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Disputes and their management in the workplace: a survey of British employers

Independent reseach
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Contents

Disclaimer

This is an independent, evidence-based research paper produced by Deborah Hann and David Nash of [Cardiff Business School](#).

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1. Introduction

Almost all organisations experience disputes as part of their day-to-day activities. But despite being commonplace and seen as time-consuming and costly (CIPD 2015), workplace disputes are challenging to precisely define since they take such a wide range of forms. A dispute in the workplace encompasses conflict over values meaning what is right and wrong, but also over competing individual and group interests within an organisation. It can also result from stereotypes and rumours which negatively affect

relationships. The impact of these conflicts can take many forms – disagreements can arise between individual and or groups of employees and their employer, but equally between employees themselves.

The presence and impact of disputes in the workplace is increasingly a focus of both practitioner and academic work (see, for example: CIPD 2015; Lipsky and others. 2012; Roche and Teague 2014; Saundry, Latreille, and Dickens 2014). It has also been the subject of recent government policy reform in the UK, with a drive to try to keep issues in-house and resolve disputes as close to the problem as possible (BIS 2011). What is evident, from the focus on conflict in current research, is that in today's business environment the "management of conflict is a core part of the management of the employment relationship" (Teague, Roche, and Hann 2012, p. 581).

Extensive research exists to suggest that the nature of conflict has shifted over the last 50 years with a decline in group-based disputes, which manifested in strike action. This decline in collective disputes has been mirrored by a growth in Employment Tribunal claims, with Corby (2015) noting a shift from 13,555 claims in 1972 (the year the right to not be unfairly dismissed was introduced) to a record high of 236,103 claims in the financial year 2009 to 2010, although these figures have more recently reduced to approximately 120,000 per year (ONS 2019; Dix and others. 2008).

The prevalence and variety of conflict suggests that it is important to understand how organisations go about addressing disputes in their organisations and whether their approaches are effective in addressing conflict in a fair and efficient manner. Despite the fact that the UK government is keen to simplify and improve the way in which disputes are managed in the workplace, we know surprisingly little about how organisations manage disputes (Dix 2012). This report starts from the stance that conflict in all its forms – whether between a group or an individual and their employer or between individuals themselves – is a key concern for employers but there is a paucity of quantitative data regarding the diffusion and incidence of the various approaches being undertaken to mitigate it. The report draws on evidence from a national survey of British organisations to consider the trends in the appearance of disputes in the workplace and also how these disputes are managed.

2. Methods and data

The report is based on a survey of private sector organisations in Great Britain that took place over the first 5 months of 2018. The survey was designed to be fully representative of businesses and other organisations (excluding the public sector but including the not-for-profit sector). In common with earlier studies (Roche and Teague 2011) the survey focussed on companies with 20 or more employees in Great Britain in order to focus on organisations that are most likely to have some form of codified approach to conflict management. In common with previous workplace surveys (WERS and the European Company Survey), all industrial sectors were represented in the survey except for SIC2007 sections:

- A (agriculture, forestry and fishing)
- O (public administration and defence; compulsory social security)
- T (activities of households)
- U (activities of extraterritorial organisations and bodies)

The unit of enquiry was the company, which is taken to be the registered office in the case of a multi-site company. The sample frame was derived from Companies House records, which contain data on all incorporated companies in the UK.

A stratified random sampling strategy was adopted according to size of the company defined by the number of employees (3 categories: 20 to 49, 50 to 249, 250+) and by industry sector comprised of 15 top level SIC2007 sections. In order to increase the proportional representation of employees in the sample, the size categories were represented disproportionately to their numbers in the universe, with large employers over-sampled and small employers under-sampled. In line with the sampling strategy used in

WERS 2011, the sample was comprised as follows:

- 20 to 49 employees – 40%
- 50 to 249 employees – 28%
- 250+ employees – 32%

Within these size segments the industrial strata were sampled proportionally to the population. Based on this strategy, a sample of 5000 organisations were sent the questionnaire.

The target respondent for the survey was the individual who has responsibility for the management of conflict within the organisation. This is assumed to be somebody working in the HRM or Personnel functions of the company, or in the case of small firms general managers. Companies House records provide contact information for a range of functions and where HRM or Personnel contacts are not available then details were sought from alternative management contacts and company secretaries.

The survey instrument was developed drawing on previous studies completed in Ireland and Wales (Roche and Teague 2012, Hann and others. 2016). It was cognitively tested on HR professionals from a range of organisations. The fieldwork took place between January and May 2018 and comprised of 3 full-pack (hard copy) mail outs being sent to respondents. An option for electronic completion was also included. In April 2018 a programme of chasing telephone calls was implemented before the final mailout to encourage response.

In total, the survey generated 400 valid responses, representing a response rate of 8%. Given the length of the questionnaire and potentially sensitive nature of the subject matter, this response rate falls within expectations. The survey contains responses from all economic sectors that were sampled and, as elaborated below, the final sample broadly reflects the ONS industrial sector distribution. This will strengthen the external validity of the findings in spite of the low response rate. With a standard 95% confidence level adopted, the achieved sample has a margin of error of plus or minus 5%, which is appropriate for surveys of this kind (Hair and others. 2009). Furthermore, all bivariate relationships in the analysis that follows are significant at the 5% level.

Establishment weights have been applied to the dataset in order to correct for the oversampling of large firms identified above and to make the results representative of the population of British firms. The weights, which are presented in the technical appendix, indicate that the achieved sample is broadly representative of the population with respect to industrial sector. With respect to organisation size the sample is positively skewed with an over-representation of large firms in comparison to their prevalence in the population. Whilst the results presented in this report are based on these reweighted estimates, the possibility of non-response bias remains. However, given the lack of systematic evidence regarding organisational conflict management, the findings presented in this report provide a valuable addition to our understanding of the subject.

The central focus of the survey was the incidence and management of workplace disputes. Following the research designs adopted in earlier Irish and Welsh studies (Roche and Teague 2011, Hann and others. 2016) the questionnaire was structured in such a way to distinguish between 3 distinct forms of workplace disputes. These are summarised below:

- individual disputes (between individual employees and their employer)
- inter-employee disputes (between colleagues but not directly involving the employer)
- group disputes (between groups of employees and their employer)

This dispute typology informs the analysis that follows so that a comprehensive, yet nuanced picture of the incidence of workplace disputes and how British firms are managing them can emerge. In addition to the aggregate data, the report analyses the patterns of variation according to the following of key demographic factors:

- organisation size – small (20 to 49), medium (50 to 249), large (250+)

- industrial sector – primary and utilities, manufacturing and construction, services
- low-paying industries (as defined by the Low Pay Commission) – retail, care, hospitality and catering, cleaning

In addition, throughout the report, the importance of key 'stakeholders' is analysed, to see if their workplace presence is associated with the incidence and management of disputes – specifically:

- an HR function that is the main body for dealing with HR issues for the organisation (this could be either in-house or contracted-out) – in the analysis that follows, a distinction will be drawn between firms where this is the case, as opposed to those who use general managers as the main body for dealing with HR issues
- a dedicated employment relations manager or officer
- a trade union present within the organisation

3. Perspectives of workplace disputes

Central to employment relations research is the idea that there are fundamental differences in how different people view the employment relationship. This notion that there is not a universal view of the employment relationship is not a new one, and dates back to management scholars of the 60s and 70s (Fox 1966). This work argues that either the employment relationship can be viewed as one of common interests or as one of a contractual relationship which exists to manage the interests of 2 groups with separate but overlapping interests.
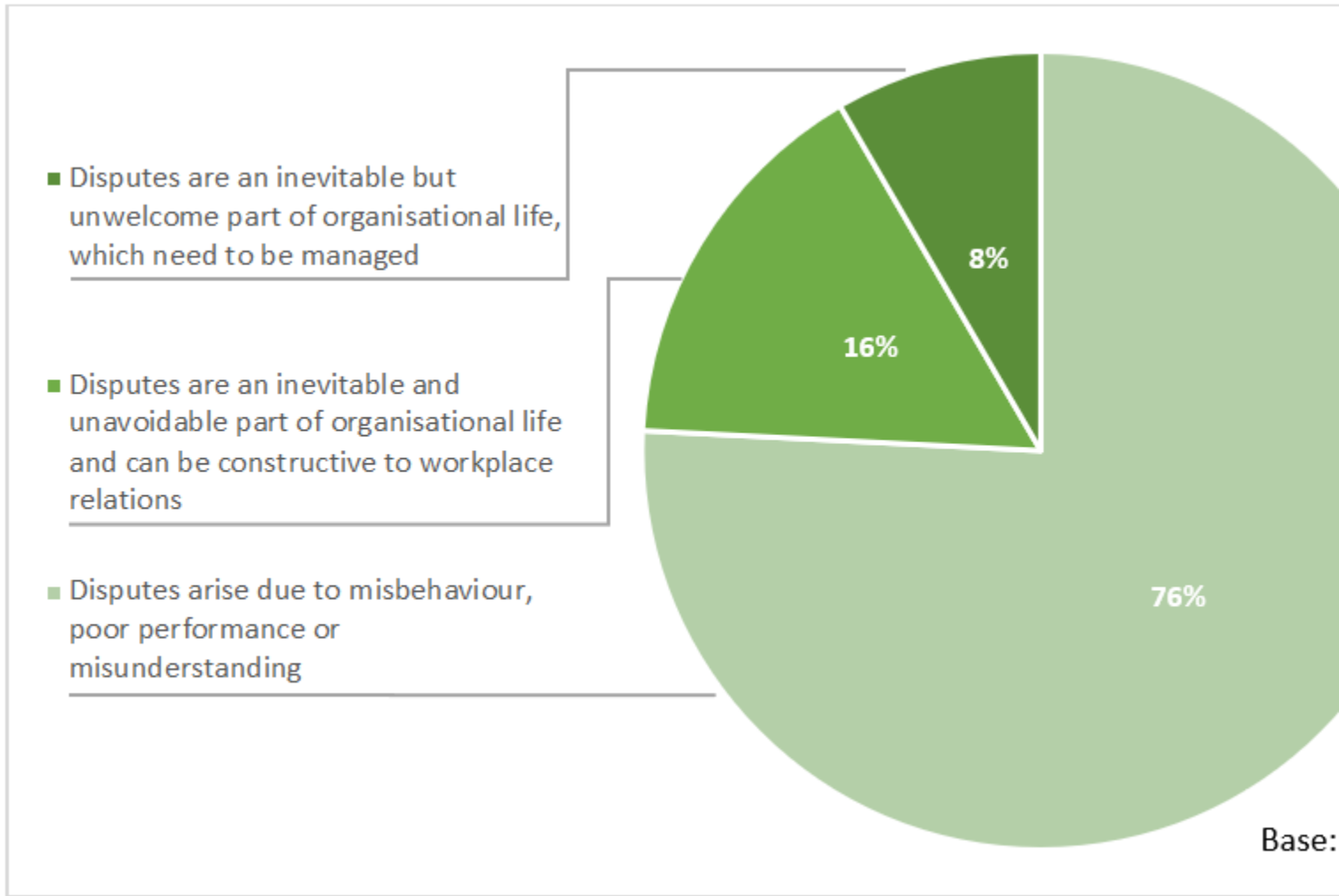
With regard to dispute resolution, the first group, which we would term *unitarists*, would see disputes as the result of miscommunication or misbehaviour. In contrast, the second group, termed *pluralists*, would look at ways to manage or harness these differences. Since this work was first discussed, this dualist structure has been much investigated, discussed and interrogated, but is still used as the basis for much investigation of the employment relationship (Heery 2016, Budd and others. 2018).

Recent debates around the frames of reference suggests that they may translate into 'cognitive frames' that tangibly affect managers' views and behaviours in relation to the employment relationship (Budd and others. 2018). In other words, managers' views around the employment relationship may ultimately lead to significant differences in the way in which dispute resolution is handled within their respective organisations. The survey asked respondents to identify which of the following statements most closely reflected their organisation's view of disputes:

1. "The organisation and its employees share common interests and, therefore, disputes arise due to misbehaviour, poor performance or misunderstanding" (reflecting the unitarist approach)
2. "The organisation and its employees have different interests. Disputes are an inevitable but unwelcome part of organisational life, which need to be managed" (reflecting a more traditional pluralist view)
3. "The organisation and its employees have different interests. Disputes are an inevitable and unavoidable part of organisational life and can be constructive to workplace relations" (reflecting a more progressive view of the pluralist agenda)

Figure 1 reports the views of respondents on the perspective of their organisation. Three-quarters of respondents say that disputes are not inevitable but instead occur as the result of misbehaviour, poor performance or misunderstanding. A further 8% believe that disputes are inevitable, but management strategies and techniques should be derived to try to lessen the impact of such conflict on the organisation and a final 16% embrace disputes as constructive to workplace relations by offering chances to examine, question and adapt routine approaches.

Figure 1: organisational perspectives on disputes

- Disputes are an inevitable but unwelcome part of organisational life, which need to be managed
- Disputes are an inevitable and unavoidable part of organisational life and can be constructive to workplace relations
- Disputes arise due to misbehaviour, poor performance or misunderstanding

8%

16%

76%

Base:

Organisational perspectives towards disputes are not contingent on organisational demographics or the presence of employment relations stakeholders. The use of an HR function for dealing with HR issues, employee relations specialists and a trade union has no significant impact on the perspective on the employer toward disputes, nor does the size of the organisation or the sector within which it is located. The only variable that had a mildly significant (P<0.1) impact on the orientation to disputes was whether the organisation was in a low-paying sector of the economy. A higher proportion of employers in low paying sectors viewed disputes as inevitable but potentially constructive – the progressive pluralist perspective – than those in higher-paying sectors (21% versus 13%). A possible explanation for this seemingly counterintuitive finding could be that as conflict is more prevalent in the low-pay sectors of the economy (as will be outlined in the next section) managers have greater opportunities to see the potential benefits of such disputes.

Turning to the effect of disputes on organisations, we asked respondents to consider the ways in which they affect organisational life. We asked specifically about issues around cost, time, culture and formality. It is clear from the survey evidence presented in Figure 1 that the majority of respondents view disputes, in themselves, as having a negative impact on the organisational culture (58% agree or strongly agree) and as a time-consuming activity (74% agree or strongly agree). This finding is consistent with the negative view of conflict that was reported above.

Even though respondents view the presence of disputes within their organisation as problematic, the majority of organisations do not feel that associated costs associated with resolving such disputes are too high (21% agree or strongly agree) or the practices used to

manage conflict are too slow (17% agree or strongly agree) or too formalised (8% agree or strongly agree). Interestingly, these results are not affected by the frequency with which organisations experience disputes. This apparent dichotomy of response, whereby disputes are seen as negative and time consuming, but at the same time resolving them is not too costly, formalised or slow, could be a reflection of the importance placed on the practice of resolving disputes.

In short, whilst disputes in themselves are seen as problematic, the organisations have established structures and processes which are either efficient, or the importance and value (in time and money) of preventing disputes from continuing is seen as outweighing the costs associated with the approaches undertaken to address them.

Figure 2: impact of disputes on organisations
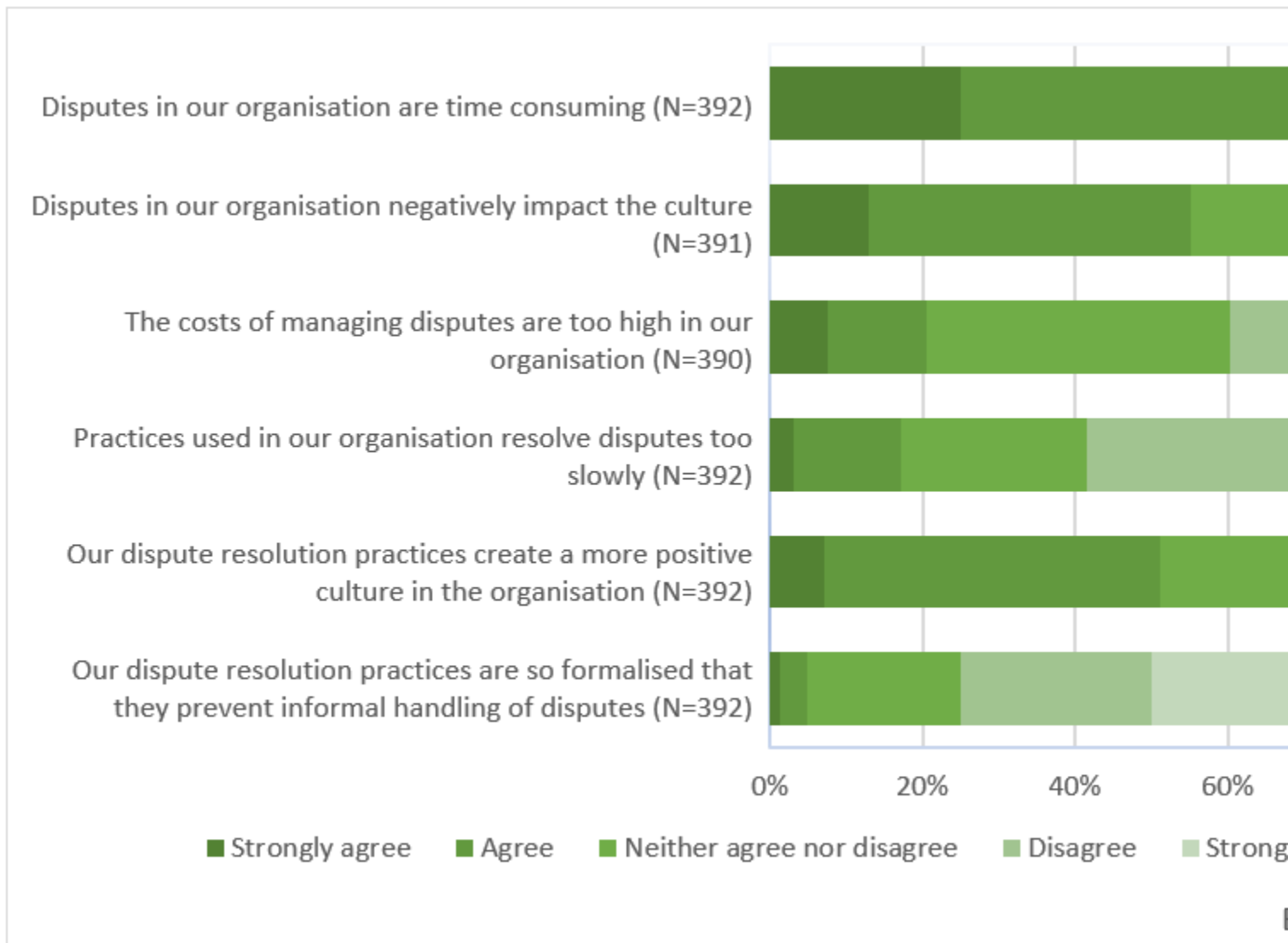
The impact of disputes on firms is found to vary according to a range of demographic factors. Organisation size is significant in relation to the costs of disputes with greater proportions of large firms agreeing that disputes took much time and money to resolve. In terms of the formality of dispute resolution, it was medium sized firms that reported strongest agreement for the view that excessive formality in practices was preventing disputes being handled informally. The lower levels of formality in smaller organisations is perhaps unsurprising given that previous research has suggested that HR more generally in smaller organisations tends to be both more experimental and more ad hoc (Storey 2007, Marlow and Patton 1993).

The impact of disputes also varies according to the presence of particular key actors or groups within an organisation. Where firms use an HR function for dealing with HR issues (in-house or externally contracted) they are less likely to report that disputes negatively affect organisation culture. More firms with a dedicated employment relations manager report the costs of disputes being too high in comparison to firms without such a specialist in post, which could be a reflection that these firms have better information on what the costs of dispute actually are. However, ER specialists are also associated with firms reporting the positive impact of dispute resolution practices on organisational culture. The presence of trade unions was only significantly associated with the question relating to the negative impact of disputes on organisational culture, with a higher level of agreement in unionised organisations.

By and large the differences between sectors (either manufacturing compared to services or low pay sector) are not statistically significant. The exception being that a slightly higher proportion of manufacturing firms reported that dispute resolution practices create a more positive organisational culture. This may perhaps be explained if there are differences between the 2 sectors in terms of levels of disputes, which is the focus of the next section.

4. The prevalence of conflict

In previous studies workplace disputes have often been divided into *individual disputes* between an employee and their employer and *collective disputes* between a group of employees and their employer around a common issue (Teague and Roche 2012). Recent research by the CIPD (2015), however, found that 38% of UK employees actually experienced interpersonal conflict in 2014 (with colleagues as opposed to management). Consequently, the survey adopted the 3 discrete forms of dispute (individual, inter-employee and group) as outlined above.

The survey sought to establish the extent to which disputes are present within workplaces in Britain by asking respondents to identify how often different forms of dispute had occurred within their organisation within the last 3 years. Specifically, they were asked to comment on the incidence of 8 different forms of *individual* and *inter-employee disputes* and 9 separate dimensions of *group disputes*.

Figures 3 to 5 below show that the lowest-level, least formal forms of individual disputes and inter-employee disputes are present on an occasional basis within organisations. Nearly two-thirds of respondents (64%) reported having experienced informal disagreements occasionally or often, with a similar number experiencing them on an inter-employee basis. Similarly, high levels of disciplinary cases can be found, with 59% of respondent organisations initiating a disciplinary case often or occasionally in the last 3 years for individual disputes, although this number falls significantly (19%) when inter-employee disputes are considered. More serious conflict, which ends up with external intervention, such as Acas or an Employment Tribunal claim, is much less common, although 15% of organisations have experienced a tribunal claim in the last 3 years.

What is particularly notable from figures 5a and 5b is the extremely low level of reported group conflict. Across all organisations, just under a quarter report that they experience 'small-scale' group disputes occasionally or often, but beyond that, over 95% of organisations report not having experienced any of the other – more formalised, 'traditional' – forms of collective conflict in the last 3 years. Group disputes are more prevalent in unionised firms with nearly half reporting small scale disputes more than once in the preceding 3 years. Similarly, over a quarter of firms reported having a difficult negotiation with a trade union over the same period.

Overall, there is no discernible pattern across the 3 categories of dispute and the correlation coefficients between dispute types were in the range of 0.3 to 0.5 suggesting that the experience of disputes amongst respondents was fairly dispersed.

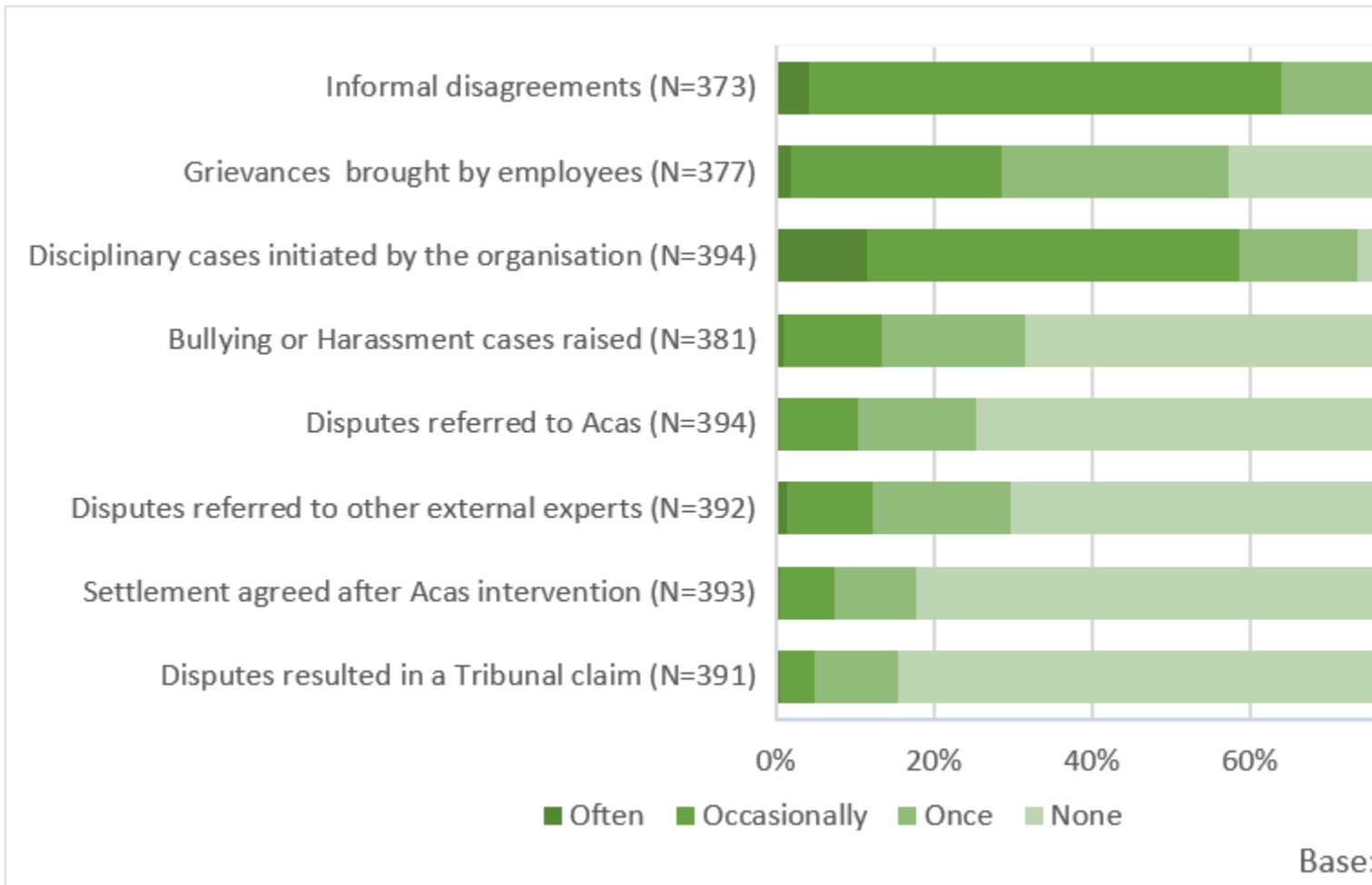**Figure 3: extent of individual disputes within organisations**

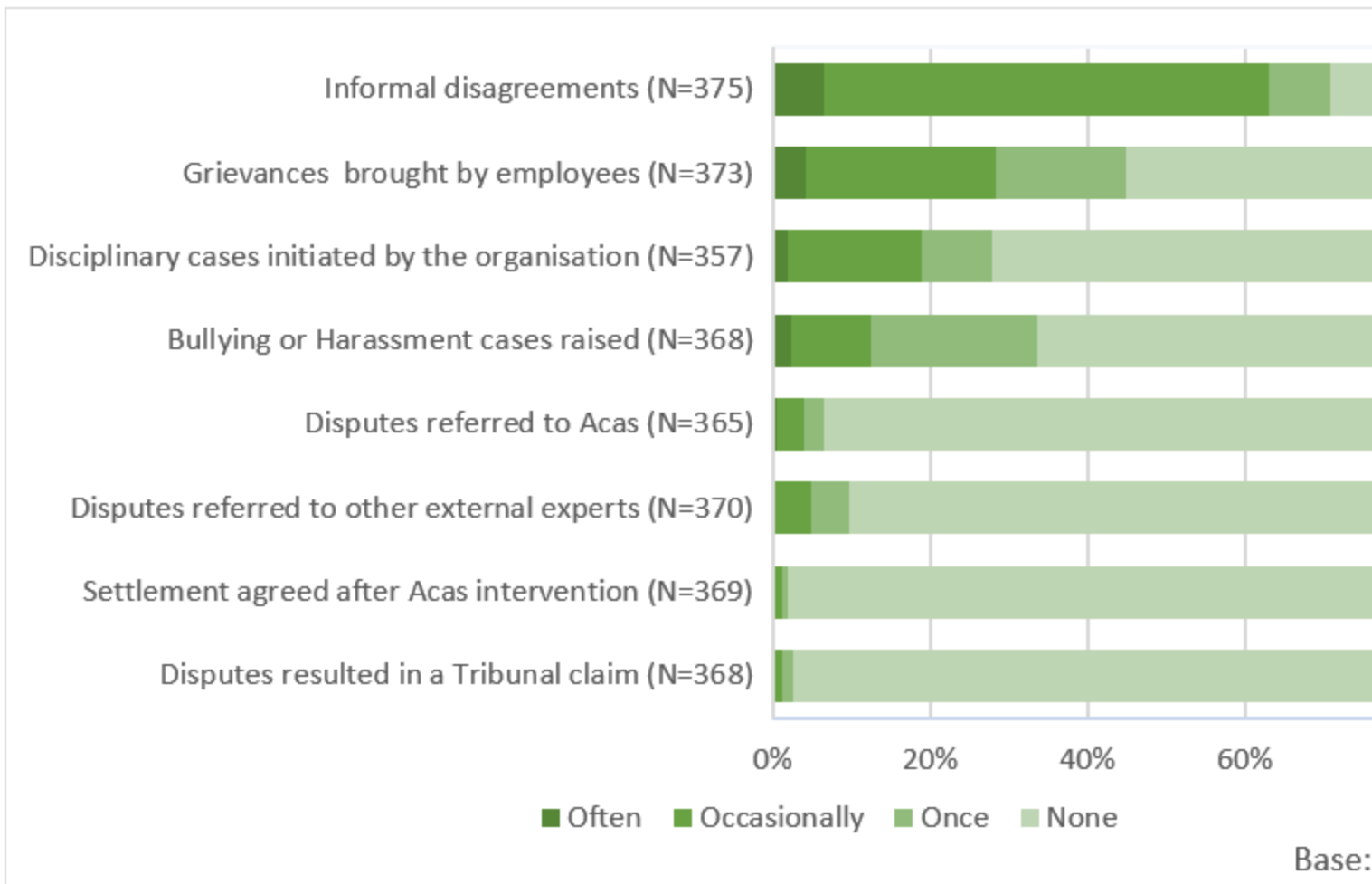**Figure 4: extent of inter-employee disputes within organisations**

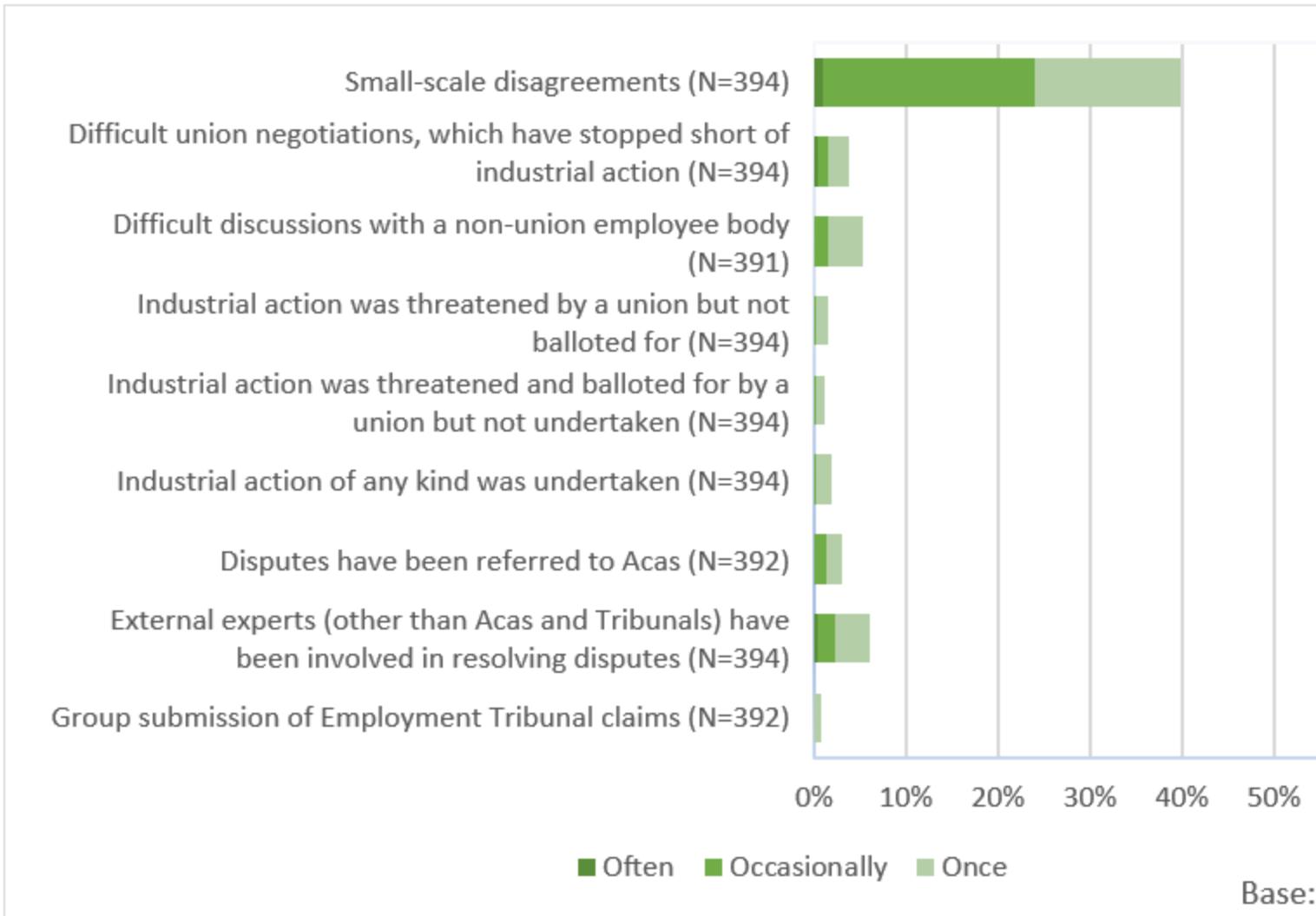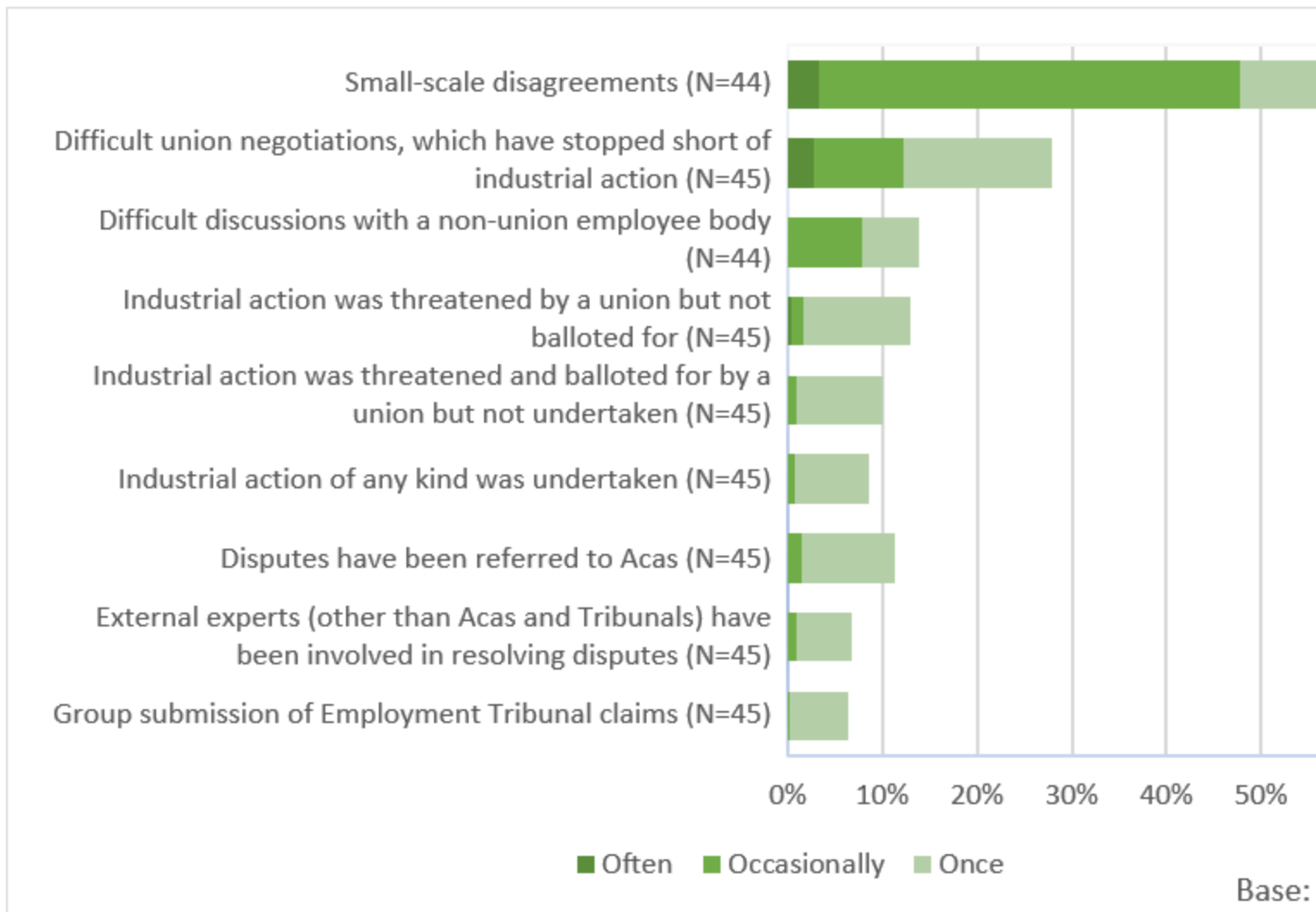Figure 5a: extent of group disputes within all organisations

Figure 5b: extent of group disputes in unionised organisations

Figure showing prevalence of different dispute types:

Dispute type	Often	Occasionally	Once
Small-scale disagreements (N=44)			
Difficult union negotiations, which have stopped short of industrial action (N=45)			
Difficult discussions with a non-union employee body (N=44)			
Industrial action was threatened by a union but not balloted for (N=45)			
Industrial action was threatened and balloted for by a union but not undertaken (N=45)			
Industrial action of any kind was undertaken (N=45)			
Disputes have been referred to Acas (N=45)			
External experts (other than Acas and Tribunals) have been involved in resolving disputes (N=45)			
Group submission of Employment Tribunal claims (N=45)			

Horizontal axis: 0% 10% 20% 30% 40% 50%

Legend: ■ Often ■ Occasionally ■ Once

Base:

In short, these results suggest that, where disputes arise, they are predominantly informal and take the form of issues that can be dealt with within the organisation, rather than more formalised events. These findings also support the view that group disputes as traditionally conceived, and industrial action in particular, are now exceptional features of British private sector workplaces (notwithstanding the considerable – negative – impact of such disputes where they do arise). When viewed as a whole, these results suggest that workplace conflict is still a significant feature of organisational life but that the way it is manifest may be changing from traditional notions of industrial unrest.

Comparing differences across types of firm reveals some noteworthy variations. Perhaps unsurprisingly, disputes appear more commonly in large organisations (those with 250 or more employees) than smaller ones (those with under 50 employees). Taking the most informal levels of conflict 43% small organisations had experienced informal individual disagreements often or occasionally compared to 94% of large organisations. The trends are comparable for inter-employee disagreements (42% compared to 93% respectively) and also for disciplinary cases (27% compared to 93% for individual disputes and 6% compared to 50% for inter-employee disputes). These trends are common across various different manifestations of conflict for both individual and inter-employee disputes. There was no such association between organisation size and experience of group conflict, however. This is probably due to the low numbers of firms reporting such conflict as highlighted in figure 5. The higher levels of conflict in larger organisations is perhaps unsurprising given they have more employees therefore more opportunity for conflict to occur. Equally, the greater distance between management and employees might be another explanation of the greater level of conflict in larger organisations (Young and Daniel 2003).

Incidence of conflict did not differ significantly between different industrial sectors. Furthermore, whilst there are not statistically significant differences between low pay and non-low pay sectors of the economy in respect of individual disputes, a greater proportion of respondents in the low pay sector do report informal disagreements between employees occurring 'occasionally or often' (66% versus 62%). A similar relationship is found when considering employee grievances and bullying and harassment cases initiated as a result of inter-employee conflicts. These findings suggest that where employees experience low pay, a fractious work environment may develop.

One further notable difference is that disputes appear to occur more frequently where the main body for dealing with HR issues is an HR function (in-house or contracted-out), especially in the case of individual disputes. For 6 of the 8 indicators of conflict, firms with HR specialists reported a higher frequency of individual disputes compared to those where a general manager was the main body dealing with HR issues. There was a similar relationship for inter-employee disputes but only for 3 of the indicators (informal disagreements, grievance and disciplinary cases). Trends are similar for inter-employee disputes, although at the more formalised level of disputes (Employment Tribunal claims), the findings here are not statistically significant. There is no association between the presence of a specialist HR function and the incidence of collective disputes. A similar pattern is evident when examining the presence of a dedicated Employee Relations Manager, which is again associated with higher levels of reported conflict especially in the case for individual disputes. Finally, there is a positive association between trade union presence and reported levels of conflict within organisations. However, unlike the case for the presence of management specialists, unions are associated with increased levels of group disputes.

The positive association between the incidence of conflict and the presence of certain individuals or institutions is interesting. The relationship between HR specialists and conflict could reflect the nature of the organisation. Organisations with specialist HR tend to be larger, with consequently higher levels of conflict. Alternatively, where HR professionals are in place, they may have established policies and practices that allow for the expression of views and opinions more easily (Huselid 1995). These voice mechanisms might in turn encourage and facilitate people to speak out or disagree with established policies and practices. The positive relationship between union presence and reported levels of conflict may have similar explanations. Trade unions are more common in larger organisations and again support employees in voicing disagreement where this occurs (Fevre and others. 2009)

Overall, the analysis of the incidence of workplace conflict highlights a few key trends. The first and most significant is that disputes remain a prevalent feature of British organisational life. A second finding is that, based on the sample achieved by this study, collective disputes are relatively rare in the British private sector, especially in non-union organisations. It is unclear whether these disputes have disappeared completely, reflecting a more 'contented' and less conflictual workforce. An alternative explanation is that collective expressions of conflict have become more circumscribed and worker grievances may have transformed into alternative, individual, forms of dispute, reflecting a more individualised society and approach to the employment relationship (Jefferys 2011). Thirdly, the disputes that do occur tend to be low-level in nature, simply requiring straightforward disciplinary action to address them. Conflict that receives external intervention seems relatively rare. Finally, some organisations appear more prone to conflict than others. Smaller organisations, those organisations which use a general manager as the main point of contact for HR issues and those without a trade union appear to have lower levels of conflict, whilst larger organisations those with HR and or trade union presence will often have higher levels of recorded conflict. However it is impossible to determine whether this is due to higher inherent levels of conflict within these organisations or a reflection of their greater capability for *detecting* conflict.

Having identified that most organisations have nevertheless experienced some form of workplace dispute in the last 3 years (even if low-level in nature), this report will now move on to consider the approaches taken by organisations in managing these disputes.

5. Who manages disputes at work?

An important part of the survey was to ask respondents about the role that different individuals in their organisations played in addressing and seeking to resolve conflict. The following section considers firstly who the initial point of contact is with regard to disputes and then moves on to consider in more depth 2 particularly key stakeholders within an organisation: Human Resources and line managers. Finally, the section identifies the extent to which employee representative bodies play a role in dispute resolution.

5.1. Initial point of contact and preparedness for dispute management

The results in Table 1 paint a mixed picture of who the initial point of contact is where disputes arise. There is a clear distinction between those firms that reported having an HR department and those that did not. Where present, HR professionals are frequently cited as the first point of contact in the event of disputes, although it is interesting that it is HR managers as opposed to the more junior positions of officers and advisers who are identified. Perhaps the most striking result in Table 1 is the fact that line managers are the most frequently reported initial contact, irrespective of whether the organisation has an HR department. This pattern is holds true if we ignore cases where respondents selected more than one option, with over 40% of employers reporting line managers as being the exclusive first point of contact even where there is an HR department present. The exception to this pattern is the case of group disputes where there is an expectation that these be referred initially to HR managers if they are present or general managers if not. This could reflect the potentially more serious consequences of this form of dispute, or alternatively the possibility that there is no single line manager in such cases.

Table 1: initial point of contact for disputes (Column percentages)

	Individual disputes (%): HR dept	Individual disputes (%): No HR dept	Inter-employee disputes (%): HR dept	Inter-employee disputes (%): No HR dept	Group disputes (%): HR dept	
HR officer (N=379)	12	4	11	3	5	
HR adviser (N=378)	16	6	17	2	10	
HR manager (N=379)	44	7	40	6	45	
HR Business Partner (N=378)	22	3	22	2	14	
Employee Relations Officer* (N=378)	9	0	9	1	5	

Line Manager (N=379)	69	54	70	51	31
General Manager (N=378)	25	46	22	40	36
Other (N=378)	8	20	7	18	11

Columns do not sum to 100% because respondents selected more than one option.

* In the case of Employee Relations Officer, the column figures relate to those firms that had such a position versus those that did not.

When considering the extent to which stakeholders are formally trained to offer guidance on dispute resolution, it is noteworthy that where specific individual roles exist within organisations, in the majority of cases the individual occupying these roles *are* given formal training to provide that guidance, with 3 exceptions – non-union employee representatives, diversity or equal opportunities officers and occupational health. It is perhaps not surprising that these non-dispute oriented roles do not receive conflict training, whereas it might be expected that a greater proportion of line managers and senior managers would do so.

Figure 6: training of stakeholders in dispute management

HR Professional (N=247)

Senior Manager (N=343) **63%**

Line Manager/Supervisor (N=338) **50%**

Trade Union Representative (N=61) **43%**

Occupational Health (N=54) **24%**

Non-Union Employee Representative (N=99) **22%**

Diversity/Equal Opportunities Officer (N=38) **15%**

0%   20%   40%   60%
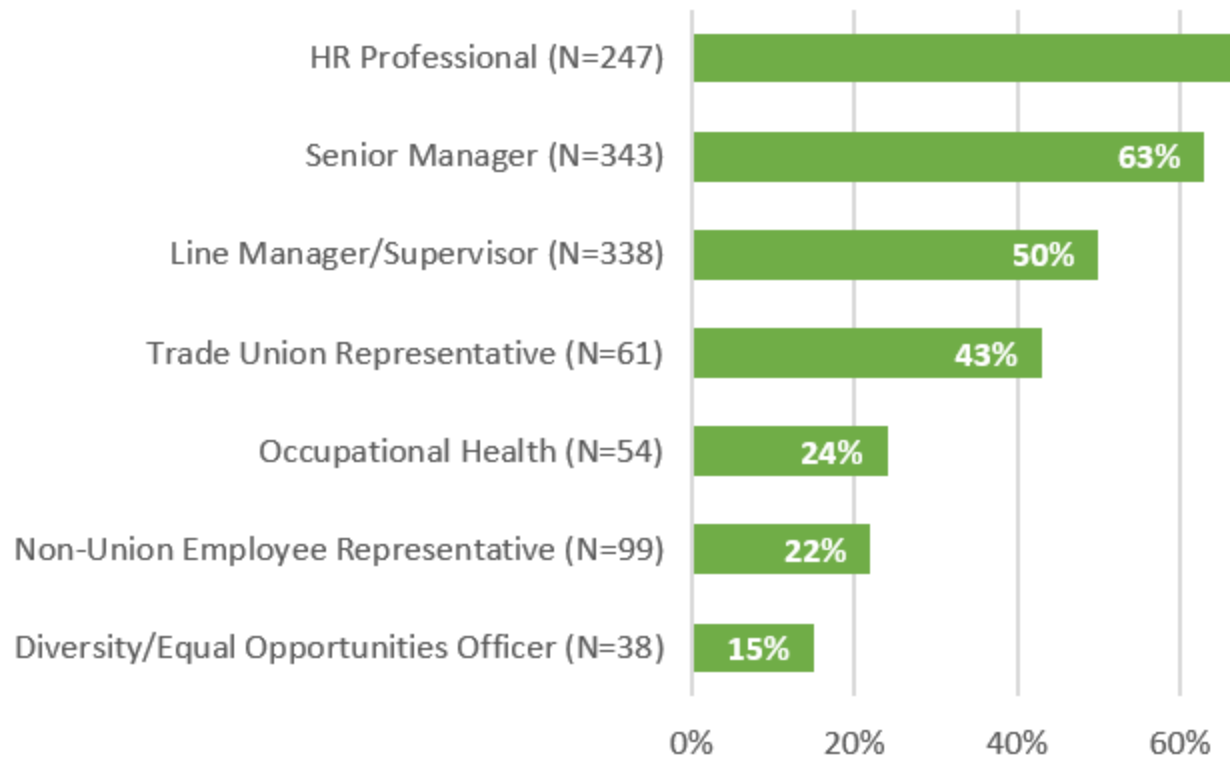
■ % of firms where indivduals are formally trained in dispute resolution

Base: organisations where stakehol

The impact of organisational demographics on whether these different stakeholders are given formal dispute resolution training is fairly similar across the different roles. Sector and the presence of an employee relations specialist has no significant bearing at all. Whether or not a firm operates in the low pay sector is not associated with the training of a majority of stakeholders, the exception being trade union representatives, with a greater proportion of those organisations *not* located in low pay sectors training trade union representatives that those in the low pay sector. However, this relationship disappears when you control for union recognition.

Organisation size has an impact for some roles: a greater proportion of small organisations report *not* training their line managers and HR professionals, and a greater share of medium and large firms confirming that they *do* train these stakeholders. In the case of senior managers, small organisations tend not to train them in dispute management whereas medium sized organisations do so.

The most consistent influence on whether or not stakeholders are trained is an organisation's use of an HR function for dealing with HR issues; use of either in-house or contracted-out HR leads to a greater share of almost all stakeholders receiving formal dispute resolution (the only statistically significant exception being non-union employee representatives) than when in-house generalists are the main point of contact for HR issues. What these results suggest is that the training of stakeholders around dispute resolution is linked to organisational capacity, with larger firms and those with access to an HR function being more able and hence more likely to provide such training. These findings confirm earlier Acas research that found that organisations without an HR function are less likely to train line managers even though they will be more reliant on them to undertake a dispute resolution role (Acas 2016).

5.2. The role of human resources

There is some variation when considering which stakeholders are involved in providing advice on workplace disputes. In two-thirds of cases, advice on disputes is provided by an onsite department, without the aid of outside specialists. Of the remaining third of organisations which primarily use *off-site* advice, just over one-quarter (27%) used a law firm, whilst over half (56%) used an external HR consultancy. Of the remaining 16% of cases where employers said they used another remote provider, a range of sources of advice were named such as the organisation's head office, trade associations, business services organisations, and umbrella organisations, of which they were not formally part but were closely linked (NHS, universities).

The effect of organisational demographics on *who* provides advice on disputes seems clear. A greater proportion of small organisations, perhaps unsurprisingly, use offsite providers such as HR consultants reflecting their more limited resources, whilst large organisations tend to take advice from onsite providers. In the limited cases where larger organisations use off-site providers, they tend to favour law firms.

Sector is also relevant, with the use of onsite providers more common in manufacturing firms. Unsurprisingly, where an HR function is present within an organisation, then the organisation is overwhelmingly likely to take advice on disputes from that source; conversely, where no such HR function exists, then the point of contact for advice on disputes is more likely to be a remote provider (most commonly HR consultants) as opposed to an in-house general manager. Finally, the majority of respondents with an employee relations officer use onsite advisers, whilst the presence of trade unions have no statistically significant impact on the provision of advice.

5.3. The importance of line managers

Managing workplace disputes is a key part of managing the employment relationship and whilst the HR function often has an important role to play in this process, research strongly suggests that organisations need the involvement of line managers in order to develop effective HR processes (Teague and Roche 2012). Increasingly, line managers are viewed as being crucial to the success of organisations by ensuring that teams work efficiently, and a good employment relationship develops. The survey asked respondents to state their level of agreement with 6 statements concerning the role of line mangers in dispute resolution. The results are reported in Figure 7.

The results confirm the important role that line managers are expected to play in dispute resolution. A clear majority of respondents require line managers to conduct regular face-to-face meetings to proactively deal with conflict and over 80% of organisations reported that they provided formal support for line managers to resolve problems that occur. A small majority of organisations also provide formal training for line managers to deal with disciplinary action. One more noteworthy point is that in nearly a third of organisations (31%), the respondents felt that line managers were not confident in resolving workplace conflict by themselves. These management perspectives are a useful addition to the views of line managers that have been reported in other studies of workplace conflict (Saundry and others. 2014).

Figure 7: role of line managers in dispute resolution
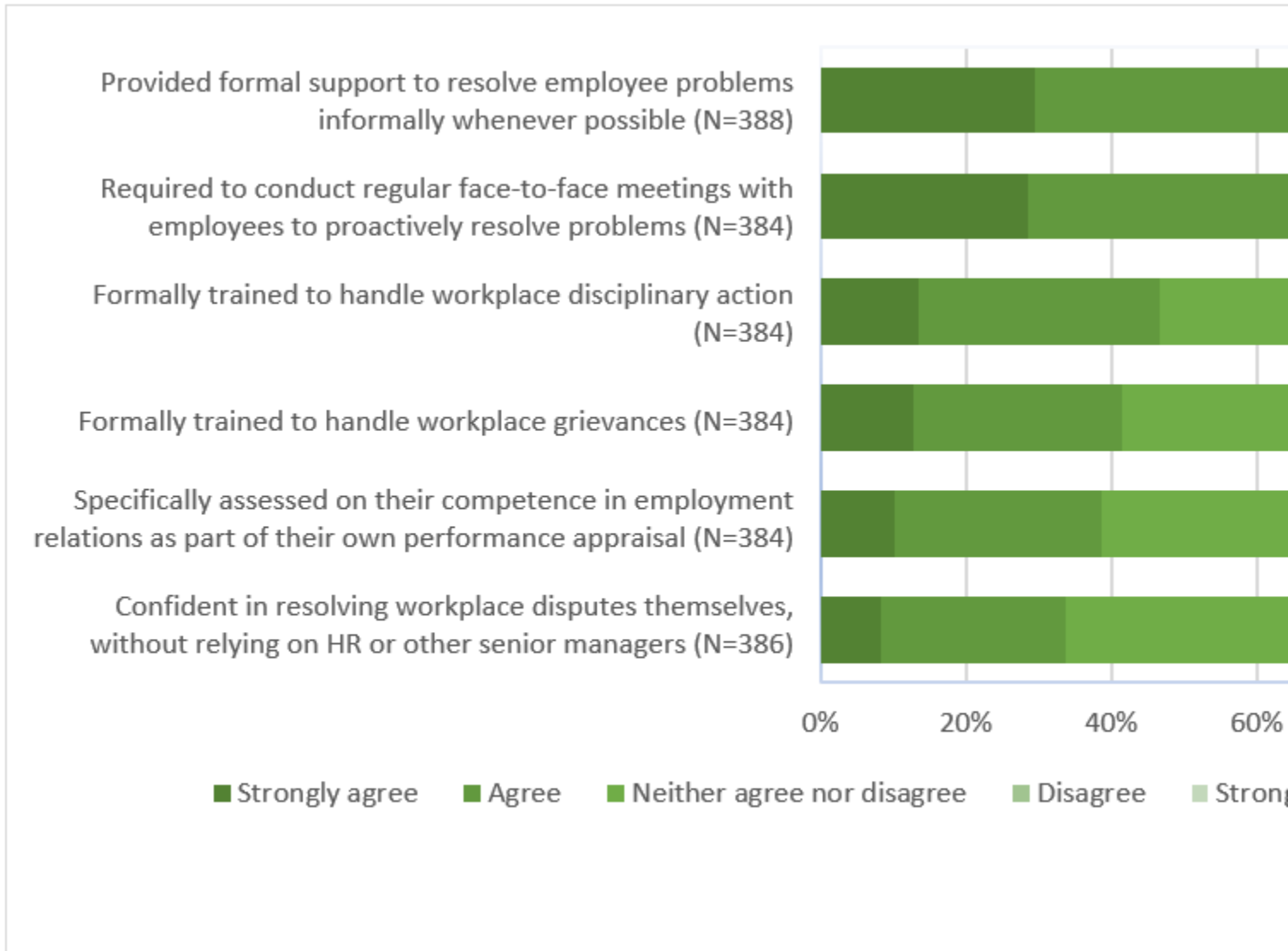
The effect of organisational demographics on the role of line managers in addressing problems is mixed. Industrial sector (including the low paying sectors) has no statistically significant impact on the role played by line managers. Size does affect the prevalence of training, with the level of agreement that formal training is provided for both dispute and grievance handling increasing with organisation size. Large and medium firms are also more likely to offer formal support to line managers in resolving employee issues

informally than smaller employers. Size is also associated with whether respondents felt that their line managers were confident in resolving disputes without support.

A similar proportion of small and large employers agreed that their line managers were confident in resolving conflict without relying on HR or senior managers (36% and 33% respectively). However, over twice as many large employers disagreed with this statement compared to small organisations (47% versus 22%). The fact that small organisations are least likely to provide line managers with formal training in dispute resolution and yet more likely to rely on them in practice is likely due to organisational capability and resources. The finding that larger firms more likely to disagree that line managers do not need to rely on other stakeholders, may simply be due to the fact that those stakeholders are more commonly found in larger firms, a form of confirmatory bias.

The presence of other stakeholders is also associated with the perceived role of line managers as shown in figure 7. Firms where an HR function is used to resolve HR issues, expressed stronger agreement that line managers were formally trained to deal with both disciplinary and grievance case, were required to conduct face to face meetings with employees and were supported in resolving employee problems informally whenever possible.
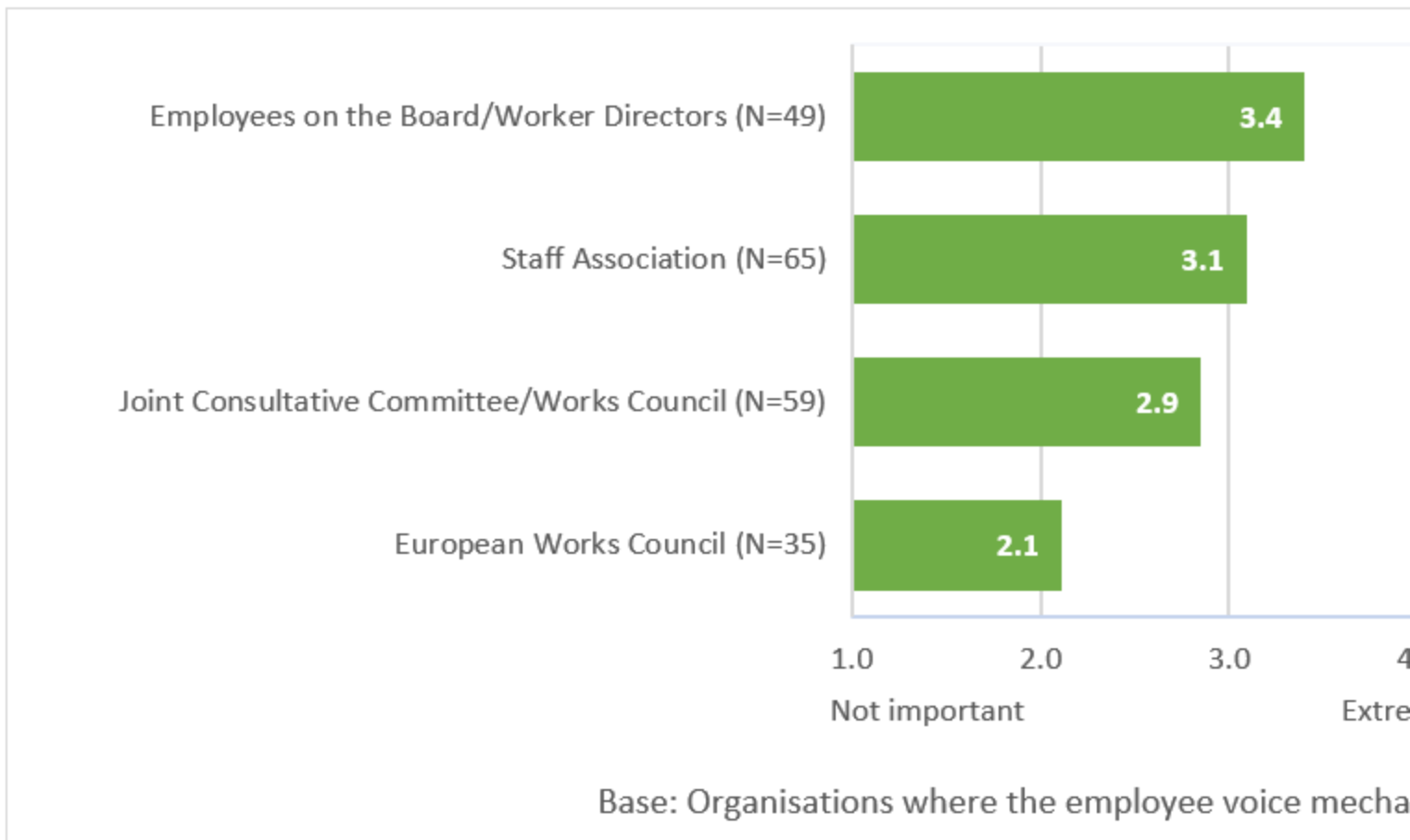
The opposite association was found with respect to confidence in line managers to resolve disputes without help, which was higher in organisations *without* an HR function. The presence of an employee relations officer is associated with a higher proportion of respondents agreeing that line managers were formally trained in dealing with grievances and disputes. These organisations also report greater confidence that line managers can deal with disputes without support. The use of an HR function to deal with HR issues existence seems to be associated with a more prominent role for line managers in dispute resolution. The role of HR in conflict management reported here is consistent with the findings of earlier Acas research (Saundry and others. 2019).

The presence of trade unions is also associated with the role of line managers albeit less strongly. Line managers are less likely to be specifically assessed on their competence in employment relations in organisations where a trade union is present; with 4 times as many respondents from unionised organisations strongly disagreeing that this happened compared to non-union organisations. The presence of trade unions is also found to be strongly associated with confidence in line managers to resolve disputes without support. In non-union organisations 36% of respondents agree and 27% disagree with this statement. In contrast just 16% of unionised respondents agree and 60% *disagree*. Unlike the use of an HR function, which is found to be associated with the training and support of line managers, the presence of unions seems to positively affect perceptions of their current effectiveness.

5.4. The influence of employee voice in the organisation

The survey asked a series of questions regarding the existence of various employee voice mechanisms and the influence they have had in the approach taken to dispute management. Respondents were asked to assess this influence on a five-point scale from 1 equating to 'not important' and 5 representing 'extremely important'. The mean scores for each of the 4 voice mechanisms are presented in Figure 8. The results show that these employee voice forums are only present in a minority of organisations (the most prevalent mechanism being staff associations, which are present in only 65 respondent organisations), but where they are present, exert a moderate influence on the approach taken to dispute management. Employees on the Board or Worker Directors and Staff Associations were found to be the most influential with mean scores of over 3.

Figure 8: the influence of employee voice mechanisms in dispute management (mean scores)

Employees on the Board/Worker Directors (N=49)   3.4

Staff Association (N=65)   3.1

Joint Consultative Committee/Works Council (N=59)   2.9

European Works Council (N=35)   2.1

| 1.0 | 2.0 | 3.0 | 4 |
| Not important | | | Extre |

Base: Organisations where the employee voice mecha

Organisation size is an important determinant of the influence that these voice mechanisms have on firms' approach to dispute management. Joint Consultative Committees are reported as markedly more important in larger organisations (3.68) compared to small and medium firms (2.56 and 2.45 respectively). This pattern is even more pronounced for European Works Councils where the mean score for large organisations is 3.78 compared to 1.24 and 1.66 for small and medium firms respectively. The impact of industrial sector (including the low-pay sector of the economy) is not found to be statistically significant.

The use of an HR function for dealing with HR issues and the presence of trade unions are found to be related to the reported influence of employee voice mechanisms on conflict management. The influence of both European Works Councils and employees on the board or worker directors is significantly higher where specialist HR is present (whether internal or external). There is no such relationship for specialist Employee Relations managers. The presence of a trade union is positively associated with the influence of both Joint Consultative Committees and European Works Councils, although it should be noted that this is likely coterminous with organisational size. What these results suggest is that where employee voice mechanisms are present, they play a role in influencing the organisation's approach to conflict management. However, this influence is only likely to be felt in those larger organisations that are more likely to use an HR function to deal with HR issues and where are unions present.
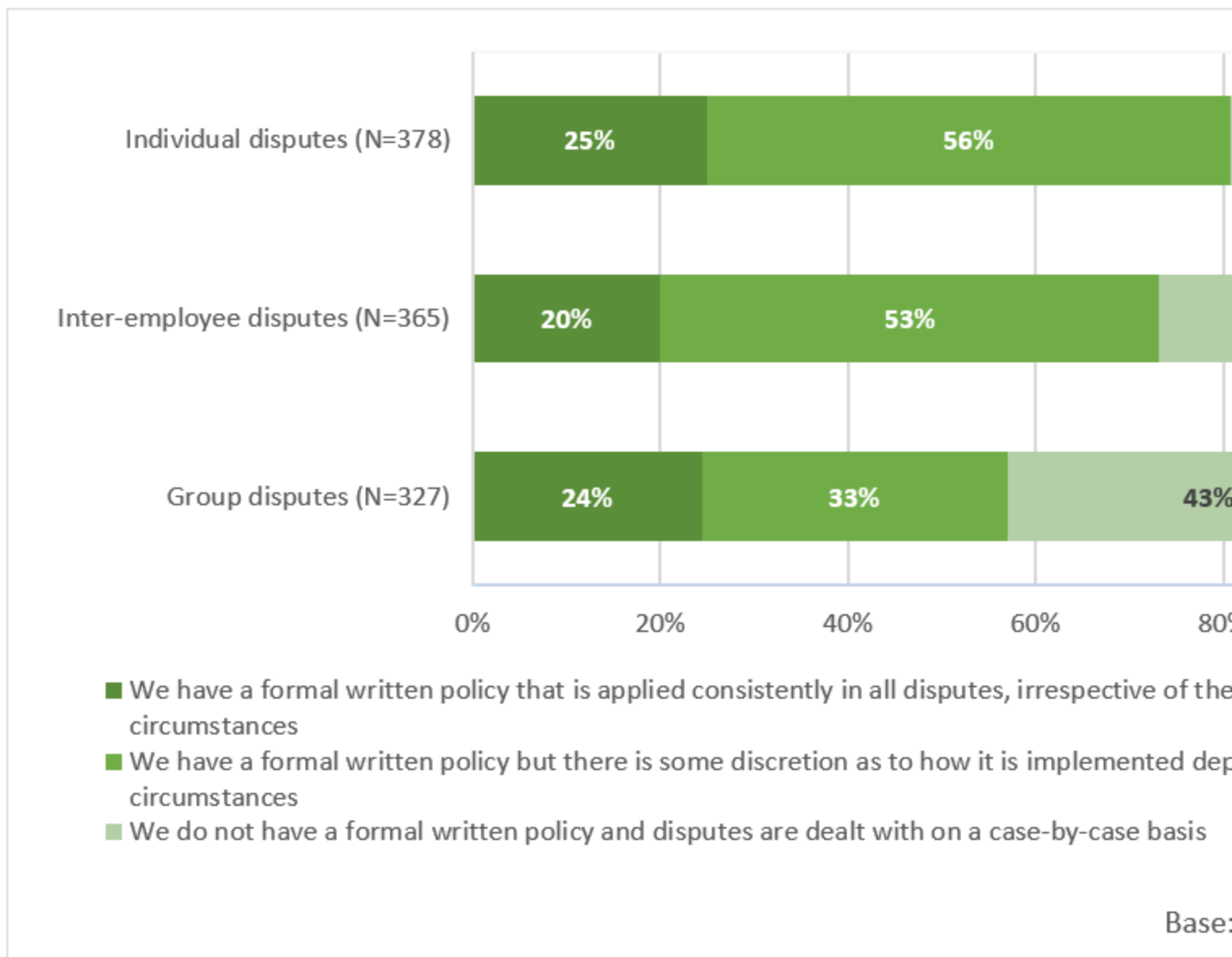
6. The management of disputes

The examination of the way organisations manage their disputes needs to be considered in 2 ways. The survey asked respondents both about the policies they have to address disputes – both if they have one and what it contains – and also the practice of managing disputes, with the acknowledgement that practice may not match policy in every case.

6.1. The presence of formal dispute resolution policies

In terms of whether organisations have a policy in place to manage disputes, Figure 9 shows that the vast majority of organisation *do* have established formal policies for handling all 3 forms of conflict (81% of firms for individual conflict; 73% for inter-employee conflict and 57% for group conflict). Furthermore, in the case of individual and inter-employee conflict, a majority of organisations reported that they implemented their policy flexibly, rather than with rigid consistency, using their discretion to reflect the circumstances at hand. One point of note is that whilst the combined majority of organisations do have a *either* a flexibly-implemented *or* a consistently-applied formal written policy for dealing with group conflict, the largest *single* block of respondents reported that their organisation has no formal policy at all (43%).

This lack of policy may perhaps be more reflective of the fact that very few organisations report experiencing this type of conflict in the first place, rather than a strategic move to 'ignore' group-based conflict. There was a high degree of overlap between the approaches taken to the 3 forms of disputes. This was especially true for individual and inter-employee disputes where over three-quarters of respondents answered the same way. There was less of an overlap with group disputes, where fewer respondents reported having a formal written policy that was flexibly applied than for the other forms of dispute.

Figure 9: organisational approach to dispute resolution policy

Individual disputes (N=378): 25% | 56%

Inter-employee disputes (N=365): 20% | 53%

Group disputes (N=327): 24% | 33% | 43%

0%   20%   40%   60%   80%

■ We have a formal written policy that is applied consistently in all disputes, irrespective of the circumstances

■ We have a formal written policy but there is some discretion as to how it is implemented dep circumstances

■ We do not have a formal written policy and disputes are dealt with on a case-by-case basis

Base:

When we consider how the incidence of formal policies varies according to organisational demographics, only company size is seen to have a significant impact, and even then, only for individual disputes. Perhaps unsurprisingly, a higher proportion of small firms (29%) have no formal written policy compared to small (14%) and medium (13%) firms. Approximately a quarter of organisations, irrespective of size, apply their written policy consistently but it is interesting to note that just over 60% of medium and large firms report using discretion in applying their policy compared to just 46% of small organisations.

The presence of key stakeholders is also associated with the use of formalised dispute resolution policies, but only on the employer side. In firms where an HR function deals with HR issues the use of formal written policies is more common (either rigidly or flexibly applied), but only for inter-employee disputes. The presence of an Employee Relations officer is even more strongly associated with the existence of formal written dispute resolution policies, for all 3 forms of dispute. The association is particularly striking for group disputes where 53% of firms without an Employment Relations officer report having no formal written policy, compared to just 8% where such an individual is employed. One possible explanation for this result is that organisations who have gone to the expense of appointing an Employee Relations officer are also more likely to have drafted a formal policy to deal with group disputes. Alternatively,

there could be a common factor that accounts for both formal written policies and the existence of an Employee Relations officer, such as organisation size or the incidence of disputes.

6.2. The content of formal dispute resolution policies

In addition to asking whether organisations had a formal written policy concerning the 3 different forms of dispute, the survey also asked respondents about the content of those policies. Table 2 presents the results of this analysis and shows the proportion of organisations that have each conflict resolution practice in their formal written policy.

Traditionally disputes in the workplace have been addressed using a formalised disciplinary and grievance process which draws on progressively higher levels of management to assess and adjudicate on conflict. This tiered approach is often combined with a right to appeal these decisions made by management. The presence (or absence) of traditional approaches to dispute management within policy depends primarily on the type of dispute being considered. A majority of organisations utilise the 2 approaches that would be considered as traditional when it comes to individual conflict (50% state that a process involving progressively higher levels of management is contained within their policy, whilst 53% offer a right to appeal decisions within their policy). The number of respondents identifying these practice as being contained within their formal policy decreases to approximately one third when considering the policies directed at inter-employee conflict and then finally drops to about one in 5 when considering the policies which address group disputes.

Table 2: content of organisations' dispute resolution policies

% of firms with each practice in its written policy	Individual	Inter Employee	
Management processes			
A process involving progressively higher levels of management in resolving disputes (N=382, 376, 371)	50	34	1
A right to appeal decisions made by management (N=386, 377, 370)	53	36	1
Acas			
Use of Acas collective conciliation, to resolve employment disputes with trade unions (N=368)	–	–	3
Use of Acas arbitration, to make a decision on collective employment disputes (N=368)	–	–	3
Use of Acas advisory or consultancy service to help managers and employees to work better together (N=368)	–	–	3
Use of Acas telephone Helpline (N=389, 374, 370)	6	5	3
Use of Acas website (N=387, 377, 370)	6	6	3

Use of Acas conciliation, to help resolve disputes that could lead or have led to an Employment Tribunal claim (N=389, 378, 367)	6	5	2
Use of Acas mediation (N=384, 377, 370)	5	4	3
Other External Providers			
Use of professional mediation by a third-party provider (excluding Acas) (N=382, 377, 366)	7	5	4
Use of lawyers (N=388, 378, 365)	4	4	3
Use of an external HR expert (N=388, 378, 369)	7	6	4
Procedures Internal to the Organisation			
Use of organisation's own internal mediation service (N=386, 372)	13	8	–
Use of interest based 'win-win' bargaining techniques (N=365)	–	–	2
Use of review panels comprised of managers or peers (N=387, 371)	6	5	–
Use of formalised open-door approach (N=384, 377, 366)	14	10	5
Discussions facilitated by HR (N=387, 377, 369)	17	14	5
Intensive communication regarding change with a view to avoiding disharmony (N=384, 375, 369)	10	6	4
Use of conflict coaching (N=384, 370, 365)	4	5	3
Informal conversations with line-manager(s) (N=389, 378)	19	13	–
Use of personal development or improvement plan (N=387, 377)	27	14	–

Of the organisational demographic variables only firm size is found to have an impact on whether these traditional approaches are included in formal policies. Size has a positive association with the inclusion of such practices but only for individual and inter-employee disputes. As previously discussed, this may be due to larger firms having greater resources to write such policies and a greater need to formalise their dispute resolution in response to a higher incidence of conflict.

The pattern is similarly mixed in relation to the relationship between certain stakeholders and the inclusion of traditional dispute resolution practices in organisations' formal policies. The presence of a trade union is not found to be associated with the inclusion of such approaches in firms' policies. On the employer side, the presence of an HR function to deal with HR issues is positively associated with the inclusion of both 'traditional' approaches in firms' formal policies, but only for inter-employee conflict. Whereas, Employment Relations specialists are associated with the inclusion of these approaches in policies relating to group disputes.

In terms of approaches to dispute resolution involving actors from outside the organisation, including Acas, very few organisations include these approaches in their written policies. The most commonly cited external approach for policies covering individual disputes was professional mediation, in just 7% of respondents. For inter-employee and group disputes the most common approach included in written policies was use of an external HR expert (6% and 4% respectively).

Compared to these low levels of use of external actors, the inclusion in policy of various private practices for resolving disputes *internally* within an organisation are relatively high. Nearly 30% of organisations include personal development plans in their policies to address individual disputes, although this drops to only 14% of companies reporting that they include PDPs in their policy for dealing with inter-employee disputes, which is unsurprising given personal nature of such plans. Informal conversations with managers and discussions facilitated by HR are also both reasonably widely included in policies for addressing both individual and, to a lesser extent, inter-employee disputes. Elsewhere, internal mediation and formalised open-door policies are also included in the policy of between 10% and 20% of organisations to address individual and inter-employee disputes. However, when it comes to group disputes, very few organisations include any of these internal processes within their policies. This pattern holds even for those organisations that reported experiencing group disputes in the preceding 3 years. Whilst perhaps not surprising, such practices could theoretically be used by organisations that seek to implement such alternative dispute resolution approaches in a way to constrain or bypass union influence (Nash and Hann, 2019).

Of the demographic factors measured, only organisation size was related to the likelihood of these internal approaches being included in an organisation's policy. For policies covering individual disputes, size was positively related to inclusion within formal policies of: internal mediation services; discussions facilitated by HR, and; use of personal development plans. For inter-employee disputes it was medium-sized firms that were more likely to include: review panels; discussions facilitated with HR; intensive communication about change, and conflict coaching in their formal policies. Organisational size was not significantly related to the content of policies for group disputes.

The influence of key ER stakeholders on the content of formal written policies was mixed in terms of internal practices. The presence of trade unions was positively associated with the inclusion of practices such as the use of: 'win-win' bargaining techniques; an open-door approach; discussions facilitated by HR, and; intensive communication. This association only holds for group disputes, however, which is not surprising the interest that unions have in such collective conflicts. Similarly, the presence of an HR function was associated with increased importance being placed on those practices that involve the participation of HR. Formalised open door policies, discussions facilitated by HR and personal development planning were more often found in written conflict policies of firms where an HR function deals with HR issues compared to firms relying on generalist managers. The presence of an Employment Relations specialist was strongly associated with the inclusion of nearly all the internal practices in organisations' formal written policies, across all 3 types of dispute. The explanation for this may be that, as alluded to previously, organisations that have invested in having a specialist Employment Relations officer are also more likely to have codified their formal written conflict management policies.

6.3. The use of dispute resolution practices

In addition to enquiring about the content of organisations' use of dispute resolution policies, the survey also asked about their actual use. Respondents were asked to record how often they had used each of the 17 dispute resolution practices over the previous 3 years (on a scale ranging 'never', 'once', 'occasionally' and 'often').Drawing a distinction between organisations' policy and practice of dispute resolution will allow for a more nuanced understanding of firms' approach to conflict management.

6.3.1. The use of 'traditional' dispute resolution practices

As illustrated in Figure 10, a large majority of organisations have used each of the 'traditional' approaches at least once in the last 3 years to address individual conflict (72% use process involving progressively higher levels of management and 59 have allowed

appeals). The figures are lower for the use of traditional approaches to address inter-employee disputes (50% have used a process involving progressively higher levels of management at least once in the last 3 years and 41% have allowed appeals at least once in the last 3 years) and lower still for group disputes (13% and 12% respectively). This downward trend whereby traditional approaches are used most for individual disputes and least for group ones may be linked, at least partly, to the variable incidence of these types of disputes, as there is little to no group disputes so there is less need to utilise any form of disputes resolution. It might also signal a qualitative change of approach for group disputes, however. When respondents who have experienced no group disputes in the preceding 3 years are excluded, the use of traditional practices is still lower for this form of disputes (22% of firms using progressively higher levels of management and 21% allowing appeals). These results suggest that for organisations which have experienced some form of group dispute, there is very little difference between the policy and practice of these traditional approaches to dispute resolution.

Figure 10: use of traditional conflict management practices
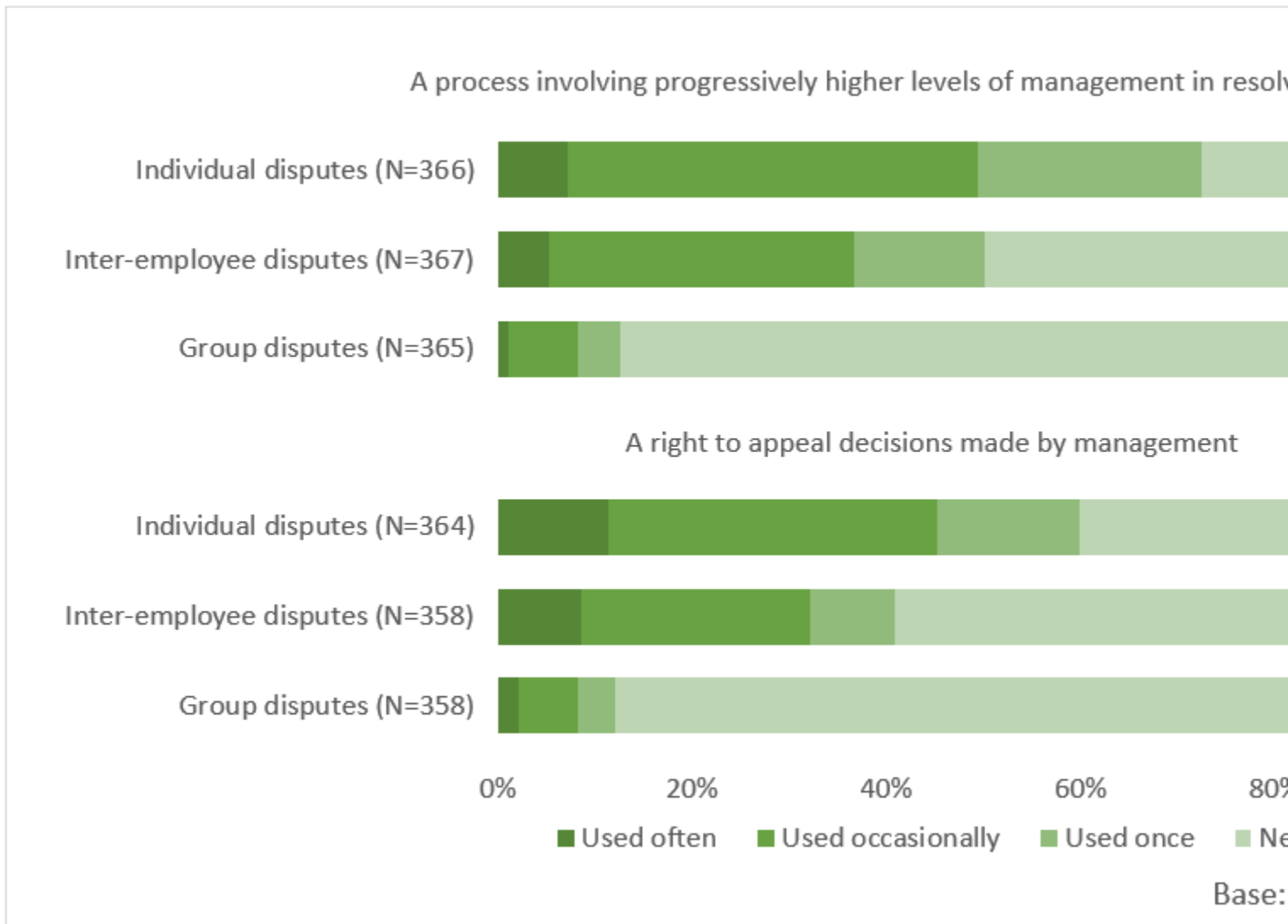
The association between organisation size and usage of these traditional approaches for managing disputes is significant and pronounced. Small firms have rarely, if ever, used the 2 approaches across all 3 of the forms of dispute (possibly as a consequence of their limited exposure to disputes in the first instance). In contrast, a majority of large firms use these traditional approaches often or occasionally for individual and inter-employee disputes. In terms of key stakeholders, a greater proportion of those organisations with

a specialist HR function will also have used these traditional approaches at least occasionally, compared to those who manage their HR using generalist managers. The presence of a trade union is positively associated with the use of traditional dispute resolution practices but predominantly for group conflicts.

'Traditional' approaches are a feature of a majority of organisations' approach to dispute resolution, both as a part of their formal policy but even more so in practice. The presence of traditional approaches is more evident for individual disputes than inter-employee and group disputes, although it is still used widely for inter-employee disputes. Traditional approaches are also used more often within particular types of organisations – large employers, those with specialist HR guidance and those with a trade union present.

6.3.2. Alternative approaches to disputes resolution using third parties

As well as being only rarely included in policies, processes involving external stakeholders are similarly not used widely *in practice* either. However, the results in Figure 11 show, that the use of Acas is fairly widespread in the case of individual disputes with over half of respondents having consulted the website and about a third using the telephone helpline in the preceding 3 years. Beyond Acas, lawyers and external HR experts are the next most commonly used agencies with 44% of firms having utilised them in relation to individual disputes. The figures fall to 20% and 26% of organisations respectively for inter-employee disputes. Beyond these 3 agencies, there is extremely limited broader use of practices that involve external experts. Less than a fifth of organisations in our sample used the other practices identified, dropping to less than one-in-ten for most practices used to address group disputes.

The influence of demographic factors on the use of external experts to help resolve workplace disputes is limited. The use of both the Acas telephone helpline and website for individual disputes is positively associated with organisational size. Use of the website is also more common where there is an HR function dealing with HR issues. For non-Acas external agencies, organisational size is strongly associated with the use of lawyers for individual disputes, whereas external HR experts are more commonly used by medium-sized firms. For inter-employee disputes the pattern is slightly different with small firms being the least likely to have used external HR advice.

Figure 11: use of alternative dispute resolution practices involving a third party

Figure 11 - Use of alternative dispute resolution practices involving a third party
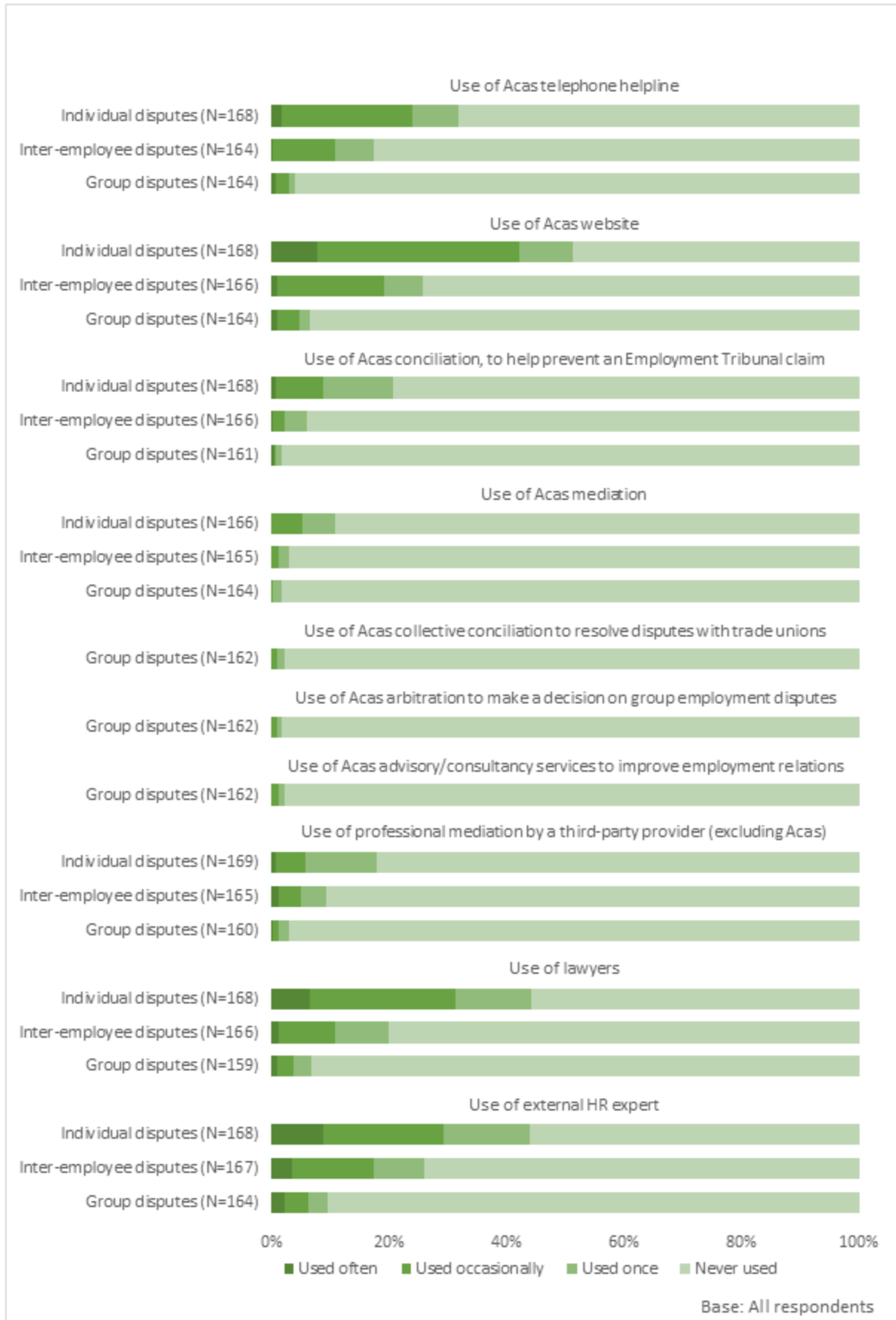
The presence of key stakeholders is also associated with the pattern of use of external experts to resolve disputes, most notably relating to individual conflicts. Firms with a specialist HR function were more likely to consult both lawyers and external HR experts than those firms relying on generalist managers to deal with HR issues. In the case of inter-employee disputes this pattern is repeated for external HR experts. The presence of unions in an organisation is positively associated with the use of Acas conciliation, lawyers and external HR experts for individual disputes. Finally, a higher proportion of firms that employ an Employment Relations officer report having used external HR and the Acas telephone helpline for individual disputes than those without such a post.

The picture regarding the use of external experts in the resolution of workplace disputes is mixed. As with traditional approaches, the results suggest that dispute resolution practices are used more commonly that they are included in written policies – most commonly of all in the case of individual disputes. Of the external agencies used, the use of lawyers and external HR experts are the most popular, together with the information provided by the Acas website and telephone helpline.

6.3.3. The use of practices internal to the organisation

In terms of how often *internal approaches* are used in practice – as opposed to simply being included in written polices – the results in Figure 12 point to widespread usage of procedures internal to the organisation, in the case of both individual and inter-employee disputes. Over half the organisations in the sample reporting using: a formalised open-door approach; discussions facilitated by HR; intensive communications regarding change; informal conversations with line-managers, and; personal development plans, at least once in the last 3 years to address individual disputes. Although the figures were lower in the case of inter-employee disputes, these practices were still used by more than 40% of firms.
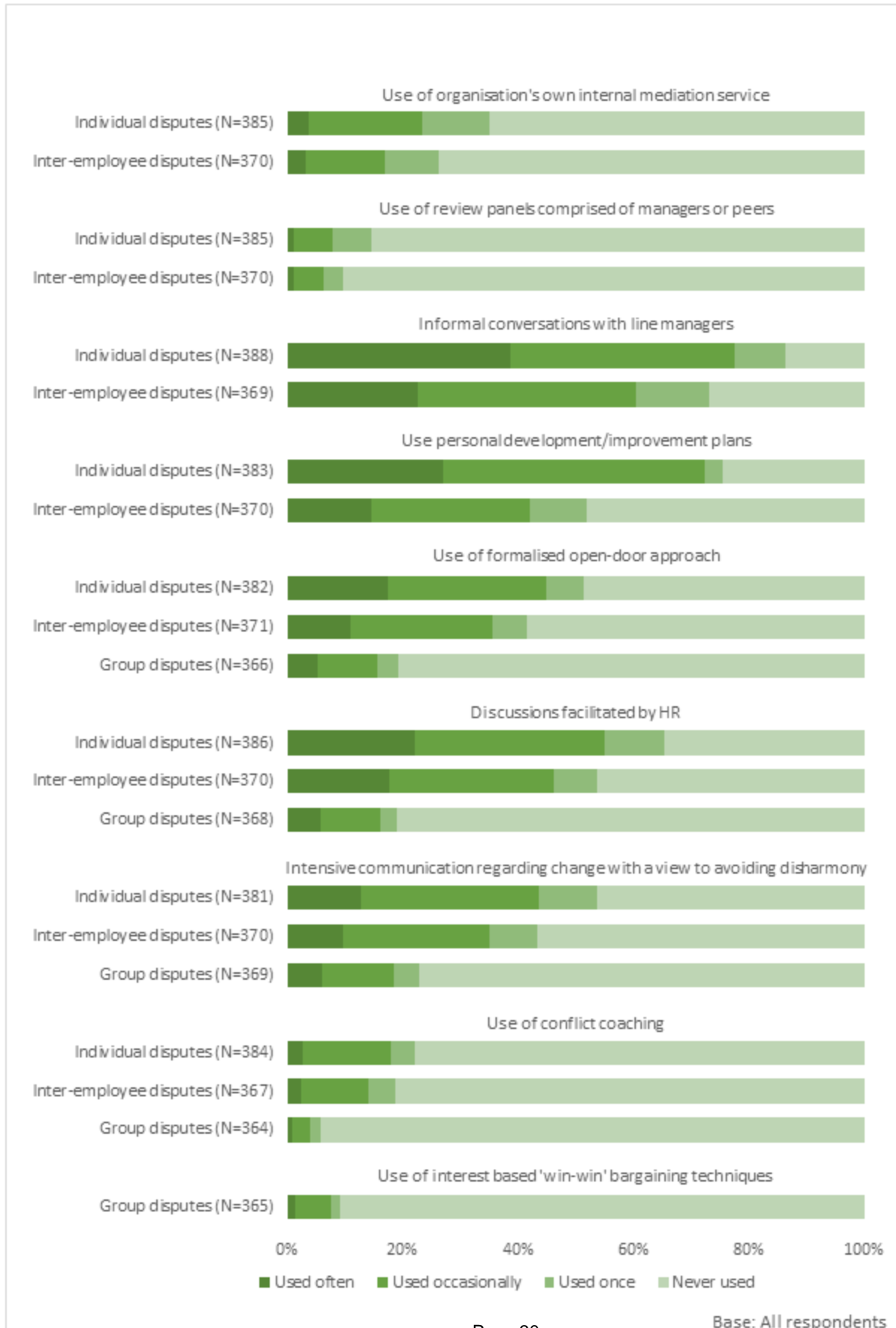
Internal approaches are used more rarely to address group disputes, which is no doubt a reflection of the lower levels of this type of dispute. Nevertheless, this type of practice is still used more widely than approaches involving external actors to address group disputes, with over a fifth of organisations in our sample having used formalised open-door policies, discussions facilitated by HR and intensive communication regarding change at least once in the last 3 years as a means of managing group disputes. One potential explanation for the apparent preference for internal mechanisms for group disputes is that organisations may be dealing with these disputes at an early or nascent stage and before they reach some form of impasse that requires the involvement of an external agency.

All key demographic variables are significantly related to the usage of particular internal approaches, but in differing ways. In general, there is a positive association between firm size and use of internal practices for addressing disputes, with small firms disproportionately likely to never have used such approaches. This strong association between firm size and the use of internal approaches to managing conflict may simply be a function of the finding, noted earlier, that large firms experience more conflict so have more opportunity to resolve it. An alternative explanation is that larger firms have the capacity to invest greater resources in dispute resolution.

The impact of the presence of a specialist HR function on the extent to which internal approaches are used to address individual and inter-employee disputes is clear with 7 of the 8 internal approaches more commonly used in firms where an in-house HR function is present. The impact of HR presence is less notable when it comes to group disputes and these findings reflect a focus by HR on the individualised aspects of the employment relationship. The presence of a trade union is also associated with the use of internal dispute resolution practices, especially for individual disputes, with half of the 8 internal practices being more commonly used in unionised organisations. The explanation for this positive relationship between unions and the use of internal dispute resolution practices is unclear but could relate to their role in encouraging employers to follow established procedures in dealing with worker issues.

Figure 12: use of in-house alternative dispute resolution practices

Figure 12 - Use of in-house alternative dispute resolution practices

Use of organisation's own internal mediation service

Individual disputes (N=385)
Inter-employee disputes (N=370)

Use of review panels comprised of managers or peers

Individual disputes (N=385)
Inter-employee disputes (N=370)

Informal conversations with line managers

Individual disputes (N=388)
Inter-employee disputes (N=369)

Use personal development/improvement plans

Individual disputes (N=383)
Inter-employee disputes (N=370)

Use of formalised open-door approach

Individual disputes (N=382)
Inter-employee disputes (N=371)
Group disputes (N=366)

Discussions facilitated by HR

Individual disputes (N=386)
Inter-employee disputes (N=370)
Group disputes (N=368)

Intensive communication regarding change with a view to avoiding disharmony

Individual disputes (N=381)
Inter-employee disputes (N=370)
Group disputes (N=369)

Use of conflict coaching

Individual disputes (N=384)
Inter-employee disputes (N=367)
Group disputes (N=364)

Use of interest based 'win-win' bargaining techniques

Group disputes (N=365)

0%   20%   40%   60%   80%   100%

■ Used often   ■ Used occasionally   ■ Used once   ■ Never used
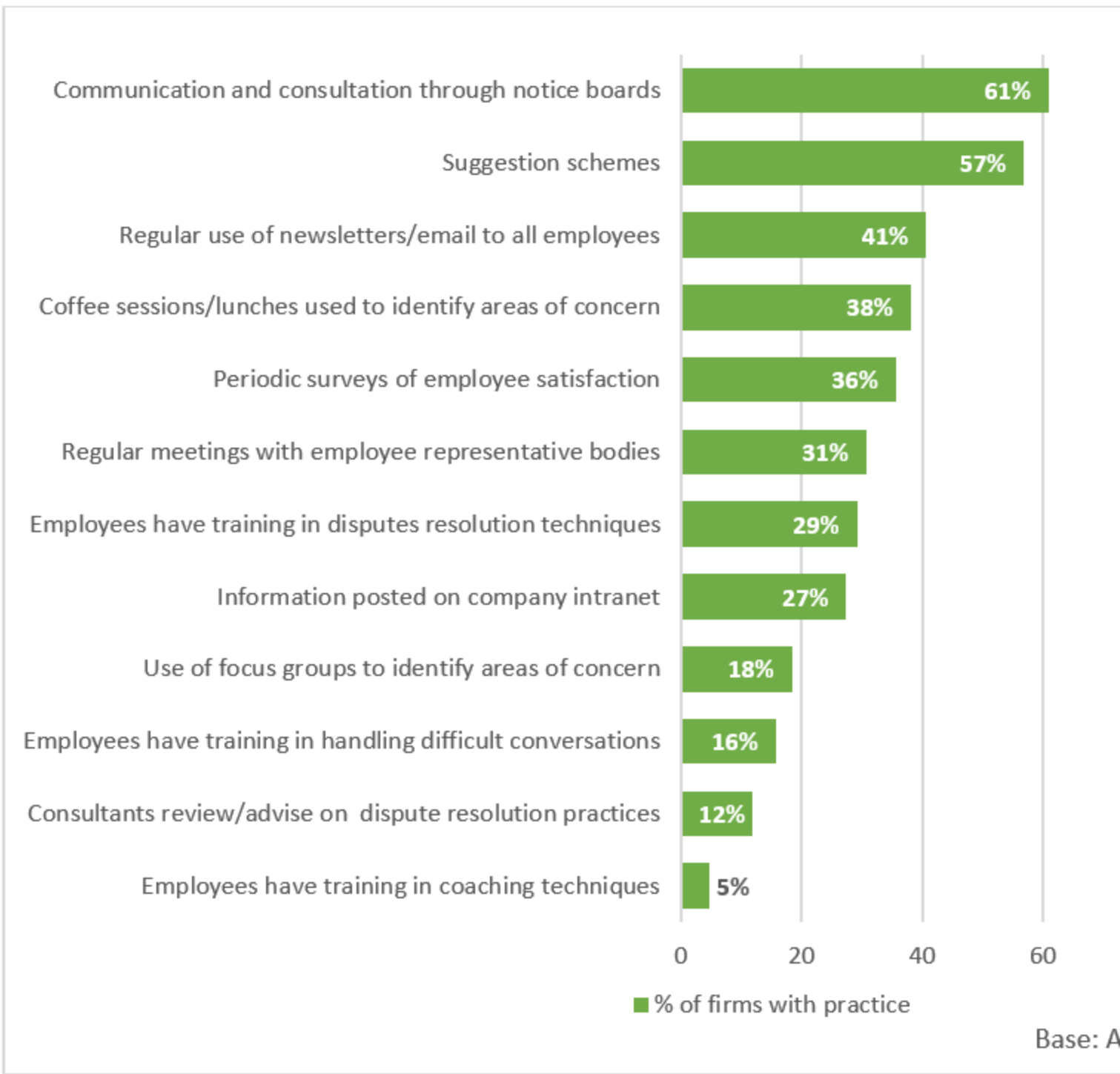
Base: All respondents

6.4. HR practices used to proactively address disputes

One of the underlying principles of Alternative Disputes Resolution (ADR) is the notion that firms should proactively seek to pre-empt conflicts from occurring – through communication and engagement, to air potential issues and take early action – as well as dealing with them efficiently when they do. The survey, therefore asked respondents to indicate whether their organisations used a range of practices to reduce or avoid workplace disputes and promote good employee relations. The results are presented in Figure 13 and show that the use of such practices is fairly widespread.

Traditional downward communication channels such as noticeboards, newsletters or emails and information posted on intranets are popular, with 61%, 41% and 27% of organisations using them respectively. Two-way communication channels such as suggestion schemes (57%), employee satisfaction surveys (36%) and coffee or lunch sessions to identify areas of concern (38%) are also widespread. It is also noteworthy that over a quarter of organisations hold regular meetings with employee representative bodies and provide training to employees in dispute resolution techniques. Overall, the data suggest that many firms are implementing policies that are consistent with a desire to minimise workplace disputes.

Figure 13: the use of practices to reduce or avoid workplace disputes and promote good relations with employees (N=400)

| Practice	% of firms with practice
Communication and consultation through notice boards	61%
Suggestion schemes	57%
Regular use of newsletters/email to all employees	41%
Coffee sessions/lunches used to identify areas of concern	38%
Periodic surveys of employee satisfaction	36%
Regular meetings with employee representative bodies	31%
Employees have training in disputes resolution techniques	29%
Information posted on company intranet	27%
Use of focus groups to identify areas of concern	18%
Employees have training in handling difficult conversations	16%
Consultants review/advise on dispute resolution practices	12%
Employees have training in coaching techniques	5%

■ % of firms with practice

Base: A

6.5. Employee choice in the approach to dispute resolution

One of the aims of this research was to identify the possible existence of integrated conflict management systems (ICMS) in Britain (Latreille and Saundry 2015). One of the key elements of such systems is the extent to which employees are given a choice in the approach taken to resolving disputes they may be involved in. The survey, therefore, asked respondents whether employees were offered such a choice for both disputes raised by an employee and those originating from the employer. The results presented in Figure 14 suggest that whilst choice as to the approach taken is offered quite extensively for grievances brought by employees (56%),

this option is less common when disputes are raised by management in the form of disciplinary proceedings (34%).

The extent of employee choice is related to a number of demographic and stakeholder factors. Employees are more likely to be offered a choice in how disputes that *they* have raised are handled in small and large firms (compared to medium sized organisations) and in those firms with a specialist HR function. The latter could be due to the greater capability that specialist HR offers in dispute handling. For disputes initiated by the employer, such as disciplinary cases, the presence of a trade union is the only significant factor, with fewer unionised workplaces offering employees a choice in approach, possibly due to unions tending to prefer consistency of practice across the workforce.

Figure 14: employees choice in the approach taken to disputes
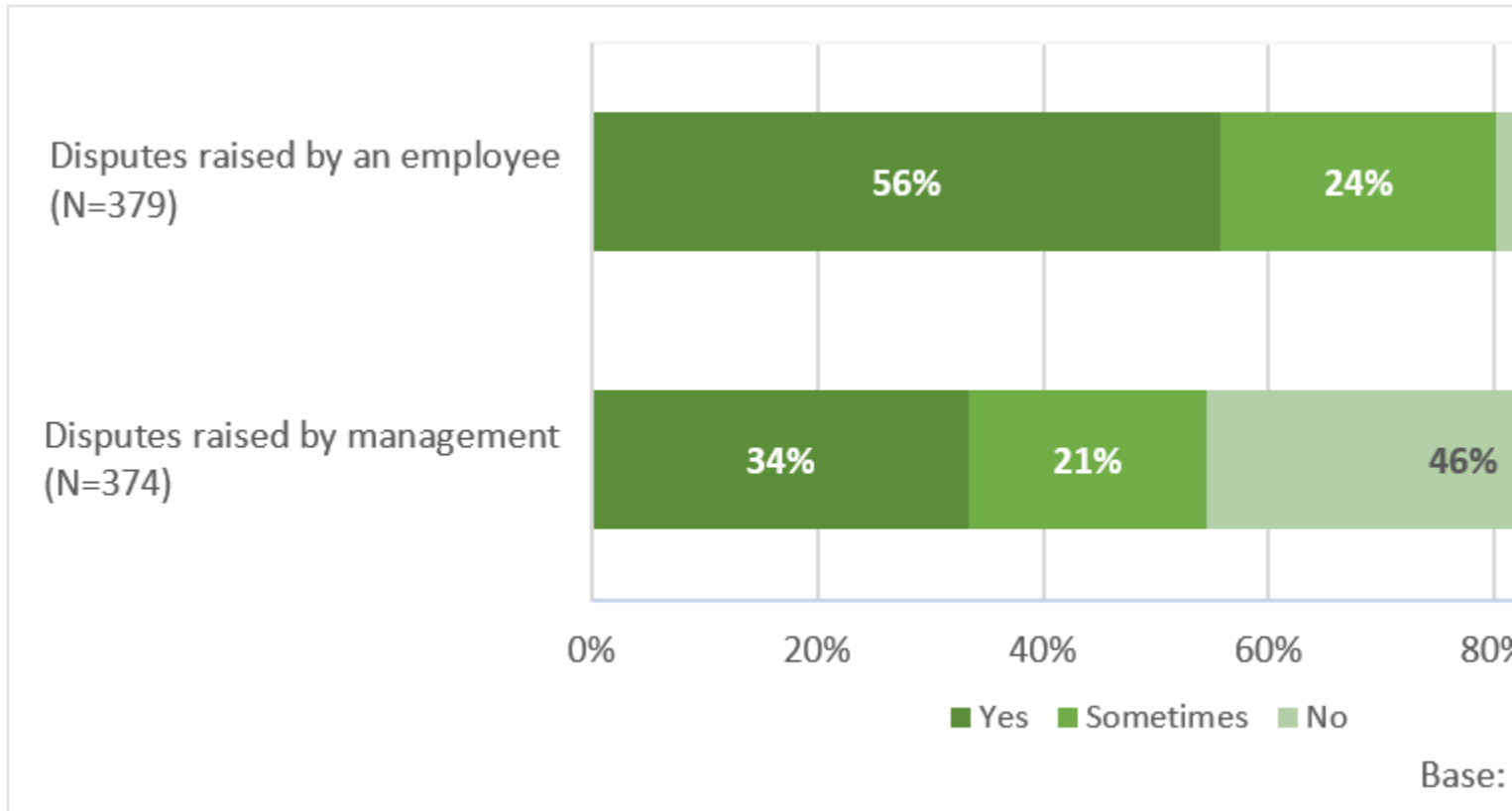
6.6. Concluding remarks on the approach to managing disputes

There are 3 key findings which can be noted from this section. First, that there is a clear difference between organisational policy and practice in terms of workplace dispute resolution. An examination of the policies of respondent organisations suggests that British firms rely on traditional approaches for resolving disputes. A closer review of the approaches used in practice tells a different story, however, with a variety of internal practices and external experts being widely used. A second finding, leading on from the first, is that organisations in Britain use a wide range of approaches which may be considered as 'alterative' to varying degrees.

The concept of 'Alternative Dispute Resolution' (ADR) is widely discussed and researched, although often poorly defined. If we take the broadest definition of ADR, as anything but the traditional approach to resolving disputes, then the findings of this survey suggest that ADR is being used fairly widely within British organisations, although often through approaches that aim to keep the dispute 'in house' and not involve external actors. The diffusion of ADR across organisations is uneven, however. Larger organisations and those

with an in-house HR presence are notable users of ADR and are willing to draw on external experts where appropriate. In contrast, unionised workplaces are also willing to use ADR, but only where this keeps the dispute in-house (they do not draw on external experts), which is consistent with earlier research (Heery and Nash, 2011). Finally, the results suggest that in addition to the use of ADR practices, a significant proportion of organisations have implemented policies that are aimed at dispute prevention rather than resolution, even if these tools are often weak (for example through the use of notice boards and newsletters).

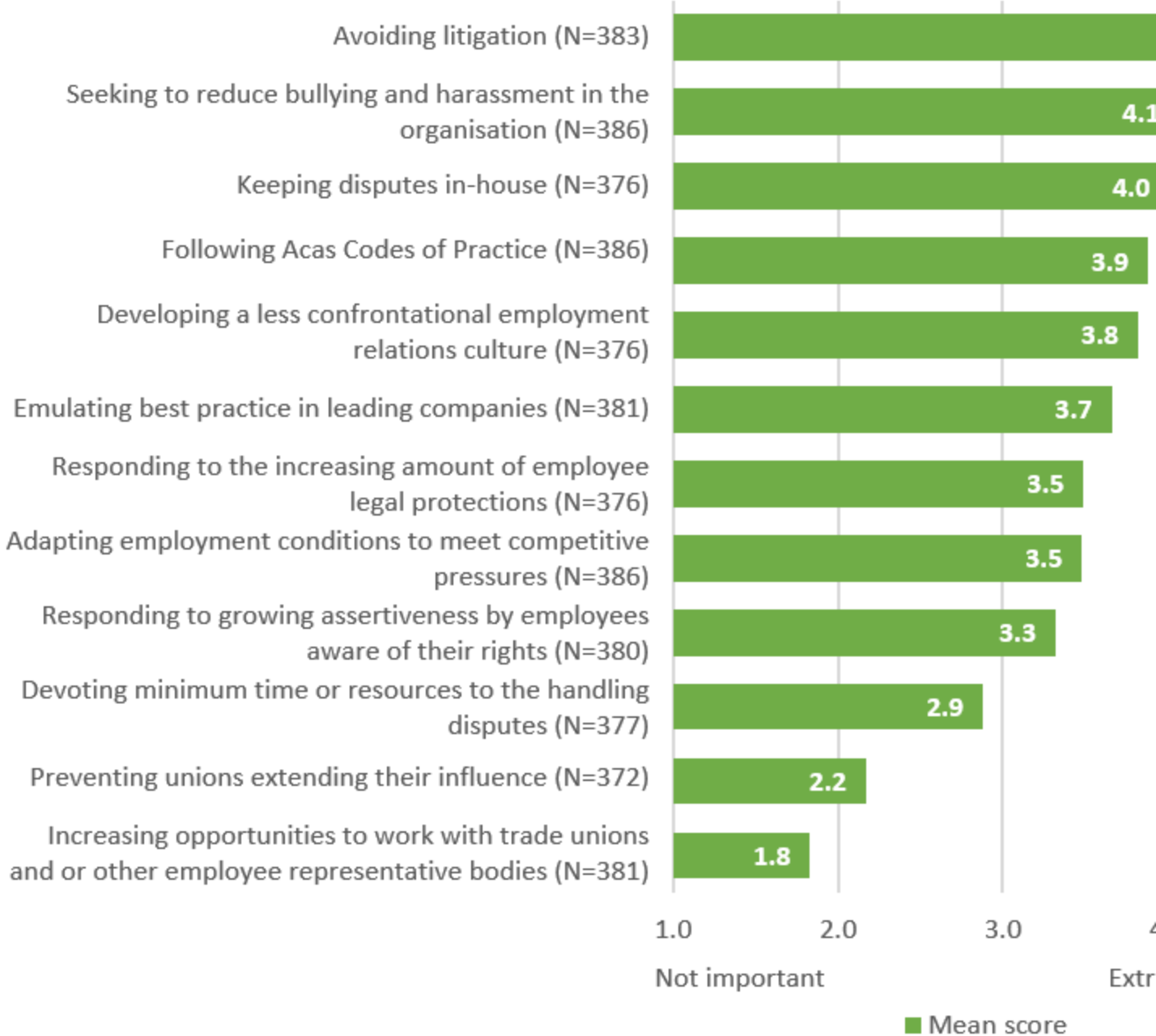# 7. Managing disputes: policy and approach

Beyond the content of an organisation's disputes policy, the survey also sought to ascertain how and why policy is derived and altered. The survey asked about organisations' motivations in selecting their overall approach to dispute resolution. It also considered whether respondents regularly reviewed their policies and if any changes had been made in the last 3 years. Where changes had been made, the cause of these changed were examined. What is apparent from the responses is that dispute resolution policy is reactive more than proactive.

7.1. Influences on organisations' approach to dispute resolution

Respondents were asked to rate the importance of 12 separate factors in influencing their organisations' overall approach to dispute resolution, on a five-point scale from 'not important' (1) to 'extremely important' (5). The mean score for each factor is shown in Figure 15, which is ordered in descending importance. Although not mentioned specifically, the spectre of Employment Tribunal cases appears to loom large in the mind of organisations when designing approaches to managing disputes, with a desire to avoid litigation being credited by organisations as the most important influence on their dispute resolution approach. Seeking to reduce bullying and harassment in the organisation and following Acas statutory Codes of Practice (on discipline and grievance, among others) are also seen as highly important, and again may speak in part to a desire to avoid Tribunal action. Keeping disputes in-house is also noted as an important influence and suggests an environment that may be receptive to internal approaches to ADR.

Factors that have less influence on approaches to managing disputes are: devoting minimum time or resources to the handing of disputes; preventing unions extending their influence, and; increasing opportunities to work with unions and or other employee representative bodies. Although these influences are less significant, there are 17% of respondents who identify preventing union influence as very or extremely important, as well as 7% who see their dispute resolution approach as very or extremely important in trying to increase links with union. These figures shift to 15% and 32% respectively, when looking at just unionised organisations – suggesting that the potential complementarities between unions and dispute resolution are more apparent to those organisations who have experience in dealing with them.

Figure 15: influence on the approach to the management of dispute resolution (mean scores)

Factor	Mean score
Avoiding litigation (N=383)	
Seeking to reduce bullying and harassment in the organisation (N=386)	4.1
Keeping disputes in-house (N=376)	4.0
Following Acas Codes of Practice (N=386)	3.9
Developing a less confrontational employment relations culture (N=376)	3.8
Emulating best practice in leading companies (N=381)	3.7
Responding to the increasing amount of employee legal protections (N=376)	3.5
Adapting employment conditions to meet competitive pressures (N=386)	3.5
Responding to growing assertiveness by employees aware of their rights (N=380)	3.3
Devoting minimum time or resources to the handling disputes (N=377)	2.9
Preventing unions extending their influence (N=372)	2.2
Increasing opportunities to work with trade unions and or other employee representative bodies (N=381)	1.8

Not important — Extr...

■ Mean score

Base:

Demographics have only a limited bearing on the factors influencing organisations' approaches to dispute management. Large firms report higher mean scores for 5 of the 12 factors (responding to increasing employee legal protections, keeping disputes in house, increasing opportunities to work with unions, emulating best practice in leading companies and following Acas Codes of Practice) compared to smaller organisations although the differences are mostly modest. The only significant difference in terms of sector is that firms in low paying sectors of the economy are more likely to cite 'responding to growing assertiveness by employees who are aware of their rights' as a more important influence on their dispute management approach. This finding is consistent with the growing zero

hours and precarious work debate and resultant efforts to mobilise these workers.

Organisations with an HR function to deal with HR issues are more likely than those without to cite increasing the opportunities to work with trade unions and or other employee representative bodies, emulating best practice and following the Acas Codes of Practice as being important influences on the organisation's dispute management approach. The presence of a trade union is similarly associated with a greater importance being attached to increasing opportunities to work with trade unions and or other employee representative bodies and following Acas Codes of Practice. There is some overlap in the effect of the key stakeholders on organisations' overall approach to dispute resolution.

7.2. Evaluation and change in dispute resolution policies

The survey asked respondents whether they had a formal policy of evaluating the effectiveness of their dispute resolution practices and whether these practices had changed in the preceding 3 years. The results suggest that dispute resolution is a static policy with only 11% of organisations having a formal policy of evaluation, although this does not reflect that ad hoc changes may still be made. The only factor which is associated with the likelihood of such a review is firm size, with a higher share of small and medium sized firms having a formal policy to evaluate the effectiveness of their dispute resolution practices than large organisations.

Looking beyond the evaluation of dispute resolution policies, 18% of organisations reported having significantly changed their approach to dispute resolution in the last 3 years. Organisation size was again significantly associated with this practice with medium sized firms most likely to have undertaken such a change. A follow-up question asked for the major causes of this change in approach.

The results (illustrated in Figure 16) suggest that the biggest influence was a change in management approach, with nearly 80% of organisations citing this as a cause for their change in approach. Over a third of organisations cite a previous dispute as being the motivation for their change, whilst a quarter cite Acas Codes of Practice as having prompted their change of tack for approaching dispute resolution. Less important influences are changes in employment tribunal legislation or broader regulatory change, together with the impact of employee voice or trade unions, with less than one-in-five organisations citing these as factors underpinning their change in approach to dispute resolution. Although only a minority of firms report having significantly altered their approach in the preceding 3 years, for those that have it appears to be a conscious management decision to do so.

Figure 16: influences on organisations' change of approach to dispute resolution (N=68)

Change in management approach — 80%
Result of previous dispute — 39%
Legislative change — 22%
Staff survey results — 21%
Acas codes of practice — 19%
Changes to Employment Tribunal legislation — 19%
Regulatory change — 12%
Employee voice/Trade Union impact — 10%

% of firms

Base: Organisations having significantly altered their approach to d
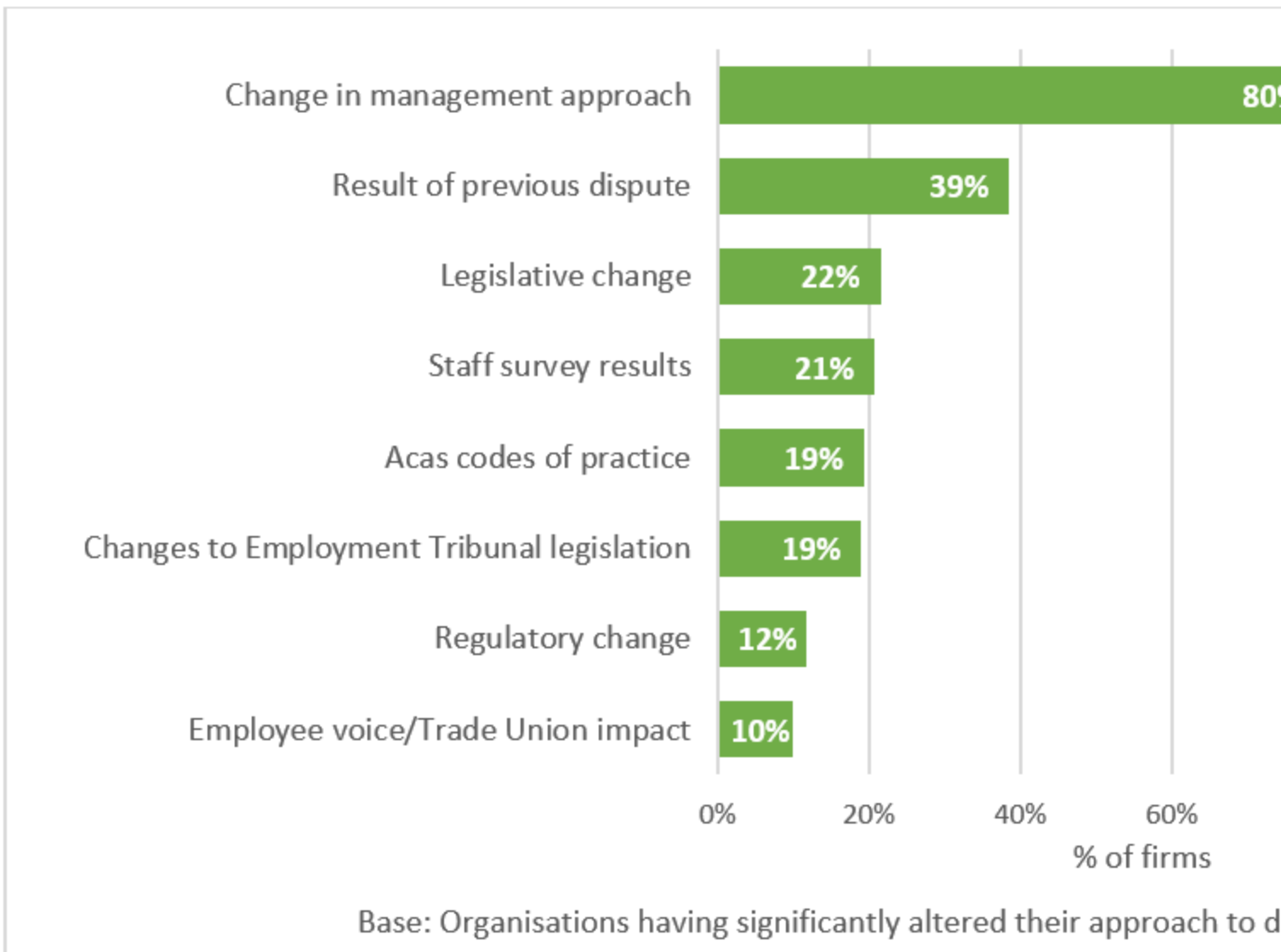
Note: respondents could choose more than one option, hence totals do not sum to 100%

8. Conclusions

This survey has helped shed light on the incidence and management of workplace disputes within the British economy. Above all, the results confirm that disputes are a ubiquitous feature of organisational life, with the vast majority of firms experiencing some form of conflict in the last 3 years. That said, the results also show that the most common disputes are informal disagreements and traditional grievance and disciplinary cases. Only a small minority of organisations surveyed had experienced disputes at the more serious end of the spectrum, including those that end up in an employment tribunal. Nor is the experience of disputes uniformly felt across the economy, with large firms, those with a specialist HR function and or a trade union being *more likely* to experience workplace discord

– although this is likely to be at least partially a measurement effect rather than signalling that these organisations are more dispute prone.

One of the most striking results of the survey is the near disappearance from British private sector organisations of collective or group disputes as traditionally conceived. As noted in the report, this is unlikely to signify the elimination of workplace grievances with a collective dimension; rather that the channels for expressing such disputes have become increasingly circumscribed. The survey also confirms earlier research that inter-employee disputes have become an established feature of the British workplace. Amongst this picture of continuity and change, one constant remains the need for organisations to respond to the challenges posed by workplace disputes.

The survey revealed that line managers play a key role in dispute resolution, being cited as the most popular initial contact when conflicts arise. Significantly, this is true even where the organisation has specialist HR personnel onsite. Organisational expectations and support for line managers around dispute resolution vary across firms, with large organisations and those with specialist HR more likely to integrate line manages into organisational practices and also to provide training in dispute resolution techniques. The survey confirms existing research about the importance of line managers to the management of workplace disputes.

The research uncovers new information about the management of disputes within British organisations. Perhaps most striking is the huge disconnect between dispute resolution policy and practice. British employers seem to eschew formal written dispute resolution policies in favour of a more flexible, ad-hoc approach to conflict. Although the majority of organisations have a written policy, in most cases this is applied flexibly depending on the circumstances of the case, with only a quarter of firms consistently following procedures. Where policies exist, their provisions are overwhelmingly traditional, emphasising hierarchical responses to any disputes that arise.

The management of conflict in practice reveals a very different picture, however. Despite their virtual absence from written policies, alternative forms of dispute resolution are reasonably widespread amongst British employers, especially in relation to individual and inter-employee disputes. The type and diffusion of these ADR practices is uneven, however. In general, internal practices that keep disputes 'in-house' are more common that those that involve external third-parties. Larger firms and those with specialist HR are more likely to adopt these 'external' ADR approaches, perhaps due to their increased capacity to do so. In addition to policies specifically designed to manage disputes when they occur, the survey reveals that some organisations have also adopted pre-emptive practices designed to minimise the emergence of disputes in the first place. This could be taken as tentative evidence of a strategic approach being taken to workplace dispute resolution.

Finally, the survey casts some light on firms' motivation in their overall approach to dispute resolution. Employers' perception of conflict at a conceptual level is revealing, in that three-quarters of organisations view workplace disputes though a unitarist lens. In practical terms the management of disputes within organisations is often shaped by resources and capability with larger firms and those with specialist HR associated with a broader portfolio of practices. There is also evidence of some instrumentalism in organisations' approach to dispute resolution with avoidance of litigation the most important of the cited factors. Counterbalanced against this is the finding that employee voice also plays a role in shaping organisational dispute management practice. This is most obviously seen through the role that trade unions play in influencing the diffusion of dispute resolution policy and practice and suggests an enduring role for established employment relations institutions in the management of disputes at work.

This research has increased our understanding of how British organisations view, experience and manage workplace disputes. It also raises new questions that should be the focus of future research. The first of these concerns the existence of a strategic approach to dispute resolution and the extent to which organisations integrate dispute resolution practices into their broader approach to HR. The second question that warrants further investigation is an exploration of the influence of trade unions on dispute resolution policy and practice in the context of the shift away from collective disputes towards more individualised forms of conflict.

References

Acas (2016). Business Opinion Omnibus Poll 2016.

BIS (2011). Resolving workplace disputes: A consultation I and S Department of Business (ed.).

Budd, J, Pohler, D and Huang, W (2018). '(Mis)Matched Frames of Reference: Cognitive Foundations of Employment Systems'.

CIPD (2015). Getting under the skin of workplace conflict: Tracing the experiences of employees. London: CIPD.

Corby, S (2015) 'Arbitration in collective disputes: A useful tool in the toolbox'. Acas Research Paper. 05/15.

Dix, G (2012). 'Dispute Resolution and Policy: Past, Present and Future'. ESRC Seminar Series - October 2012.

Dix, G, Forth, J and Sisson, K (2008). 'Conflict at work: The pattern of disputes in Britain since 1980'. Acas Research Paper. 03/08.

Fevre, R, Nichols, T, Prior, G and Rutherford, I (2009). Fair Treatment at Work Report: Findings from the 2008 survey. London.

Fox, A (1966). 'Industrial Sociology and Industrial Relations'. Research Paper 3, Royal Commission on Trade Unions and Employer Association.

Hair, J F, Black, W C, Babin, B J and Anderson, R E (2009). Multivariate Data Analysis. 7th Ed. Upper Saddle River, NJ: Prentice Hall.

Hann, D, Nash, D and Heery, E (2016). 'Workplace conflict resolution in Wales: The unexpected prevalence of alternative dispute resolution'. Economic and Industrial Democracy. OnlineFirs: 0143831X1666301.

Heery, E (2016). Framing Work: Unitary, Pluralist and Critical Perspectives in the 21st Century. Oxford: Oxford University Press.

Heery, E and Nash, D (2011) 'Trade Union Officers and Collective Conciliation: A Secondary Analysis', Acas Research Paper 10/11, Acas.

Huselid, M A (1995). 'The Impact Of Human Resource Management Practices On Turnover, Productivity, And Corporate Financial Performance'. Academy of Management Journal. 38 (3): 635 – 72.

Jefferys, S (2011). 'Collective and individual conflicts in five European countries' G Gall (ed.). Employee Relations. 33 (6): 670 – 87.

Latreille, P and Saundry, R (2015). 'Towards a system of conflict management?: An evaluation of the impact of workplace mediation at Northumbria Healthcare NHS Foundation Trust'. Acas Research Paper. 02/15.

Lipsky, D, Avgar, A, Lamare, R and Gupta, A (2012). The Antecedents of Workplace Conflict Management Systems in U.S. Corporations: Evidence from a New Survey of Fortune 1000 Companies. Presented to International Labour and Employment Relations Association. In: 2012, Ithaca: ILR School, Cornell (draft paper).

Marlow, S and Patton, D (1993). 'Managing the Employment Relationship in the Smaller Firm: Possibilities for Human Resource Management'. International Small Business Journal.

Nash, D and Hann, D (2019). 'Strategic conflict management? A study of workplace inter-employee dispute resolution in Wales'.

Industrial and Labor Relations Review.

Office for National Statistics (2019) 'Tribunal Statistics Quarterly: April to June 2019'. Official Statistics

Roche, W K and Teague, P (2011). Firms and Innovative Conflict Management Systems in Ireland. British Journal of Industrial Relations. 49 (3): 436 – 59.

Roche, W and Teague, P (2014). 'Conflict Management Systems'. In: W Roche, P Teague, and A Colvin (eds.). The Oxford Handbook of Conflict Management in Organisations. Oxford: Oxford University Press, pp. 250 – 72.

Saundry, R, Fisher, V and Kinsey, S (2019). 'Managing workplace conflict: the changing role of HR'. Acas Research Paper, 01/19, Acas.

Saundry, R, Latreille, P and Dickens, L (2014). 'Reframing resolution: managing conflict and resolving individual employment disputes in the contemporary workplace'. Acas Policy Discussion Papers. London.

Storey, J (2007). Human Resource Management: A Critical Text. London, Thompson

Teague, P and Roche, W (2012). 'Line managers and the management of workplace conflict: evidence from Ireland'. Human Resource Management Journal. 22 (3): 235 – 51.

Teague, P, Roche, W and Hann, D (2012). 'The diffusion of alternative dispute resolution practices in Ireland'. Economic and Industrial Democracy. 33 (4): 581 – 604.

Young, L and Daniel, K (2003). 'Affectual trust in the workplace'. The International Journal of Human Resource Management. 14 (1): 139 – 55.

Appendix 1: Technical report on the methodology of the survey of disputes and their resolution in the workplace amongst British employers

The Survey of Disputes and their Resolution in the Workplace, 2018, was commissioned by Acas and undertaken by researchers at Cardiff Business School. The purpose of the survey was to examine the strategies of British firms in managing disputes in the workplace.

Survey population and sample selection

The survey was designed to be fully representative of businesses and other organisations (excluding the public sector but including the not-for-profit sector). Therefore, the population of the survey was companies with 20 or more employees, in order to focus on organisations that are most likely to have some form of codified approach to conflict management. The geographical focus of the survey was Great Britain (Northern Ireland was surveyed separately in a study commissioned by the Labour Relations Agency). Information regarding the population was drawn from the ONS Business Population Estimates 2017.

The sample was drawn from Companies House records, which contain data on all incorporated companies in the UK. This was accessed through the FAME web-based database. The sample was selected at random having first stratified the population by size and sector. The size categories used were:

Small – 20 to 49 employees; Medium – 50 to 249 employees; Large – 250+ employees.

The sectors were:

SIC Section	Description
BDE	Mining and Quarrying; Electricity, Gas, Steam and Air Conditioning Supply; Water Supply; Sewerage, Waste Manaɡ and Remediation Activities
C	Manufacturing
F	Construction
G	Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles
H	Transportation and Storage
I	Accommodation and Food Storage Activities
J	Information and Communication
K	Financial and Insurance Activities
L	Real Estate Activity
M	Professional, Scientific and Technical Activities
N	Administrative and Support Service Activities
P	Education
Q	Human Health and Social Work Activities
R	Arts, Entertainment and Recreation
S	Other Service Activities

The strata were unit-proportional to the sample frame in terms of industrial sector. In order to increase the employee proportional representation of the sample, the size categories were represented disproportionately to their numbers in the population with large employers over-sampled and small employers under-sampled.

Fieldwork methodology

The unit of enquiry was the company, which was taken to be the registered office in the case of a multi-site company. The target respondent for the survey was the individual with responsibility for the management of conflict within the organisation. This was assumed to be somebody working in the HRM or Personnel functions of the company. FAME provided contact information for a range of functions and where HRM or Personnel contacts were not available then contacts were sought from more general managers and

company secretaries. Where no such contact information was available then the research team sought the missing contact information by telephoning or emailing the company. Finally, if that failed to provide any named contact then the company was replaced with an alternative from the same strata in the sample frame.

The main survey was conducted by post between January and April 2018, with the option of electronic submission included in the covering letter. There were 3 mail shots, all of which included the questionnaire. After the second mailshot a series of follow up telephone calls were made to 3,800 of the non-responding firms to make sure the correct person had received the questionnaire and to remind them to return it. These follow-up calls were focussed on large and medium sized firms.

Questionnaire

A copy of the questionnaire in included as Appendix 2 of this report. The instrument was developed by the researchers in consultation with Acas and based on a similar survey of Welsh employers that had been conducted by the research team in 2015. The questionnaire underwent cognitive testing with a range of HR practitioners in November 2017 at which point minor alternations to wording were made. The questionnaire was designed to gather data on organisational characteristics, attitudes to, and experience of, disputes as well as the policies and practices that had been used to deal with workplace disputes in the preceding 3 years.

Response rates

A total of 400 useable questionnaires were completed, representing a response rate of 8% (see Table 1). The response rates were consistent across the different size categories, ranging from 7% for small organisations to 9% for large firms. There was greater dispersion in response rate across the different industrial sectors, with a minimum of 3% for the information and communication sector and maximum of 12% for mining, quarrying and utilities and the real estate sectors.

Table 1: response rates of firms by economic sector and organisation size

SIC Section	Organisation size (number of employees): 20-49	Organisation size (number of employees): 50-249	Organisation size (number of employees): 250+	Organisa Total
BDE	14.3%	13.3%	5.9%	11.5%
C	9.6%	8.8%	15.0%	11.2%
F	6.3%	14.6%	5.9%	8.8%
G	7.9%	5.0%	6.7%	6.9%
H	4.7%	11.9%	13.2%	9.0%
I	2.8%	6.4%	5.6%	4.7%
J	1.0%	7.1%	1.3%	2.8%
K	9.3%	10.0%	5.9%	7.5%
L	3.3%	14.3%	20.8%	11.8%

M	9.4%	6.3%	4.9%	7.1%
N	7.9%	6.1%	7.3%	7.2%
P	8.1%	7.7%	13.3%	9.7%
Q	10.5%	11.3%	11.0%	11.2%
R	4.1%	8.8%	7.7%	6.5%
S	6.1%	8.7%	7.7%	7.2%
Total	7.5%	8.2%	8.5%	8.0%

Sample weighting

The collected data were reweighted to compensate for differences in response rates across the sample strata. Using data from the 2017 ONS Business Population Estimates, organisation weights were calculated and applied to the analysis in the report. This weighs the number of completed cases in the sample to the total number of employers in each of the 45 strata identified above. As can be seen from Table 2, the relatively small weights for the 15 industrial sectors suggests that the achieved sample is broadly representative of the population of Private organisations in Britain. The larger weights attached to the size categories suggests that the sample over-represents large employers and under-represents small ones in comparison to their prevalence in the population. However, by using the establishment weights allows us to speak of the organisation as a unit and aims to make the reported results representative of private sector organisations in Britain.

Table 2: sample weights for economic sector and organisation size

SIC Section	Organisation size (number of employees): 20-49	Organisation size (number of employees): 50-249	Organisation size (number of employees): 250+	Organisation size (number of employees): Total
BDE	0.785	0.653	0.515	0.696
C	1.132	1.187	0.126	0.715
F	1.948	0.521	0.181	0.907
G	1.626	1.445	0.230	1.155
H	2.566	0.898	0.143	0.892
I	5.195	0.975	0.191	1.696
J	12.287	1.240	1.380	2.838

K	1.343	1.061	0.653	1.065
L	3.734	0.589	0.114	0.674
M	1.354	1.355	0.320	1.125
N	1.329	1.759	0.348	1.113
P	1.557	1.177	0.110	0.830
Q	1.251	0.700	0.078	0.711
R	2.989	0.993	0.282	1.226
S	2.483	0.736	0.083	1.101
Total	1.706	1.041	0.191	1.000