2005) *Information and consultation: good practice advice* (http://www.acas.org.uk/index.aspx?articleid=383)

Bernard C and S Deakin (2000) 'In search of coherence: social policy, the single market and fundamental rights', *Industrial Relations Journal* 31, 4, 331-345

CBI (2006) Employment trends survey 2006

CIPD (2004) Information and consultation: a guide

Edwards P, T Edwards, A Ferner, P Marginson and O Tregaskis with D Adam and M Meyer (2007) Employment practices of MNCs in organisational context: a large-scale survey (http://www2.warwick.ac.uk/fac/soc/wbs/projects/mncemployment/conference_papers/full_report_july.pdf)

Hall M (2006) 'A cool response to the ICE Regulations? Employer and trade union approaches to the new legal framework for information and consultation', *Industrial Relations Journal* 37, 5, 456-472

Hall M, S Hutchinson, J Parker, J Purcell and M Terry (2007) *Implementing information and consultation: early experience under the ICE Regulations*, Employment Relations Research Series 88, London: Department for Business, Enterprise and Regulatory Reform

Hall M, S Hutchinson, J Parker, J Purcell and M Terry (2008) *Implementing information and consultation: early experience under the ICE Regulations – interim update report*, Employment Relations Occasional Paper, London: Department for Business, Enterprise and Regulatory Reform

Hall M, S Hutchinson, J Parker, J Purcell and M. Terry (2008a) *Implementing information and consultation in medium-sized organisations*, Employment Relations Research Series 97, London: Department for Business, Enterprise and Regulatory Reform

Hall M and M Terry (2004) 'The emerging system of statutory worker representation', in G Healy, E Heery, P Taylor and W Brown (eds), *The future of worker representation*, Basingstoke: Palgrave, 207-228.

IRS (2006) 'A two-way process: informing and consulting employees', *IRS Employment Review* 859, 8-15

Kersley B, C Alpin, J Forth, A Bryson, H Bewley, G Dix and S Oxenbridge (2006), *Inside the workplace: findings from the 2004 Workplace Employment Relations Survey*, London: Routledge

LRD (2006) 'Information and consultation Regulations make their mark', *Workplace Report* (April), 15-17

Marginson P, M Hall, A Hoffmann and T Müller (2004) 'The impact of European Works Councils on management decision-making in UK- and US-based multinationals: a case study comparison', *British Journal of Industrial Relations* 42, 2, 209-233

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.

The 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 the I&C arrangements 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 '[enables] 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 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 employee surveys are conducted after the initial research visit and repeated after the final research visit two years later (and in some

'wave 1' cases also took place in the interim stage of the research) enabling the research team to chart employee attitudes to the organisation's I&C practices and other key indicators of employee commitment/satisfaction over time.

Reflecting the phased implementation of the ICE Regulations, a first wave of case studies began in 2006 in 13 private and voluntary sector organisations with 150 or more employees (one of which subsequently went into administration and dropped out of the research). These have now been completed and are the subject of the present report. A second wave of eight case studies in organisations with 100-149 employees started in 2007 (Hall et al, 2008a), and a third wave in 2008 in organisations with 50-99 employees.

Research access

Identification of potential 'wave 1' case study organisations was primarily 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. Of the 13 wave 1 case study organisations, access in seven organisations was agreed in this way. Suggestions from CIPD officials and expressions of interest from organisations in response to publicity given to the research by the CIPD led to three further case study organisations being recruited. Contact with the IPA resulted in the recruitment of one further organisation, and the research team also approached a number of companies it had good knowledge of or contacts with, of which two agreed to take part.

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

Research interviews

The initial research visits/interviews began in May 2006 in the first wave 1 case study organisations to be signed up and continued through to January 2007 as further participants in the research were recruited (see Table 5). Details of the interviews undertaken were provided in the first report (Hall et al, 2007: 81).

Around one year later, the research team prepared interim updates on developments in the 12 remaining wave 1 organisations (the cosmetics company having gone into administration), based mainly on telephone interviews with the principal management contact and leading employee representative, plus a trade union representative where appropriate. These provided the basis for a short overview report on interim developments in the wave 1 organisations (Hall et al, 2008).

Final research visits to the wave 1 organisations took place between June 2008 and January 2009. Interviews typically took place with two management contacts (e.g. one HR and one operations manager) and two employee representatives (including a trade union representative where appropriate). A total of 48 interviews were carried out across the 12 case study organisations, usually lasting between 30 and

60 minutes, depending on the amount of time made available by the respondents. Six different researchers were involved in undertaking the interviews.

The interviews were based on a topic guide piloted in June 2008 in the first two case study organisations in which final research visits took place. 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 and union relations, and also sought to evaluate the longer-term experience and impact of the I&C arrangements. Copies of minutes of I&C meetings and other relevant documentation were also requested.

Employee survey

Repeat employee surveys were undertaken, following the final research visit, in nine of the ten wave 1 organisations in which surveys had been undertaken as part of the initial phase of the research (i.e. in the electronics company, the three housing associations, mobile phone company, care services company, news agency, diversified technology company and financial processing company). Discussions took place with all organisations on 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 three organisations the survey was postal only, three opted for the on-line only approach, and in the remaining three the survey was a mixture of both methods. In total 83% 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 directly to the research team.

In each case, all employees were surveyed rather than a sample. Response rates have varied from 2% to 19%, compared to between 9% and 40% in the first wave 1 surveys. In all but one case (mobile phone company), the number of respondents was lower in the final survey compared to the first, despite increased efforts by the research team to improve response rates. The reasons for this can only be speculated on, but contributory factors may have included survey overload (many organisations for example, also conducted their own annual employee surveys), organisational turbulence (for example restructuring, redundancies) and a changes in key management contacts.

Of the other organisations, the national charity was unwilling to participate in any rounds of the survey, claiming 'survey fatigue'. At the engineering company, no surveys had taken place during previous phases of the research, reflecting both management and trade union reluctance, and the research team concluded that a one-off survey at this stage would be of little value. At the infrastructure contractor, where the initial employee survey did take place, substantial restructuring had meant that the bulk of the rail employees previously surveyed had been transferred to a new employer while the road-focussed workforce had expanded due to a major takeover, making comparability with the previous survey questionable. Moreover, the relevant employee forums at the infrastructure contractor had not met since November 2007.

Interim surveys also took place in seven organisations (see table 5). The results of these are not considered in the analysis presented in the present report but were used to illustrate the key themes discussed in the interim update report (Hall et al, 2008).

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 final reports drawn up in respect of each wave 1 organisation. In each of the 12 cases, draft final reports of some 3000 words in length were prepared to a common template to facilitate comparison, and shown to the respondents for comment and clarification. Each 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 final wave 1 reports and other documentation collected during the research process and statistical analysis of the employee survey results 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.

Table 5: Wave 1 fieldwork schedule

Case study organisation	Initial research visit	Employee survey 1	Interim update	Employee survey 2	Final research visit	Employee survey 3
Infrastructure	May 2006	September 2007	January 2008	-	November 2008	-
Engineering	May/June 2006	-	November 2007	-	June 2008	-
News agency	June 2006	January-February 2007	September 2007	January 2008	June 2008	October 2008
Electronics	June 2006	December 2006	September 2007	February 2008	November 2008	March 2009
Seaside housing	June 2006	January-March 2007	March 2008	June 2008	November 2008 / January 2009	December 2008 / January 2009
Cosmetics*	June 2006					
Mobile phone	July 2006	January-March 2007	September 2007	-	September/October 2008	March 2009
Financial processing	September 2006	May 2007	September 2007	End May 2008	December 2008/January 2009	January 2009
Rural housing	September 2006	January-February 2007	September-October 2007	May 2008	September 2008	November 2008
Urban housing	October 2006	December 2006	November 2007	December 2007	November 2008	February 2009
National charity	October 2006- January 2007	-	November 2007	-	November 2008 / January 2009	-
Care services	November 2006	January-February 2007	August-September 2007	December 2007	August/November 2008	November 2008
Diversified technology	December 2006- January 2007	February-March 2007	January 2008	-	December 2008	March 2009

* Dropped out of research after initial phase, having gone into administration.

Annex B:
Case study summaries

Engineering company

A major US-based engineering multinational employing around 5,000 employees in several UK plants, the organisation is highly unionised with a strong tradition of workplace collective bargaining and an effective European Works Council. Management commitment to extend consultation led to union agreement on the creation of a national I&C forum representing all employees and local arrangements to include non-union employees.

Union insistence on a 'negotiated agreement' under the terms of the ICE Regulations led to lengthy delay in reaching formal agreement. Hence some changes, in particular those providing for non-union employee representation, had not been implemented. Uncertainty remained both as to the operation of election procedures for such representatives and their impact. At workplace level, employee representation continued through the union structure (membership remained at around 80% for groups covered by collective bargaining).

National-level I&C meetings continued regularly and their principal utility consisted of discussing and promoting 'best practice' in HR policy, joint briefings on issues in employment law and dealing with contentious issues emerging from UK implementation of corporate HR policy. Effective consultation took place at the European Works Council, the logical organisational level for consultation over issues of company strategy, in which several members of the national forum were active participants. Matters relating to employment were handled at workplace level. The company's commitment to effective consultation was principally reflected in these activities.

The union provided representation, enjoyed good facilities and participated in both formal pre-meetings and regular informal liaison between representatives. There were some indications that representation of staff grades was suffering and that representation by and from manual grades was becoming increasingly dominant. The research covered periods of dramatic business growth; there was no opportunity to test the resilience of consultative mechanisms in more turbulent economic times, but senior management remained strongly committed to their continuation.

Infrastructure contractor

The infrastructure contractor set up a transport forum covering its road and rail maintenance and project businesses in April 2005 involving both union and non-union representatives. Its initial experience was reported to be broadly positive, having encouraged greater dialogue on issues such as business strategy and

restructuring, including acquisitions, outsourcing and redundancies. However, extensive restructuring involving both acquisitions and divestments prompted an early decision to split the original forum, covering both road and rail activities, into two.

Only one meeting of each new forum was held – in November 2007 – since when no further meeting of either forum has taken place. The system of forums had effectively ceased to exist by the end of the research. Despite formal corporate commitment to the maintenance of the forums, no effective managerial support for their operation had been provided and, with no reported pressure from either unions or non-union representatives for further forum meetings, the arrangements appeared to be defunct.

Significant changes in the structure of the rail and roads businesses had contributed to this. In rail, employment had shrunk dramatically as a result of the loss of major contracts and employment was concentrated around one remaining depot where local union organisation provided collective bargaining representation; there appeared to be no continuing organisational logic for linkage to the other remaining work sites. In roads, the workforce had grown and diversified as a result of taking over new contracts but each was independently managed, with terms and conditions reflecting those in operation at the time of takeover. Some were unionised, others not, and again there appeared no strong organisational logic for a 'multi-contract' consultative forum.

High turnover among employee representatives and an apparent lack of union interest in the forums' operation meant there was little if any employee-side support for the forums' continuation.

Electronics company

The electronics company manufactures tyre pressure monitoring systems for the automotive industry at two UK plants. It is a subsidiary of a UK-headquartered engineering multinational but operates as part of a US-based corporate group. The company is non-union. Having experienced rapid growth, the workforce stood at 825 in November 2008, by which point, the company had begun not replacing employees who left.

The Information and Consultation Forum (ICF), set up in January 2005, is now defunct, having not met since January 2007. Initially, its largely management-driven agenda had centred on issues such as the company's expansion plans, the impact of cancelled orders and delays in planned increases in production. However, employee representatives expressed uncertainty about the role they were expected to play (e.g. in terms of generating agenda items, some of which rejected by management as falling outside the forum's 'strategic' remit), and undertook no independent networking.

Subsequently, plans to acquire a production facility abroad were announced through management presentations to work groups and discussed with the ICF only later. The eventual decision to buy a plant in the US was also announced directly to the workforce and not handled via the ICF. By this stage, both management and

employee representatives regarded the forum as ineffective and it did not meet again.

Management argued that employee representatives should have been more proactive and taken greater 'ownership' of the forum, whereas representatives interviewed felt that they were insufficiently 'empowered' to do so and that management controlled the ICF's agenda. Representatives were not provided with training to undertake their role, though perceptions vary between management and representatives as to why this failed to materialise. Management eventually concluded that the forum had not functioned as originally intended and offered no real benefit to the company over and above existing communications mechanisms.

News agency

The news agency is a leading UK multimedia news, information and media services provider. Alongside its core news agency operation, it supplies a wide range of content and editorial services covering areas such as sport, entertainment, photo syndication and weather forecasting. The company is non-union. Prior to the commencement of the ICE Regulations, and as part of the development of its internal communications strategy, the news agency set up four regional works councils in 2004, based around its largest offices and workforce concentrations.

Both managers and employee representatives reported that initially the works councils were used more as a means of imparting management information than for consultation, but that employee-side input and the extent of consultation had grown subsequently. Employee-raised issues tended to concern facilities and housekeeping issues, but in 2004 the works councils successfully influenced the outcome of a review of the company's employee benefits package, and in 2005 they secured amendments to the bonus scheme – described by management as 'their biggest coup with the most impact'.

Restructuring issues are also discussed but, reflecting confidentiality concerns, management tend to inform employee representatives of the rationale for corporate acquisitions and divestments once they are a 'done deal'. In 2008, the possible sale of one a division prompted numerous questions from employee representatives. Management responded to the extent possible and also said that it would schedule works council meetings immediately before or after the sale if it proceeded. The news agency also used the works councils to update staff representatives and answer questions about the employment and operational implications of the launch of a new video service.

The works councils were initially considered by management as a 'shift in culture' for the agency but are now seen as well-established institutions, playing a valuable role for both management and employees.

Urban housing association

Urban housing has operations across London with around 750 staff. Long-standing recognition of a union is structured through a joint consultation and negotiating

committee (JCNC). Membership density was said to be around 25% in 2006 but had declined to 19% in 2008.

The first attempt to set up an employee forum was strongly opposed by the union which sought to defend its role in the JCNC. The eventual forum was launched in 2006. Every six weeks the JCNC meets in the morning and the employee forum in the afternoon, with identical agendas. This pattern has continued over the period of research but now the union no longer sends an observer to meetings, seeing it as irrelevant.

The forum meets regularly, chaired by a senior manager with the chief executive and finance director in attendance from time to time. There has been inevitable turnover of employee representatives and it has sometimes proved hard to find new nominees especially outside head office. No training has taken place beyond the initial briefing provided by Acas in 2006. Pre-meetings of employee representatives do not take place and the practice has developed of having issues 'raised around the table' by individual representatives which are not listed on the agenda. Many of these are housekeeping items.

The main function of the forum is to be a 'go-between' or 'communication bridge' between senior management and staff in addition to direct communication via team briefing. The forum played a major role in helping plan the relocation of head office and in debating changes to the dress code. It was informed but not consulted over the sale of part of the business under TUPE. Both management and employee representatives expect the forum to be a 'catalyst for communication' if a merger with another housing association proceeds.

Rural housing association

Management introduced a restructured employee forum early in 2004 in response to the statutory requirements, hoping at the same time to promote a culture change away from traditional, local government-style employment relations towards 'more general consultation and dialogue'. The forum included representatives from two recognised unions and employee representatives from each of the organisation's departments. Forum discussions included major issues, such as changes to the pay structure and pensions, but employee representatives felt they had little impact on management decisions. Changes to pay and conditions continued to be negotiated with union representatives outside the forum. Time pressures and a lack of networking hindered the preparation for forum meetings.

A lack of substantial issues and difficulties in recruiting representatives meant that interest in and support for the forum waned until the election of new and enthusiastic representatives in 2008. New ways of engaging with employees were sought, resulting in a calendar of social events. Some organisational restructuring had occurred but major changes were anticipated at the end of 2008. The forum had taken on a predominantly communications role when an amalgamation with another housing association was planned but was unsure about its ability to handle information during a period of substantial structural change.

Management continued to support employee consultation as a matter of strategic importance and the operation of the forum had assisted relationships with the main union by generating more information and a connection to the wider organisation. The other recognised, predominantly white-collar union is not now represented on the forum. Wage negotiations and individual issues continue to be the sole preserve of the unions and management have failed to incorporate them into the forum. Informing and consulting employees does, however, take place openly and widely throughout the organisation, both informally, and more formally through team briefings.

Seaside housing association

The seaside housing association operates in the voluntary sector and provides accommodation and support services to single homeless people and those who may become homeless in the south of England. In December 2008, it employed 220 contract and relief staff in over 20 project locations. The organisation is the product of a merger between two housing associations in 2001, neither of which recognised unions nor had a tradition of formal consultation with staff. The merged housing association is covered by the National Joint Council (NJC) for pay determination purposes in the housing association sector although management recently announced proposals to withdraw from this.

A staff council (SC) was formed in late 2003, mainly in recognition of the need to develop more effective communications between management and staff to improve performance following the merger. At the time the board had opposed the introduction of union-based arrangements and charged a new HR Director with the development of the council.

Since its inception, the SC has focussed on a mixture of strategic issues (such as tenders won and lost) and HR-type issues, although the latter have dominated. The majority of the SC's activities focus on information dissemination by management and, although there is some evidence of consultation, this is limited to minor changes in employment-related policies and procedures. The recent proposals to withdraw from the NJC are potentially the most significant issue to be raised to date.

There has been little change in the SC's format and composition, although its constituencies were under review at the time of the final research visit because of changes in management roles and difficulties in seeking representatives. The SC is gradually becoming embedded in the organisation, although there remains a degree of apathy amongst staff and management concern at a lack of staff input.

Mobile phone company

This company is the UK network of a German-owned telecommunications multinational and has almost 6,000 employees. It set up a multi-tier employee council structure in 2003, among other things in response to pressure for union recognition. Trade unions are not recognised for collective bargaining, but provide individual representation.

Under agreed and codified consultation procedures, management consults and seeks agreement with the employee councils on the business case for, as well as the implementation of, major initiatives including restructuring, redundancies, outsourcing and staff transfers. Management routinely engages with employee representatives at an early stage, sometimes under a 'non-disclosure agreement', and the employee councils usually formulate counter-proposals. Management's objective is an 'agreed outcome' and few proposals go through 'completely unmodified' with in some cases 'quite major' changes being agreed. Senior HR managers describe this approach as 'effectively negotiation'. The lead employee representative agrees that representatives have the 'ability to influence' management decision-making. Extensive informal consultation takes place between employee council meetings. A key driver has been management's aim to demonstrate that in-house employee consultation arrangements offer an effective alternative to union recognition.

Employee representatives undergo extensive training and are well coordinated and resourced. They operate their own formal rules of procedure. A 2007 time off/facilities agreement provided improved/standardised provision for representatives, including extra time off for handling restructuring issues. The lead national employee representative is effectively full-time in this role but the growing consultation agenda has prompted employee-side proposals for the secondment of four additional representatives to manage the consultation process and carry out representational duties on a full-time basis.

Other than in the call centres, the proportion of employee representatives who are union members has reportedly fallen, reflecting transfers out of the company but also a decline in union membership attributed to the impact of the employee councils.

National charity

This is a large charity whose non-unionised workforce consists of concentrations of administrative staff and others dispersed in shops and small offices. The 2005 re-launch of an ineffective consultation system was based around a two-tier structure and reflected senior management commitment and the energy of two full-time seconded facilitators. A national forum with CEO participation and three devolved business forums were designed to handle specific agendas.

By the end of the research, the three business forums had been abolished because of lack of attendance, problems in finding appropriate business for meetings and growing managerial opinion that formal bureaucratic approaches to employee involvement were not in keeping with the organisation's preferred informal approach. The organisation remained committed to the operation of the national forum, still attended by the CEO, where the major business was the communication of significant changes in business activity, generally viewed positively. Electoral constituencies shifted from a 'business' to a 'buildings' basis. This helped with informal communication between representatives and employees but did not resolve problems of representation for employees working in shops or from home.

Representative activity and training increasingly focused around individual case work.

Informal groups, sometimes involving representatives, handled a variety of issues through 'sub-committees' dealing with a range of issues from individual cases to the scrutiny of business plans. These operated under the remit of the national forum but not under any formal structure of devolution. Formal electoral procedures still operated, supplemented by more informal methods of selection. Representatives were seen as more aligned than previously to the shared interests of the organisation.

The activities of the remaining full-time seconded facilitator in supporting forum activity and much of the informal sub-committee work had become even more pivotal, leading to some uncertainty as to how the system would be maintained in his absence.

Care services company

Management established an information and consultation committee (ICC) in January 2006 both to enhance employee involvement and to extend representation arrangements to non-union staff. The ICC shared bi-monthly meetings with the company's collective bargaining mechanism, the joint negotiating committee (JNC), although negotiating rights were restricted to union representatives. The integration of ICC and JNC meetings proved to be a significant and successful step in enabling greater employee involvement and communication. Greater trust developed between union and non-union representatives although participants did feel that management were still the drivers of the process. Moreover, there were difficulties in securing non-union representatives, and staff interest and input was lower than desired.

The company expanded rapidly involving the inward transfer of several care schemes and the consequent recognition of two more unions. The ICC/JNC formally became a joint forum with one set of minutes and agenda. Ongoing training for representatives included training in chairing skills so that the chair could rotate among all committee members. Quarterly meetings were introduced. A special meeting had been called on care and support management restructuring proposals and, despite contributing 'lots of views' and ideas, representatives were unable to recall any occasion on which changes had been made as a direct consequence of the consultation process. Management had hoped to stimulate participation by means of an 'away-day' for all representatives to discuss their needs and concerns, but it only served to highlight differences between union and non-union representatives.

The development of the ICC/JNC has been slower than management had hoped largely due to the inexperience and lack of confidence of the ICC reps, and the difficulty in recruiting them, but employment relations, and particularly the relationship between the principal union and management, had been enhanced. Challenges may be presented by the possible inclusion and involvement of other unions.

Financial processing company

This US-owned multinational is primarily concerned with electronic processing transactions for corporate clients in the finance sector. It has multiple sites in the UK and internationally and the research centred on its main (head office) UK site which employs around 1800 staff. In 2007, the company was acquired by a private equity group in a compulsory purchase. Other major changes occurring at the site over the period of the research included job losses, mainly as a result of a change in business volumes, and management restructuring. One trade union is recognised for collective bargaining although membership was believed to be less than 20%.

The ICE Regulations provided an impetus to reforming staff communications and led to the establishment of a Communication Forum (CF) at the main site in 2005. There are no reserved seats for union members on the CF and there was initial union concern that the forum might undermine collective bargaining arrangements. However, there has been no evidence to suggest this has happened.

The forum has met on a regular basis, with special meetings being called on important issues. An independent formal review of the CF took place in 2006 and revealed concerns about the low profile of the forum, its perceived lack of effectiveness, particularly as a forum for consultation, and an over-emphasis on minor issues. Since then, the quality of issues discussed has improved and management appears to be more willing to share information and consult.

Discussions have moved away from the traditional mixture of HR and housekeeping items to embrace more meaningful matters such as job losses, management changes and staff redeployment. There has been greater stability in membership and staff awareness of the CF, although both management and employee representatives would like to see more people actively engaged in the arrangements.

Diversified technology company

This US-based multinational produces a range of products including abrasives, adhesives and medical equipment. The company's UK operations employ 3,500 staff at 15 sites. It has a UK and Ireland employee forum, reflecting the company's emphasis on employee involvement to help manage corporate change and augment performance. Its more recent establishment or reform of site-level I&C arrangements reflects a wider corporate effort to harmonise I&C arrangements and comply with legislative requirements.

The research focussed on two non-unionised sites (the head office and one manufacturing plant) where employee forums have been established, and a manufacturing plant where union-based partnership arrangements have been extended to include elected representatives of non-union employees to form a 'hybrid' I&C body – the Joint Works Council (JWC).

The experience of consultation varies between the sites covered in the research. In the unionised site a major restructuring exercise involving outsourcing and the adoption of lean manufacturing for the remaining part led to employment declining

from 450 to around 100. Extensive consultation and negotiations took place in line with the collective redundancies legislation. Off-site meetings in a special sub-committee of the JWC led to agreement including restrictions on the use of agency workers, new forms of work organisation and the training of workers from other countries taking over the work previously done by this establishment. The JWC meets monthly and is considered to be an effective and influential body by both management and employee representatives. Two non-union members represent staff employees.

In the two other, non-union, sites, there was also major redundancies but the role of the employee forums was limited. Employees affected were consulted directly prior to the forums being informed. Generally, while management provide briefings on business developments, the main role of these forums is dealing with housekeeping matters usually raised by the representatives.

Employment Relations Research Series

104   The Union Modernisation Fund - Round One: Final Evaluation Report. Mark Stuart, Miguel Martinez, Lucio and Andy Charlwood. URN 09/1346. October 2009

103   *Fair treatment at work report: findings from the 2008 survey* Ralph Fevre, Theo Nicholas, Gillian Prior and Ian Rutherford. URN 09/P85. September 2009

102   *International Review of Leave Policies and Related Research 2009.* Peter Moss, Institute of Education University of London. URN 09/1175. September 2009

101   Something for nothing? Employment Tribunal claimants' perspectives on legal funding. Richard Moorhead and Rebecca Cumming. URN 09/813. June 2009

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