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Department for
**Employment
and Learning**
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Employment Relations Survey 2004-2005

Comparison of employee and employer responses to
research into workplace attitudes and practices

September 2006



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1. Introduction and key findings

PURPOSE

This report details the main findings of two separate surveys dealing with employment relations matters carried out in Northern Ireland during 2004 and 2005.

The first of these, referred to throughout this document as “the employee survey”, was carried out amongst employees as part of the Northern Ireland Omnibus Survey during June 2004. The survey had a total of 532 respondents.

The second survey, the Employment Relations Survey Northern Ireland 2005 (referred to as “the employer survey”), was carried out between January and March 2005 and had 860 respondents.

The central purpose of both surveys was to collect baseline data prior to the introduction of new legislation for resolving disputes in the workplace in April 2005. Later comparative research will enable the Department to assess the impact of the new dispute resolution provisions. The opportunity was also taken in both surveys to collect pertinent data in relation to some of the other areas of interest in the employment relations field.

The findings of the surveys are detailed in brief below, and are explored more fully in the remainder of the document.

GLOSSARY OF TERMS

DDP **Disciplinary and dismissal procedure**

A formal procedure used by an employer when the employer is unhappy with the conduct or performance of the employee.

GP **Grievance procedure**

A formal procedure used by an employee to complain to the employer about a perceived breach of the employee’s employment rights

LRA **Labour Relations Agency**

A statutory public body which provides advice on employment issues to both employees and employers, and which can assist those with an employment dispute to reach a settlement through discussion of the points at issue (using processes known as conciliation, mediation and arbitration).

EMPLOYEE SURVEY

Grievances

- *Over three quarters of employees described relations between managers and employees at their workplace as either 'very good' (32%) or 'good' (45%).*
- *Almost four in five employees (82%) said that their employer had a GP (for dealing with individual grievances raised by an employee); 18% said that there was no procedure.*
- *50% of those employed in firms with 1-10 employees were aware of the GP. This increased to 97% of those working in establishments employing more than 500 employees.*
- *Of the employees who indicated that their employer had no GP, 66% said that grievances were resolved through discussions with managers.*
- *Of all employees whose workplace had a GP, 51% learned of it through the staff handbook, 35% through an induction programme, 31% through a supervisor, line manager or foreman and 31% through their contract of appointment.*
- *20% of those in firms with a GP had themselves, or knew someone at work who had, formally raised matters through the GP in the previous 12 months.*
- *Of the employees who stated that they had never themselves raised a formal grievance and did not know anyone at work who had done so in the last 12 months, 51% stated that this was because there were never any grievances, 29% cited good management-employee relations, and 16% said that disputes were resolved informally, thus avoiding the need for formal procedures.*
- *52% of all employees surveyed said that no grievances had been raised, whether through a procedure or otherwise, in the year prior to the survey. Pay and conditions were the most commonly reported grievance (20%), followed by working time, annual leave and time off work (13%).*
- *In raising grievances, employees were more likely to attend a formal meeting with a manager to discuss the nature of their grievance (83%) than to set the nature of the grievance out in writing (66%).*
- *Employees said they would seek advice about raising a grievance from their manager (45%), a union representative (38%) or a colleague (29%).*
- *Of all those who were aware of a grievance having been raised in the last year, 48% reported that the issue was resolved by in-house procedures, 21% that it was resolved informally, 10% that it was not resolved and the*

complaint not pursued and 7% that it was not resolved and referred to the Labour Relations Agency (LRA).

- *Of all the employees surveyed, 71% thought workplace procedures could be of assistance for resolving disputes. Next in order of perceived usefulness came the Fair Employment Tribunal (38%), the Labour Relations Agency (28%) and industrial tribunals (22%).*

Discipline and Dismissals

- *Over four fifths of employees (84%) stated that there was a DDP (for dealing with discipline and dismissals other than in relation to redundancies) in their workplace.*
- *48% of employees working for employers with a DDP indicated that their employer made employees aware of the DDP by way of the staff handbook.*
- *The vast majority of employees stated that, if disciplinary action was being taken against an employee, the employer would set out in writing the reason for taking the action (84%) and ask the employee to attend a formal meeting (89%).*

Employment rights

- *41% of employees said they would approach a union representative to find out more about their employment rights. 37% would go to the Citizens Advice Bureau, 28% to their employer and 17% to the LRA.*
- *Of all the employees surveyed, 46% had read guidance material on employment rights.*
- *Employees who had raised a grievance or worked with someone who had done so in the last 12 months were significantly more likely to have read the guidance material (67%).*
- *Of all those who had read guidance material, 28% had obtained it from work or their employer, 17% from the LRA and 17% from the Employment Rights Branch of the Department for Employment and Learning.*
- *Almost nine in ten employees (89%) were aware of the right not to be unfairly dismissed.*
- *Two thirds of employees (66%) were aware of the right to be accompanied at grievance and disciplinary meetings, and 65% were aware of the right not to be forced to work more than 48 hours a week on average.*
- *58% of employees were aware of both the right to a written statement of employment terms and conditions, and the right to request flexible working for parents with small children.*

Trade Unions

- *Of all employees, 42% had never been a member of a trade union or staff association, 42% were currently a member and 16% were not a member at the time of the survey but had been in the past.*
- *Of all the employees surveyed, 46% described their management's general attitude towards trade union membership amongst employees as neutral; 28% felt that management were in favour of union membership and 26% that they were not.*
- *Over half of employees (53%) thought that self-representation was the best way to deal with managers in their workplace if they wanted to make a complaint about working there. Their trade union was the next most common option (29%).*
- *44% of employees believed that self-representation was the best means of representation when dealing with a manager who wanted to discipline the employee, whilst 36% preferred to call upon their trade union.*

EMPLOYER SURVEY

Grievances

- *More than three quarters of businesses (76%) have a GP (for dealing with individual grievances raised by employees at their establishment).*
- *Large businesses with 50 or more employees (94%) were more likely than small businesses with 5-9 employees (61%) to have a GP.*
- *64% of businesses without a GP said that if their employees had a grievance at work, they resolved it through discussions with managers.*
- *Nearly three quarters of all businesses surveyed (73%) stated that no grievances had been raised in the year prior to the survey, whether through a procedure or not. Grievances about pay and conditions (12%) were the most common.*

Businesses with formal grievance procedures

- *61% of businesses with a GP made their employees aware of it in the contract of appointment.*
- *Businesses with a GP were more likely to ask employees to attend a formal meeting with a manager to discuss the nature of their grievance (95%) than to ask them to set out the nature of the grievance in writing (81%).*
- *99% of businesses with formal grievance meetings allowed their employees to be accompanied at a formal grievance meeting. Employees could bring a work colleague in 57% of firms, or anyone they chose in 33% of cases.*
- *Companions of the employee were permitted to ask questions on the employee's behalf, answer questions for them and confer privately with the employee in the majority (83%, 62% and 91% respectively) of businesses which allowed the companion to be present at formal grievance meeting.*
- *Less than a fifth (16%) of businesses with a GP had experienced a formal grievance in the year prior to the survey.*
- *49% of businesses in which the GP had not been used in the previous year said that this was because disputes had been raised and resolved informally.*

Discipline and dismissals

- *More than four in five businesses (82%) had a DDP (for dealing with discipline and dismissals other than redundancies).*
- *60% of those with a DDP made their employees aware of it via the contract of appointment.*
- *Nearly all businesses, as part of their DDP, asked employees to attend a formal meeting with a manager to discuss the reason for taking disciplinary action (98%) and set out in writing the reason for taking the action (96%).*
- *Almost all (98%) businesses with formal employee-manager meetings about disciplinary action allowed their employees to bring a companion with them to the meeting. More than half (54%) allowed a work colleague and a further 35% let the employee bring anyone they chose.*
- *During the disciplinary meeting the employees' companion was permitted to ask and answer questions on the employee's behalf and confer with them privately in the majority of cases (81%, 61% and 90% respectively).*
- *29% of all businesses had applied a disciplinary sanction to an employee in the 12 months prior to the survey. 25% of all those surveyed had given employees formal verbal warnings during this time.*
- *The main reasons for having taken disciplinary action in the previous year were poor timekeeping (49%) and unauthorised absence (35%).*

Further general workplace information

- *24% of businesses had sought information or advice on employment relations issues from the LRA. 58% had not sought information from any agency or body.*
- *The most commonly reported recruitment channels businesses had used when trying to fill vacancies in the previous 12 months were local or regional newspapers (68%) and JobCentres (44%). A small proportion (15%) of businesses had not tried to fill any vacancies during this timeframe.*
- *Meetings between managers and employees or employee representatives or committees took place in over four fifths (83%) of businesses.*
- *The most commonly discussed issues in these meetings were work organisation (90%), future plans (68%) and leave and flexible working arrangements (49%).*
- *During the previous year, an employee or ex-employee had made an application to an industrial tribunal or the Fair Employment Tribunal in 5% of businesses.*

Use of Temporary Agency Workers and employees working from home

- *Most businesses (85%) did not use Temporary Agency Workers.*
- *59% of the businesses using Temporary Agency Workers used them as short-term cover for staff absence or vacancies.*
- *10% of businesses had employees who had worked from home during normal working hours.*
- *98% of these businesses did not term such employees “teleworkers”.*

Trade Unions

- *73% of businesses did not have any employees who were members of a trade union.*
- *98% of such businesses said that, as far as they knew, no union had attempted to recruit members of their workforce during the 3 years prior to the survey.*
- *When asked to describe management’s general attitude towards trade union membership, 67% of businesses said they were ‘neutral about it’, 21% said they were ‘in favour of it’ and just over a tenth (12%) said they were ‘not in favour of it’.*
- *19% of businesses said management actively encouraged union membership and recruitment, while 7% said they actively discouraged it.*

COMPARISON BETWEEN EMPLOYER AND EMPLOYEE SURVEYS

- *Overall, there were slight differences between the views of employers and employees with regard to the issue of workplace disputes.*
- *Employees were slightly more likely than employers to refer to the presence in their establishment of formal procedures for both grievances and disciplinary matters or dismissals.*
- *There was a statistically significant difference between feedback from employees and employers with regard to the reporting of grievances. 20% of employees reported a grievance having been raised in their workplace, compared to 16% of employers.*
- *Employers were more inclined to contend that their establishment used formal procedures (meetings, written reasons) to deal with both grievances and disciplinary matters than were employees.*

2. Methodology

EMPLOYEE SURVEY

Employee survey data was gathered by analysing responses to employment relations related questions which were included in the June 2004 NISRA Omnibus Survey.¹ During June and July 2004, a sample of 2,200 addresses was drawn from the Valuation and Lands Agency list of addresses. A list of all household members who were 16 years of age or over was compiled and one person was randomly selected as the respondent for that address. The selected respondent was then asked to complete the interview, resulting in a final sample size for the survey of 1,279. In total, 532 respondents were employed at that time and therefore were asked the employment-related questions.

EMPLOYER SURVEY

During January and March 2005, NISRA's Central Survey Unit (CSU) carried out a survey of employers. A sample of 1,740 businesses throughout Northern Ireland was selected from the BT Business Database and a telephone interview was attempted in relation to each. In total, productive interviews were obtained from 860 businesses.

RELIABILITY

In order to make comparisons between the employer and employee data, all analysis has been taken as a percentage of valid responses only. All percentages have also been rounded to the nearest whole number and may not sum to exactly 100%. Multiple response questions do not add up to 100% as responses are quoted as a proportion of respondents who indicated each of the multiple response options.

It should be noted that, for the purposes of analysis of the employee survey, breakdowns by socio-economic group, highest educational qualification and number of employees in the establishment produced sample sizes of less than 100. Thus, percentages quoted in relation to these areas should be treated with some degree of caution.

Analysis by industrial group within the employer survey produced a sample size that should be treated with comparable caution when attempting to draw conclusions.

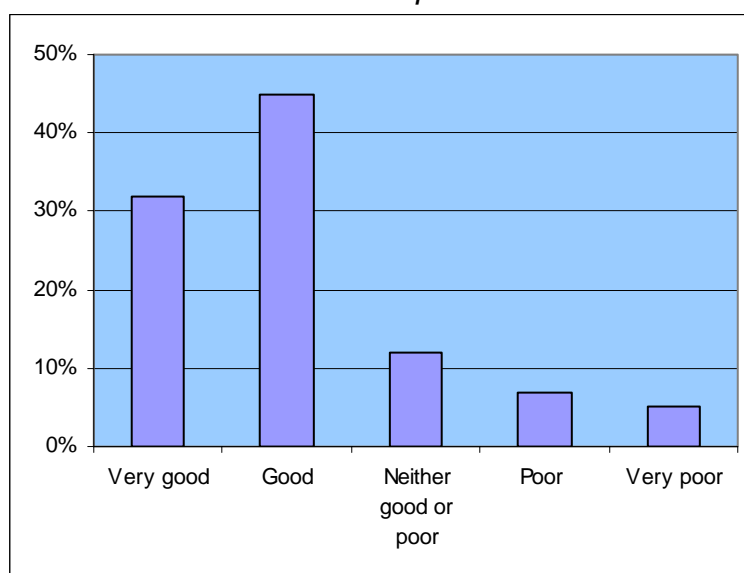
¹ Details of NISRA Omnibus Survey can be found at <http://www.csu.nisra.gov.uk/surveys/survey.asp?id=6&details=0>

3. Employee survey

RELATIONS BETWEEN MANAGERS AND EMPLOYEES

Employees were asked to describe relations between managers and employees at their workplace. In response, the majority of employees described relations as 'good' (45%) or 'very good' (32%), with only 7% considering them poor and 5% as very poor. 12% felt that relations were neither poor nor good. These findings are illustrated in *Figure 1*.

Figure 1: *Employee views on relations between managers and employees at their workplace*



The following trends were to be observed in responses to this question:

Gender

- *Women (35%) tended to be more content than men (28%) with the employee-manager relationship.*

Socio-economic group

- *Over three quarters of respondents from all occupational groups, with the exception of the unskilled manual group, described relations between employees and managers as good or very good. Professional and skilled manual employees (79%) were most likely to describe their relations in this manner, whilst only 71% of unskilled manual employees felt similarly. 15% of managerial and technical employees (the highest percentage of any group) considered relations poor or very poor, compared to just 7% of professional and skilled manual workers.*

Size of employer

- *Employees from smaller firms tended to be more positive than those from larger firms, as Table 1 illustrates.*

Table 1: *Perceptions of employment relations by size of firm*

Number of employees	Relations good or very good
1-10	84%
11-24	86%
25-49	77%
50-249	77%
250-499	77%
500+	69%

FORMAL GRIEVANCE PROCEDURES

Almost four in five employees (82%) stated that there was a formal procedure for dealing with individual grievances raised by an employee at their workplace. 18% said that their workplace did not have a formal GP.

Gender

- *A higher percentage of women (86%) than men (79%) acknowledged the existence of a GP in their workplace.*

Community background

- *Both Catholics and Protestants demonstrated the same level of awareness (82%) of a GP in their workplace.*

Socio-economic group

- *Those from higher occupational groups¹ were more aware of the existence of a formal GP, with managerial and technical (91%) and professional (86%) employees exhibiting the highest percentages. However, 85% of unskilled manual employees were similarly aware. The percentages for skilled manual (74%) and partly skilled (68%) workers were notably smaller.*

¹ Higher occupations are defined as professional, managerial and technical, and skilled non-manual employment. Lower occupations refer to skilled manual, partly skilled and unskilled manual employment.

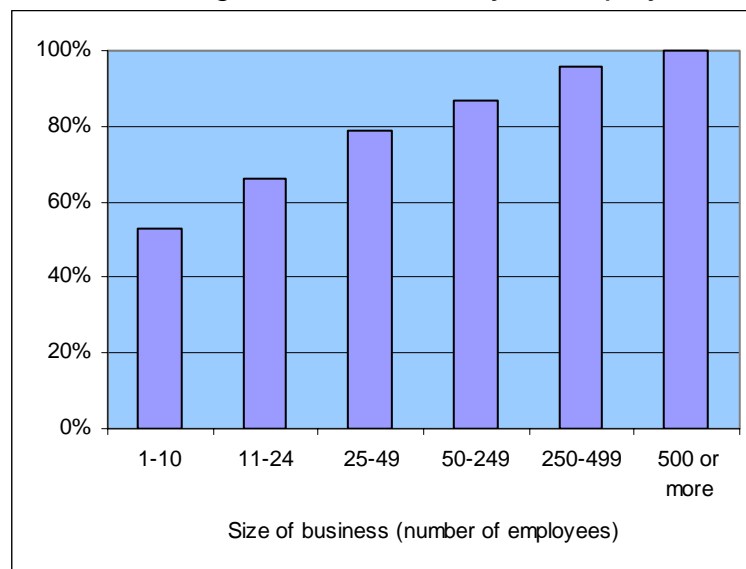
This last point is of particular interest given the earlier finding that managerial and technical employees – with the greatest awareness of procedures – were also most likely to consider workplace relations to be poor. From this, it may be surmised that employees who experience poor management-employee relations tend to have an increased awareness of formal grievance procedures.

Size of employer

- *Reporting of formal grievance procedures increased broadly in proportion to the size of the establishment. Over half (53%) of those employed in firms with 1-10 employees were aware of a formal GP, but this figure increased to 100% in establishments employing more than 500 employees. This trend is indicated clearly in Figure 2.*

The implication is that larger firms, which are likely to have more resources to dedicate to in-house human resources functions, are more likely to have a GP in place than their smaller counterparts.

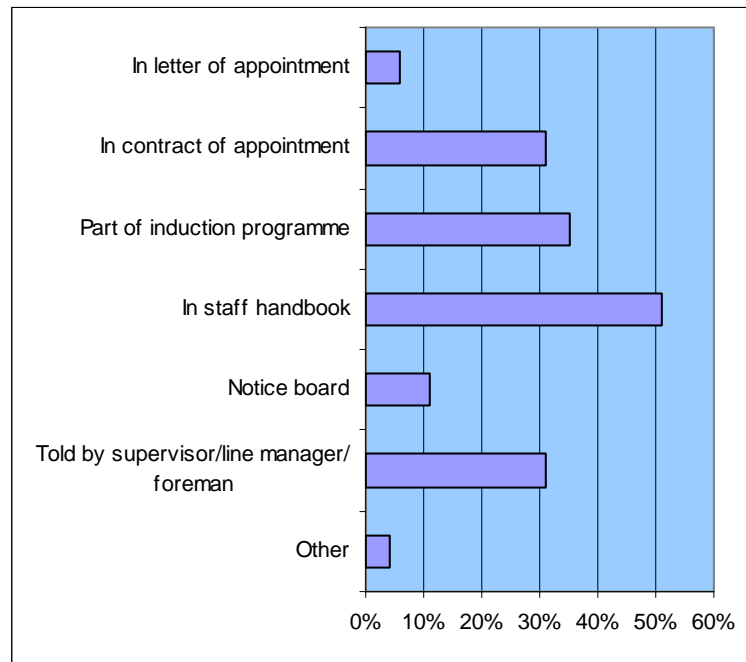
Figure 2: *Proportion of workplaces with a formal procedure for dealing with individual grievances raised by an employee*



AWARENESS OF FORMAL GRIEVANCE PROCEDURES

Over half (51%) of all employees who said that their workplace had a GP were made aware of it in the staff handbook. 35% were informed as part of their induction programme, 31% were told by their supervisor, line manager or foreman and 31% were informed in their contract of appointment. The least common way of informing employees was in the letter of appointment (6%). *Figure 3* illustrates these findings.

Figure 3: How employees were made aware of formal procedures for dealing with grievances



*Percentages may add to more than 100% due to multiple responses

Socio-economic group

- *Methods for informing employees varied greatly between socio-economic groups. Those from higher status occupations were more likely to be informed by written communication than those from lower status occupational groups, who were more likely to be informed verbally. Over half (59%) of professionals were informed in their contract of employment whereas only 19% of partly skilled employees were informed in this manner. Similarly, 62% of managerial and technical employees were informed in the staff handbook, whereas only 23% of unskilled manual employees were so notified. 51% of unskilled manual employees were made aware of procedures by their supervisor, line manager or foreman, while only 17% of professionals were informed in this manner.*

Size of employer

- *46% of those working in businesses with 1-10 employees were told about the GP by their supervisor, line manager or foreman; this was followed by 29% who were notified in their contract of appointment. The latter was the most popular way of informing employees in businesses that employed 11-24 people (49%). Notification in the contract of appointment was less popular in larger firms with 50-249 employees (26%), 250-499 employees (22%) and 500 or more employees (26%). In firms with 500 or more employees, the majority of employees were informed by the staff handbook (75%) and as part of an induction programme (58%).*

RAISING GRIEVANCES

Employees using the GP

One fifth (20%) of those who reported that their employer had a formal GP had either themselves availed of it during the previous year, or knew someone at work who had done so.

Gender

- *This percentage was slightly higher amongst females (21%) than males (19%).*

Community background

- *It was also higher amongst those from a Catholic background (23%) than a Protestant background (18%).*

Age

- *Those from the 65 and over age group (33%) were more likely to have raised or to know someone who had raised a grievance than those aged 25-44 (23%) and 45-64 (16%).*

Socio-economic group

- *Employees from the managerial and technical socio-economic group (27%) were the most likely to have raised a grievance or worked with someone who had done so. Those from the professional socio-economic group were the least likely (8%).*

Educational attainment

- *Those with a degree or higher educational qualification (33%) and those with A-levels (23%) were more likely to raise a grievance than those with fewer qualifications, such as GCSE grades D-G (14%) or equivalent or those with no qualifications (12%).*

Size of employer

- *Generally, as firm size increased, the percentage of employees who reported that a grievance had been raised also increased. Establishments with 1-10 employees had the minimum percentage (8%), a figure which increased to 26% in establishments employing 500 or more.*

Employees not using the GP

Of the employees who stated that they had not themselves raised a formal grievance, and did not know anyone who had done so in the previous 12 months, 51% said that this was because there had not been any grievance, 29% felt that good management-employee relations had prevented grievances, and 16% stated that any disputes that had occurred had been resolved informally, thus avoiding the need to invoke procedures.

Socio-economic group

- *Professionals (64%) had a higher than average tendency to report not having experienced or known about a grievance during the past 12 months.*

Size of employer

- *Similarly, employees in small businesses (1-10 in size) were more likely (63%) than on average to report that no formal grievances had been raised.*

Types of grievance

52% of all employees, when asked whether they were aware of the types of grievances raised in the past year, whether formally or otherwise, said that no grievances had been raised. 20% mentioned grievances about pay and conditions, 13% referred to working time, annual leave or time off work and 12% cited physical working conditions and/or health and safety.

Gender

- *A greater percentage of males (18%) than females (7%) were aware of grievances concerning physical working conditions and health and safety.*
- *Females were more aware of grievances concerning bullying at work (11%) than males (6%). They were also more aware of sex discrimination (4%) and sexual harassment (4%) than men (1% and 2% respectively).*

Age

- *Those in the 65 and over age bracket (88%) were most likely to say that no grievances had been raised in the last year, in comparison to 45% of 25-44 year olds.*

On the face of it, this result appears anomalous given that, as shown on page 16, those in the 65 and over age group were most likely to have raised a grievance or to know someone who had done so. This apparent contradiction could derive from interpretation of each of the questions:

Have you or anyone you work with formally raised any matters through the individual grievances procedure in the last 12 months?

and

Are you aware of which types of grievances, if any, have been raised in the past year, whether through a procedure or not?

Respondents may have agreed to the former statement if they knew someone who had raised a grievance but may also, in error, have answered “No grievances raised” in response to the latter question if they were not sure of

the nature of the grievance. It is also likely that figures for this age-group are skewed by the small sample size.

- *On the whole, those in the 25-44 age-group were most aware of the listed grievances: 27% were aware of pay and conditions issues, compared to 16% of those under 25 and 13% of 45-64 year-olds. However those aged below 25 years were most aware of grievances relating to working time, annual leave and time off work (17%) and bullying at work (16%). Only 10% and 3% of 45-64 year olds were aware of these respective grievances.*

Community background

- *55% of Protestants and 50% of Catholics said that no grievances had been raised in the past year.*
- *On the whole, those from the Catholic community were more aware than Protestants of most of the listed grievances. For example, 13% of Catholics were aware of grievances over work practices, work allocation and the pace of work, whereas the figure for Protestants was 10%.*

Socio-economic group

- *Unskilled manual (66%) and professional (62%) employees tended to say that there had been no grievances during the past year. Managerial and technical grades (44%) were less likely to concur.*

It is possible that this occupational difference can be attributed, at least in part, to an obvious managerial role in dealing with grievances in the workplace. In addition, managers may be aware of grievances raised in confidence to which others in the workplace are not necessarily privy.

- *Professional employees were most aware of grievances having been raised concerning working time, annual leave and time off work (24%), in comparison to only 3% of unskilled manual employees. They were also the most aware of grievances concerning promotion, career development and internal transfers (20%), in addition to physical working conditions and health and safety (20%). Skilled manual employees were most aware of grievances relating to pay and conditions (24%), compared to only 8% of unskilled manual employees.*

These findings are potentially revealing. They would appear to illustrate that employees in lower status occupations are less likely to be aware of the precise nature of grievances raised in their workplace, perhaps suggesting a lower awareness of employment rights amongst this group.

Size of employer

- *Those working for smaller firms employing 1-10 (72%) and 11-24 (73%) people were most likely to say that no grievances had been raised. Only 38% of employees in establishments with 500 or more employees said the same. Indeed, on the whole, those working in firms with 500 or more*

employees were the most aware of the majority of grievances. For example, one fifth of those employed in the largest firms were aware of grievances regarding relations with supervisors or line managers (21%) and bullying at work (18%), in comparison to only 1% and 3% respectively of employees in firms having 1-10 employees.

This greater awareness in larger firms of the types of grievance raised may, most obviously, be related to the numbers of employees working for such employers and the greater statistical likelihood of each type of grievance being raised. Awareness may also be attributable, at least in part, to the greater incidence of unionisation among large employers, itself promoting awareness of issues affecting the wider body of employees.

Industry sector

- *Almost a quarter (24%) of all those who were aware of grievances concerning physical working conditions and health and safety were in the manufacturing sector.*
- *Almost one fifth (18%) of all grievances concerning bullying at work were from those in the wholesale and retail trade, with a further 16% arising in health and social work.*

These findings, when looked at in conjunction with awareness of particular issues by gender, may be reflective of the fact that male- and female-dominated sectors tend to generate different types of grievance. It is possible to speculate that these differences may arise partly as a result of the differing nature of the work in these sectors and partly from the potentially differing attitudes and priorities of men and women.

- *Catholics who stated there had been no grievances raised in the past year were most likely to be in the construction industry (17%) whereas Protestants making this statement were most likely to be in the public administration and defence sector (17%).*

This could suggest that industry sector rather than community background *per se* is (at least part of) the reason for the differing awareness of grievances between Catholics and Protestants.

NATURE OF THE FORMAL GRIEVANCE PROCEDURE

When raising grievances, employees were more likely to be asked to attend a formal meeting with a manager to discuss the nature of their grievance (83%) than to be required to set out the nature of the grievance in writing (66%). 63% were required to do both.

- *53% said that employees were always asked to attend a meeting, while 30% said that they were asked to do so sometimes, depending on the issue.*

- 40% stated that the grievance was always required to be set out in writing, whereas 26% said that this was a requirement only sometimes.
- 34% were not required to set a grievance out in writing, and half that number (17%) were not required to attend a meeting.

Socio-economic group

- Unskilled manual workers were most likely not to have to put their grievance in writing (62%), whereas only 25% of managerial and technical staff and 31% of skilled non-manual employees were not required to do so.
- A similar picture emerged in relation to formal meetings to discuss the grievance. Only 39% of unskilled manual workers were always asked to attend such a meeting (with 27% not being asked to attend at all, the highest percentage of all occupational groups). By contrast, managerial and technical (61%), skilled non-manual (56%) and professional (52%) employees were the most likely to be asked to attend a formal meeting.

While this *could* suggest a lack of awareness of formal procedures amongst lower status occupational groups, it is perhaps more likely that employers with a lower status workforce are less likely to have in place a clearly-defined set of formal procedures for dealing with individual grievances than their higher status counterparts.

Size of employer

- Smaller businesses (1-10 employees) had the largest percentage of employees (57%) who did not have to put their grievances in writing; this decreased as business size grew, to 25% of employees in companies with between 250 and 499 people. Those establishments with over 500 employees had the greatest percentage of employees (56%) who were always required to put their grievance in writing.
- Similarly, as businesses grew in size, more employees were asked to attend a formal meeting. Only 24% of employees in firms employing 1-10 people were always asked to attend a formal meeting, but this increased to 60% in businesses with 25-49 employees and 68% in businesses with 500 or more employees.

The above suggests, as might be expected, that small employers had the greatest adjustments to make in the run-up to April 2005, when it became a legal requirement for them (as with employers generally) to have in place formal procedures, including a written statement and formal meetings, for dealing with a variety of grievances.

ADVICE ABOUT GRIEVANCES

Employees were asked where they would obtain advice if they had a grievance at work. 45% indicated that they would turn to their manager for

guidance. 38% said that they would consult a union representative and 29% a colleague.

Socio-economic group

- *Skilled non-manual (49%), professional (47%) and unskilled (46%) employees were most likely to approach their manager for advice.*

Employer size

- *Employees in firms with 500 or more employees (49%), 250-499 employees (48%) and 11-24 employees (47%) were more likely to approach their manager for advice in comparison to those with 50-249 employees (40%) and 25-49 employees (39%).*

For more on sources of advice employees said they would use to find out more about their employment rights, see page 24.

RESOLUTION OF GRIEVANCES

Employees who were aware of a grievance having been raised in the previous year reported that, where resolution had been achieved at work, this had been through in-house procedures (48%) or informal methods (21%). 10% reported that the dispute had not been resolved and that the complaint had not been pursued. 7% of employees similarly reported that the dispute had not been resolved and that it had been referred to the LRA.

Gender

- *There was little difference between the recollections of males and females; however males were more likely to refer the unresolved issue to the LRA (9%) than females (6%).*

Community background

- *A smaller percentage of those from the Catholic community (41%) resolved their issues by means of in-house procedures than those from the Protestant community (54%). Catholics were more likely to have their issues resolved informally (22%), not to pursue their complaint (15%) or have it referred to the LRA (10%) than Protestants (18%, 7% and 7% respectively).*

Industry sector

- *Catholics who resolved their disputes by way of in-house procedures were most likely to work in the health and social work sector (24%) and the manufacturing sector (20%). Protestants who resolved issues in this manner were mostly likely to work in the public administration and defence sector (20%) and the wholesale and retail trade sector (18%).*

Size of employer

- *As firm size increased, more disputes tended to be resolved by in-house procedures. 17% of grievances were successfully resolved using formal procedures in firms of 1-10 employees whereas, in firms of 500 or more, the figure was 52%. No employees in the smallest firms (1-10 and 11-24 employees) referred their grievance to the LRA, whereas 11% of employees in establishments with 50-249 people did so.*

Of those whose employers had no formal GP, 66% said that grievances had been resolved through discussions with managers. A further 13% stated that a solution had been achieved through discussions between the employee and the person responsible for the grievance.

ASSISTANCE WITH AN EMPLOYMENT DISPUTE

When asked what could assist them in resolving a dispute, 71% of employees mentioned workplace procedures. Interestingly, this figure was smaller than the 82% of employees who stated that their workplace *had* a formal GP. Other options cited were the Fair Employment Tribunal (38%), the LRA (28%) and industrial tribunals (22%).

The emphasis on the Fair Employment Tribunal at the expense of industrial tribunals perhaps indicates a lack of understanding of that Tribunal's very narrow remit. The Tribunal is empowered to deal with cases only where alleged discrimination on religious or political grounds is an issue. This contrasts with the wide remit of industrial tribunals, which deal with a range of employment rights disputes. Reference to the Fair Employment Tribunal is probably a result of the considerable attention that has been accorded to fair employment issues in Northern Ireland over the years as a result of the political situation.

FORMAL DISCIPLINARY AND DISMISSAL PROCEDURES

84% of employees said that their workplace operated a DDP (for dealing with discipline and dismissals other than redundancies). This was similar to the 82% who said their employer operated a GP.

Awareness of the DDP

48% of those who said that their employer operated a DDP stated that they became aware of it by reading the staff handbook. 36% learned of it by referring to their contract of appointment, 32% were informed at induction and 31% were told by their supervisor, line manager or foreman. These results were similar to the responses given in relation to the formal GP: 52% mentioned the staff handbook, 35% induction, 31% their supervisor, line manager or foreman and 31% their contract of appointment. See *Figure 17* for comparative information.

Written reasons

When asked whether their employer, if taking disciplinary action, set out in writing the reasons for doing so, 67% of employees replied that this was *always* done while 17% stated that it happened *sometimes*, depending on the issue. Only 15% said that their employer did not set out reasons.

Socio-economic group

- *Managerial and technical (76%), professional (71%) and skilled non-manual (71%) employees were the most likely to have reasons set out in writing by their employer. Reasons were similarly set out for only 48% of unskilled manual employees.*
- *Skilled manual (32%) and unskilled manual (24%) employees were least likely to work for an employer operating a written procedure.*

Size of employer

- *Larger employers, such as those with between 250 and 499 employees (78%), tended to be more likely to set out any disciplinary action in writing than smaller employers with 1-10 employees (35%).*

This latter point would appear to confirm the earlier assessment that small employers were more likely than their larger counterparts to have to make adjustments in response to the legislative changes introduced in April 2005.

Formal meeting

Nearly three quarters of employees (74%) stated that if disciplinary action was being taken against an employee at their establishment, he or she was *always* asked to attend a formal meeting. 15% said that this happened *sometimes* while 12% said that it never happened.

Socio-economic group

- *Professional (88%), managerial and technical (81%) and skilled non-manual (79%) employees were more likely than partly skilled (61%) and unskilled (47%) employees always to be asked to attend a formal meeting.*

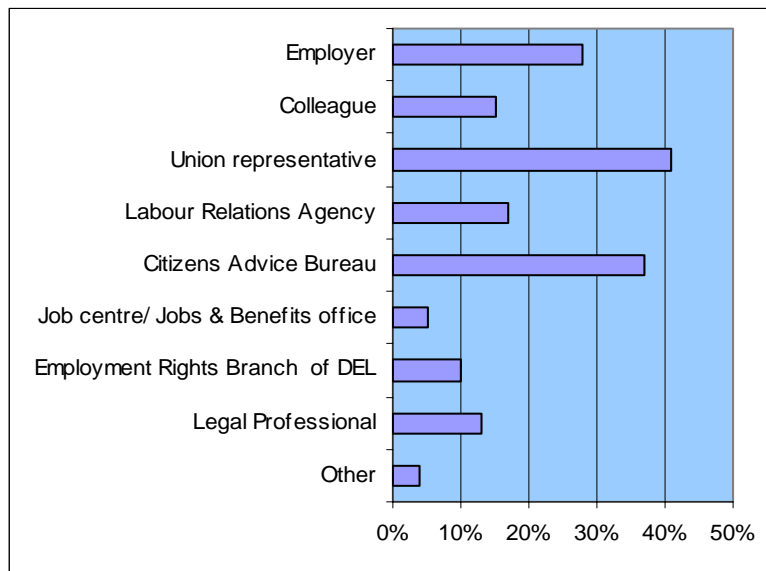
Size of employer

- *Larger firms with more than 500 employees were the most likely (90%) always to ask an employee to attend a formal meeting, whereas only 35% of firms with 1-10 employees always asked for this.*

ADVICE ABOUT EMPLOYMENT RIGHTS

41% of employees said that they would approach a union representative to find out more about their employment rights in relation to a disciplinary matter. The next most popular source of advice was the Citizens Advice Bureau (37%), the employer (28%) and the LRA (17%). *Figure 4* provides a more comprehensive picture concerning sources of advice.

Figure 4: Where employees would go to find out more about their employment rights



*Percentages may add to more than 100% due to multiple responses

Of those who stated that they had a very good or a good relationship with their manager, 24% would approach their employer to find out more about employment rights.

GUIDANCE

Of all employees surveyed, 46% had read guidance material on employment rights. Employees who had raised a grievance or worked with someone who had done so in the last 12 months, however, were significantly more likely (67%) to have read such material.

Age

- *Almost half (49%) of those aged between 45 and 64 had read employment guidance material in comparison to 38% of those under 25 years old, and no one of 65 years and above. (The last figure is likely to have been skewed by the small number of respondents.)*

Socio-economic background

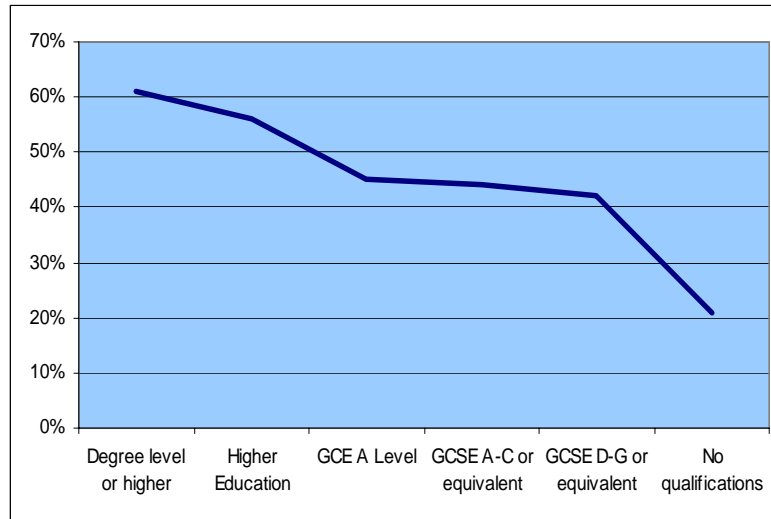
- *63% of managerial and technical employees had read guidance; this was followed by 50% of skilled non-manual employees. Partly skilled employees were the least likely (24%) to have read this material.*

Educational attainment

- *Those having higher educational qualifications were more likely to have read guidance material. Figure 5 illustrates that employees with a degree*

or higher were over three times more likely (61%) to have read guidance material than those with no qualifications (21%).

Figure 5: Proportion of employees who have read guidance material on employment rights by highest educational qualification



Sources of guidance

Almost half (48%) of all those who had read guidance material stated that they had obtained it from a source not listed amongst the options provided in answer to the question. A large proportion of this group, however, later specified that they had obtained guidance from work or their employer. This amounted to 28% of all those who had read guidance material. 17% had obtained guidance from the LRA and 17% from the Employment Rights Branch in the Department for Employment and Learning.

That 17% who had read guidance had obtained it from the LRA is interesting given that 28% of all employees had indicated that they felt the LRA would be of assistance to them if a dispute occurred (see page 22). Similarly, although 17% had obtained material from Employment Rights Branch, only 10%, when asked where they could find out more about employment rights, had referred to this source (see Figure 4). The greater awareness of the LRA as a source of guidance is probably attributable in part to that organisation's specific remit as an advisory body.

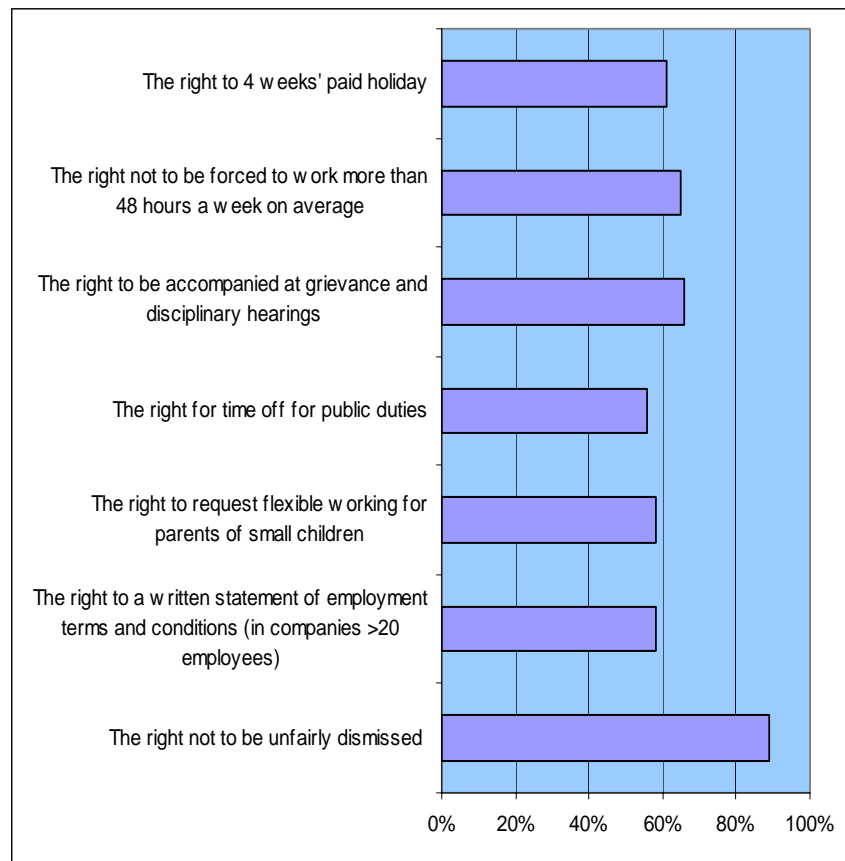
Educational attainment

- *Not one employee with a degree or higher obtained the material from a JobCentre or a Jobs and Benefits office, whereas 13% of those with no qualifications did so. Those with a higher education qualification (22%) were most likely to use Employment Rights Branch, in comparison to only 11% of those with no qualifications. Similarly almost one fifth (19%) of those with a degree or higher used the LRA in comparison to 9% of those with GCSE D-G grade or equivalent. Employees without qualifications did not consult a legal professional, whereas those with a higher education qualification (16%) and those with GCSE D-G or equivalent (16%).*

AWARENESS OF EMPLOYMENT RIGHTS

As *Figure 6* illustrates, on the whole there was a high level of awareness of certain employment rights. Almost nine in ten employees (89%) were aware of the right not to be unfairly dismissed. Two thirds of employees (66%) were aware of both the right to be accompanied at grievance and disciplinary hearings, and 65% of the right not to be forced to work more than 48 hours a week on average. 61% were aware of the right to 4 weeks' paid holiday, 58% of the right to a written statement of employment terms and conditions and 58% of the right for parents with small children to request flexible working arrangements from their employer.

Figure 6: Awareness of Employment Rights



*Percentages may add to more than 100% due to multiple responses

Gender

- *Females (63%) were more aware of the right to request flexible working than males (53%).*
- *Similarly, they were more aware of the right to a written statement of employment terms and conditions (64%) than males (52%).*

- *Men (68%) however were more aware than women (62%) of the right not to be forced to work more than 48 hours a week on average.*

Female awareness of the right to request flexible working and male awareness of the working time provisions may derive from the differing pressures and expectations that are placed on each gender in the workplace.

Socio-economic group

- *Employees in managerial and technical grades were more aware of all the above employment rights than other employees generally and professional employees were more aware of the majority of them.*
- *By contrast, partly skilled and unskilled manual employees from lower occupational groups were less aware of all the above employment rights than all employees on average.*

These findings correlate with the tendency (discussed below) for those with higher educational attainment to be more aware of their employment rights. There is a well-known link between educational attainment and career progression.

Educational attainment

- *Employees educated to degree level or above or having a higher education qualification being more aware of all of the employment rights than employees on average. Those with no qualifications, on the other hand, were less aware of the range of employment rights than the average employee.*
- *One fifth of employees without qualifications who were aware of at least one employment right worked for an employer who did not operate a GP. By contrast, this was true for only one tenth of those with a degree or above.*

Industry sector

- *Females who were aware of the right to a written statement of employment terms and conditions were most likely to be employed in the health and social work sector (26%) whereas males who were aware of this right (22%) were more likely to be in the public administration and defence sector.*
- *Nearly one quarter of males (23%) who were aware of the right not to be forced to work more than 48 hours a week on average were employed in the public administration and defence sector and 26% of females were in the health and social work sector.*

These findings would appear to demonstrate two things. At the basic level, there would seem to be a greater awareness of some key rights in the public as opposed to the private sector. Secondly, when looked at in conjunction

with gender, it is possible to discern an influence on awareness of particular rights by reference to the gender profile of a given industry sector.

It is also interesting to note that those employees who were least aware of their employment rights tended to work for employers who did not have a formal GP.

Publicity

When asked what would help employees in finding out more about employment rights, 44% suggested information available from the internet, JobCentres, Jobs and Benefits offices, libraries and Post Offices. A TV and poster campaign (23%) and newspaper or magazine articles (19%) were less popular options.

TRADE UNIONS AND STAFF ASSOCIATIONS

Membership

Of all employees surveyed, 42% had never been a member of a trade union or staff association, 42% were a member at the time of the survey and 16% were not a member but had been in the past.

Socio-economic group

- *Managerial and technical employees (52%) and skilled non-manual employees (38%) were the most likely to be members of a trade union or staff association, whilst professionals were least likely (31%).*

Educational attainment

- *Those with a higher educational qualification (57%) or a degree or higher (51%) were more likely to be members of a trade union or staff association than those with A-levels (33%) or no qualifications (27%).*

Employer attitudes towards union membership

Of all the employees surveyed, 46% described their management's general attitude towards trade union membership amongst employees as neutral; 28% said their employer was in favour of union membership and 26% stated that their employer was not in favour of it. Of those who were union members, the majority believed that management were in favour of trade union membership (48%), with 33% believing they were neutral.

Gender

- *Almost twice as many males (34%) as females (18%) believed that management were not in favour of trade union membership.*
- *By contrast, more females (53%) than males (39%) believed in management's neutrality on the issue. These figures represented the majority of both males and females.*

Age

- *Almost one third (32%) of employees aged between 45 and 64 were in favour of trade union membership. This fell to 21% of those less than 25 years of age and to zero for those 65 years old or above.*

Community background

- *32% of Catholics stated that management were in favour, 7% more than the figure for Protestants (25%).*

Socio-economic group

- *Managerial and technical employees were the most likely (39%) to state that management were in favour of union membership. This fell to 14% amongst unskilled manual workers. Professional (44%) and skilled manual employees (37%) were the most likely to believe that management were not in favour.*

EMPLOYEE REPRESENTATION

Grievances

Over half of employees (53%) thought that, if they wanted to make a complaint at work, self-representation was the best way to deal with managers in their workplace. 29% preferred to turn to their trade union, a figure 13% below the percentage of employees who stated that they were a member of a trade union or staff association.

Of those who were union members, 58% believed that the union would best represent them in taking a complaint to management. Almost a third (32%) believed, irrespective of their union membership, that they could best represent themselves. This may possibly indicate a lack of confidence in the trade unions and staff associations; alternatively it could be a side-effect of the good or very good relationship between management and employers reported in 77% of cases. Indeed, 66% of employees working for employers who did not have a GP stated that they would resolve a grievance at work through discussions with their managers.

Disciplinary situations

Self-representation proved to be less popular (44%) in disciplinary situations. In these circumstances, over a third (36%) of employees preferred to use their trade union. Of those who were members of a trade union, 71% believed that the union would best represent them in this type of situation and only 19% would opt for self-representation. This shift away from self-representation towards trade union representation, when compared to the results in grievance situations, would appear to illustrate a reduced individual confidence in dealing with management where management is perceived as having already arrived at a particular point of view.

4. Employer survey

Employer results are explored more fully in the Department for Employment and Learning publication *Employment Relations Survey Northern Ireland 2005 (Employer Component)*.¹ For comparison with the employee data presented in Chapter 3, however, a summary of key findings is presented below.

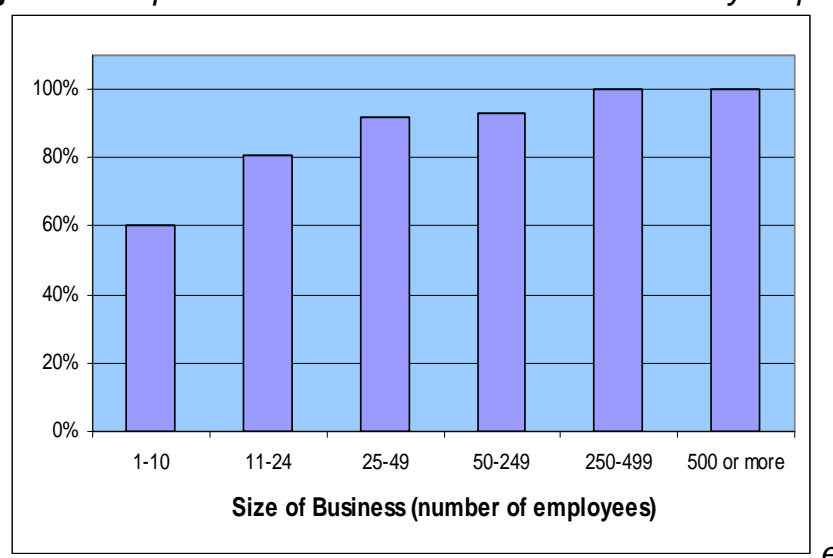
FORMAL GRIEVANCE PROCEDURES

Just over three quarters of businesses in Northern Ireland (76%) reported that they had a GP in place at their establishment.

Size of employer

- Figure 7 demonstrates how the proportion of businesses with a GP increased with the size of the business. While 60% of businesses with 1-10 employees had such a procedure in place, this rose to nearly all in the case of those with 500 or more employees.

Figure 7: Proportion of businesses with a formal GP by employer



Industry sector

- *Businesses in the public administration and defence and education sector (99%) and in the health and social work and other community services sector (91%) were the most likely to have a formal procedure for dealing*

¹ *Employment Relations survey Northern Ireland 2005 (Employer Component)* (Department for Employment and Learning, October 2005). To obtain the publication, contact the Department or visit the employment rights web-site at www.delni.gov.uk/er

with grievances. The hotels and restaurants sector had the lowest incidence of such procedures (59%).

Type of establishment

- *Businesses that were part of a larger organisation (92%) were more likely to have such procedures in place than single independent establishments (65%).*

Informal resolution

Of those businesses without a GP, 64% said that employees resolved grievances through discussions with managers.

AWARENESS

Just over three fifths (61%) of businesses with a GP made their staff aware of it through their contract of appointment. 44% included it in their staff handbook and 34% had it as part of their induction programme. This was followed by 12% who conveyed word by way of a supervisor, line manager or foreman.

NATURE OF THE GP

Written reasons

91% of businesses with a formal GP required employees to set out in writing the nature of the grievance. This was *always* required by 43% of such firms and *sometimes* by 39%.

Size of employer

- *87% of businesses with 50 or more employees required grievances in writing compared to 74% of those with 5-9 employees.*

Formal meeting

In the vast majority (95%) of businesses with formal grievance procedures, employees were asked to attend a formal meeting with a manager to discuss the nature of their grievance. This *always* occurred in 63% and *sometimes* in 32% of businesses with a formal GP.

REPRESENTATION AT FORMAL GRIEVANCE MEETINGS

Nearly all (99%) businesses with a formal GP that asked employees to attend a formal grievance meeting allowed them to be accompanied by a companion at the meeting. The categories of companion are broken down in *Table 3*.

Table 3: *Categories of companion permitted to accompany an employee to a formal grievance meeting*

Category of companion permitted to accompany employee to a formal grievance meeting	Percentage of firms permitting such accompaniment
Work colleague	57%
Trade union representative	27%
Full-time union representative	9%
Other employee representative	6%
Friend or family member	6%
Solicitor or other legal representative	1%
Anyone	33%

Procedure at the formal grievance meeting

During the grievance meeting, employees' companions were allowed to ask questions on behalf of the employee in the majority (83%) of businesses that permitted accompaniment. They were allowed to answer questions on the employee's behalf in 62% of firms and to confer privately with the employee either in the meeting room or outside in 91%.

FORMAL GRIEVANCES RAISED IN THE PREVIOUS 12 MONTHS

Employees had raised matters through the individual grievance procedure in the 12 months prior to the survey in 16% of businesses with a GP.

Size of employer

- *Larger employers were more likely to have experienced this than smaller employers. More than two in five (42%) businesses with 50 or more employees experienced such a grievance, whereas fewer than one in twenty (3%) businesses with 5-9 employees had faced this situation.*

These findings are to be expected; it is reasonable to assume that the more employees a firm has, the greater the likelihood that one of them will be dissatisfied over an issue at work and consequently raise a grievance.

Industry sector

- *Formal grievances were most common for businesses in the manufacturing industry (23%), the health and social work and other community services sector (20%) and the construction, utilities and transport sector (19%).*

Employers who had not faced a formal grievance

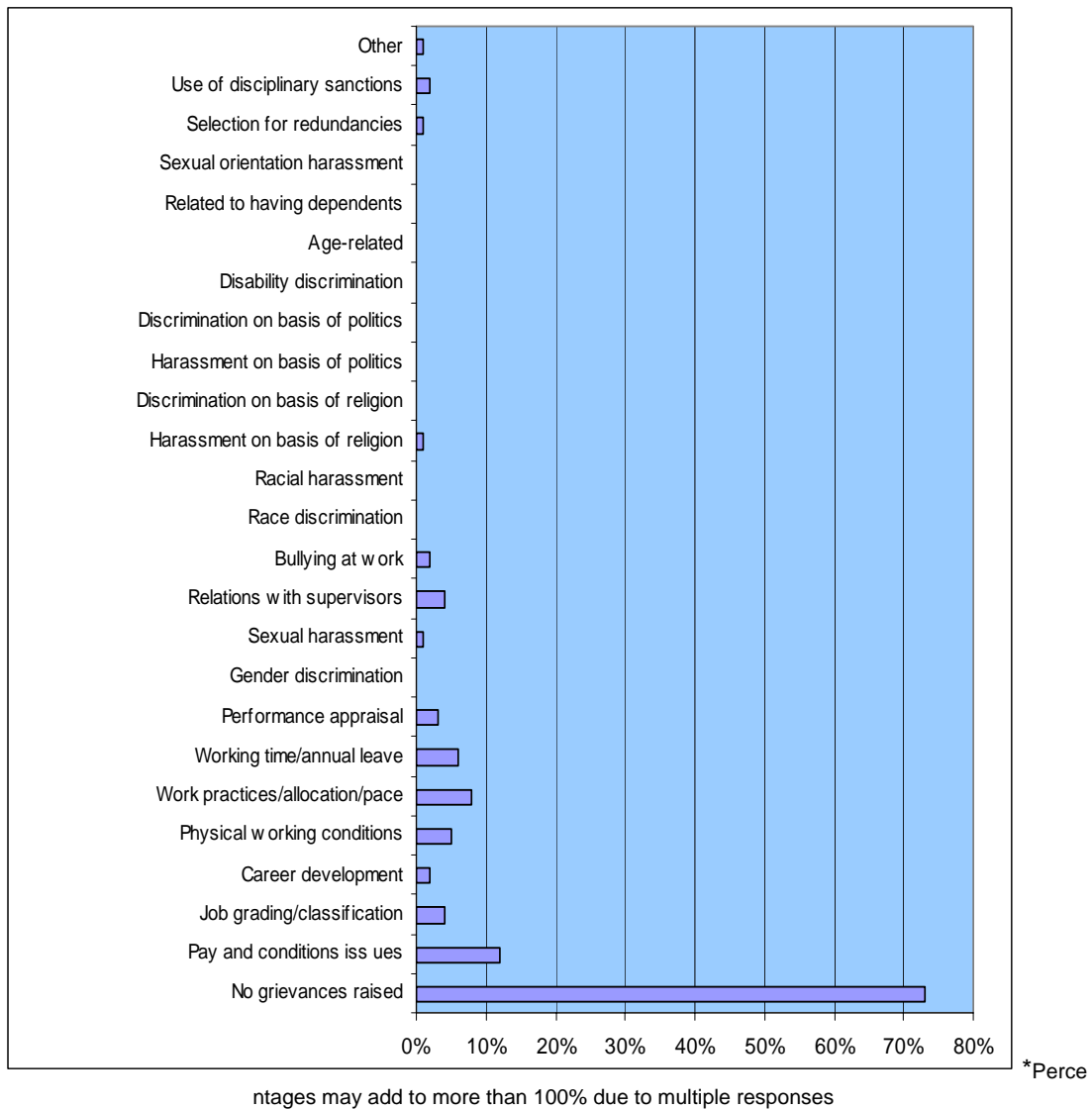
Employers who had not faced a formal grievance (84%) were asked why they thought this was. 48% stated that it was because there had never been any grievances and a similar proportion (49%) said that disputes had been raised and resolved informally before there had been a need to resort to formal procedures. The largest proportion (60%) thought that formal grievances had been avoided as a result of good management-employee relations.

TYPES OF GRIEVANCE RAISED

All employers, including those without a GP, were asked to identify the types of grievances raised in the year prior to the survey, whether through a formal procedure or not.

Almost three in four employers (73%) had not experienced a grievance. Of those who had, *Figure 8* shows that the most common grievances were concerned with pay and conditions (12%) and work practices, work allocation or pace of work issues (8%). One in fifty (2%) businesses reported the issue of bullying having been raised either formally or informally in the year before the survey.

Figure 8: Grievances raised in the year prior to the study



Size of employer

- As might be expected, the proportion of businesses reporting grievances in the year prior to the survey increased with the size of the business. 13% of firms with 5-9 employees reported at least one type of grievance compared to 61% of businesses employing 50 or more.

Type of establishment.

- More businesses that were part of a larger organisation (33%) than single independent establishments (22%) reported grievances during this time.

Industry sector

- Businesses in the financial and real estate sector (14%) were less likely to have experienced grievances in the year before the study than all the other industrial sectors. Grievances had been raised in 24% of the

wholesale and retail sector, 26% of the manufacturing sector, 30% of both the hotels and restaurants and the public administration and defence and education sectors, 31% in the construction, utilities and transport sector and 33% in the health, social work and other community services sector.

Interestingly, grievances were twice as likely to have been raised in businesses with a GP (30%) than in those without (15%). This may be explained, at least in part, by a higher reporting level in businesses which, because they operate a formal procedure, almost inevitably keep careful record of each individual complaint. There may also be a tendency on the part of those firms without a GP to minimise (whether because of a lack of formal records or some other reason) the number of grievances faced.

Given that smaller businesses are less likely to have a grievance procedure and are also less likely to have experienced a grievance (due to their smaller employee numbers), it is worth asking whether business size has an impact on the interplay between the existence of a GP and the raising of grievances within a firm.

On close examination, it seems that no link can be proven. Controlling firm size, for example, to 5-9 employees, 15% of businesses with a formal grievance procedure have had at least one grievance raised in comparison to only 9% of those with no formal procedures. Similarly, 61% of firms with over 50 employees that had a grievance procedure had a least one grievance raised in comparison to only 44% of those firms of the same size without a GP. Ultimately, independent of firm size, grievances – or at least reported grievances – were more likely in businesses with a formal grievance procedure than in those without.

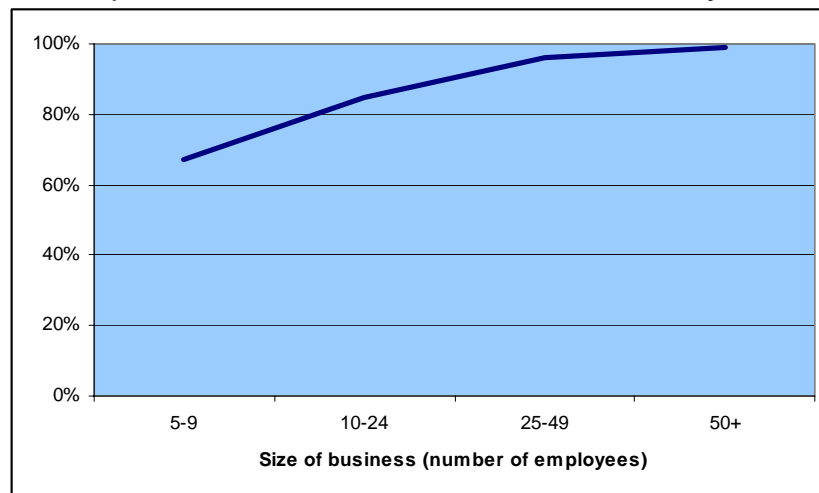
FORMAL PROCEDURES FOR DEALING WITH DISCIPLINE AND DISMISSALS

82% of firms stated that they had a formal procedure for dealing with discipline and dismissals other than redundancies. This is 6% more than the 76% of businesses that provide a formal GP, which would suggest that employers are more likely to pay close attention to employer- than employee-led procedures.

Size of business

- *As can be seen from Figure 9, formal procedures for dealing with discipline and dismissals other than redundancies are more common in larger businesses; practically all (99%) businesses with 50 or more employees operated a DDP, compared to just over two thirds (67%) of those with 5-9 employees.*

Figure 9: *Proportion of businesses with a formal DDP by business size*



Type of establishment

- *Formal disciplinary procedures are also more likely in businesses that are part of larger organisations (95%) than in single independent establishments (73%).*

Industry sector

- *A DDP was also more likely to be in place in the public administration and defence sector (99%) and the health and social work and other community services sector (92%) than in all the other industrial sectors. The hotels and restaurants sector had the lowest proportion (70%) of businesses with official procedures for dealing with discipline.*

AWARENESS

60% of employers with a DDP let their employees know about it in their contract of appointment, 41% included details in the staff handbook, 34% communicated it as part of an induction programme, and 13% spread word via a supervisor, line manager or foreman. See *Figure 17* for comparative information.

NATURE OF FORMAL DDP

Written reasons for disciplinary action

In almost every business with a DDP (96%), the employer stated that it was their practice to set out in writing to the employee the reason for taking disciplinary action (*always* in 79% of cases and *sometimes* in 17%). Employers were therefore more likely, as a matter of procedure, to set out the reasons for disciplinary action in writing (96%) than to require employees to set out a grievance in writing (81%).

Formal meeting

Employees were asked to attend a formal meeting with a manager to discuss the reason for taking disciplinary action in the vast majority (98%) of businesses with a formal disciplinary procedure (*always* in 84% and *sometimes* in 14%). This was broadly similar to the 95% of businesses that asked an employee to attend a formal meeting with their manager when the employee raised a formal grievance. However, employer-led procedures were more likely *always* to require an employee to attend a meeting (84%) than employee-led procedures (63%).

REPRESENTATION AT FORMAL DISCIPLINARY MEETINGS

In the vast majority (98%) of businesses using formal disciplinary meetings, a companion was allowed to accompany an employee to a meeting. 54% of such employers permitted work colleagues to accompany the employee at the meeting, 27% a trade union representative or shop steward and an additional 35% allowed anyone the employee chose. These results broadly corresponded to the replies relating to meetings under formal grievance procedures, where 99% of businesses allowed employees to be accompanied, 57% allowed a work colleague, 28% a trade union representative or shop steward 33% anyone the employee chose.

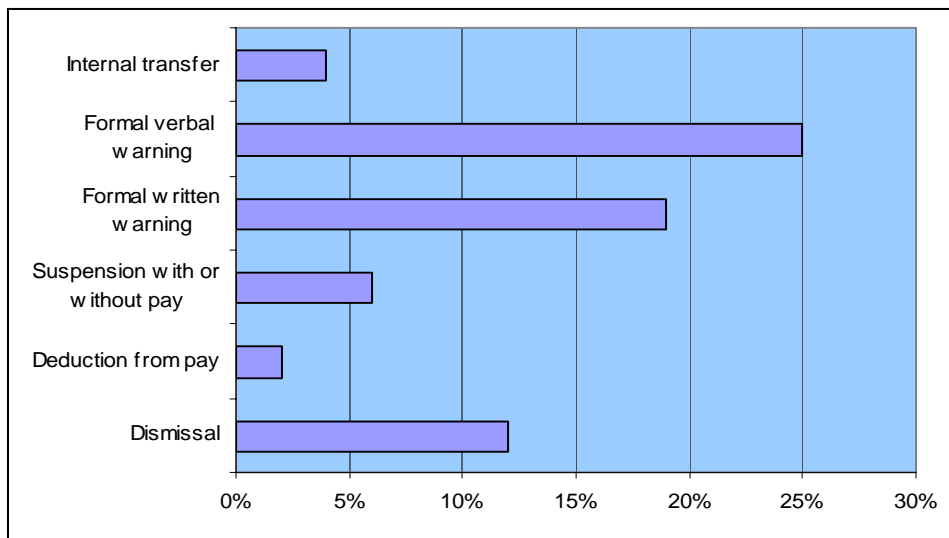
PROCEDURE AT THE DISCIPLINARY MEETING

In businesses that allowed employees to be accompanied to disciplinary meetings, 81% permitted the employee's companion to ask and 61% to answer questions on the employee's behalf. 90% allowed the companion and the employee to confer privately either in the meeting room or outside it. Once again, this bore a close resemblance to the procedures employers set in place for formal grievance meetings, where 83% of businesses allowed the companion to ask questions, 62% to answer them and 91% to confer privately.

Disciplinary sanctions used

Figure 10 shows that formal verbal warnings (25%) were the most common of the disciplinary actions taken in the 12 months prior to the survey, followed by formal written warnings (19%), dismissals (12%), suspensions with or without pay (6%), internal transfers (4%) and deductions from pay (2%).

Figure 10: *Proportion of businesses that had applied the following disciplinary sanctions in the 12 months prior to the survey*



Nearly three tenths (29%) of all businesses had applied at least one of these disciplinary sanctions.

Size of business

- *Disciplinary sanctions were more common in larger businesses, with just over two thirds (67%) of businesses with 50 or more employees having applied them in the 12 months before the survey, compared to 14% of those with 5-9 employees.*

Industry sector

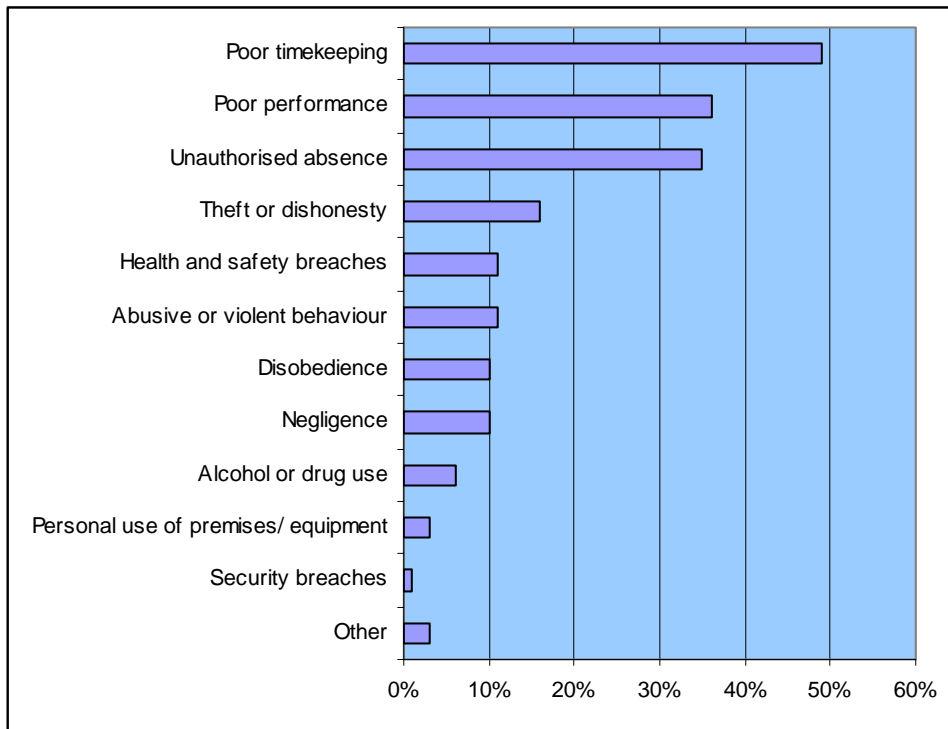
- *There was variation in the proportion of businesses that had applied disciplinary sanctions across the industrial sectors. 16% of those in the public administration, defence and education sector had taken any of the disciplinary actions mentioned in the survey, compared to 52% of employers involved in construction, utilities and transport.*

Type of establishment

- *35% of businesses that are part of larger organisations and 26% of single independent establishments had taken disciplinary action.*

Figure 11 shows the reasons for disciplinary action having been taken in the last year. The most common sanctions related to poor timekeeping (49%), poor performance (36%), unauthorised absence (35%) and theft or dishonesty (16%).

Figure 11: Reasons for taking disciplinary action



*Percentages may add to more than 100% due to multiple responses

APPLICATIONS TO TRIBUNALS

In the year before the survey, employees or ex-employees from one in twenty (5%) businesses had made an application to an industrial tribunal or the Fair Employment Tribunal. This figure was significantly lower than the percentage of businesses that had applied at least one disciplinary action (29%), but it rose to 8% of businesses where 1 employee had been disciplined and to 25% of businesses where 5 employees had had sanctions applied to them.

Size of business

- *Over one fifth (22%) of businesses with more than 50 employees had experienced an application, compared to 2% of firms with 5-9 employees and 1% of firms with 10-24 employees.*
- *Businesses with 5-9 employees that had applied disciplinary sanctions experienced no tribunal applications. On the other hand, firms employing 50 or more and which had applied disciplinary sanctions generated the majority of applications.*

The above factors taken together would appear to indicate that larger firms tend to be organisations which use a larger number of disciplinary sanctions and are more likely to have employees who would make an application to an industrial tribunal or the Fair Employment Tribunal.

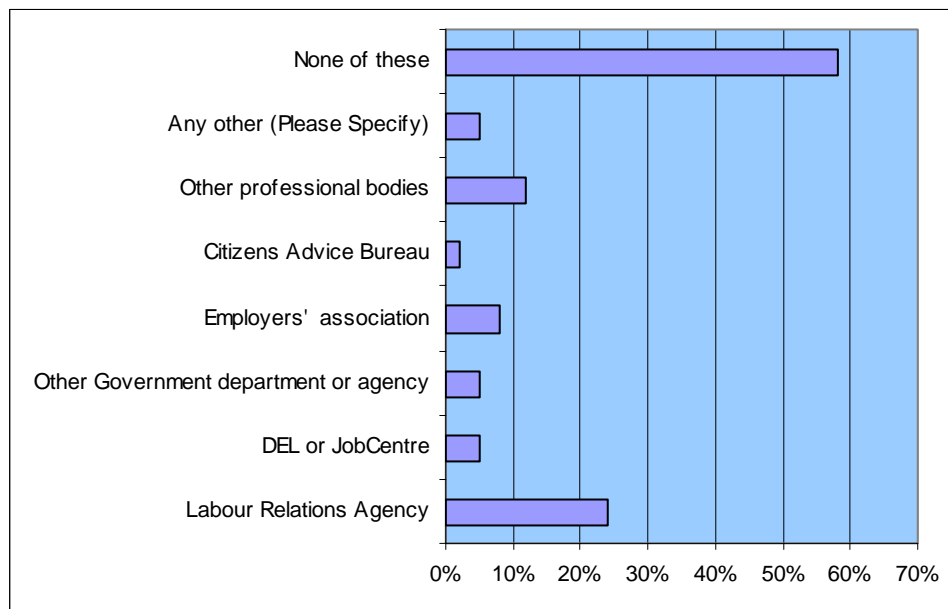
Reaction to tribunal application

The experience of dealing with a tribunal application led over a third (34%) of businesses to take some form of action to guard against future disputes. The most common action taken was to make sure that workplace disciplinary procedures were followed (15%), revise terms and conditions in employees' contracts (14%) and review or redesign workplace disciplinary (11%) and grievance (11%) procedures.

EMPLOYMENT RELATIONS ADVICE

Employers, when asked which of a list of bodies they had asked for information or advice on employment relations during the year prior to the survey, gave the answers shown in *Figure 12*.

Figure 12: *Bodies from which employers had sought information or advice on any employment relations issues during previous year*



Employers, most commonly, had not sought information or advice (58%). Of those employers who had, the most popular source of information was the LRA (24%). 8% had turned to their employers' association, 5% had sought advice from the Department for Employment and Learning or a JobCentre and the same proportion had contacted another Government department or agency not on the list. One in fifty (2%) had used the Citizens' Advice Bureau, while 12% had looked to a professional body not on the list such as the Chartered Institute of Personnel and Development.

Type of establishment

- *With regard to departmental resources (JobCentres, Jobs and Benefits offices, Labour Relations Agency) single independent establishments were*

more likely (60%) to have used these services. This was also the case with businesses with 10-24 employees (38%) and businesses with over 50 employees (27%).

RECRUITMENT METHODS

15% of businesses had not tried to fill any vacancies in the 12 months leading up to the survey. Amongst those that had tried, the most commonly used recruitment method was to advertise through local or regional newspapers (68%). 44% had used JobCentres or Jobs and Benefits offices, 18% internal notices, 14% fee-charging private employment agencies and 13% notices in offices or shop windows.

Type of establishment

- *Single independent establishments (51%) were more likely to use the services provided by JobCentres and Jobs and Benefits offices when trying to fill vacancies.*

Size of employer

- *Businesses with 10-24 employees (37%) were likewise more likely to use these services.*

MEETINGS BETWEEN MANAGERS AND EMPLOYEES

Meetings between managers and employees, employee representatives or committees were a feature of most establishments, taking place in 83% of businesses surveyed.

Size of business

- *Almost three quarters of businesses with 5-9 employees held meetings, a percentage which increased with firm size to 94% of businesses employing 50 or more people.*

Frequency of meetings

Meetings varied in frequency: 28% of firms held them at least once a week, 62% at least once a month and 82% at least once every three months.

Subjects discussed

A variety of issues were reported as being discussed at these meetings, including work organisation (90%), future plans (68%), leave and flexible working arrangements (49%), employment issues (48%), financial issues (33%) and pay issues (32%).

Disciplinary action and grievances

29% of businesses that did hold meetings had taken disciplinary action during the previous year and 14% had experienced a formal grievance. The figures

relating to businesses which did not hold such meetings were interestingly lower, at 21% in respect of disciplinary measures and 4% in relation to formal grievances.

USE OF TEMPORARY AGENCY WORKERS

15% of businesses in Northern Ireland used Temporary Agency Workers.

Type of establishment

- *Nearly a quarter (23%) of businesses that were part of a larger organisation used them, whereas just 10% of single independent establishments did so.*

Size of employer

- *The proportion of businesses using Temporary Agency Workers decreased with size of the business: 40% of firms with 50 or more employees, 25% with 25-49 employees, 12% with 10-24 employees and 5% with 5-9 employees used these workers.*

Industry sector

- *Usage was more common in the health and social work and other community services sector (27%) than in any of the other sectors. It was least common in the wholesale and retail sector (10%).*

The vast majority (93%) of employers who used Temporary Agency Workers were using less than 10 at the time of the survey.

Duties of Temporary Agency Workers

Temporary Agency Workers were carrying out work previously done by permanent employees in 53% of the businesses employing them. *All* such staff were doing this work in 36% and *some* were doing it in 16% of the businesses with temporary agency staff.

Businesses were mainly using these temporary staff to provide short-term cover for staff absence or vacancies (59%) and to match staff to peaks in demand (32%). They were also used to cover for maternity leave or annual leave (21%) and because businesses were unable to fill vacancies (14%).

Workplace disputes in firms employing Temporary Agency Workers

Over a third of those businesses (35%) who used Temporary Agency Workers had faced instances of individual grievances being raised in the previous 12 months. This compares to the 27% of all businesses which had experienced a grievance.

47% of businesses using such staff had applied disciplinary sanctions against an employee in the past 12 months. This compares to 29% of employers generally.

WORKING FROM HOME

Employers were asked if any employees at their establishment ever worked from home during normal working hours.

At least one employee works from home in 10% of businesses in Northern Ireland. Almost all employers do not refer to this group as “teleworkers”.

Responses to these questions showed little or no variation by businesses size, industry sector, union status (see below) or whether the business was part of a larger organisation or was a single independent establishment.

UNION STATUS

27% of businesses had employees who were members of a trade union. The remaining 73% employed no union members.

Of those who did have employees who were union members, 31% had taken disciplinary action and 29% had experienced a formal grievance. In those firms having no unionised employees, there were fewer cases of disciplinary sanctions being invoked (26%) and fewer grievances raised (8%).

It has already been established that larger businesses are prone to a greater number of disputes than their smaller counterparts. The same large employers are also more likely to have employees who are members of a trade union; 62% of businesses employing over 50 people fell into this category, whereas only 9% of businesses with 5-9 employees did so. What impact, then, does unionisation itself – as distinct from firm size – have on the incidence of disputes?

Controlling the size of the firm to those with more than 50 employees, it was evident that over half (55%) of those with trade union members had experienced a formal grievance. By contrast, less than one quarter (21%) of firms of this size with no trade union members had done so.

Using businesses with trade union membership as the expected frequencies and those with no membership as the observed frequencies, the chi-squared statistical test was applied to determine whether or not there was a statistically significant difference between the two. The results show that a statistically significant difference does occur between firms with trade union membership and those without (chi-squared with 1 degree of freedom = 49.48, $p=.000$). In other business size classes, this difference, while not so strongly evident, was still present.

This would indicate that businesses having trade union members were more likely to be face grievances irrespective of their size. This trend may suggest that unionisation plays a role in informing employees of their rights at work and may encourage increased assertion of them.

Industry sector

- *Public administration, defence and education had the greatest percentage of businesses with union members (86%), followed by health, social work and other community services (43%). Only 4% of the hotel and restaurant industry sector had union members, followed closely by 6% of the financial and real estate sector.*

No employees in a trade union

Of those businesses having no employees in a trade union, only 2% said that a union had attempted to recruit members from the workforce there.

Size of employer

- *44% of those who said that no attempts had been made to recruit employees to a union were in businesses with 10-24 employees.*

Type of establishment

- *55% of those who claimed that no attempt had been made were single establishment employers.*

Industry sector

- *45% were from the wholesale and retail industry sector and 33% from the manufacturing sector.*

Attitudes towards union membership

Management's general attitude towards union membership was declared to be neutral in 67% of businesses. 21% of employers said that they favoured membership while 12% stated that they did not.

Size of employer

- *Larger employers (36% in the 25-49 category; 35% in the 50+) favoured union membership to a greater degree than their small firm counterparts (10% with 5-9 employees and 20% with 10-24).*

Type of establishment

- *Businesses that were part of larger organisations (31%) were also more likely to favour union membership than single independent establishments (14%).*

Industry sector

- *There was a wide variation in the general attitude of management to trade union membership across the industrial groups. Nearly three quarters (73%) of businesses in the public administration, defence and education sector were in favour. This fell to under a third (32%) in the health, social work and other community services sector, 12% in manufacturing and*

11% in the construction, utilities and transport (11%) sector. Less than a tenth of businesses in all the other industrial sectors said management favoured trade union membership.

Management *actively encouraged* union membership and recruitment in 19% of businesses, *actively discouraged* it in 7% and was *neutral* in 74%.

Size of employer

- *Larger businesses (with 25-49 and 50+ employees) were more likely (30% in each case) to encourage union membership and recruitment than businesses with 10-24 employees (20%) or 5-9 employees (8%).*

Type of establishment

- *Management in businesses forming part of larger organisations (29%) were more likely to actively encourage membership and recruitment than single independent establishments (12%).*

Industry sector

- *69% of employers in public administration, defence and education said that they actively encouraged union membership and recruitment. This compared to 28% in the health, social work and other community services sector and less than 10% in other sectors.*

Of those businesses that had employees who were members of a trade union, the majority had either one (46%) or two (29%) separate unions or independent staff associations that had members employed at the establishment.

5. Comparative analysis

This chapter briefly summarises the similarities and differences in the key findings from the employer and the employee surveys. It is perhaps worth reminding readers, at this point, that there was no intentional linkage (though it is possible that there are small numbers of coincidental relationships) between individual employees interviewed and employers surveyed. Variations between the views of employers and employees are not necessarily contradictory, therefore, in that practices may differ significantly between one firm and another. Comparative findings are therefore best viewed as indicative only.

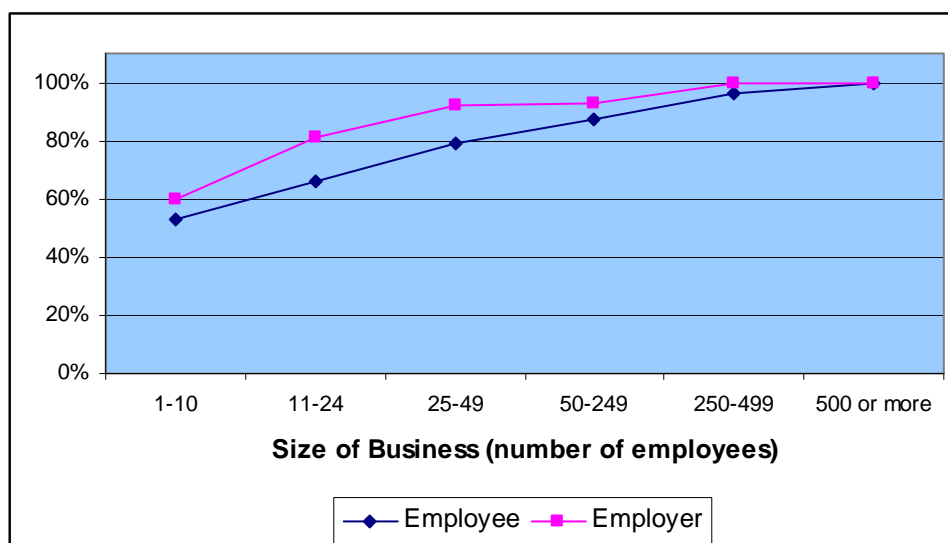
GRIEVANCES

- *Employees (82%) and employers (76%) referred to the operation of a GP in their workplace.*

Using the employer percentages as the expected frequencies and the employee percentages as the observed frequencies the chi-square statistical test was used to determine if the difference between the two sets of results were statistically significant. The results show that there is a significant difference between the views of employees and employers (chi-squared with 1 degrees of freedom = 15.32, $p = .000$).

- *The responses of both employers and employees indicated an increase in the availability of formal procedures as business size increased (Figure 13).*

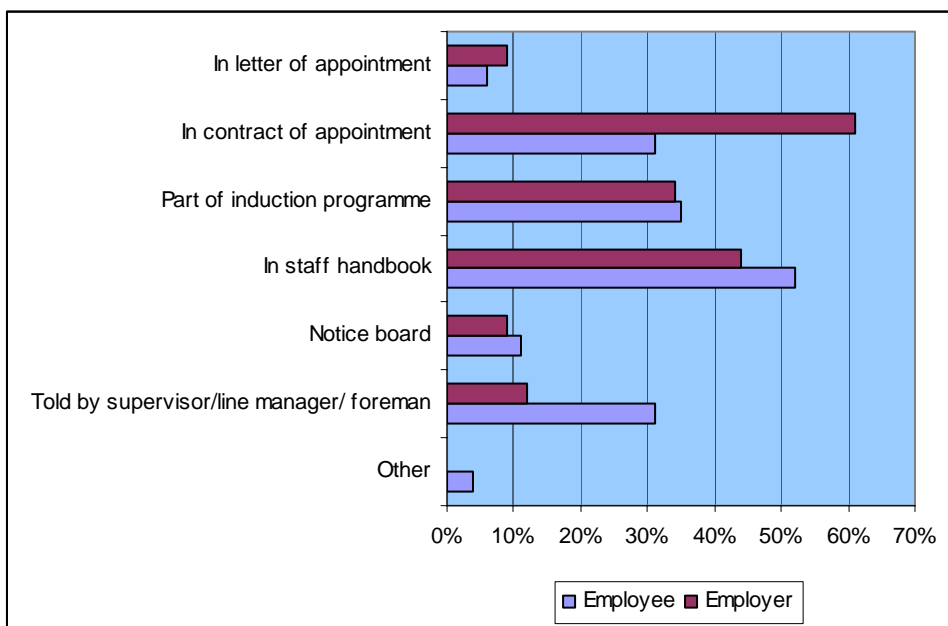
Figure 13: *Proportion of workplaces with a formal procedure for dealing with individual grievances, as reported by employees and employers*



- *The most popular methods used by employers to make staff aware of formal procedures for dealing with grievances were the contract of appointment (61%), the staff handbook (44%), the induction programme (34%) and making the information available through a supervisor, line manager or foreman (12%). The most common methods noted by employees were the staff handbook (51%), induction programme (35%) and supervisor, line manager or foreman (31%). Only 31% stated that they were informed by way of their contract of appointment, a figure considerably lower than that stated by employers (61%). See Figure 14.*

This last disparity may, perhaps, be explained in part by reference to the sometimes complex or legalistic provisions of contracts, which employees may be unable or unwilling to interpret in detail. Furthermore, it seems reasonable to postulate that, in most cases, employees look at their contract only when starting work or when its provisions are revised significantly. It may be that many therefore fail to realise that the document gives details of the GP.

Figure 14: *How employees and employers believed employees were made aware of formal procedures for dealing with grievances*



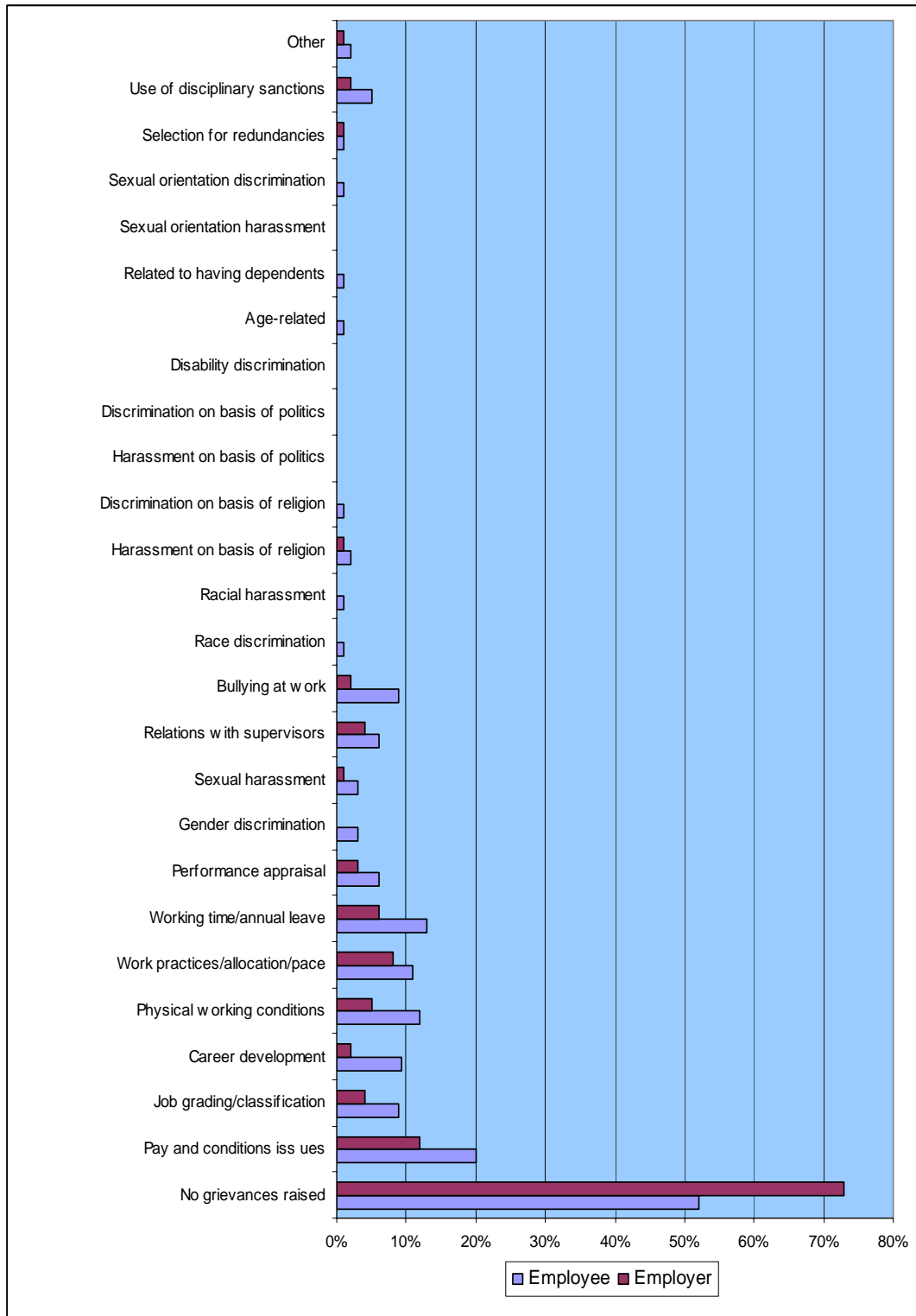
- *In those workplaces that had a GP, employees (20%) were slightly more likely than employers (16%) to report the raising of a grievance through the formal procedures.*

Using chi-squared, there is a statistically significant difference between the responses of employees and employers (chi-squared with 1 degree of freedom = 6.57, p = .010).

- *Employers (73%) were more likely than employees (52%) to say that no grievances had been raised in the year prior to the survey, whether through a procedure or not.*

- *Of all the grievances listed, employees' reporting of occurrences in the previous year was repeatedly greater than that of employers (Figure 15).*
- *Employees were more than four times more likely to report bullying at work (9%) and career development grievances (9%) than employers (both 2%). Similarly, they were more than twice as likely to report physical working conditions (12%), job grading/classification (9%), and working time/annual leave (13%) and the use of disciplinary sanctions (5%) than employers (5%, 4%, 6% and 2% respectively).*
- *Grievances regarding pay and conditions were the most commonly reported by both employers (12%) and employees (20%). Working time/annual leave, work practices/allocation/pace and physical working conditions were the other most reported grievances, even though their order differed slightly amongst employees and employers.*

Figure 15: Grievances raised in last year, reported by employers and employees



*Percentages may add to more than 100% due to multiple responses.

Unfortunately, it is not clear whether the disparity between the levels of grievance reported by employees and employers respectively derives from over-reporting by the former group or under-reporting by the latter.

- *Employers were more likely to report that those who raised a grievance were expected to attend a formal meeting (95%) and set out the nature of*

the grievance in writing (81%), than employees (83% and 66% respectively).

This disparity between reporting by employers and employees is not surprising. Employees were asked about these issues irrespective of whether their employer operated a formal procedure; employers, on the other hand, were only asked about them if they had first stated that they operated formal procedures.

- In situations where employers had no formal grievance procedures, 66% of employees and 64% of employers stated that, if an employee had a grievance at work, it would be resolved through discussions with managers.*
- In those businesses where no employees had used the GP in the last 12 months, employers (49%) were more likely to state that this was because disputes had been raised and resolved informally. Employees had less confidence in, or perhaps less awareness of, the informal resolution of disputes: only 16% who had never formally raised a grievance stated that disputes were resolved informally. However, 29% cited good management-employee relations as the reason why no disputes had arisen.*

DISCIPLINE AND DISMISSALS

- Employees (84%) were more likely than employers (82%) to state that their workplace had a formal procedure for dealing with discipline and dismissals other than redundancies.*

This, together with the earlier results regarding the existence of a formal grievance procedure, indicates that employees were more aware of (or more inclined to report) both sets of formal procedures than their employers. However, in the case of the DDP, the difference is not statistically significant (chi-squared with 1 degree of freedom = 4.37, $p = .037$).

- Employers were most likely to make staff aware of the DDP by way of the contract of appointment (60%), followed by the staff handbook (41%). Employees were most likely to get this information from the staff handbook (48%), with only 36% saying that they received it in their contract of appointment.*

Again, this might indicate an unwillingness or inability on the part of employees to read sometimes complex contractual provisions, and a probable lack of attention to the contract after initial perusal upon starting work. See *Figure 16*.

Figure 16: *How employees and employers believed employees were made aware of formal procedures for discipline and dismissals*

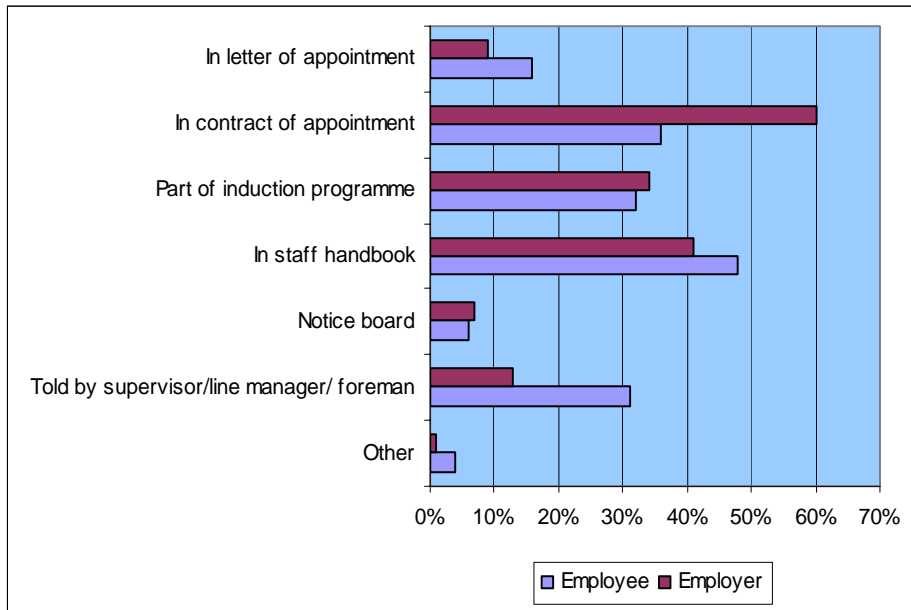
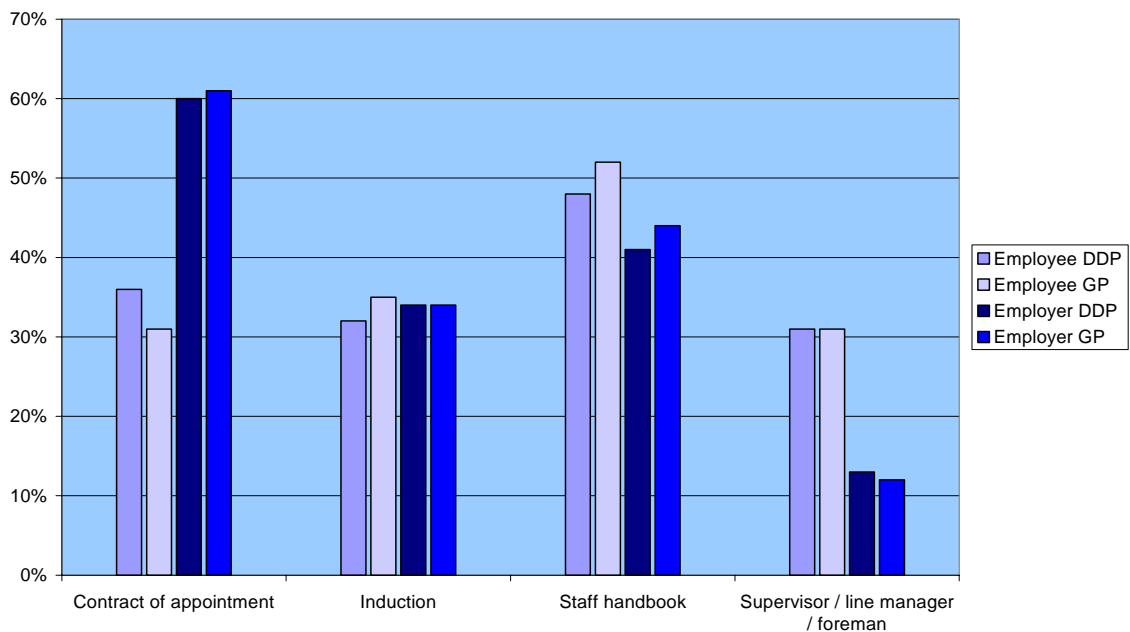


Figure 17: *Employer and employee reporting of most popular methods for communicating information about formal dispute resolution procedures*



- *Employers were more likely than employees to state that the business would set out in writing the reasons for taking disciplinary action against an employee (96% compared to 84%) and that employees were required to attend a formal meeting (98% compared to 89%).*

That employers were more likely than employees to mention these issues, in both this context and that of grievances, is hardly surprising given that only

those employers who had *already* indicated that they had formal procedures were asked questions about written procedures and formal meetings. By contrast, all employees were asked about these issues.

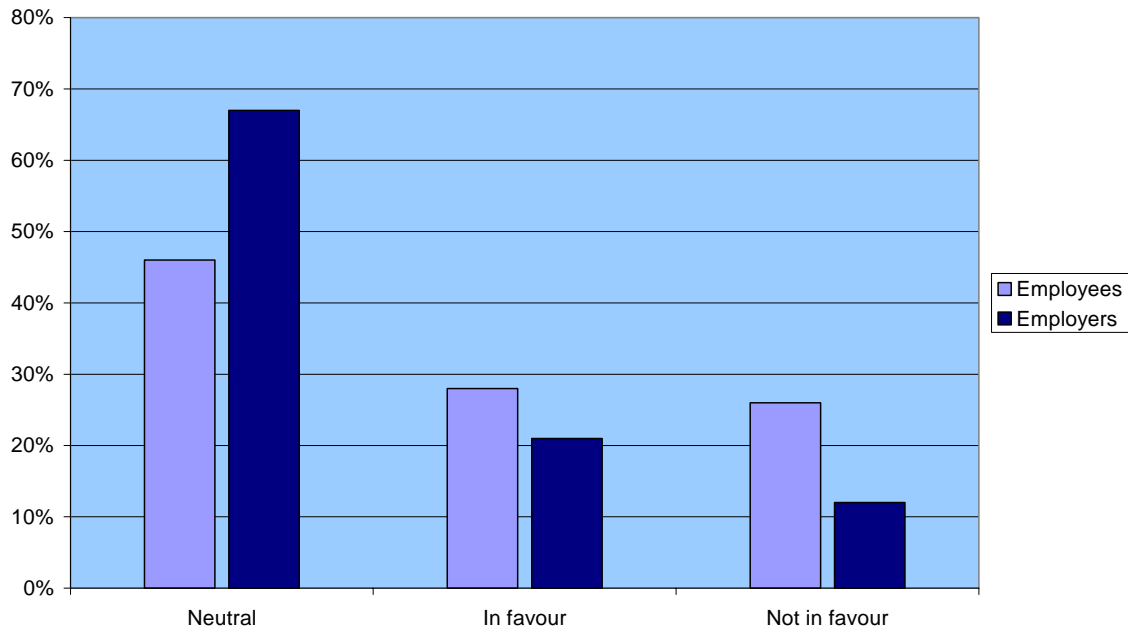
TRADE UNIONS

- *73% of employers stated that they did not have any employees who were members of a trade union, but only 42% of employees said that they had never been a member of a trade union or staff association and 16% that they were not now a member but had been in the past. In total, therefore, only 58% of employees were not union members.*

One third of employers surveyed were from businesses with less than 9 employees, whereas only 12% of employees were from businesses of less than ten employees. As small employers are more likely to be non-unionised, this may explain why employers appeared to under-report union membership.

- *67% of employers stated that they had a neutral attitude towards union membership among employees, with 21% being in favour of it and 12% not in favour. The employee perception of management's attitude to trade union membership was more polarised, with fewer (46%) stating that their employer was neutral, more (28%) that the employer was in favour and more than double (26%) that the employer was not in favour. See Figure 18.*

Figure 18: Attitudes of employers towards trade unions as stated by employers and employees



CONCLUSIONS

On the whole, and unsurprisingly, the views of employees largely coincided with those of employers. A similar percentage of both groups stated that there were formal procedures for dealing with both grievances and disciplinary action or dismissals in the workplace. However, employers took a more optimistic view than did employees, with a statistically significant differential, of the number of formal grievances raised.

In addition, employers were more likely to state that no grievances had been raised, whether through a formal procedure or otherwise, in the year prior to the survey. This may indicate that, on the whole, employers are less aware of grievances within their businesses than employees; alternatively, it may suggest that there is over-reporting of grievances by employees and an under-reporting by employers.

Employers were most likely to state that employees were made aware of formal procedures through the contract of appointment. For employees, on the other hand, the staff handbook was most usually the source from which this information was gleaned.

Employers were also more likely to maintain that they operated formal procedures, including formal meetings and the setting out of reasons in writing. Employees were less convinced that such procedures were followed. However, this disparity could result from the fact that only employers who first reported having formal procedures in place were questioned about the nature of these, whereas all employees (including, it is assumed, those with employers who had no procedures) were asked comparable questions.

FURTHER RESEARCH

The findings detailed in this publication derive from data gathered primarily as a baseline to future research. The findings will therefore be revisited with a view to detailing developments following the initial introduction of legislation in April 2005 governing the resolution of employment disputes at work.

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