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Disputes and their management in the workplace

A survey of employers in Northern Ireland

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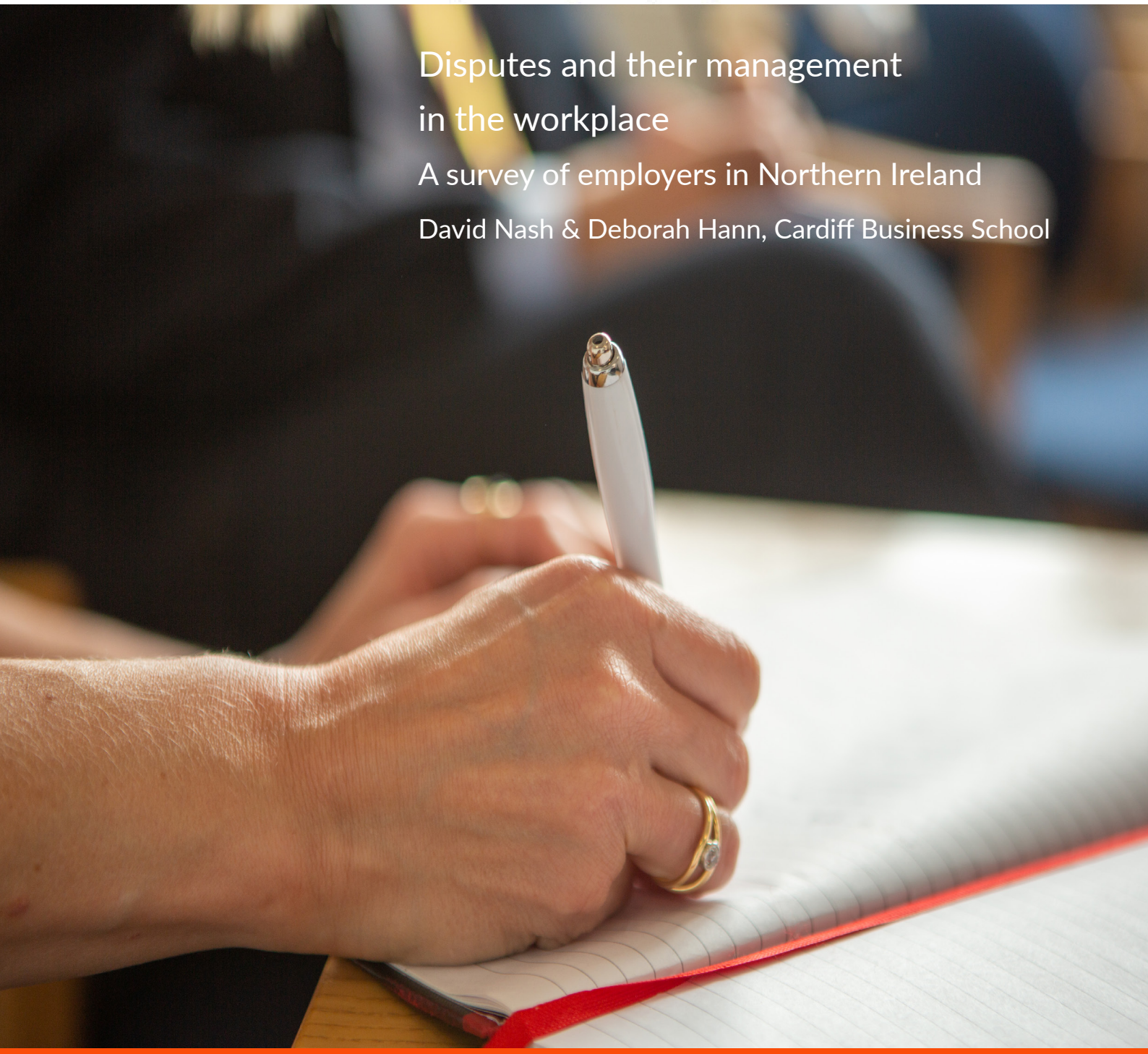

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Published by Labour Relations Agency
December 2020

ISBN 978-1-5262-0855-2

Table of Contents

Executive Summary

Workplace conflict in all its forms is a key concern for employers and yet there is a lack of data regarding the variety of approaches that organisations take to address it. This report draws on evidence from a national survey of organisations in Northern Ireland to consider trends in the incidence of disputes in the workplace and how these disputes are managed. The survey was sent to private sector organisations in Northern Ireland between January to April 2019 and generated 270 valid responses. The research replicates a similar survey undertaken for Acas in 2018 and will draw comparisons between the picture in Northern Ireland with that in Great Britain (GB).

Key findings

- Workplace disputes are ubiquitous in Northern Ireland but tend to be low level and informal. Disputes are not uniformly experienced across the economy.
- The survey confirms previous research that has stressed the importance of line managers in dispute resolution.
- There is a gap between the policy and practice of dispute resolution with organisations more likely to employ a range of dispute management techniques than their formal written policies would suggest.
- There is evidence that Alternative Dispute Resolution (ADR) practices are fairly widespread in Northern Ireland, especially those which are 'in-house' as opposed to involving an external third party.
- A majority of organisations have a unitarist conception of conflict and view disputes as a result of misbehaviour, poor performance or misunderstanding.
- Organisational approaches to disputes are shaped by more pragmatic considerations, however, such as the desire to avoid litigation.
- The management of disputes is strongly shaped by organisational resources and capability as evidenced by the influence of organisation size and the presence of specialist human resources (HR).
- There is a significant role for employee voice in shaping the approach taken to dispute resolution, both through trade unions and other non-union forms of representation.
- The pattern of responses is broadly similar to GB, but organisations in Northern Ireland have experienced less conflict which may explain the slightly lower prevalence of certain dispute resolution practices.

The perception and incidence of workplace disputes

The majority of respondents view disputes as having a negative impact on organisational culture. These negative perceptions are higher in Northern Ireland than in GB. However, even though respondents view workplace disputes as problematic, the majority of organisations did not report that the costs associated with resolving such disputes are too high, the practices used to manage conflict too slow or formalised. This apparent contradiction could be a reflection of the importance placed on the practice of resolving disputes. In short, whilst disputes in themselves are seen as problematic, organisations have established structures and processes which are efficient in resolving them.

The pattern of workplace disputes in Northern Ireland is complex and uneven. The survey highlights that the private sector in Northern Ireland has experienced very little collective conflict in recent years. Secondly, the majority of disputes that do occur tend to be low level,

not requiring a formalised dispute resolution process. 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. Overall, the incidence of conflict is found to be generally lower in Northern Ireland than in GB, especially for disputes between individual employees and their employer.

The management of disputes at work

Workplace disputes are dealt with by a range of different organisational stakeholders. There is a clear and obvious distinction between those firms with a specialist HR function and those without. Where present, HR professionals are cited as the first point of contact in the majority of disputes, although it is interesting that it is HR managers as opposed to the more junior positions of officers and advisors who are identified as the most frequent point of contact. This preference for seniority is more pronounced in Northern Ireland than in GB. The survey finds that a range of stakeholders receive formal training in dispute resolution and for the majority of them the incidence of such training was higher in Northern Ireland. The results confirm the important role that line managers are expected to play in dispute resolution and that this is most evident where specialist HR is also present.

The examination of how organisations manage workplace disputes considers both the formal policy they have to address disputes and secondly how those policies are applied in practice. The majority of organisations in Northern Ireland have a formal dispute resolution policy in place to manage disputes but nearly half of them reported that they implemented their policy flexibly, using their discretion to reflect the circumstances at hand. The proportion of employers with no formal written policy is higher in Northern Ireland than in GB. The results also suggest that the adoption of dispute resolution policies is uneven across organisations. In particular, larger firms with greater resources at their disposal, including specialist HR, are more likely to have formal policies. The content of these policies is found to be largely traditional and focused on individual disputes. Provision for the involvement of external third parties in policies is extremely rare and there is little evidence from this standpoint of the adoption of ADR in organisational approaches to workplace conflict in Northern Ireland.

Turning to the management of disputes in practice, the use of traditional approaches involving the escalation of disputes up the organisational hierarchy is more prevalent than their inclusion in formal policy would suggest, although this gap between policy and practice is much greater in GB. A significant finding is that the use of certain ADR practices is fairly widespread in Northern Ireland. The survey reveals a preference for the use of internal organisational processes such as open door policies and personal development plans over the involvement of external stakeholders like the Labour Relations Agency (LRA), lawyers or HR consultants. Again, organisational size and the presence of specialist HR are positively associated with the use of such practices. In addition to specific dispute resolution practices, the survey asked about the use of policies that are designed to pre-empt disputes emerging in the first place. The use of such policies is fairly widespread amongst organisations in Northern Ireland. Traditional downward communication channels such as noticeboards and newsletters/emails are most popular, followed by two-way communication channels with more formalised techniques such as employee training in handling disputes least popular. However, the use of these practices is significantly lower in Northern Ireland compared with GB.

The changing nature of dispute resolution

The majority of organisations in Northern Ireland reported not having significantly changed their approach to dispute resolution in the preceding three years. For those that did, the most important reasons for doing so were a change in management approach and the experience of a recent dispute. However, the survey also found that pragmatic considerations such as avoiding litigation and responding to the increasing employee legal protections are important influences on organisations' approach to workplace disputes. The LRA's Codes of Practice were also cited as important by over half of respondents. Finally, the results show that in the minority of organisations that have formal employee voice mechanisms such as staff associations or employees on the Board, these forums are important influences on the approach to dispute resolution.

This report sheds light on the incidence and management of workplace disputes in Northern Ireland. It is hoped that it will be the springboard for further case-study research to investigate some of the indicative findings reported here.

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 i.e. what is right and wrong, but also over competing individual and group interests within an organisation. It can also result from interpersonal incompatibilities that give rise to feelings of annoyance or frustration, which negatively affect relationships (Jehn and Mannix 2001). 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 et al. 2012; Roche and Teague 2014; Saundry et al. 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 (Department for Business, Innovation and Skills 2011). The issue of dispute resolution and employees' access to justice is a central theme of the UK Government's Good Work Plan, which was launched at the end of 2018 in response to the Taylor review (Department for Business, Energy and Industrial Strategy 2018; Taylor 2017). While much of the plan involves reducing the potential sources of workplace conflict through promoting fairer treatment of workers, a section of the document deals with improving the enforcement of employment rights through Tribunals and the Civil Courts (Department for Business, Energy and Industrial Strategy 2018).

A similar agenda has been pursued in Northern Ireland with a proposed reform of the Tribunal system and encouragement of non-legal forms of dispute resolution (McKeever and Thompson 2010; Northern Ireland Assembly 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 et al. 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, manifested as 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 that the right to not be unfairly dismissed was introduced) to a record high of 236,103 claims in 2009/10, although these figures have more recently reduced to approximately 85,000 per annum (Ministry of Justice 2015; Dix et al 2008)). This decline is also evident in Northern Ireland where the number of Industrial Tribunal claims fell from 9,484 in 2004 to 2,582 in 2013 (Office of the Industrial Tribunals and The Fair Employment Tribunal 2013).

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 drive 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 is particularly the case in Northern Ireland where there is a lack of systematic data on workplace conflict and its resolution. 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

and notes 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 organisations in Northern Ireland to consider the trends in the appearance of disputes in the workplace and also how these disputes are managed. A similar survey was conducted for Acas for organisations in GB in 2018 and this report will, therefore, present the findings for Northern Ireland and draw comparisons with GB.

2. Methods and Data

The report is based on a survey of private sector organisations in Northern Ireland that took place from January to April 2019. The survey was designed to be fully representative of businesses and other organisations (excluding the public sector but including the not-for-profit sector). The survey focused on companies with 20 or more employees in Northern Ireland. In common with comparable workplace surveys such as the Workplace Employment Relations Survey (Department for Business, Innovation and Skills 2015) and the European Company Survey 2013 all industrial sectors were represented in the survey except for Standard Industrial Classification 2007 sections:

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 or primary trading address in the case of a multi-site company. A population census was undertaken with the sample frame derived from Companies House records, which contain data on all incorporated companies in the UK. Based on this strategy the questionnaire was distributed to 1,910 organisations.

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 Human Resource Management (HRM) or Personnel functions of the company. Companies House records provide contact information for a range of functions and where HRM/Personnel contacts were not available then contacts were sought from more general managers and company secretaries.

The survey instrument was essentially identical to that used in the Acas survey of GB in 2018 to allow for comparative analysis. The questionnaire has been developed from previous studies completed in Ireland and Wales (Roche and Teague 2012, Hann et al. 2019). It was cognitively tested on HR professionals from a range of organisations. The fieldwork took place between January and April 2019 and comprised of three mailouts being sent to respondents. An option for electronic completion was also included.

The survey generated 268 valid responses, representing a response rate of 14.2 per cent, which is comparable to other establishment surveys of this kind. The achieved sample was broadly representative of the economy in Northern Ireland in terms of size and sector distribution. However, establishment weights have been applied to the dataset in order to make the results representative of the population of organisations in Northern Ireland. The results presented in this report are, thus, based on these weighted data.

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 et al. 2019) the questionnaire was structured in such a way as to distinguish between three 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 organisations in Northern Ireland are managing them can emerge. In addition to the aggregate data, the report analyses the patterns of variation according to the following key demographic factors:

- Organisation Size - Small (20-49), Medium (50-249), Large (250+);
- Industrial Sector - Primary and utility, Manufacturing and construction, Services.

In addition, the importance of key stakeholders is analysed to see if they are associated with the incidence and management of disputes. Hence, the presence of a specialist HR function (which can be either in-house or external) and trade unions are analysed. All bivariate relationships that are reported in the report are statistically significant at the 5% level.

3. Perspectives on Workplace Disputes

Central to employment relations research is the idea that there are fundamental differences in how different people view the employment relationship. The 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 sixties and seventies (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 two 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, debated and interrogated, but is still used as the basis for much investigation of the employment relationship (Heery 2016, Budd et al. 2018).

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

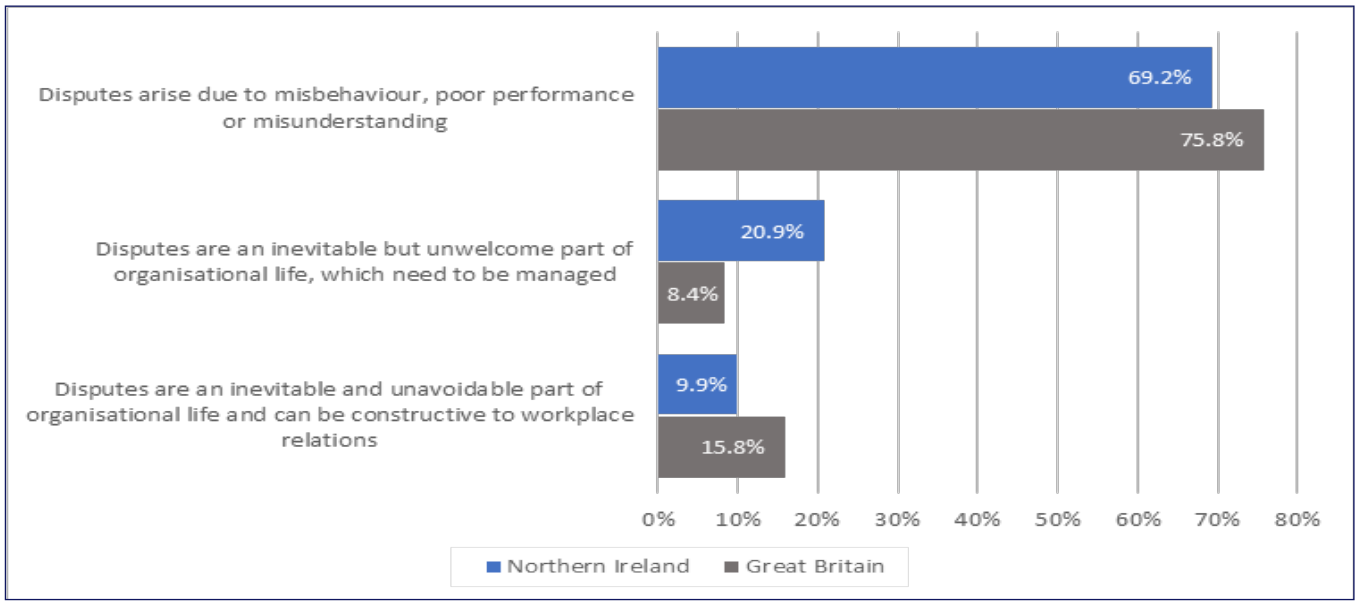
a) the organisation and its employees share common interests and, therefore, disputes arise due to misbehaviour, poor performance or misunderstanding (reflecting the unitarist approach);

b) 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) and;

c) 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. Nearly 70 per cent of respondents argue that disputes are not inevitable but instead occur as the result of misbehaviour, poor performance or misunderstanding. A further fifth believe that disputes are inevitable and require management strategies and techniques to lessen the impact of such conflict on the organisation and a final 10 per cent embrace disputes as constructive to workplace relations by offering chances to examine, question and adapt routine approaches. The overall pattern of responses is not vastly dissimilar to GB, but it is notable that twice as many organisations in Northern Ireland see disputes as inevitable and needing to be managed as is the case in GB.

Figure 1 - Organisational perspectives on disputes



Organisational perspectives towards disputes are not strongly contingent on organisational demographics or the presence of employment relations actors. The presence of an In-house HR function and a trade union has no significant impact on the perspective of the employer toward disputes, nor does the size of the organisation. The only variable that has a significant impact on the orientation to disputes is industrial sector. Whilst the proportion of firms adopting a unitarist stance is broadly similar across the three sectors there are striking variations when it comes to the more pluralistic orientations. No respondents from the primary and utility sectors view disputes as inevitable and unwelcome, whereas the figures for manufacturing/construction and services are 16 and 26 per cent respectively. Conversely, over a quarter of respondents in the primary and utility sectors view disputes as inevitable but potentially constructive to organisational life (compared to 11 per cent in manufacturing and construction and seven per cent in services).

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 2.1 that the majority of respondents view disputes, in themselves, as having a negative impact on the organisational culture (63 per cent agree or strongly agree) and as a time-consuming activity (67 per cent agree or strongly agree). This finding is perhaps unsurprising given the broadly unitarist stance of the respondents, although it is interesting that the highest levels of agreement was amongst those respondents who viewed disputes as inevitable and unwelcome.

Even though respondents view the presence of disputes within their organisation as problematic, the majority of organisations do not feel that the costs associated with resolving such disputes are too high (18 per cent agree or strongly agree) or the practices used to manage conflict are too slow (13 per cent agree or strongly agree) or too formalised (11 per cent per cent 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, organisations have established structures and processes which are efficient in resolving them.

Figure 2.1 - Impact of disputes on organisations in Northern Ireland

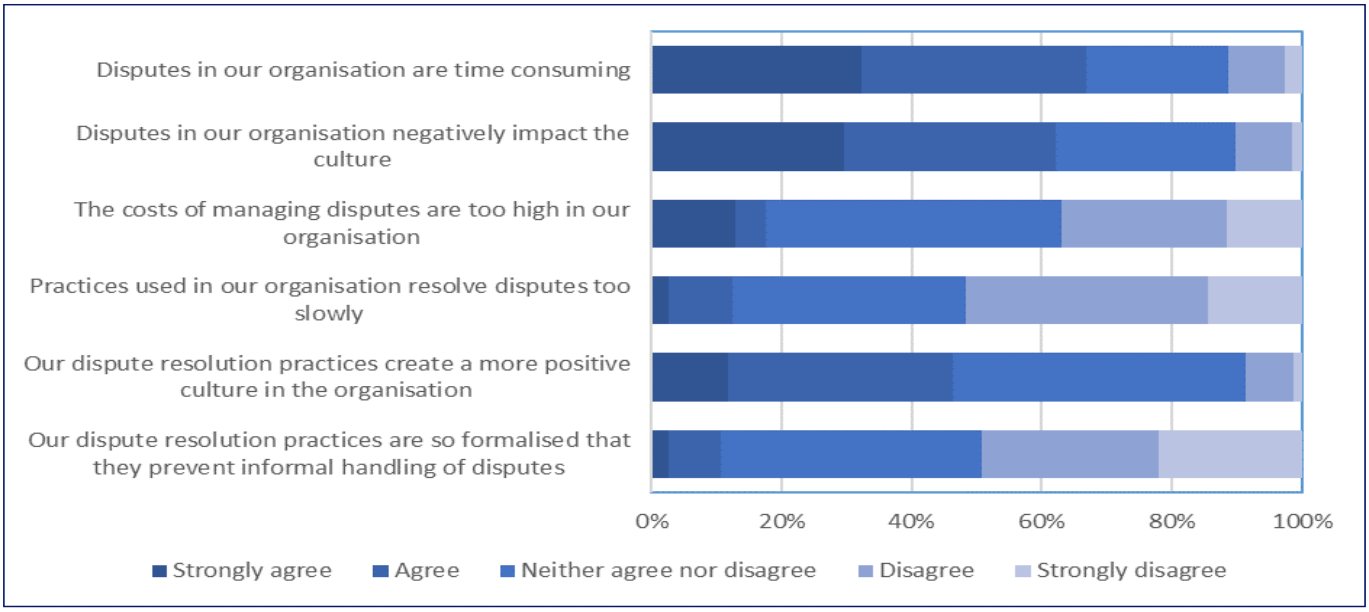
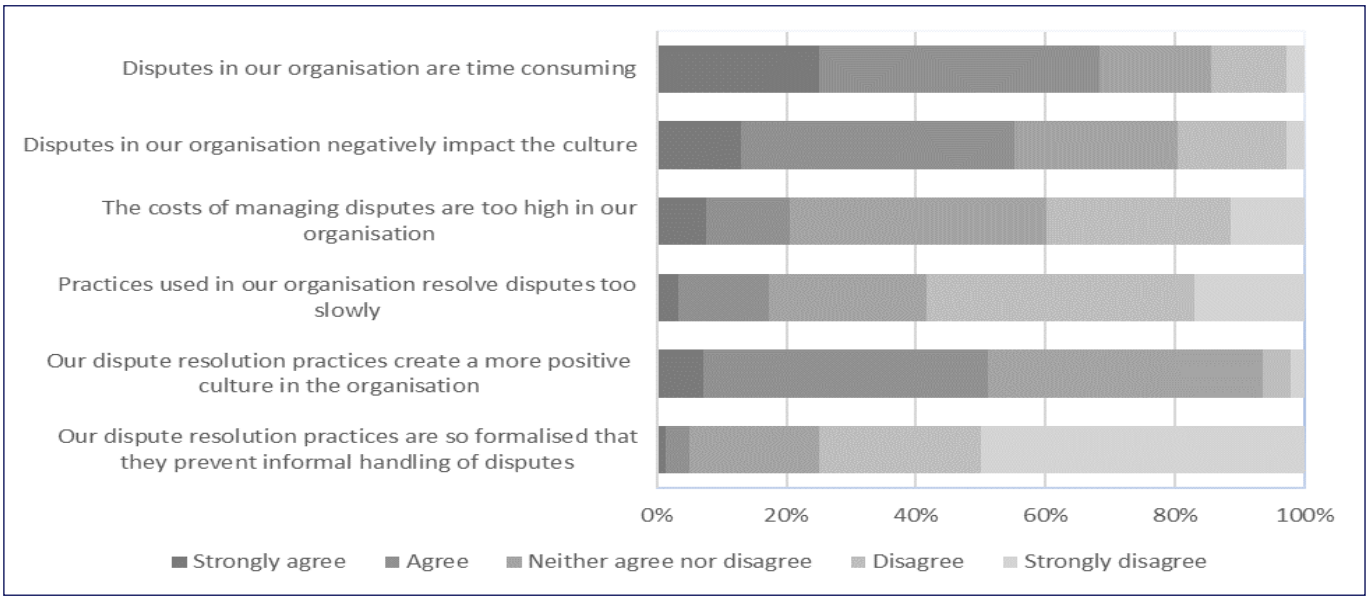


Figure 2.2 - Impact of disputes on organisations in Great Britain



The impact of disputes on firms was not found to vary according to demographic factors and was only weakly related to the presence of particular key actors or groups within an organisation. Where firms use specialist HR (in-house or externally contracted) they agreed less strongly that dispute resolution practices create a positive organisational culture. The presence of trade unions was only significantly associated with the question relating to the formality of dispute resolution, with unionised organisations expressing stronger agreement that the formality of practices prevents informal handling of disputes. The overall results for Northern Ireland are broadly comparable to GB, as shown in Figure 2.2, however, there are differences. Most notably, there is stronger agreement for the 'negative' statements that relate to disputes impacting culture and being costly and time consuming with higher proportions of respondents strongly agreeing compared to GB.

4. The Incidence 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 per cent of UK employees experienced interpersonal conflict in 2014 (i.e. with colleagues as opposed to management). Consequently, the survey adopted the three 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 organisations in Northern Ireland by asking respondents to identify how often different forms of dispute had occurred within their organisation within the last three years. Specifically, they were asked to comment on the incidence of eight different forms of individual and inter-employee disputes and nine 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. Two-fifths of organisations (43 per cent) reported having experienced informal disagreements occasionally or often, with a similar number experiencing them on an inter-employee basis. The second highest form of disputes were disciplinary cases, with 27 per cent of respondent organisations initiating a disciplinary case often or occasionally in the last three years for individual disputes, although this number falls significantly (eight per cent) when inter-employee disputes are considered. More serious conflict, which ends up with external bodies, such as the LRA or tribunals, is much less common, with just seven per cent of organisations having experienced a tribunal claim in the last three years. What is particularly notable from Figure 5.1 is the extremely low level of reported group conflict. Three in ten organisations report that they experience 'small-scale' group disputes occasionally or often, but beyond that only a tiny minority of organisations report having experienced other forms of collective dispute over the preceding three years.

In short, these results suggest that, where disputes arise, they are predominantly informal or minor issues that can be dealt with within the organisation, rather than more formalised events. The findings also suggest that group disputes and industrial action have almost disappeared from the private sector workplace of 2019.

Comparing responses across different types of firm reveals some interesting variations. Perhaps unsurprisingly, disputes appear more commonly in large organisations (i.e. those with 250 or more employees) than smaller ones (those with under 50 employees). All forms of individual disputes had occurred more frequently in large organisations apart from those referred to external agencies other than the LRA, where the difference was not significant. The trends are comparable for inter-employee disagreements where, again, all forms of dispute apart from those referred to the LRA, a tribunal or an alternative external body were more common in large firms. In the case of group disputes, the five reported disputes in the survey involving unions, together with those referred to the LRA were more prevalent amongst large organisations. The higher levels of conflict in larger firms is perhaps unsurprising given they have more employees and thus 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).

Figure 3.1 - Extent of individual disputes within organisations in Northern Ireland

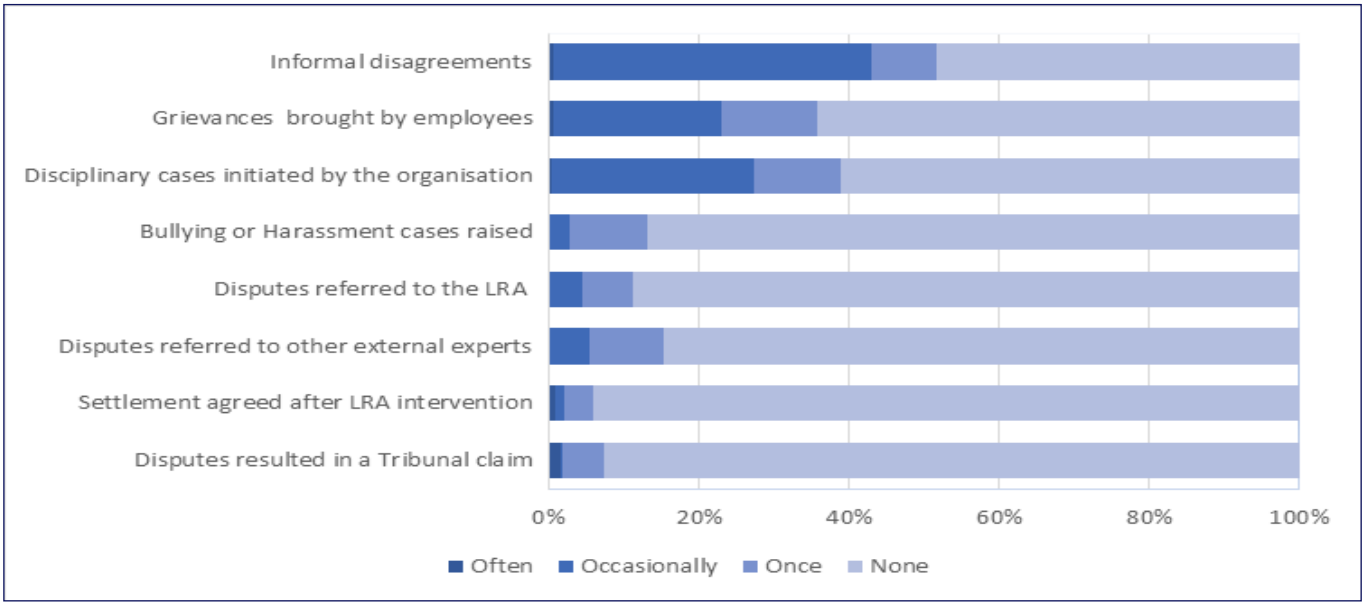
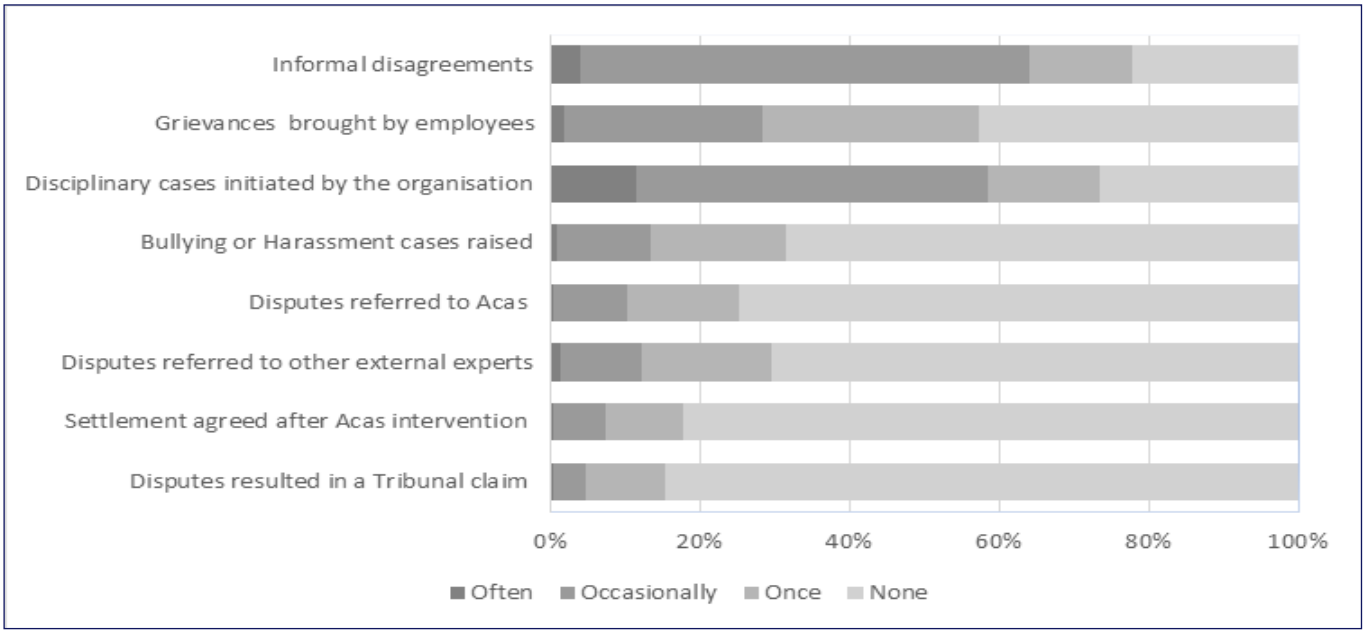


Figure 3.2 - Extent of individual disputes within organisations in Great Britain



The incidence of individual and inter-employee disputes did not differ significantly between different industrial sectors with the exception of grievances brought by employees, which were more common in the primary and utility sectors. For disputes between individual employees and their employer 46 per cent of employers reported such grievances as occurring occasionally or often in this sector, compared to 27 per cent in manufacturing and construction and 18 per cent respectively in services. The primary and utility sectors also saw higher numbers of some group disputes, specifically where industrial action was threatened or carried out and for disputes referred to the LRA, although their incidence was much lower at just four per cent. Thus, overall the incidence of disputes is found to be fairly uniform across the three industrial sectors. However, certain types of disputes were reported at a higher rate in the primary and utility sectors, which appears to have been particularly conflict prone in the survey period.

Figure 4.1 - Extent of inter-employee disputes within organisations in Northern Ireland

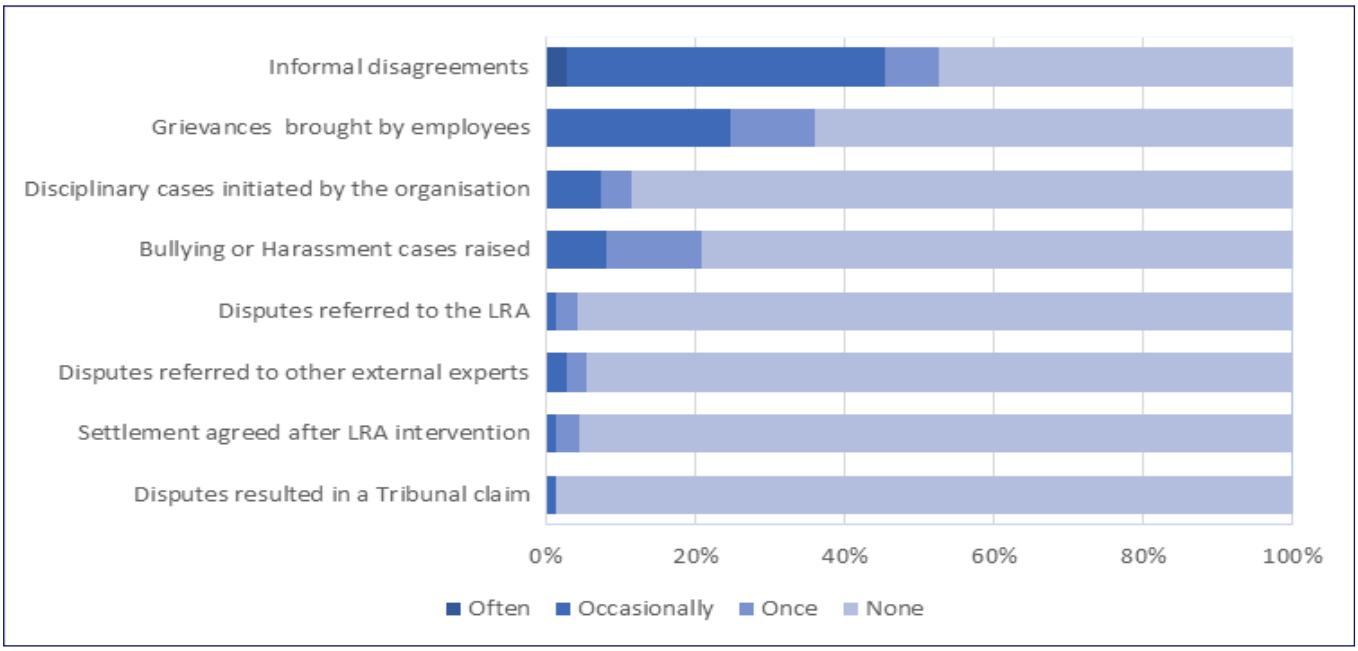
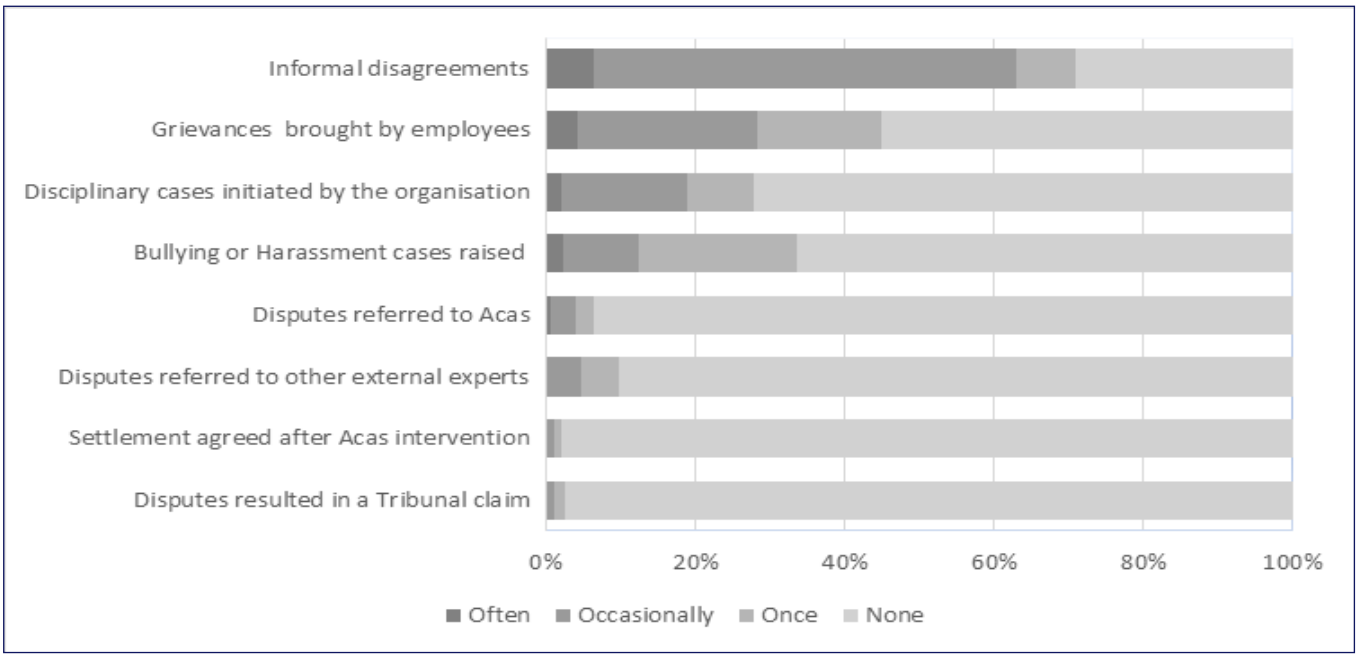


Figure 4.2 - Extent of inter-employee disputes within organisations in Great Britain



The relationship between the incidence of disputes and organisations' HR function is mixed. For individual disputes, employee grievances, disciplinary cases brought by the employer and cases that have ended up at employment tribunal were more frequent in organisations that had a specialist HR function (in-house or contracted-out). In cases of inter-employee disputes the pattern was slightly different with specialist HR again associated with more disciplinary cases but also disputes that had been referred to the LRA or other external bodies. Disputes that had reached settlement after LRA intervention were also more numerous where specialist HR was present. The type of HR function was largely unrelated to the incidence of group disputes with the exception of having difficult conversations with a non-union body, which were more common in firms without access to specialist HR.

Figure 5.1 - Extent of group disputes within organisations in Northern Ireland

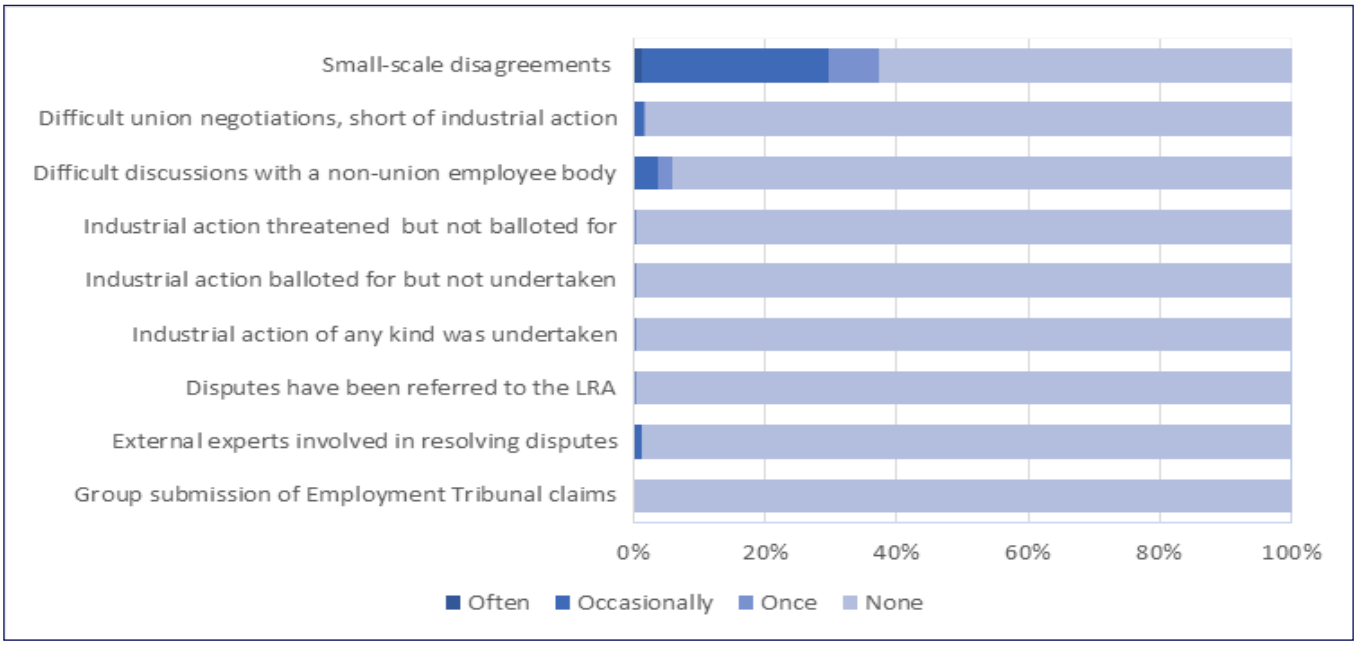
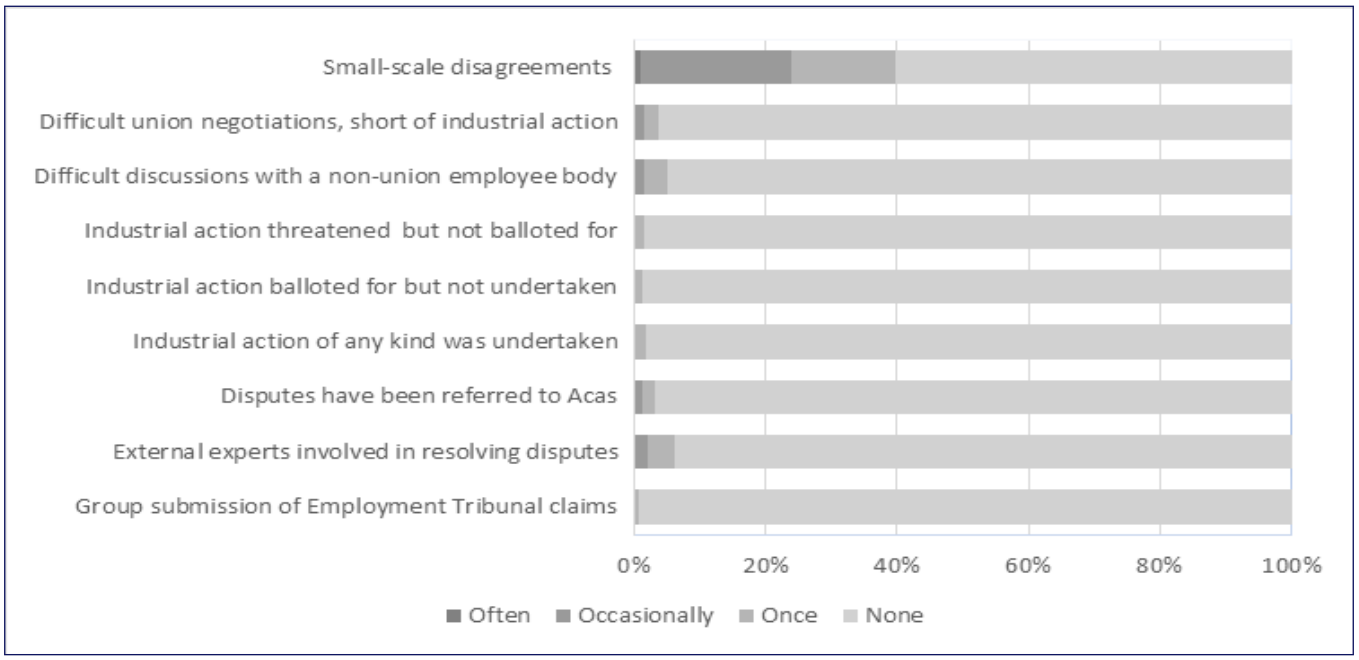


Figure 5.2 - Extent of group disputes within organisations in Great Britain



Finally, there is a positive relationship between trade union presence and the incidence of disputes, particularly in group conflicts. There is no statistically significant relationship between the presence of a trade union and the incidence of individual disputes. For inter-employee disputes only employee grievances are more numerous in unionised firms. Perhaps unsurprisingly, trade unions are associated with higher levels of industrial action, whether threatened or actually undertaken. Unionised organisations are also more likely to refer group disputes to the LRA than their non-union counterparts. It should be noted the incidence is still low, however, with just six per cent of unionised organisations referring collective disputes to the LRA versus no referrals for non-union organisations.

Overall, the analysis of the incidence of workplace conflict highlights a few key trends. The first and most apparent is that the private sector in Northern Ireland appears to experience very little collective conflict any longer. It is unclear whether these disputes have disappeared completely, reflecting a more 'contented' and less conflictual workforce. Perhaps more likely 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). Secondly, the disputes that do occur tend to be informal, and may not enter the formalised dispute resolution process, 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. It is, unfortunately, 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.

The comparison of the results from Northern Ireland and GB is interesting. Recorded levels of conflict are almost universally lower in Northern Ireland than in GB. This is particularly noticeable for individual disputes. In all but the most informal disputes, the majority of organisations in Northern Ireland report having no conflict in the preceding three years, whereas in GB grievance and disciplinary cases are much more common. It is unclear whether this lower incidence of disputes is related to the earlier findings that employers in Northern Ireland view conflict in more negative terms than their British counterparts. If this is the case then we might expect to see organisations taking proactive steps to minimise conflict occurring, a theme that will be explored later. Another possibility is that there are institutional differences in how disputes are managed within organisations in Northern Ireland and it is to this question that the report will now turn.

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 two particularly key stakeholders within an organisation: Human Resources (HR) 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 when disputes arise. There is a clear distinction between those firms who have a specialist HR function and those who do not. Where present, HR professionals are cited as the first point of contact in the majority of disputes, although it is interesting that it is HR managers as opposed to the more junior positions of officers and advisors who are identified as the most frequent point of contact. Where there is no HR department in the organisation, general managers are the most common initial contact in the case of all three types of disputes. Table 1 also highlights the centrality of line managers in dispute resolution, irrespective of whether the organisation has a specialist HR function. However, this pattern largely disappears if we ignore cases where respondents selected more than one option.

Table 1 highlights some interesting differences between practices in Northern Ireland and GB. Where organisations have an HR department the 'seniority' pattern is more pronounced in Northern Ireland. Similarly, where there no HR department is present then general managers are more likely to be contacted first about disputes than in the rest of the UK where line managers fulfil that role more often. The use of other points of contact are also more common in organisations in Northern Ireland with an HR department than in GB. The most commonly reported of these alternatives were directors, including the managing director.

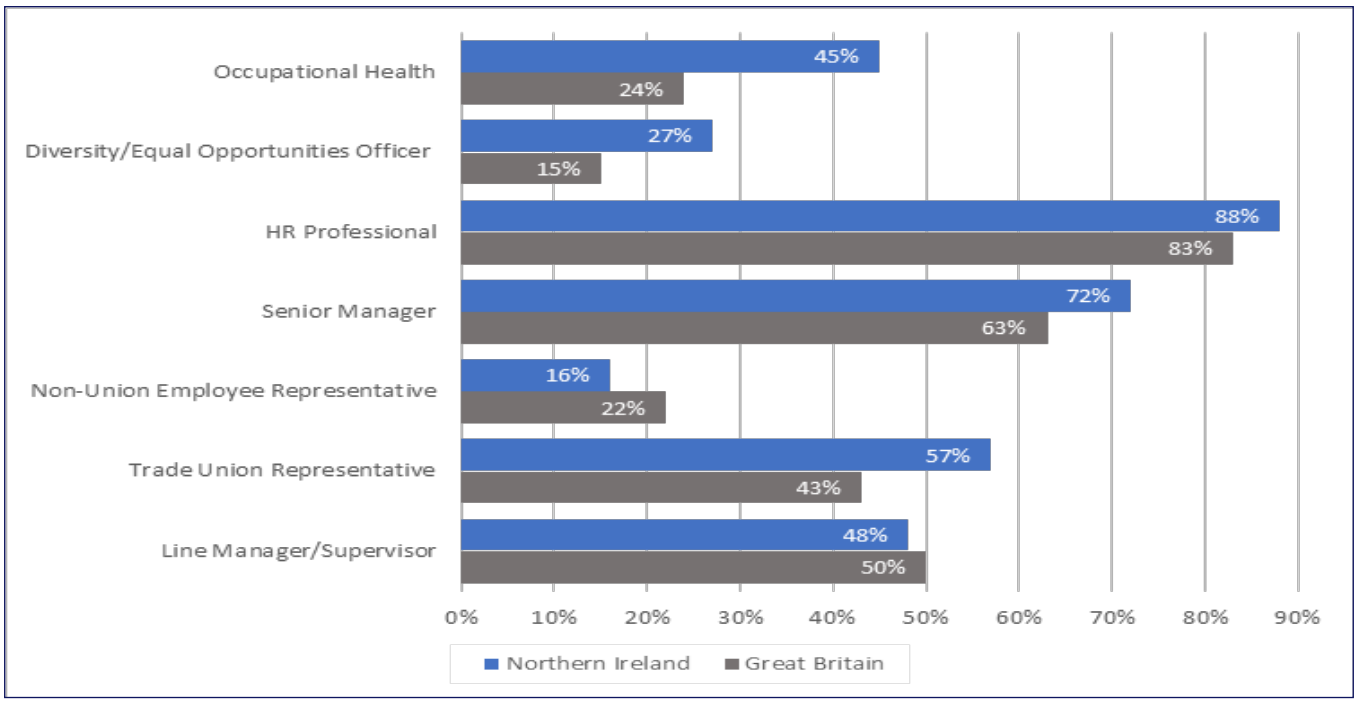
Table 1 - Initial point of contact for disputes

% of Northern Ireland firms (Great Britain figures)	Individual disputes		Inter-employee disputes		Group disputes	
	HR	No HR	HR	No HR	HR	No HR
HR Officer	22 (12)	2 (4)	16 (11)	0 (3)	9 (5)	2 (2)
HR Advisor	9 (16)	11 (6)	9 (17)	8 (2)	13 (10)	8 (1)
HR Manager	69 (44)	3 (7)	64 (40)	5 (6)	51 (45)	5 (5)
HR Business Partner	2 (22)	4 (3)	2 (22)	4 (2)	2 (14)	4 (2)
Employee Relations Officer*	0 (9)	0 (0)	0 (9)	0 (1)	0 (5)	0 (1)
Line Manager	49 (69)	43 (54)	49 (70)	33 (51)	22 (31)	26 (31)
General Manager	18 (25)	53 (46)	24 (22)	48 (40)	13 (36)	44 (44)
Other	31 (8)	10 (20)	27 (7)	10 (18)	20 (11)	11 (16)

Columns do not sum to 100% because respondents selected more than one option.
* In the case of Employee Relations Officer, the figures relate to those firms that had such a position versus those that did not.

Figure 6 reports the training provided to specific individual roles within organisations. The figures show that in the majority of cases where these roles exist the individual occupying these roles are given formal training to provide that guidance. There are four exceptions; line managers or supervisors, non-union employee representatives, diversity/equal opportunities officers and occupational health. The impact of organisational demographics on whether these different stakeholders are given formal dispute resolution training is uneven with organisational size having no bearing at all. Industrial sector shows some interesting patterns in relation to manufacturing and construction with senior managers more commonly trained to handle disputes than in the other sectors and HR professionals less likely to be so.

Figure 6 - Training of stakeholders in dispute management
(% of firms where individuals are formally trained in dispute resolution)



The use of either in-house or contracted-out HR specialists leads to a greater proportion of diversity/equalities officers and occupational health receiving formal dispute resolution training compared to where specialist HR is not present. The presence of unions is positively associated with both union and non-union representatives receiving dispute resolution training. These results could simply be the reflection of the nature of the organisation; a unionised employer is, by definition, more likely to train union representatives. Similarly, the higher level of training where an HR specialist is present may reflect a desire to formalise and support the systematic handling of workplace disputes, consistent with the professionalised nature of the HR function (Legge 2004). Alternatively, the observed results could be linked to insider influence with specialist HR and trade unions lobbying for training that is consistent with their interests and strengthens their professional legitimacy within the organisation.

Figure 6 shows that the pattern of training is broadly similar in Northern Ireland as in GB. However, it is noteworthy that the proportion of employers providing training in dispute resolution is higher in Northern Ireland for all stakeholders with the exception of line managers and supervisors where it was only marginally lower and also non-union representatives.

5.2. The role of HR

The survey reveals variation in which stakeholders are involved in providing advice on workplace disputes. In over half of cases (57 per cent), advice on disputes is provided by an onsite department, without the aid of outside specialists. This compares to 67 per cent in GB. Of the remaining organisations which primarily use off-site advice, just nine per cent used a law firm, whilst over three-quarters (77 per cent) used an external HR consultancy. This compares to 27 and 56 per cent, respectively in GB. Of the remaining 14 per cent of cases where employers said they used another remote provider, a range of sources of advice were named such as business groups and umbrella organisations such as the Northern Ireland Council for Voluntary Action (NICVA).

Organisational demographics are also related to who provides advice on disputes. The presence of trade unions is significantly associated with the use of onsite or remote sources of advice on disputes, with a greater proportion of unionised employers using onsite sources. The type of HR within the organisation also has a bearing on the source of advice. Nearly two-thirds of organisations (64 per cent) where a general manager has responsibility for HR issues rely on onsite advice regarding disputes. This figure rises to 80 per cent in organisations with a specialist HR function. Unsurprisingly, 100 per cent of organisations using a contracted-out HR service also rely on that service as a source of conflict advice. Where remote advice is used, organisations in the primary and utility sectors are less likely to use an HR consultancy than their counterparts in the manufacturing and services sectors.

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, prior research 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 six statements concerning the role of line mangers in dispute resolution. The results are reported in Figure 7.1.

The results confirm the important role that line managers are expected to play in dispute resolution. The pattern of responses is broadly comparable in Northern Ireland and GB. A clear majority of respondents require line managers to conduct regular face-to-face meetings to proactively deal with conflict and over 70 per cent of organisations reported that they provided formal support for line managers to resolve problems that occur. A third of organisations also provide formal training for line managers to deal with disciplinary action. One more noteworthy point is that in a quarter (27 per cent) of organisations the respondents felt that line managers were not confident in resolving workplace conflict by themselves.

The effect of organisational demographics on the role of line managers in addressing problems is mixed. Organisational size has no statistically significant impact on the role played by line managers. Industrial sector is only significant in relation to whether line managers and/or supervisors are required to conduct face-to-face meetings with employees where service sector firms were most likely and manufacturing and construction firms least likely to have such a policy.

Figure 7.1 - Role of Line managers in dispute resolution (Northern Ireland)

Figure 7.2 - Role of Line managers in dispute resolution (Great Britain)

The presence of other stakeholders is also associated with the role of line managers. Firms with specialist HR, either in house or contracted out, expressed stronger agreement for five of the six statements relating to line managers' role in managing disputes. The presence of trade unions is also associated with the role of line managers albeit less strongly. Line managers are more likely to be specifically assessed on their competence in employment relations in organisations where a trade union is present, with over twice as many respondents from unionised organisations agreeing or agreeing strongly that this happened compared to non-union firms. Thus, the existence of specialist HR is strongly associated with a more prominent role for line managers in dispute resolution whereas the presence of unions seems to affect perceptions of their 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 four voice mechanisms are presented in Figure 8.1. The results show that these employee voice forums are only present in a minority of organisations but where they are, they exert a moderate influence on the approach taken to dispute management. The pattern of responses mirrors that in GB as shown in Figure 8.2, but with lower scores for all items, most notably employees on the Board or Worker Directors which are deemed less influential in Northern Ireland when compared to GB. It is difficult to speculate on the reasons for this difference, but it may be linked to the fact that in Northern Ireland the influence of employees on the Board/Worker Directors is unrelated to both organisational size and the presence of specialist HR, whereas in GB these variables are positively associated. Thus, there may be fewer drivers for employee voice to influence the approach taken to dispute resolution in Northern Ireland.

Unlike in GB, organisational size is statistically unrelated to the influence of the voice mechanisms reported in Figure 8.1. Industrial sector is associated with the influence that two forms of worker voice have on the organisation's approach to dispute management, however. European Works Councils are more influential in service sector firms (2.00) than primary and utility (1.01) and manufacturing and construction firms (1.33). The same is true of Employees on the Board or Worker Directors, where the mean score for service sector firms was 3.25 compared to 1.23 in primary and utility and 1.84 in manufacturing and construction.

The relationship between the presence of employment relations stakeholders and the reported influence of employee voice mechanisms on conflict management varies. Specialist HR has no statistical association with any of the voice mechanisms. The presence of a trade union is positively associated with the influence of both Joint Consultative Committees (mean score of 3.98 for unionised firms versus 1.93 for non-union) and European Works Councils (3.34 for unionised firms and 1.40 for non-union). 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 likely to be mediated by the presence of key organisational stakeholders such as specialist HR and trade unions.

Figure 8.1 - The influence of employee voice mechanisms in dispute management (Northern Ireland)

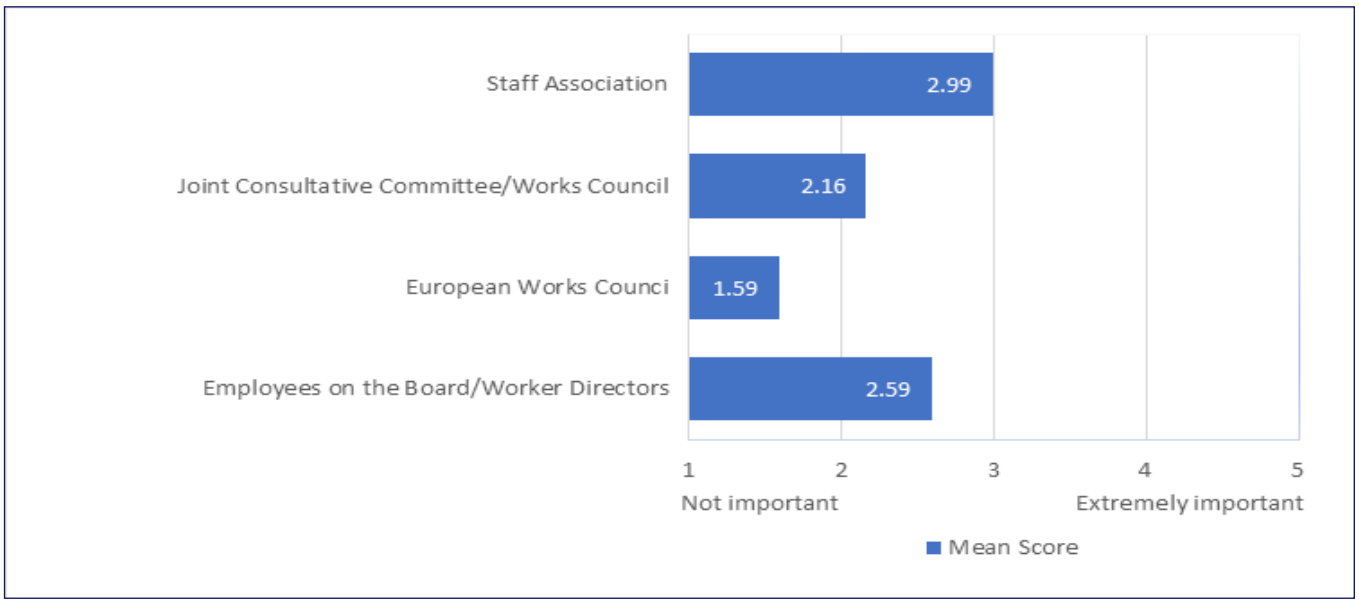
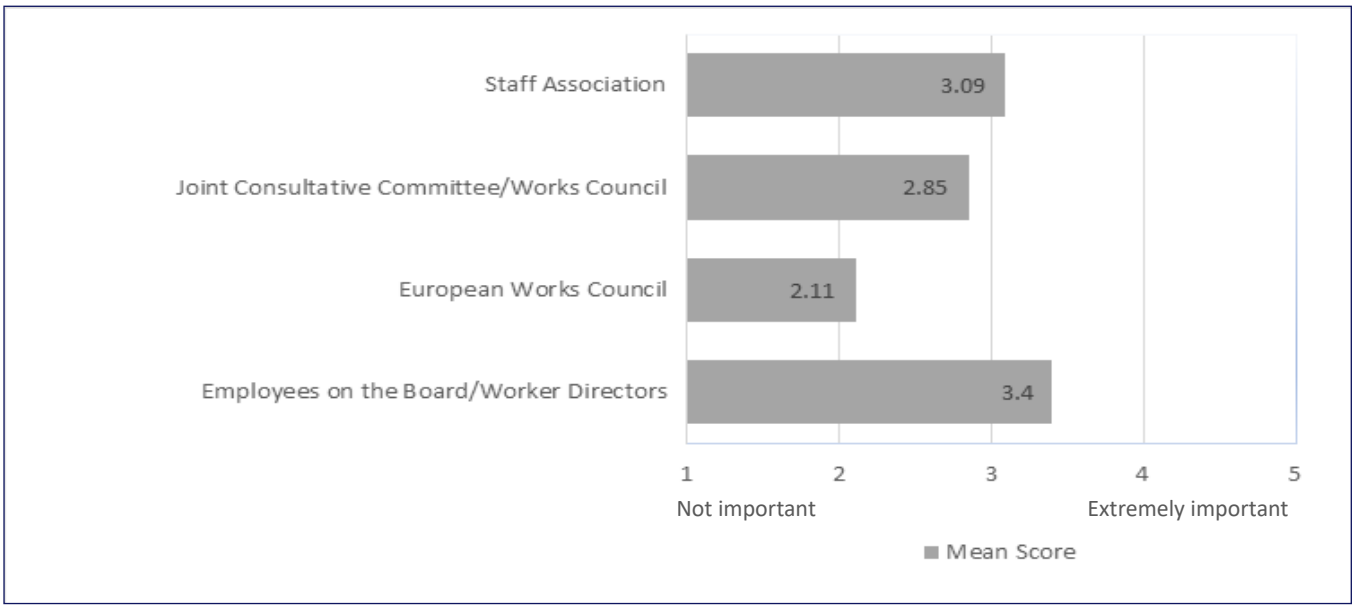


Figure 8.2 – The influence of employee voice mechanisms in dispute management (Great Britain)



6. The Management of Disputes

The examination of the way organisations manage their disputes needs to be considered in two ways. The survey asked respondents both about the policy they have to address disputes; if they have one and what it contains, but 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 9.1 shows that the majority of organisation do have established formal policies for handling all three forms of conflict (75 per cent of firms for individual conflict; 65 per cent for inter-employee conflict and 53 per cent 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 (47 per cent). 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. The figures suggest a more polarised position in relation to the presence of formal written contracts than is the case in the rest of the UK. As is clear by comparing Figures 9.1 and 9.2, a smaller proportion of organisations in Northern Ireland adopt a flexible implementation of written policy compared to those in GB.

Figure 9.1 - Organisational approach to dispute resolution policy (Northern Ireland)

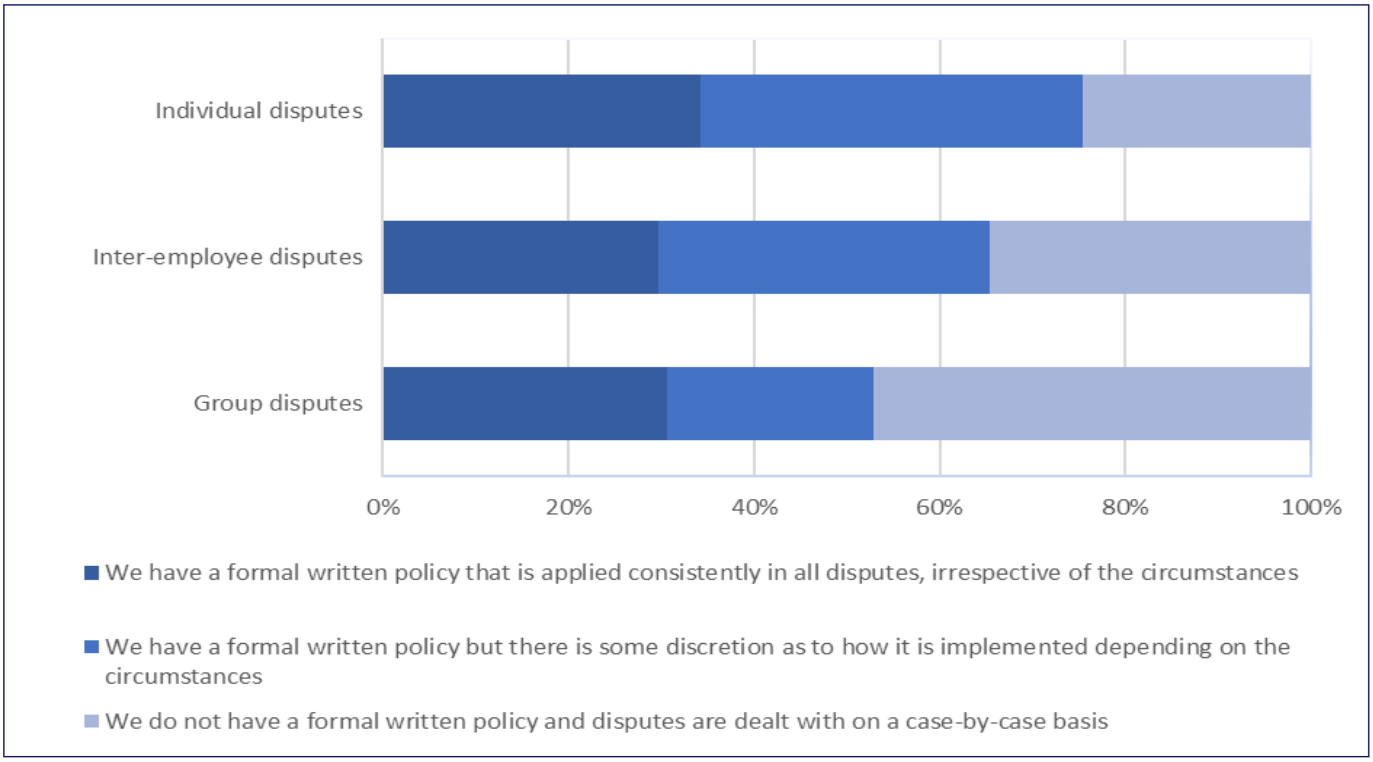
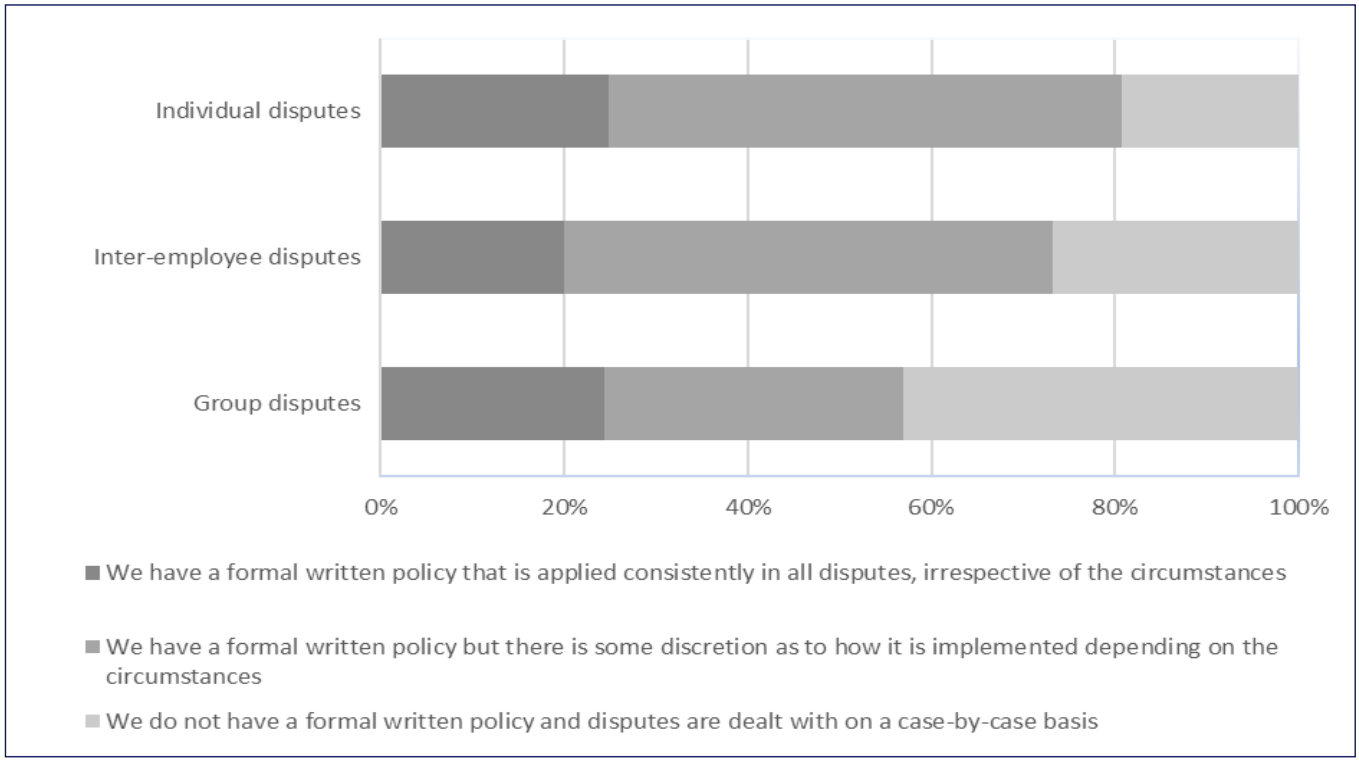


Figure 9.2 - Organisational approach to dispute resolution policy (Great Britain)



The incidence of formal policies varies according to both organisational size and industrial sector. Perhaps unsurprisingly, for both individual and inter-employee disputes small firms are the most likely to not have a formal written policy and to deal with disputes on a case by case basis. The pattern relating to industrial sector is mixed. Manufacturing and construction firms are least likely to have a formal policy for individual disputes, whereas for inter-employee and group disputes it is firms in the primary and utility sectors that are least formalised.

The presence of key stakeholders is also associated with the use of formalised dispute resolution policies, but mainly on the employer side. In firms with a specialist HR function the use of formal written policies is more common (either rigidly or flexibly applied), for all three types of dispute. The association is particularly striking for inter-employee and group disputes where 51 and 58 per cent of firms respectively using a generalist HR function report having no formal written policy, compared to just 21 and 38 per cent in firms using specialist HR. On the union side, non-union firms were significantly more likely not to have a formal policy relating to inter-employee disputes. Thus, the results suggest that the presence of key stakeholders, especially specialist HR is associated with a more formalised approach to dispute management. It should also be noted that organisational size may also be an explanatory factor; larger firms with greater resources at their disposal are more likely to have formal dispute management policies.

6.2. The content of formal dispute resolution policies

In addition to asking whether organisations had a formal written policy concerning the three 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. The bracketed figures indicate the corresponding figures for Acas and GB.

Traditionally, disputes in the workplace have been addressed using a formalised disciplinary and grievance process that 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. Over two-fifths of organisations utilise the two approaches that would be considered as traditional when it comes to individual conflict (42 per cent state that a process involving progressively higher levels of management is contained within their policy, whilst 44 per cent offer a right to appeal decisions within their policy). The number of organisations identifying these practices as being contained within their formal policy decreases to approximately one-quarter when considering the policies directed at inter-employee conflict and then finally drops to 15 per cent when considering the policies which address group disputes. It is also noteworthy that the inclusion of traditional approaches in dispute policies is lower in Northern Ireland than GB.

Organisational demographic variables are associated with the inclusion of these traditional approaches 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. On the other hand, manufacturing and construction firms are less likely to include these traditional approaches in their written policies for all three forms of dispute.

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 organisations' policies. On the employer side, the presence of an HR specialist is positively associated with the inclusion of both 'traditional' approaches in organisations' formal policies but only for inter-employee conflict.

In terms of approaches to dispute resolution involving actors from outside the organisation, including the LRA, very few organisations include these approaches in their policies. The most commonly cited external approach for policies covering individual disputes was professional mediation, in just six per cent of respondents. For inter-employee and group disputes the most common approach included in written policies was use of an external HR expert (three per cent and six per cent respectively). Again, the results for Northern Ireland were, for the most part, lower than the corresponding GB figures, the exception being the inclusion of non-LRA external actors in group dispute policies.

Compared to the low utilisation of external actors, the inclusion in policy of various private practices for resolving disputes internally within an organisation are higher. One in eight (12 per cent) organisations include a formalised open-door approach in their policies to address individual disputes. Informal conversations with managers and discussions facilitated by HR are also both reasonably widely included in policies for addressing both individual and inter-employee disputes. The remaining practices were not widely specified with fewer than 10 per cent of firms including them in their policies for individual or inter-employee disputes. This pattern of low incidence is repeated for group disputes where the most common practice was a formalised open-door approach, which was included in just six per cent of written policies. Whilst perhaps not surprising, such practices could theoretically be used by organisations that seek to implement alternative dispute resolution as a way to constrain or bypass union influence (Nash and Hann, 2019).

Table 2 - Content of organisations' dispute resolution policies

% of firms with each practice in its written policy (Great Britain figures)	Individual	Inter Employee	Group
Management Processes			
A process involving progressively higher levels of management in resolving disputes	41.5 (49.5)	25.2 (33.9)	14.6 (18.6)
A right to appeal decisions made by management	44.0 (53.1)	26.7 (35.5)	14.7 (19.2)
LRA (Acas)			
Use of LRA collective conciliation, to resolve employment disputes with trade unions	-	-	2.4 (2.9)
Use of LRA arbitration, to make a decision on collective employment disputes	-	-	0.0 (2.6)
Use of LRA advisory/consultancy service to help management and employees to work better together	-	-	0.0 (2.6)
Use of LRA telephone enquiry line	3.6 (5.8)	2.4 (4.8)	1.2 (2.8)
Use of LRA website	2.4 (6.3)	1.2 (5.5)	0.0 (3.3)
Use of LRA app	2.4	1.2	0.0
Use of LRA conciliation, to help resolve disputes that could lead or have led to an Employment Tribunal claim	2.5 (5.9)	2.5 (4.8)	1.2 (2.2)
Use of LRA mediation	2.5 (5.1)	2.5 (3.8)	1.3 (2.6)
Other External Providers			
Use of professional mediation by a third-party provider (excluding LRA/Acas)	5.8 (7.2)	1.2 (4.6)	4.2 (3.7)
Use of lawyers	2.2 (4.0)	1.2 (4.1)	3.5 (2.8)
Use of an external HR expert	4.6 (6.8)	3.4 (6.3)	5.5 (3.8)
Procedures Internal to the Organisation			
Use of organisation's own internal mediation service	6.1 (13.0)	8.1 (8.4)	-
Use of interest based 'win-win' bargaining techniques	-	-	1.2 (2.0)
Use of review panels comprised of managers or peers	3.7 (5.6)	4.7 (4.9)	-
Use of formalised open-door approach	12.4 (13.8)	3.6 (9.8)	6.0 (5.0)
Discussions facilitated by HR	5.1 (17.3)	9.3 (13.5)	3.8 (5.4)
Intensive communication regarding change with a view to avoiding disharmony	3.7 (9.9)	3.6 (5.6)	5.6 (3.7)
Use of conflict coaching	2.4 (4.2)	3.5 (4.7)	3.5 (2.7)
Informal conversations with line manager(s)	11.4 (19.2)	8.3 (13.0)	-
Use of personal development/improvement plan	11.0 (26.8)	10.5 (14.4)	-

The impact of demographic variables on the inclusion of these internal practices in formal policies is mixed. Organisation size is only weakly related with the inclusion of personal development plans more common in larger organisations' policies covering individual disputes. Industrial sector was associated with a number of practices, however; in policies covering individual disputes review panels and intensive communication regarding change were more common in services, while a formalised open-door approach and informal conversations with line managers were less frequent in manufacturing and construction organisations. For inter-employee disputes, sector was only related to the inclusion of informal conversations with line managers in formal policies, where it was most commonly found in service sector organisations. These organisations were also more likely to include a range of practices in their group disputes policies (discussions facilitated by HR and conflict coaching), whilst intensive communication regarding change was more commonly included in the primary and utility sectors.

The influence of key employment relations stakeholders on the content of formal written policies was also mixed in terms of internal practices. The presence of trade unions was not significantly associated with the inclusion of any of the practices listed. However, firms with specialist HR included internal practices in their written policies more often than those relying on generalist HR. In the case of individual dispute policies, internal mediation services, discussions facilitated by HR, the use of conflict coaching and the use of personal development plans were all more common. Inter-employee disputes policies were more likely to include internal mediation services, formalised open door practices, discussions facilitated by HR, intensive communication regarding change and the use of conflict coaching where specialist HR was present. Finally, in the case of group dispute policies, all of the practices except intensive communication regarding change were more frequently included in organisations with specialist HR. Thus, the presence of specialist HR is strongly associated with more formalised and explicit dispute resolution practices.

There are some interesting differences between group dispute policies in Northern Ireland compared to GB. Fewer organisations in Northern Ireland include traditional dispute resolution approaches in their formal policies than their counterparts in GB (15 per cent versus 19 per cent). This pattern is repeated when it comes to including the referral of disputes to the LRA or Acas in written policies, although it should be pointed out that such provisions are rare for collective disputes in both Northern Ireland and GB. The inclusion of other external stakeholders in organisations' formal policies is more common in Northern Ireland than in GB, however. Finally, for three out of the five internal processes to resolve group disputes, their inclusion in formal policy is higher in Northern Ireland than in GB.

6.3. The use of dispute resolution practices

In addition to enquiring about the content of organisations' use of formal dispute resolution policies, the survey also asked about their use. Respondents were asked to record how often they had used each of the 17 dispute resolution practices over the previous three years. Drawing a distinction between organisations' policy and practice of dispute resolution will allow for a more nuanced understanding of organisations' approach to conflict management.

6.3.1. The use of 'traditional' dispute resolution practices

As illustrated in Figure 10.1 many organisations have used each of the 'traditional' approaches at least once in the last three years to address individual conflict (45 per cent use process involving progressively higher levels of management and 21 have allowed appeals). The figures are lower

for the use of traditional approaches to address inter-employee disputes (37 per cent have used a process involving progressively higher levels of management at least once in the last three years and 28 per cent have allowed appeals) and lower still for group disputes (16 per cent and 12 per cent 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, i.e. as there are little to no group disputes so there is less need to utilise any form of dispute resolution.

The pattern of use varies according to organisational demographics. 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 two approaches for individual and inter-employee disputes (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. Sector has a weaker association with the use of traditional practices with firms in the primary and utility sectors appearing to use traditional approaches most often in the case of inter-employee disputes. In terms of key stakeholders, neither the presence of specialist HR nor a trade union is associated with the use of traditional dispute resolution practices.

Thus, 'traditional' approaches are a common feature of organisations' approach to dispute resolution, both as a part of their formal policy but even more so in practice. The use of these 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 large employers. The comparison between the results for Northern Ireland and GB is interesting; the use of traditional approaches both in policy and practice is lower in Northern Ireland. Perhaps more notable is the relatively small difference between the inclusion of these approaches in written policy and their implementation. In GB, there is a significant gap between policy and practice that is not evident in the data from Northern Ireland. This is illustrated in the case of individual disputes being referred up the organisational hierarchy.

In Northern Ireland, 42 per cent of organisations report having this in their formal written policy, which corresponds quite closely to the 45 per cent of them who claim to have used this approach in the last three years. In GB, by way of contrast, 50 per cent of organisations include this approach in their formal policy, whereas 72 per cent of them report having used it.

Figure 10.1 - Use of traditional conflict management practices (Northern Ireland)

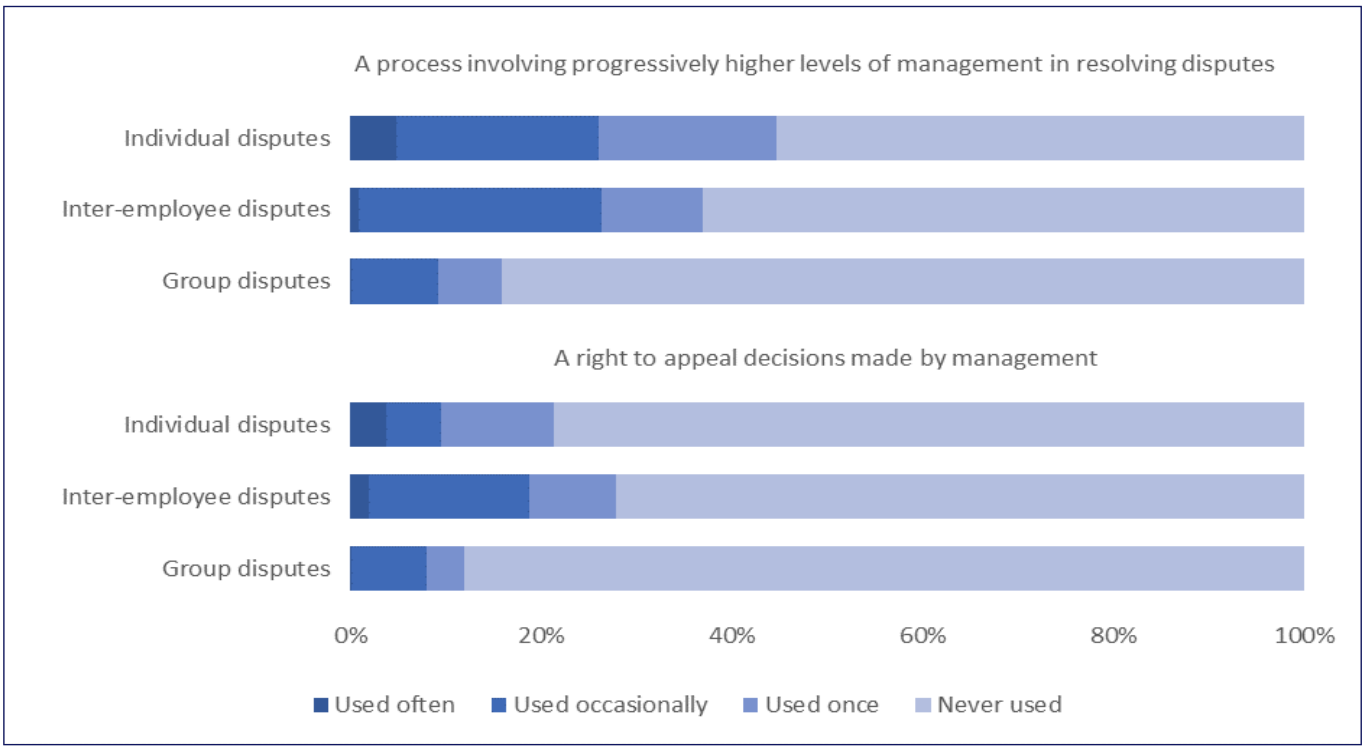
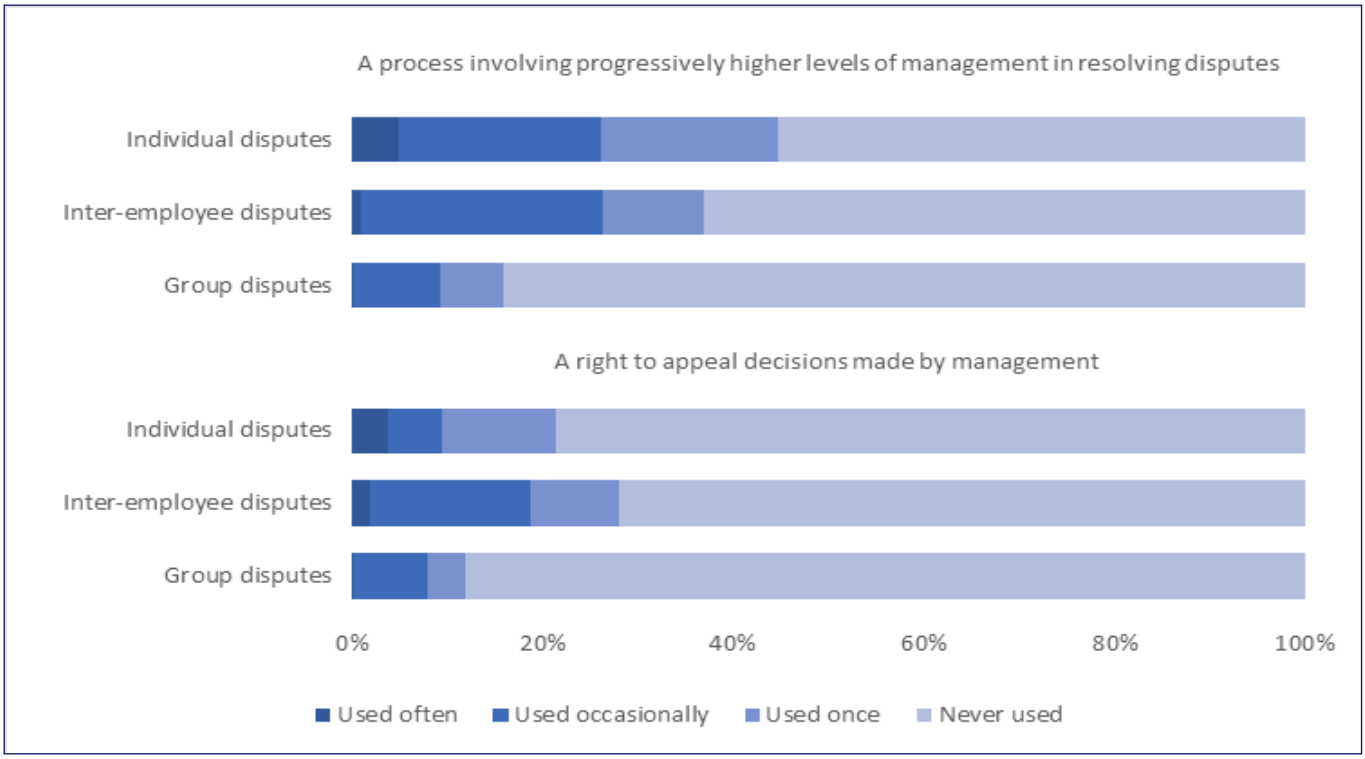


Figure 10.2 - Use of traditional conflict management practices (Great Britain)



6.3.2. Alternative approaches to dispute resolution using third parties

As well as being only rarely included in policies, processes involving external stakeholders are similarly not widely used in practice either. As the results in Figure 11.1 show, the use of external HR experts is the most commonly used practice with 41 per cent of firms having utilised them in relation to individual disputes. The figures fall to 21 per cent and 14 per cent of organisations respectively for inter-employee and group disputes. The use of the LRA telephone enquiry line and lawyers were also used by significant numbers of firms (28 and 26 per cent respectively) for individual disputes. Beyond these three practices, which in themselves have modest usage, there is extremely limited broader use of practices that involve external experts, with fewer than one in ten organisations using the remaining practices.[1]

The influence of demographic factors on the use of external experts to help resolve workplace disputes is limited. Organisational size is positively associated with the use of the LRA website for individual and inter-employee disputes and with the use of lawyers for individual and group disputes. Industrial sector is related to the use of external experts with the LRA website and mediation being more common in services for individual disputes. For inter-employee disputes the service sector again saw the highest use of the LRA website, but also LRA conciliation. Finally, for group disputes firms in the manufacturing and construction sector used professional mediation by an external body other than the LRA. Overall, there is no clear pattern of which types of firm are more or less likely to use dispute resolution practices that involve an external third party.

The presence of key stakeholders is also weakly associated with the pattern of use of external experts to resolve disputes. In individual disputes, firms with a specialist HR function were more likely to consult external HR experts than those firms relying on generalist managers to deal with HR issues. For inter-employee disputes this pattern is repeated for external HR experts and the LRA telephone enquiry line whilst for group disputes the presence of specialist HR is negatively associated with mediation by a third party other than the LRA. Finally, there is no relationship between the presence of trade unions in an organisation and the use of any of the external practices surveyed.

The picture regarding the use of external experts in the resolution of workplace disputes is thus, mixed. Compared to the use of traditional approaches to dispute resolution, the results suggest that the use of external experts is greater than their inclusion in formal conflict management policies and is most common in relation to individual disputes. Of the external agencies used, the use of lawyers and external HR experts are the most popular with 41 per cent and 26 per cent of organisations reporting their use at least once in the preceding three years. The survey also revealed widespread use of the LRA website and telephone enquiry line, with nearly 30 per cent of organisations utilising them. This pattern is repeated for group disputes, albeit at a much lower level. The pattern of use of external experts in Northern Ireland is broadly comparable to that in GB as reported in Figure 11.2, although it should be noted that usage tends to be slightly higher in GB across the range of practices. There is a caveat in the case of group disputes where the use of the LRA in Northern Ireland is marginally lower than that for Acas in GB. However, the use of other third parties (mediators, lawyers and HR experts) is higher in Northern Ireland. Due to the low level of group disputes in both Northern Ireland and GB, care should be taken before inferring too much significance from these results, however.

1 Use of the LRA website and app have been excluded from this analysis as they do not constitute active 'involvement' of an external stakeholder, but are rather sources of information.

Figure 11.1 - Use of alternative dispute resolution practices involving a third party (Northern Ireland)

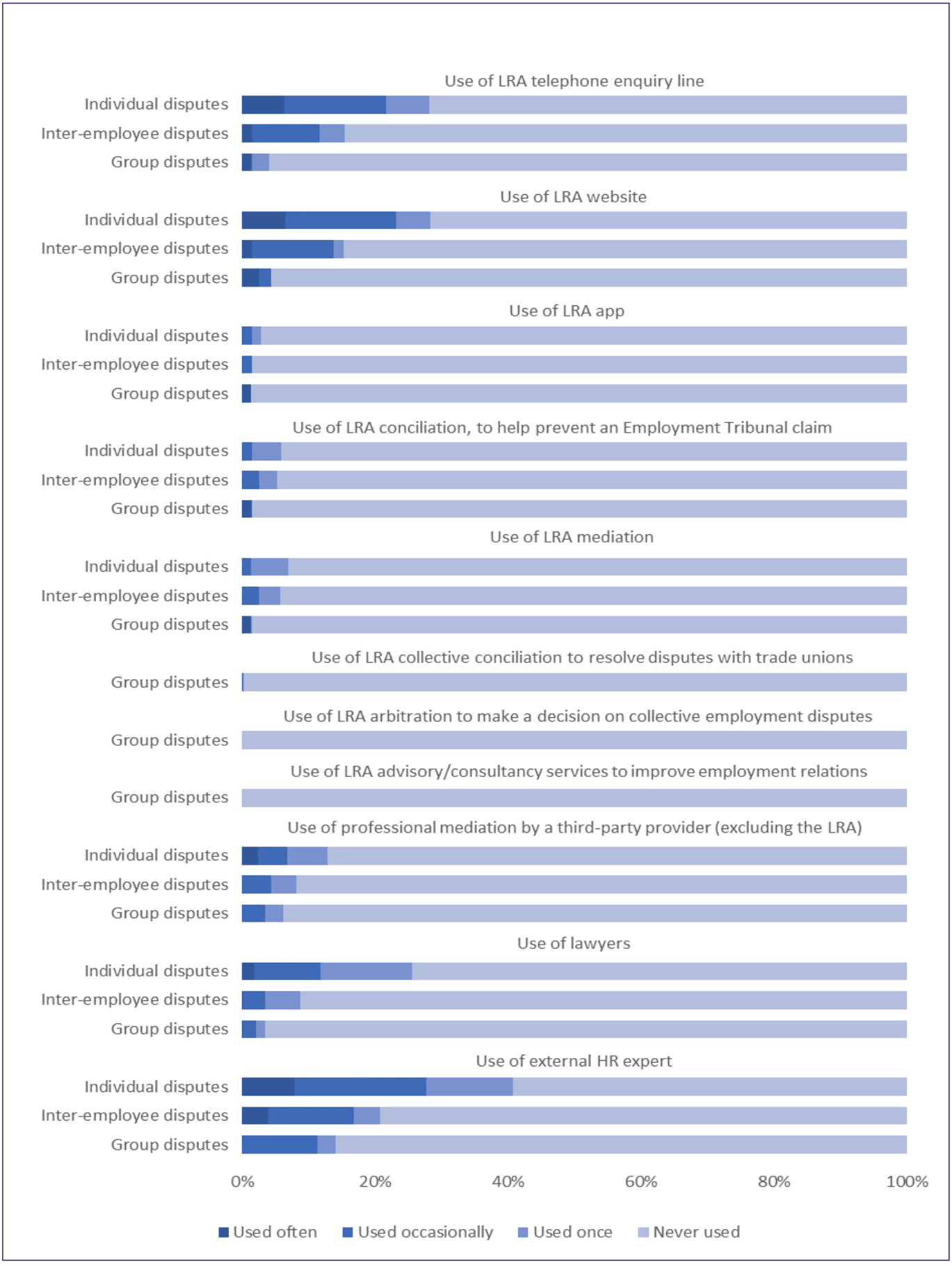
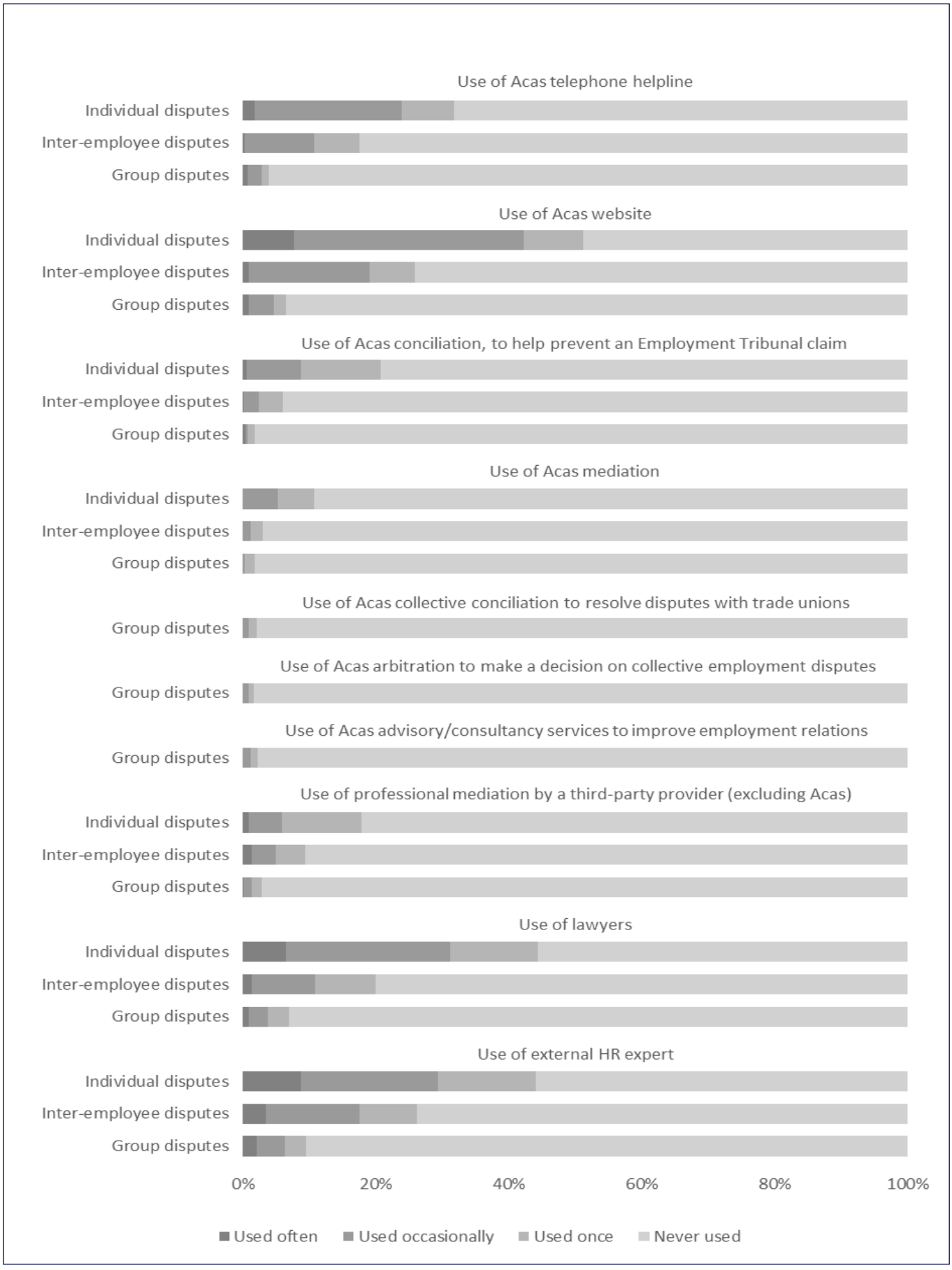


Figure 11.2 – Use of alternative dispute resolution practices involving a third party (Great Britain)



6.3.3. The use of practices internal to the organisation

The results in Figure 12.1 suggest that internal dispute resolution practices are used widely within organisations in Northern Ireland in the case of both individual and inter-employee disputes. Between a third and a half of 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 three 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 a quarter of organisations. Internal approaches are used less often to address group disputes, which is no doubt a reflection of the lower levels of this type of conflict. Nevertheless, this type of practice is still used more widely than approaches involving external actors to address group disputes, with over 15 per cent of organisations using formalised open-door policies, discussions facilitated by HR and intensive communication regarding change at least once in the last three years.

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 organisation size and use of internal practices for addressing disputes with small organisations disproportionately likely to never have used such approaches. In the case of individual and inter-employee disputes, this is the case for discussions facilitated by HR, informal conversations with line managers and personal development plans. Additionally, for inter-employee disputes, size is also positively related to the use of formalised open-door approaches. For group disputes, organisation size is positively related to an open-door approach, discussions facilitated by HR and the use of intensive communication regarding change. This strong association between organisation size and the use of internal approaches to managing conflict may simply be a function of the finding, noted earlier, that large organisations experience more conflict so have more opportunity to resolve it. An alternative explanation is that larger organisations have the capacity to invest greater resources in dispute resolution.

The impact of economic sector on the use of internal approaches is mixed. For individual disputes, firms in the primary and utility sectors are more likely to use internal mediation services, whilst informal conversations with line managers are less likely in the manufacturing and construction sector. Manufacturing firms are also less likely to use intensive conversation regarding change, informal conversations with line managers and personal development plans for inter-employee disputes. Finally, for group disputes organisations in the primary and utility sectors are more likely to use all the internal practices except conflict coaching. Due to the low level of group disputes identified earlier in the report, this last finding is probably attributable to an isolated dispute in the primary and utility sectors that is skewing the results.

The impact of the presence of a specialist HR function on the extent to which internal approaches are used to address disputes is clear. In the case of individual disputes, five of the eight internal approaches (a formalised open-door approach, discussions facilitated by HR, intensive communication around change, informal conversations with a line manager and personal development plans) are disproportionately likely to be used often where an in-house HR function is present. For inter-employee disputes the same is true for discussions facilitated by HR and the use of conflict coaching. The impact of HR presence is less notable when it comes to group disputes, with specialist HR positively associated with the use of conflict coaching, but negatively associated with the use of interest based bargaining techniques, which are more common in firms with generalist HR. Thus, these findings suggest a focus by HR on the individualised aspects of the employment relationship.

Figure 12.1 - Use of in-house alternative dispute resolution practices (Northern Ireland)

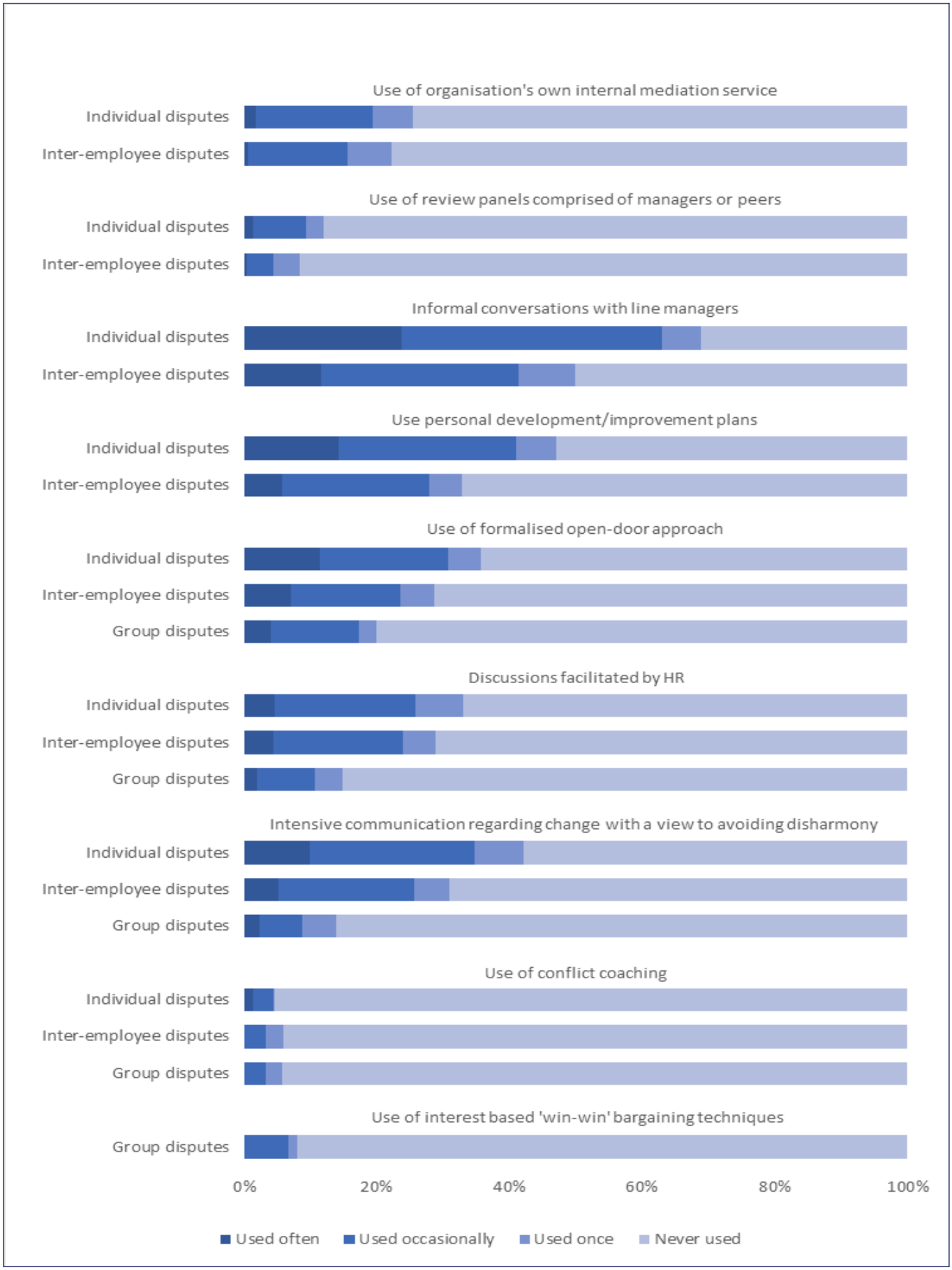
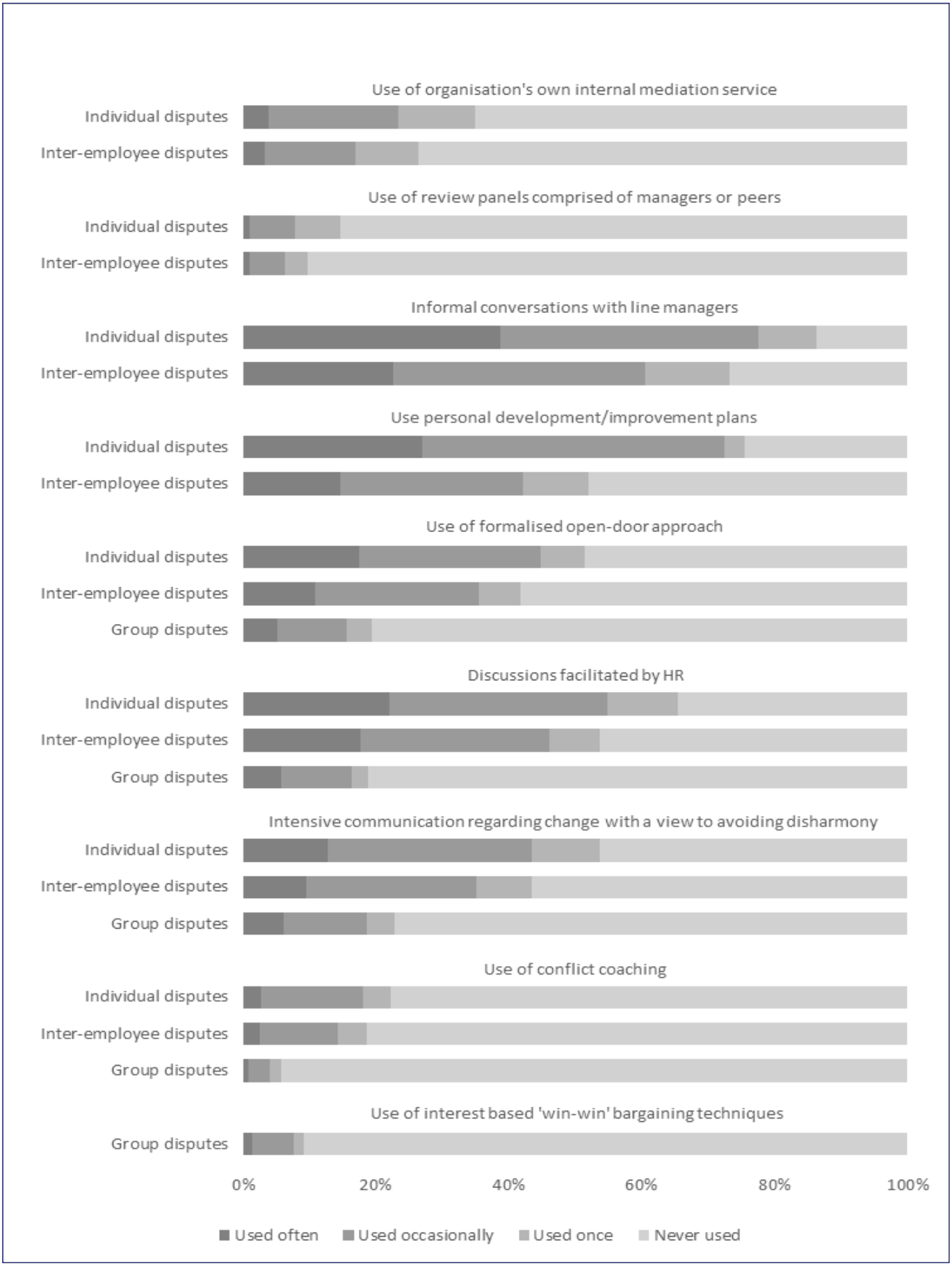


Figure 12.2 - Use of in-house alternative dispute resolution practices (Great Britain)



The presence, or lack, of a trade union is also significantly associated with the use of internal dispute resolution practices but only for individual disputes. Three of the eight practices (use of internal mediation services, intensive communication around change, and informal conversations with line managers) are less commonly used in unionised organisations. This negative association between unions and internal dispute resolution practices could reflect a desire on the part of unions to avoid internal company procedures that may be regarded as opaque and subjective, although it should be noted that there is no evidence of corresponding union support for practices that involve external third parties.

Comparing the use of internal dispute resolution practices in Northern Ireland with GB reveals a broad similarity. The figures for GB are higher across the board but with the exception of the use of personal development plans and discussions facilitated by HR, the difference is not that great.

6.4. HR practices used to proactively address disputes

One of the underlying principles between the use of Alternative Dispute Resolution (ADR) is the notion that firms should proactively seek to pre-empt conflicts from occurring, 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, ranked in descending order, are presented in Figure 13.1 and show that the use of such practices is fairly widespread. Traditional downward communication channels such as noticeboards and newsletters/emails are most popular with 43 per cent and 41 per cent of organisations using them respectively. Two-way communication channels such as coffee/lunch sessions to identify areas of concern (29 per cent) suggestion schemes (27 per cent) and employee satisfaction surveys (23 per cent) are also fairly common.

It is also noteworthy that more formalised channels of communication with employee representative bodies and training provision to employees in dispute resolution techniques are less common with 13 per cent and seven per cent of organisations respectively adopting these practices. Overall, the data suggest that many organisations are implementing policies that are consistent with a desire to minimise workplace disputes.

Comparing the figures for Northern Ireland with GB, reported in Figure 13.2 highlights some interesting differences. The rank order of the practices differs slightly but the overall pattern between one-way and two-way communication channels is broadly similar. The most striking difference is the lower use of these policies in Northern Ireland. In the case of the most popular practice of communication via noticeboards, usage is approximately 50 per cent higher amongst organisations in GB. For the majority of practices, the gap is smaller but still significant. Thus, the results suggest that organisations in Northern Ireland use HR practices in an attempt to pre-empt disputes from occurring, but that this is less widespread than in GB.

Figure 13.1 - The use of practices to reduce or avoid workplace disputes and promote good relations with employees (Northern Ireland)

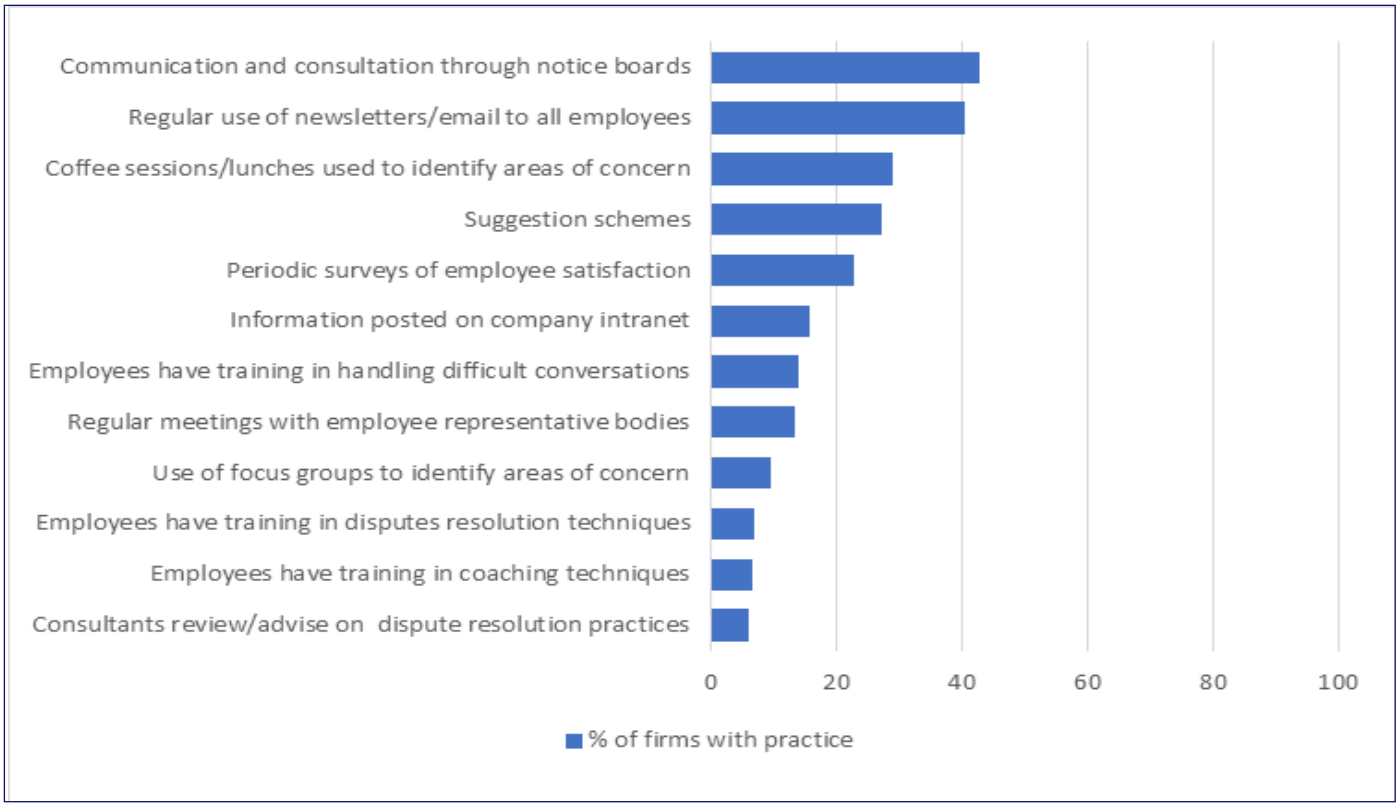
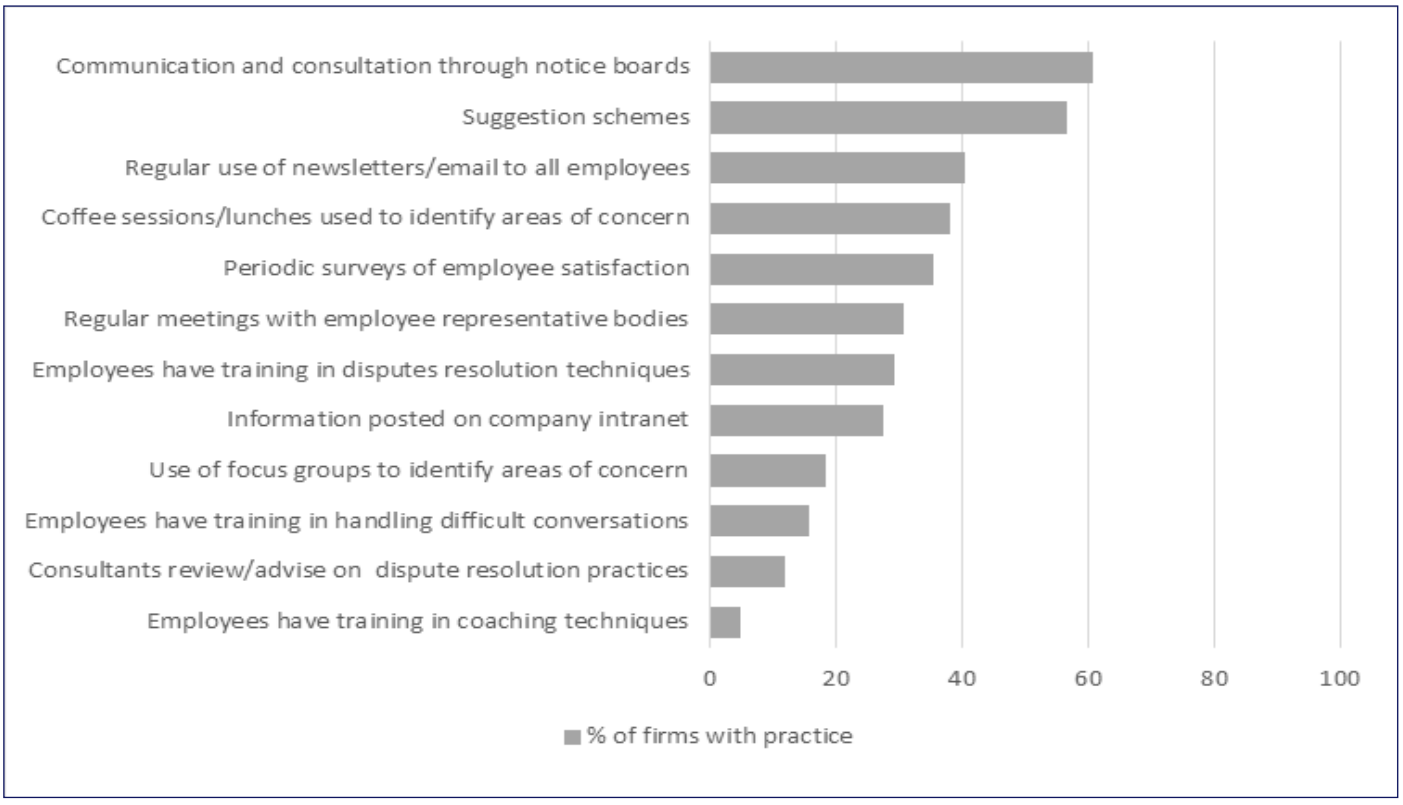


Figure 13.2 - The use of practices to reduce or avoid workplace disputes and promote good relations with employees (Great Britain)



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 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 14.1 suggest that whilst choice as to the approach taken is offered quite extensively for grievances brought by employees (37 per cent), this option is less common when disputes are raised by management in the form of disciplinary proceedings (26 per cent). The extent of employee choice is related to a number of demographic factors and stakeholders.

Employees are less likely to be offered a choice in how disputes that they have raised in the primary and utility sectors and in unionised organisations are handled. This latter result could be due to unions preferring standardised grievance procedures as previously mentioned. This pattern is strongly evident for disputes initiated by the employer, such as disciplinary cases where 90 per cent of unionised organisations do not offer employees the right to choose the approach taken in resolving their dispute, compared to 49 per cent in non-union firms. Conversely, the presence of HR is positively associated with choice (60 per cent of organisations with generalist HR do not offer choice, compared to 43 per cent of firms with specialist HR). The comparable figures for the UK shown in Figure 14.2 are broadly similar. The number of firms offering no choice in the approach taken to employee-initiated disputes is 32 per cent in Northern Ireland versus 24 per cent in the rest of the country and are virtually identical for employer-initiated disputes. Beyond that, a higher proportion of organisations in Northern Ireland sometimes offer employees a choice, whereas the pattern in GB tends to be more polarised.

Figure 14.1 - Extent to which employees are offered choice in the approach taken (Northern Ireland)

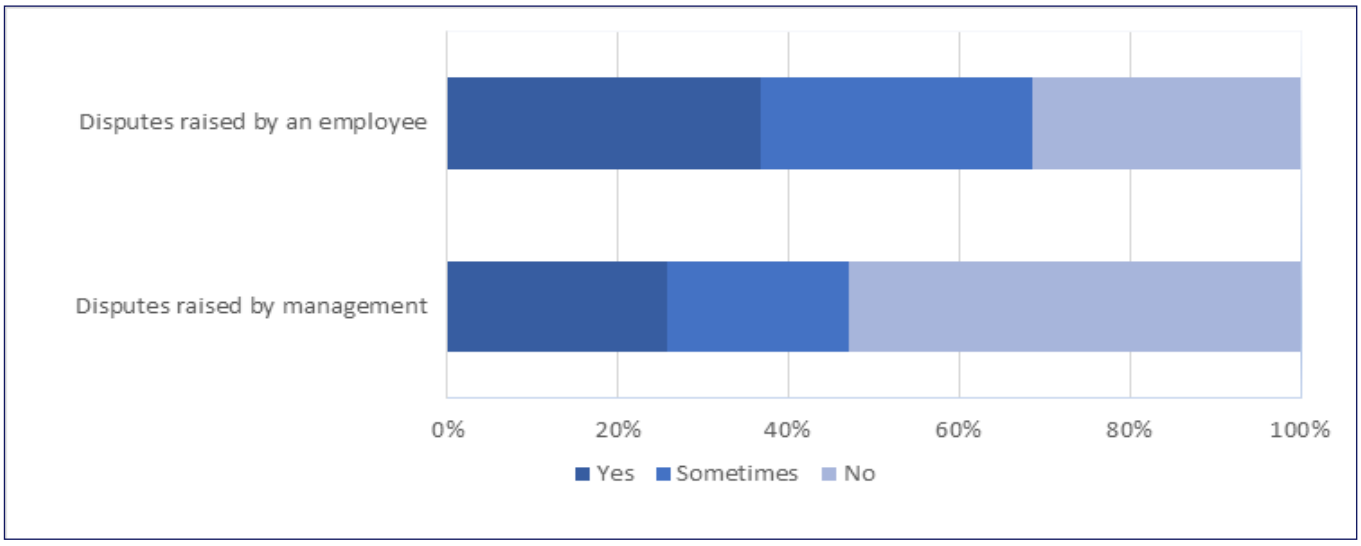
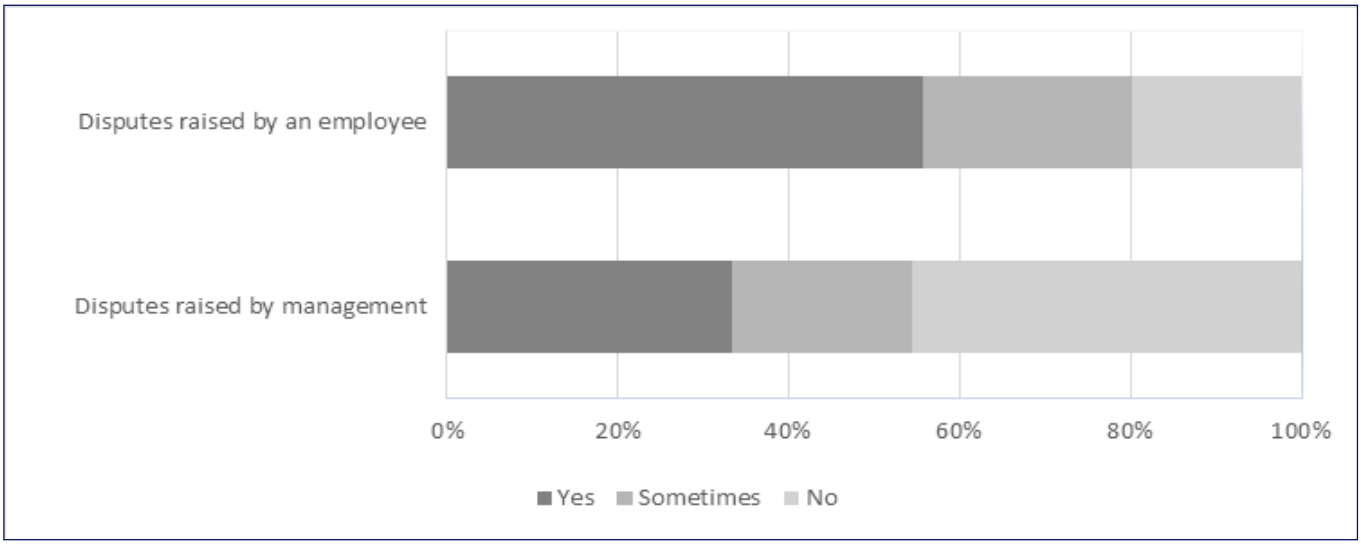


Figure 14.2 - Extent to which employees are offered choice in the approach taken (Great Britain)



6.6. Concluding remarks on the approach to managing disputes

There are three 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 organisations suggests that organisations in Northern Ireland 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 Northern Ireland use a wide range of approaches which may be considered as 'alternative'. The concept of 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 organisations in Northern Ireland, 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 appear less willing to use ADR. 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). The policy and practice of dispute resolution in Northern Ireland is broadly comparable with that in GB, with similar patterns of variation. There is a consistent difference, however, which is that the take-up of the various dispute resolution practices is lower in Northern Ireland.

7. Managing Disputes Policy and Approach

Beyond the content of the disputes policy itself, the survey also sought to ascertain how and why policy was 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 policy and if any changes had been made in the last three years. Where changes had been made the cause of these changes were queried. 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 on their organisation's overall approach to dispute resolution on a five-point scale from 'not important' to 'extremely important'. The mean score for each factor is shown in Figure 15.1, which is ordered in descending importance. Although not mentioned specifically, the spectre of 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 second most important influence on their dispute resolution approach. Seeking to reduce bullying and harassment in the organisation and following the LRA Codes of Practice are also seen as highly important and again speak to a desire to avoid potential legal 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 include: devoting minimum time/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 14 per cent of respondents who identify preventing union influence as very or extremely important, as well as 10 per cent who see their dispute resolution approach as very or extremely important in trying to increase links with unions. Interestingly the corresponding figures for unionised firms are zero and 58 per cent respectively, which suggests that the potential complementarities between unions and dispute resolution are more apparent to those organisations who have experience in dealing with them.

The results in Figure 15.1 are remarkably consistent with those for the rest of the UK, both in terms of the absolute values attached to the factors and their rank order. Perhaps the only notable difference is that responding to increased legal protections is ranked more highly in Northern Ireland.

The impact of demographics on the factors that influence organisations' approaches to managing disputes is mixed. Size is only significant for one factor, namely the increased opportunities to work with unions, with large firms rating it as more important. Industrial sector appears to have more of an impact with service sector firms ranking five factors more importantly than the other sectors (adapting employment conditions to meet competitive pressures, increasing opportunities to work with trade unions, avoiding litigation, responding to growing assertiveness by employees aware of their rights and seeking to reduce bullying and harassment in the organisation). Conversely, firms in the primary and utility sectors rank emulating best practice in leading companies more importantly than the other sectors.

Figure 15.1 - Influence on the approach to the management of dispute resolution (Northern Ireland)

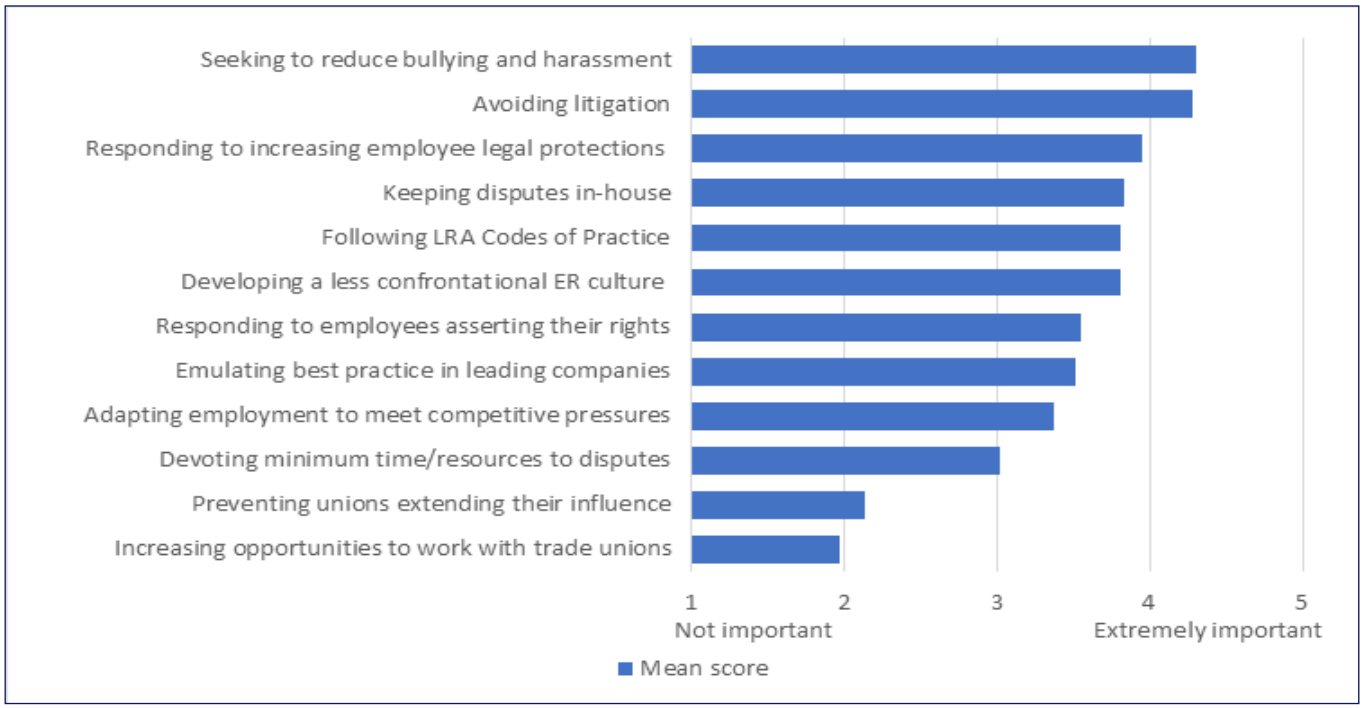


Figure 15.2 - Influence on the approach to the management of dispute resolution (Great Britain)

The presence of specialist HR is strongly associated with half of the factors that influence firms' approach to conflict management. Where organisations have a specialist HR function, responding to growing employee legal protection, adapting employment conditions in the face of competition, avoiding litigation, emulating best practice, responding to growing employee assertiveness and following the LRA Codes of Practice are all viewed as more important influences compared to organisations who lack such HR expertise. Meanwhile, the presence of a trade union is associated with a greater importance being attached to the increasing opportunities to work with trade unions and/or other employee representative bodies and devoting minimal time and resources to the handling of disputes. Thus, there is no 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 three years. The results suggest that dispute resolution is a static policy with only 10 per cent of organisations having a formal policy of evaluation, although this does not preclude the possibility that ad hoc changes may still be made. The only factor which is associated with the likelihood of such a review is trade union presence, with a higher share of unionised firms having a formal policy to evaluate the effectiveness of their dispute resolution practices than their non-union counterparts.

Looking beyond the evaluation of dispute resolution policies, 12 per cent of organisations reported significantly changing their approach to dispute resolution in the preceding three years. The presence of specialist HR was positively associated with firms having made such a change, whereas there was a negative association with unionisation.

The results in Figure 16.1 suggest that the biggest factor influencing the change in approach to dispute resolution is a change in management approach, with over 75 per cent of organisations citing this as a reason. Nearly half of organisations cite a previous dispute as the motivation for their change. These two factors are ranked as similarly important in the rest of the UK as shown in Figure 16.2. Beyond that there are four influences which are reported as important by one in eight organisations: staff survey results, legislative change, employee voice and LRA Codes of Practice. Finally, regulatory change and changes to Tribunal legislation barely register any responses. These secondary factors are ranked more importantly in GB, especially the last two, which are rated as significant by approximately 10 per cent of employers in GB. Despite these differences, the conclusion that can be drawn from these results applies to the whole of the UK; although only a minority of firms report having significantly altered their approach in the preceding three years, for those that have it appears to be a conscious management decision to do so.

Figure 16.1 - Influences on organisations' change of approach to dispute resolution (Northern Ireland)

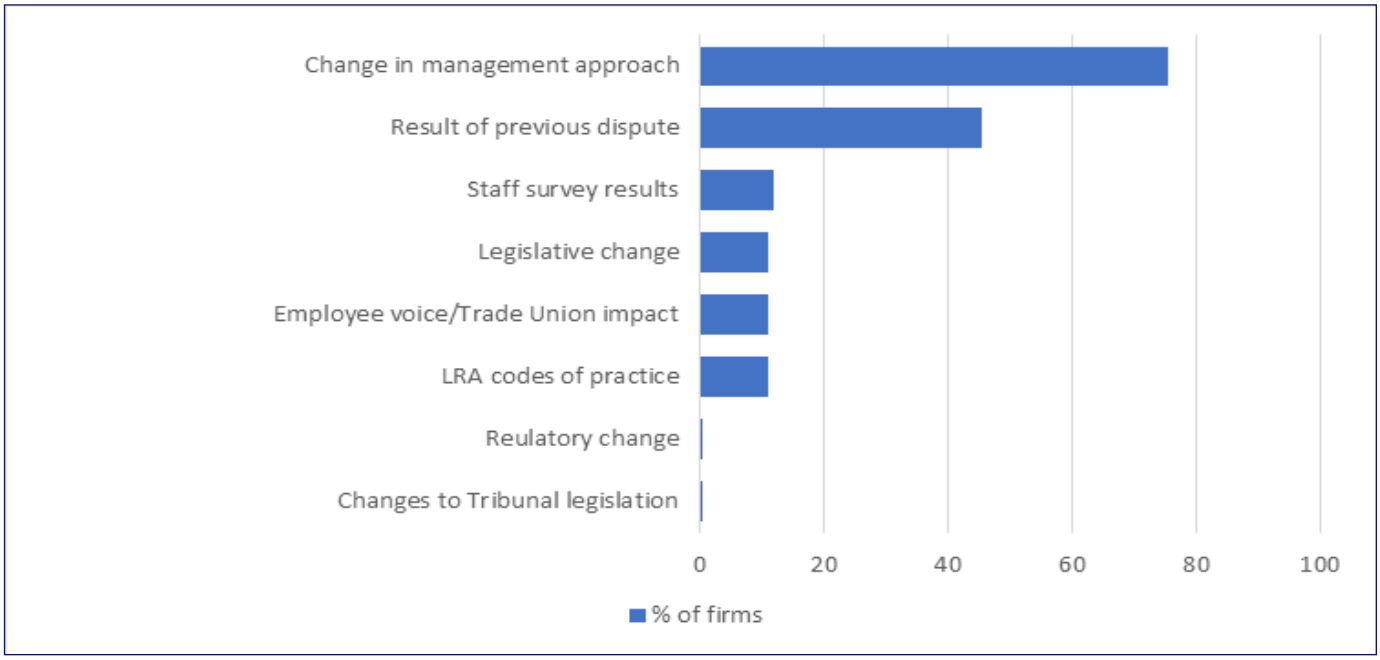
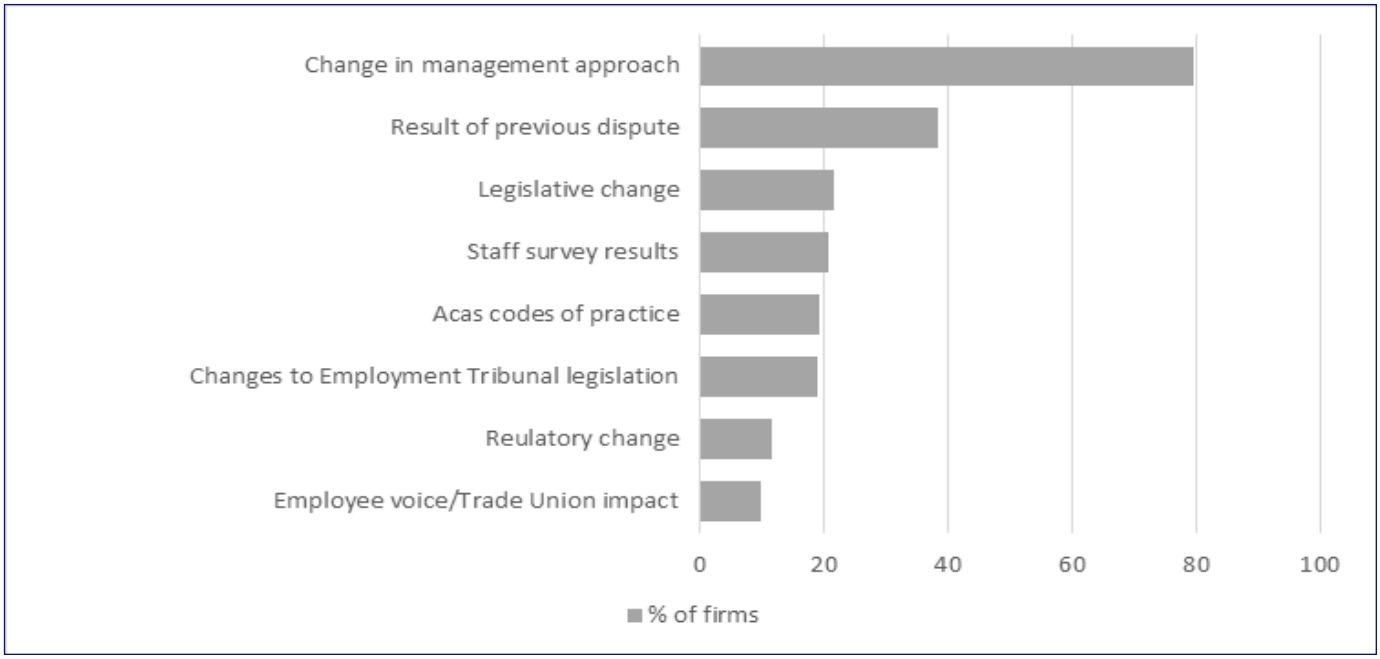


Figure 16.2 - Influences on organisations' change of approach to dispute resolution (Great Britain)



8. Conclusions

The 2019 survey of dispute resolution in the workplace has helped shed light on the incidence and management of workplace disputes within Northern Ireland. The results confirm that disputes are a ubiquitous feature of organisational life with the majority of firms experiencing some form of conflict in the preceding three years. That said, the results also show that the majority of these disputes are low level and informal in nature. Only a small minority of organisations have experienced disputes at the more serious end of the spectrum, including those that end up in a tribunal. The experience of disputes is not uniformly felt across the economy with large firms, those with a specialist HR function and/or a trade union present more likely to experience workplace discord, although it is likely this is, at least partially, a measurement effect rather than these organisations being more dispute prone per se.

One of the most striking results of the survey is the low level of collective or group disputes from private sector organisations in Northern Ireland. As noted in the report this is unlikely to signify the elimination of workplaces 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 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 a 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 managers into organisational practices and also to provide training in dispute resolution techniques. Thus, 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 organisations in Northern Ireland. Perhaps most striking is the disconnect between dispute resolution policy and practice. 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 third 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 different picture, however. Despite their virtual absence from written policies alternative forms of dispute resolution are reasonably widespread amongst employers in Northern Ireland, 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 than 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 organisations' motivation in their overall approach to dispute resolution. Employers' perception of conflict at a conceptual level is revealing in that 70 per cent 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 an important underlying factor. Counterbalanced against this is the finding that employee voice also plays a role in shaping organisational dispute management practice. This is evident 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 organisations in Northern Ireland view, experience and manage workplace disputes. It has also drawn comparisons with the picture in GB. The overall picture is that organisations in Northern Ireland deal with workplace disputes in broadly the same way as in GB. The pattern of responses is similar, but the results also suggest that organisations in Northern Ireland have experienced less conflict than their counterparts in GB and, perhaps consequently, had less cause to implement certain dispute resolution practices. Other differences include a weaker role for trade unions in influencing organisations' approach to conflict management than in the rest of the UK, but more pronounced variations across industrial sectors. The results presented here are a valuable contribution to earlier research in that they provide a basis to evaluate workplace dispute resolution in the UK as a whole.

Finally, the report raises a number of new questions that should be the focus of new 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 and other worker voice mechanisms on dispute resolution policy and practice in the context of the shift away from collective disputes towards more individualised forms of conflict.

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ISBN 978-1-5262-0855-2