

# COLLECTIVE EMPLOYEE VOICE

Recommendations for  
working with employee  
representatives for  
mutual gain

The CIPD is the professional body for HR and people development. The registered charity champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has more than 160,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.



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## Report

# Collective employee voice: recommendations for working with employee representatives for mutual gain

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## 1 Introduction

Having a voice at work can make a fundamental difference to people's working lives. As the CIPD's 2021 [Good Work Index](#) states, it is, *'like democracy, an essential aspect of what it means to be human'*. There is no universally accepted definition of 'employee voice' but in essence it means having mechanisms to facilitate a genuine dialogue between an organisation and its workforce.

The [CIPD believes](#) all organisations should have a meaningful framework whereby employees can safely and confidently voice their views and raise concerns: *'For employers, effective voice contributes to building trust with employees, innovation, productivity and organisational improvement. For employees, self-expression in voice often results in feeling valued, increased job satisfaction, greater influence and better opportunities for development.'*

As well as having the potential to improve the way organisations function and perform, voice is part of every employee's fundamental right to have good work.

However, not all forms of voice are used equally. Our survey found that over half (52%) of employers don't use employee representatives to inform and consult their workforce, such as through a staff council or forum. The most recent CIPD [Good Work Index](#) also finds that individual forms of employee voice, rather than collective channels which use employee representatives, still heavily dominate in UK workplaces. This is a missed opportunity to use collective voice to improve working relationships.

Individual voice channels are very important, as previous CIPD [research](#) shows. But collective channels, which use union and/or non-union representatives, give employees a collective voice that can complement and reinforce individual channels.

Collective voice can also make a significant contribution to an organisation's employee engagement strategy, which in turn can boost performance. This is highlighted in the [Engaging for Success](#) report, with evidence showing the value of engaging with a collective voice, including with trade unions: *'There are synergies between engagement approaches and partnership working between unions and employers, where trust, co-operation and information sharing are key; many organisations with partnership agreements emphasised to us that it complemented and enhanced their engagement strategies.'*

The CIPD's research shows that this perspective remains as relevant today as it was over a decade ago. The evidence and expert insights presented in this report (including employer survey and in-depth interviews with employment relations experts, ranging from HR professionals, specialist organisations and trade unions) outline good practice principles for using employee representatives to inform and consult the workforce, and for developing positive working relationships with recognised trade unions. This report also investigates how employee representation operates and is understood through the lens of [several case study organisations](#).

Based on this examination, this report outlines the following recommendations:

- 1 Ensure your organisation informs and consults employees in line with their statutory rights.
- 2 Develop a holistic employee voice framework that combines individual with collective voice channels.
- 3 Establish effective information and consultation structures and practices for employee representation.
- 4 Take a joint working approach with unions so they understand and feel part of the strategy.



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Many organisations have faced extensive employment relations (ER) challenges recently. These are only likely to intensify. The tight labour market, combined with a cost-of-living crisis and falling real wages, could be a real recipe for collective conflict. Over the past decade CIPD research has highlighted the shifting role of HR professionals, and the view of employment relations as a skillset rather than an aspirational career choice for the ambitious HR professional. This perception needs to change to enable the people profession to rise to the challenges highlighted in this research. We need to not only reassert the status of the ER specialism, but broaden its reach so that the management of the employment relationship, and conflict, is seen as an integral part of every people professional's role.

Some commentators are already reporting on a [hotting up of UK labour relations](#) in some sectors, and the CIPD labour market economist has also warned that [‘the big pay squeeze is still in the pipeline’](#). ER experts interviewed for this report also highlighted a potential shift in bargaining power in favour of the unions. These developments are a sharp reminder of the continued influence of trade unions, as well as the need for organisations to build positive employment relations. This report offers evidence-based recommendations to enable this.

## 2 Recommendations

The following recommendations for positive working relationships with employee representatives and trade unions are drawn from the evidence and expert insights gathered for this report.



**ENSURE your organisation informs and consults employees in line with their statutory rights and as part of a strategic approach to build a positive employment relations climate**

- UK employers are under a statutory obligation to consult with employees on certain issues, such as changes to employment contracts, health and safety, selling the business or buying a new one, pensions and potential redundancies. In certain circumstances, this includes a requirement to carry out ‘collective consultation’ with a recognised trade union or employee representatives. See this [Acas guidance](#) on when and how to consult.
- Check out our [guide](#), produced in collaboration with the Involvement & Participation Association, for how the Information and Consultation of Employees Regulations (known as the ICE Regs) apply to UK organisations with 50 or more employees. They give employees rights to request their employer makes arrangements to inform and consult them about issues in the organisation.
- Develop ER skills among HR professionals and line managers to enable them to identify and manage conflict, as well as manage ongoing collective relationships with employee representatives. The more traditional, formal employee relations and negotiating skills need to be complemented with a wider set of competencies, such as consultation, surveying and interpreting employee attitudes, spotting potential signs of conflict and early resolution of differences between employees and management.



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**DEVELOP a holistic employee voice framework that combines individual with collective voice channels**

- Cultivate a company culture that values employee engagement and prioritises information and consultation, so that employees are informed about organisational change and can influence decision-making.
- Set up multiple and complementary mechanisms for employee voice, including direct methods with individuals and indirect methods for collective voice, via employee representation.
- Establish structures and processes for communicating with union and non-union representatives and employees at all levels of the organisation.
- Have a system to evaluate the feedback, to ensure that people’s feedback is captured and listened to from across the different voice channels.
- Evaluate the effectiveness of the voice framework, including whether or not voice channels are adequate and available for all employees, and whether they meaningfully influence decision-making.



**ESTABLISH effective information and consultation structures and practices for employee representation**

- Run professional (that is, fair and contested) elections for employee representatives so they have credibility and genuinely represent the workforce.
- Properly train representatives so they know how to ask strategic questions, represent the whole business and present a collected view.
- Our guide outlines effective ways of establishing effective information and consultation arrangements:
  - focus on strategic issues affecting the business rather than the minutiae of the day to day
  - allow for meaningful two-way conversations, passing information in both directions
  - ensure engagement at the highest level of the organisation, including the board and/or the chief executive
  - make sure the voice of all workers, from all demographics, is equally heard.
- Encourage people to meet and talk regularly and informally around and outside of the formal structures.
- Train and guide managers so they understand the organisation’s aims and practices for information and consultation, and have the skills and knowledge to promote effective employee voice. See our [line manager support materials](#) for resources to use.



**TAKE a joint working approach with employee representatives so they understand and feel part of the strategy**

- If there is a request for union recognition, it's better to engage with the unions and form an agreement based on mutual understanding, preferably as part of a joint working approach. See this [UK Government advice](#) for dealing with a recognition request.
- Develop effective working relationships between senior management and trade union representatives, as well as non-union representatives.
- Build trust through honesty and direct communications – this approach has been key to developing positive working relationships between management and employee representatives in our [case study organisations](#).
- Ensure a positive joint working ethos is cascaded throughout the organisation, so that managers at all levels approach working relationships with representatives in a constructive way and build trust.

### 3 The current state of employment relations

In general, respondents in our employer survey are positive about the employment relations climate in their organisation, with 87% describing relations between managers and employees as 'very good' or 'good' and just 3% as 'poor' or 'very poor', although 10% are ambivalent (see Figure 1). It's important to note, however, that the employer view can sometimes be out of kilter with the perceptions of the workforce. Employers shouldn't rely on their own perceptions, but should regularly canvass employees and employee representatives for their views.

Respondents in the public sector are less likely to rate relations as good compared with their private and voluntary sector counterparts (81% compared with 88% and 94%, respectively). Perceived relations also worsen in line with increasing size of organisation: for example, 91% of those based in SMEs (2-249 employees) describe relations as 'very good' or 'good' compared with 84% of those in very large organisations (1,000-plus employees).

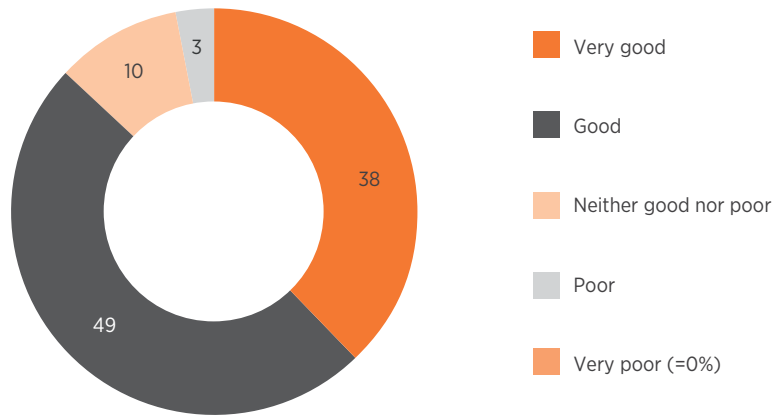
The [Workplace Employment Relations Survey \(WERS\)](#) was the UK Government's national survey series of people at work in Britain, and mapped employment relations extensively over three decades. Although discontinued, its most recent 2011 findings still serve as a useful benchmark. A decade ago, 96% of managers rated their relationship with employees as 'very good' or 'good' compared with 87% in our sample.





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Figure 1: In general, how would you describe relations between managers and employees at your workplace? (%)



Base: 1,075.

### VIEWPOINT

#### The Involvement & Participation Association (IPA): Nita Clarke OBE, Director

The [IPA](#) works with organisations to develop employee engagement and voice, and partnership, in the workplace. Director of the IPA since January 2008, Nita has a long career in the trade union and labour movement, joining the health union COHSE from university in 1976. Her career covers seven years at the GLC/ILEA, including four years as Ken Livingstone’s press officer, followed by roles at UNISON and as Tony Blair’s assistant political secretary with responsibility for trade union liaison. Nita was vice-chair of the UK Government-commissioned MacLeod Review of employee engagement and co-author of the widely praised 2009 report *Engaging for Success*. She is a strong supporter of a social partnership approach to delivering change and reform in public services.

In Nita’s view, developing individual, direct voice methods like employee surveys alongside indirect collective methods involving employee participation, such as through trade unions, can be mutually reinforcing. This dual approach can enhance employee engagement and contribute to organisational success. Nita comments: *‘There’s a newer generation of employers and HR professionals who have had no experience of the benefits that trade union recognition can bring, but fear of unionisation is misplaced. There are some very good examples where employers have worked in partnership with their union representatives during the pandemic, which has helped the organisation as well as the workforce get through the crisis – the key is to find the sweet spot of mutual interest and establish a set of behaviours that builds trust.’*

The challenge for many organisations that do embrace a multifaceted approach is how to synthesise the feedback from the range of voice mechanisms they use. *‘To really benefit, there needs to be someone who is responsible for voice and ensuring people’s views, concerns, suggestions aren’t lost but really listened to from across the different voice channels,’* says Nita.



In Nita's view, employment relations in the UK stands at an 'inflection point', with major external events such as Brexit, the pandemic, rising cost of living and skills shortages combining to act as a potentially powerful influence on the bargaining power of workers. But it's not just about negotiating for higher wages, as she explains: *'All the evidence shows that people want to be treated with basic decency at work; but they also have expectations and want to progress in their careers, have access to flexible working and other opportunities from work.'* This has implications for how trade unions evolve and remain relevant to members as well as for how employers ensure their employee offering is attractive in a tight labour market.

Nita points out that, after years of decline, trade union membership levels are starting to rise again – another reminder that employers need to treat the unions with respect in the current climate. She predicts an increasingly challenging period of industrial relations, with recent strikes and walkouts in the US another salutary reminder of the need to pay attention to the role of trade unions this side of the Atlantic. On a positive note, there are practical steps that employers can take to respond to these turbulent times and foster employee engagement.

*'Employers should have a clear employment relations strategy that aims to provide good working conditions and a positive, inclusive culture. Line managers play a vital role in engaging people and encouraging them to stay, so ensure they are capable to manage people well. Listen to your people and use a range of voice channels to ensure there's real dialogue. If you have recognised trade unions, foster positive working relationships based on trust with the union representatives. Finally – if there are requests for recognition, it's far better to engage with the unions and form an agreement based on mutual understanding, preferably as part of a partnership approach.'*

**Nita Clarke OBE, Director, Involvement & Participation Association**

### Employee participation during COVID-19

The COVID-19 pandemic put enormous pressure on organisations. As well as implementing ever-changing, stringent health and safety measures, many employers had to shift business practices at speed and introduce new working arrangements at scale. The impact on individuals and their employee representatives, including the trade unions, has also been far-reaching.

We asked respondents with union representation whether or not they thought the relationship between management and the trade union(s) had changed in their organisation over the past two years. Almost half (46%) said it had remained the same, which is a good outcome given the turmoil of this period. Almost three in ten (28%) said the relationship is now more positive, while just 15% said it was more negative.

These findings show how employment relations are truly tested during a crisis, and the importance of employers building a positive, problem-solving approach with their employee representatives. Those organisations that already had constructive relationships with union and non-union representatives pre-pandemic will have been in a stronger position to deal with the workforce challenges caused by COVID-19.



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## CASE STUDY EXTRACT

### NatWest Group

*'We ran most of our communications and FAQs past the reps before they went out more widely. That meant they could feed in what they were hearing on the ground and the concerns of their members, and we could modify the message accordingly. If people weren't wearing masks or following guidance, or if people had concerns, we knew to step up the messaging. For example, we found out that employees had concerns if there had been a case of COVID in a branch even though we were deep cleaning in all cases. So following that feedback we stepped up our signage and communications to say what had been done and reassure people.'*

### Lynne MacColl, People and Transformation Team

*'When we were looking at the return to office, we knew there would be some local managers who would tell employees they had to go back to the office even if they could work from home. So together we created an escalation procedure so that if this couldn't be dealt with on the ground, it could quickly be escalated to a senior manager within that business.'*

### John Peake, Senior Workplace Representative, Unite

Read our [full case study](#) on NatWest Group for more detail.

## Our recommendations for HR professionals and employers



### Ensure your organisation informs and consults employees in line with their statutory rights and as part of a strategic approach to build a positive employment relations climate

- Develop ER skills among HR professionals and line managers to enable them to identify and manage conflict, as well as manage ongoing collective relationships with employee representatives. The more traditional, formal employee relations and negotiating skills need to be complemented with a wider set of competencies, such as consultation, surveying and interpreting employee attitudes, spotting potential signs of conflict and early resolution of differences between employees and management.



### Develop a holistic employee voice framework that combines individual with collective voice channels

- Cultivate a company culture that values employee engagement and prioritises information and consultation, so that employees are informed about organisational change and can influence decision-making.



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### Take a joint working approach with employee representatives so they understand and feel part of the strategy

- Develop effective working relationships between senior management and trade union representatives, as well as non-union representatives.
- Build trust through honesty and direct communications – this approach has been key to developing positive working relationships between management and employee representatives in our [case study organisations](#).
- Ensure a positive joint working ethos is cascaded throughout the organisation, so that managers at all levels approach working relationships with representatives in a constructive way and build trust.
- Encourage people to meet and talk regularly and informally around and outside of the formal structures.
- Train and guide managers so they understand the organisation's aims and practices for information and consultation, and have the skills and knowledge to promote effective employee voice.
- Our guide outlines effective ways of establishing effective information and consultation arrangements.

## 4 Information and consultation: the key legal areas

UK law requires employers to 'inform' and 'consult' with employees in a number of situations, most commonly where there are potential redundancies, or where a business is transferred under the TUPE regulations. Consultation may be required before making changes to employment contracts, over certain health and safety matters, and pension scheme changes.

- **'inform'** means management is communicating with staff to ensure they're updated about workplace matters
- **'consult'** means management actively seeks and considers employees' views before making a decision.

Source: [Acas: Informing and consulting your employees about workplace matters](#).

Informing and consulting the workforce is a core people management principle and should be a priority for every organisation. If done well, it provides an effective mechanism for dialogue between management and workers, provides senior management with the opportunity to impart important information or plans to the workforce and gain buy-in. For their part, employees can exercise their collective voice, via an indirect channel through their representatives, to make suggestions, ask questions or raise concerns.



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The two most common situations where an employer must consult with staff on a collective basis are:

- proposed redundancies of 20 or more staff
- transfer of the business (TUPE).

Consultation must take place with the trade union if one is recognised in the workplace, otherwise, the employer must consult with other employee representatives, either pre-existing ones or representatives specifically elected for the consultation.

**Redundancy consultation**

Employers must always consult on proposed redundancies. This should take place as early as possible to give adequate warning. If there are fewer than 20 redundancies planned, employers should consult employees individually but collective consultation is not required. Employers must consult individually and collectively if making 20 or more employees redundant within a 90-day period. Collective consultation must begin at least 45 days before the first dismissal takes effect (for 100 or more dismissals) or at least 30 days before the first dismissal (for 20–99 proposed dismissals).

Collective redundancy consultation can also arise where contractual changes are being imposed by dismissing and offering re-engagement to employees. Practically speaking, employers will not know in advance how many employees will agree to proposed contractual changes. Therefore, if dismissals and re-engagements are a possibility, it is sensible for employers to consult collectively from the outset if 20 or more employees will be affected.

The representatives must always be provided with specified information in advance of consultation.

**TUPE**

All employers involved in business transfers must provide specified information to the representatives of the affected employees 'long enough' before the transfer to enable the outgoing employer to consult with them. In practice the more staff affected, the more time will be needed. There is a potential exemption from consultation provisions for micro-businesses with fewer than ten employees.

Outgoing employers must:

- Inform staff about the transfer and any proposed measures such as changes to terms and conditions of employment or potential redundancies. The consultation is between the representatives of the affected employees and the outgoing employer (not the incoming one). The incoming employer does not have to consult with the employees who will be transferring to it.
- Provide the incoming employer with employee liability information, including written details of the transferring employees' identity, age, particulars of employment, disciplinary and grievance records, employee claims and collective agreements, together with all associated rights and liabilities that will transfer. This information must be provided not less than 28 days before the transfer, although in practice the incoming employer will attempt to gather this information earlier.

Incoming employers must provide sufficient information on proposed measures they envisage taking in connection with the transfer. This is to allow the outgoing employer to inform and consult about the likely measures post-transfer.

**Protective award**

Breach of the redundancy or TUPE consultation requirements can lead to tribunal claims. If there are claims for failure to inform and consult, both the outgoing and incoming



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employers can be jointly or individually liable for compensation up to a maximum of 13 weeks' pay per affected employee. Employers can take out indemnities against liability in the contract governing the transfer.

Example: A company notifies their staff that the business has been sold, with the sale completing in seven days' time, and that from then onwards all employment contracts transfer to the new employer. The employees have had no prior consultation so will be able to claim for a failure to inform and consult up to a maximum of 13 weeks' salary per employee.

**Health and safety**

Employers must inform and consult employees (taking account of what they say) on certain health and safety matters before making decisions. Employees must be consulted on:

- changes which may substantially affect health and safety at work
- likely risks arising from their work
- measures to reduce or eliminate risks
- procedures for dealing with a risk or danger
- planning health and safety training
- health and safety consequences of new technology.

If there is no workplace union, employees may be consulted directly or through elected representatives.

**Pensions**

Certain employers, for example those with occupational or multi-employer pension schemes, must inform and consult before making specified pension provision changes.

Written information supplied to affected members and their representatives about any proposed changes includes:

- details of the proposed change
- the date of the proposed change
- the likely effect on the scheme and its members
- relevant background information
- the closing date for responses to the consultation.

Employers must consider responses in a spirit of co-operation but do not need employees' agreement before making the changes. Active and prospective members must be consulted for at least a 60-day consultation period, so employers should allow sufficient time for this. There is no requirement to consult those already receiving the pension.

Employers with at least 50 employees must consult, based on the total number of employees, not just scheme members. Some smaller employers and schemes are excluded.

Consultation must occur before listed changes are made, for example increasing normal retirement age, closing the scheme to new members and changes to contributions or benefits. Consultation may be unnecessary if the proposed change has no lasting effect on a person's pension rights or if the changes are required by legislation.

The consultation must be in good faith, with proper consideration being given to the interests of both sides.

**Consultation of Employees (ICE) Regulations**

Under the Consultation of Employees (ICE) Regulations, employees in organisations with 50 or more employees have a legal right to make a formal request that the employer establishes information and consultation arrangements about other key issues that affect their work and



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organisation. Employers must take steps to introduce an agreement if there is a valid request unless the employer has existing agreements for information and consultation.

To make a valid request under the Regulations in Great Britain, at least 15 employees or 2% of the workforce (whichever is higher, subject to a maximum of 2,500) must put in a formal request. The number of requests can be aggregated over a rolling six-month period, so even if there are fewer than 15 or 2% initially, employers may still be required to take the steps.

Similar ICE Regulations apply in Northern Ireland, but the law on the minimum request threshold means that 10% of the employees must ask, subject to a minimum of 15 employees and a maximum of 2,500 employees.

### Unions and ICE forums

ICE arrangements are intended to perform different functions from core trade union activities. ICE forums are there to be informed and consulted. What they cannot do is negotiate with management on behalf of the workforce, particularly over questions of pay or terms and conditions. Such collective bargaining is properly the place of a trade union and should always remain so.

Management should take care when establishing ICE arrangements that any existing union negotiating rights are never threatened and reassurances along these lines are provided to any unions present. Similarly, it is not within the remit of ICE representatives to carry out individual casework and support workers with grievances or facing disciplinary action.

In a workplace that has recognised trade unions, the unions should always be informed and consulted first about any plans to set up an ICE forum. Unions can themselves organise petitions to set up ICE arrangements. However, an ICE forum should never be set up with the explicit aim of stopping legitimate union activities.

Source: The [CIPD/IPA guide on the information and consultation of employees \(ICE\)](#).

### Our recommendations for HR professionals and employers



#### Ensure your organisation informs and consults employees in line with their statutory rights and as part of a strategic approach to build a positive employment relations climate

- UK employers are under a statutory obligation to consult with employees on certain issues, such as changes to employment contracts, health and safety, selling the business or buying a new one, pensions and potential redundancies. In certain circumstances, this includes a requirement to carry out 'collective consultation' with a recognised trade union or employee representatives. See this [Acas guidance](#) on when and how to consult.



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**Employee representation: the process**

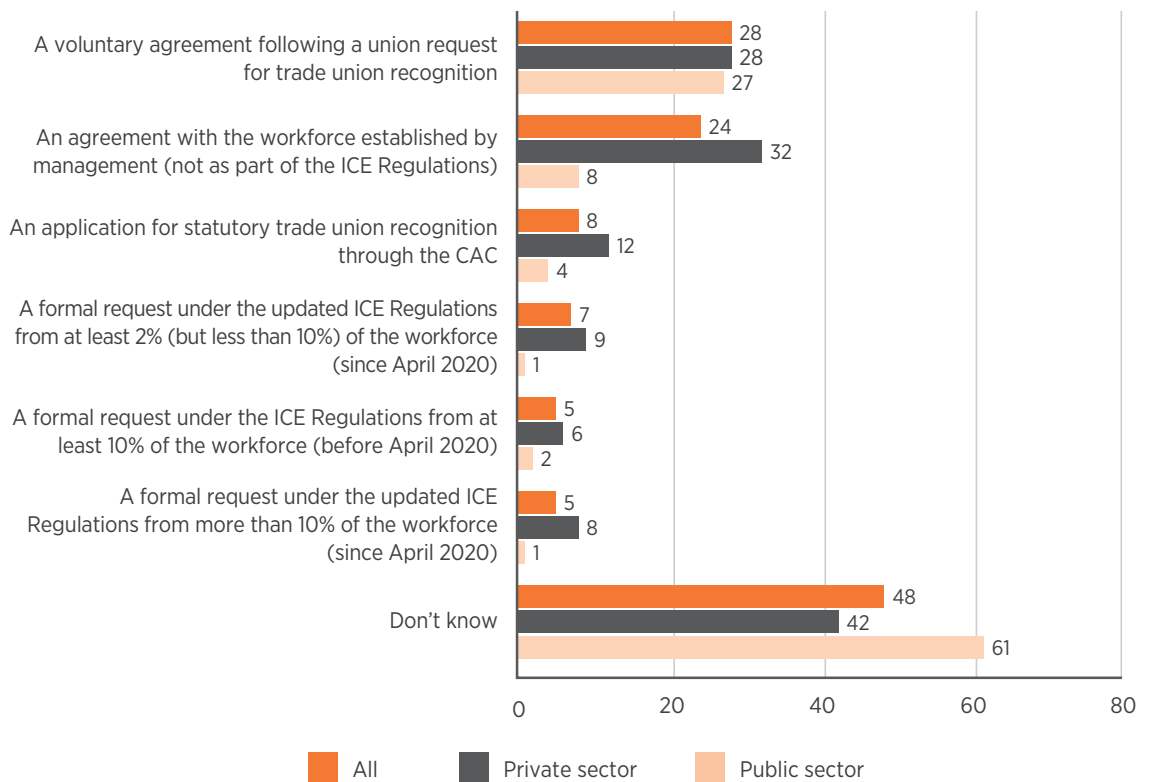
There are various ways in which employee representative arrangements can be established and there are distinct statutory provisions that apply according to whether these involve trade union recognition or information and consultation. The most common arrangement according to our survey is a voluntary agreement following a union request for trade union recognition (see Figure 2).

It's much less common for there to be an application for trade union recognition via the other main route, that is, statutory trade union recognition through the Central Arbitration Committee (CAC). This happens when an employer doesn't want to recognise a union and, providing the organisation has more than 21 employees, the union can apply for statutory recognition to the CAC.

In terms of information and consultation arrangements more broadly, the best way to approach the ICE Regulations is to be proactive in setting up effective arrangements – this will ensure that an information and consultation model can be shaped to suit the needs of the organisation. This approach is reflected in our findings, with by far the most common process being an agreement with the workforce voluntarily established by management (24% of organisations).

In the majority of cases, employee representatives who serve on a joint consultative committee or forum were elected by the workforce (61% of organisations overall) rather than by management (10%).

**Figure 2: Process for setting up information and consultation arrangements (%)**







## Our recommendations for HR professionals and employers



### Establish effective information and consultation structures and practices for employee representation

- Run professional (that is, fair and contested) elections for employee representatives so they have credibility and genuinely represent the workforce.



### Take a joint working approach with employee representatives so they understand and feel part of the strategy

- If there is a request for union recognition, it's better to engage with the unions and form an agreement based on mutual understanding, preferably as part of a joint working approach. See this [UK Government advice](#) for dealing with a recognition request.

## How common are representative arrangements?

Just under half (45%) of our survey respondents say their organisation has representative arrangements for informing and consulting with employees, such as a staff council or forum (see Table 1). This is significantly lower than the two-thirds (66%) in our 2011 survey. Then, a third (33%) said their organisation had no representative arrangements in place compared with 52% today. Public sector organisations are much more likely to have representative arrangements in place, as are large organisations.

**Table 1: Proportion of organisations that have representative arrangements for informing and consulting employees (%)**

	All	Private sector	Public sector	Voluntary sector	SME	Large
Yes	45	38	79	35	22	63
No	52	59	18	63	76	35
Don't know	3	3	3	1	2	3

Base: all: 1,075; private sector: 807; public sector: 192; voluntary sector: 75; SME (2-249): 462; large (250+): 613.

The CIPD's 2022 [Good Work Index](#) explored employees' experience of employee voice, including the range of channels they have to express their views to senior management. Individual voice channels, such as one-to-one meetings with line managers and employee focus groups, still heavily dominate. Collective channels that involve employee representation are less common (see Table 2). Unsurprisingly, employees in the public sector are significantly more likely to report trade unions as a collective voice channel.

The key for organisations is to take a holistic approach to voice and combine individual with collective channels to maximise opportunities for employee feedback and engagement.

Table 2: Voice channels in organisations (%)

	All	Private sector	Public sector	Voluntary sector
Trade union	21	14	49	24
Non-union staff association or consultation committee	7	6	9	15
Employee survey	54	52	64	54
Online forum or chat room for employees (ie an enterprise social network)	17	17	18	18
Employee focus groups	16	15	17	19
One-to-one meetings with your line manager	71	69	74	80
Team meetings	58	55	69	70
All-department or all-organisation meetings	29	26	37	46
Other	3	3	1	3

Source: CIPD Good Work Index 2022.

Base: all: 4,529; private sector: 3,453; public sector: 783; voluntary sector: 283.

### Our recommendations for HR professionals and employers



#### Develop a holistic employee voice framework that combines individual with collective voice channels

- Set up multiple and complementary mechanisms for employee voice, including direct methods with individuals and indirect methods for collective voice, via employee representation.
- Establish structures and processes for communicating with union and non-union representatives and employees at all levels of the organisation.
- Have a system to evaluate the feedback, to ensure that people's feedback is captured and listened to from across the different voice channels.

### CASE STUDY EXTRACT

#### WorldSkills UK

With around 50 employees, WorldSkills UK is close to the bottom end of the scale of companies covered by the ICE Regulations, but they chose to establish robust information and consultation arrangements as a matter of good practice. Chief Executive Neil Bentley-Gockmann views these as a valuable '*strategic tool for the organisation*' – deserving of proper investment of time and energy and not just '*an HR or regulatory compliance tick-box issue where you're going through the motions*'.

Read our full [case study](#) on WorldSkills UK for more detail.

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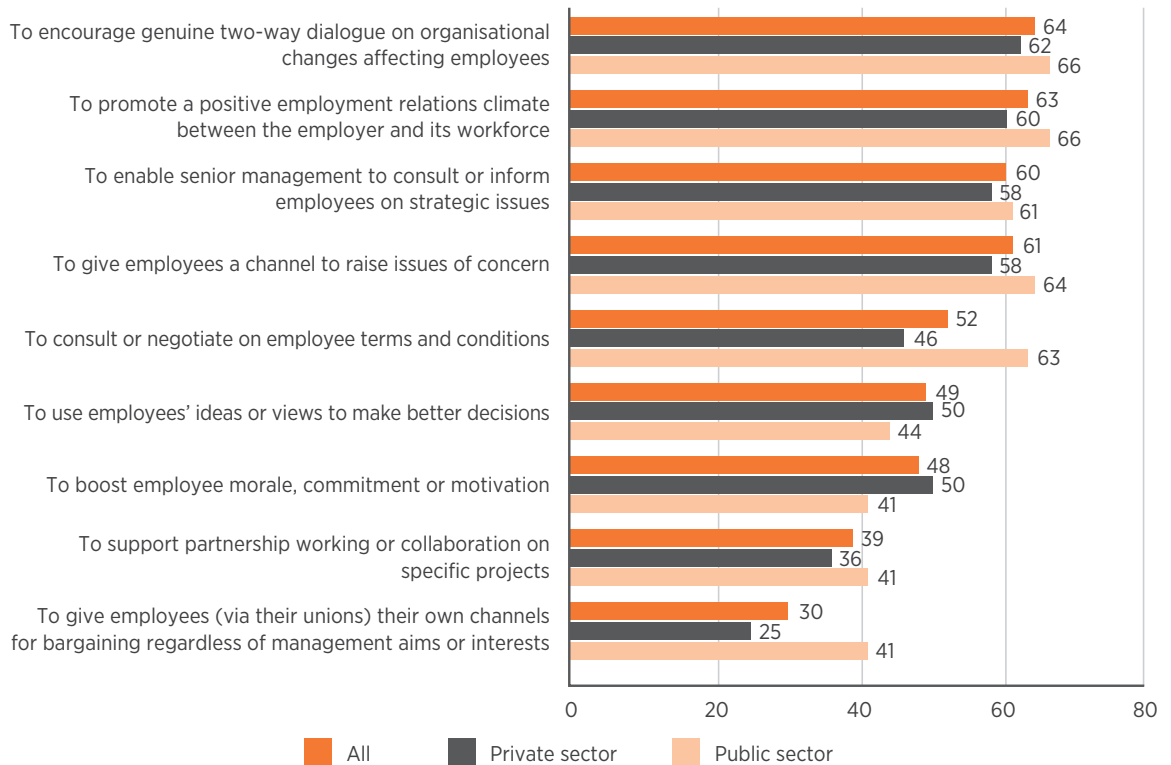


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### Employee representation: the aims

Our findings reflect a range of intentions on the part of organisations in setting up arrangements for employee representation. The top two aims are to ‘encourage genuine two-way dialogue on organisational changes affecting employees’ and ‘promote a positive employment relations climate between the employer and its workforce’, but there are several other interlinked, and potentially mutually reinforcing, rationales (Figure 3).

**Figure 3: The purpose and aims of organisations’ arrangements for representative participation (%)**



Base: all: 484; private sector: 305; public sector: 152.  
 Note: the sample size of 27 for voluntary sector is too small for analysis.

An organisation’s purpose and aims in having employee representation are closely linked to its potential benefits, as demonstrated by Figure 4. The overwhelming majority of organisations report a range of benefits; just 3% say there are no benefits. Respondents were asked to rate the three main benefits: ‘keeping the workforce well informed’ (45% of organisations), ‘offering independent voice channel to raise concerns with management’ (35%) and ‘more effective management of change or employee buy-in’ (35%) are the top ones.

**Figure 4: The main benefits from having employee representation (% of respondents who include in their top 3 benefits) (%)**



### Employee representation: the issues

As stated, UK employers are under a statutory obligation to consult with employees on certain issues. In certain circumstances, this can include a requirement to consult on a collective basis. These legal duties are reflected in Table 3, which explores the workforce issues on which management inform, consult or negotiate with employee representatives.

**Table 3: The workforce issues that management inform, consult or negotiate on with employee representatives (%)**

	Consult	Inform	Negotiate	Not discussed
Health, safety and wellbeing	55	20	9	6
Inclusion and diversity	53	17	10	10
Any significant organisational change, for example reorganisation	49	25	8	9
New or updated HR policies, for example flexible or hybrid working	48	24	11	7
Training	47	20	10	12
Redundancy or redeployment	40	16	14	17
Other terms and conditions (excluding pay, hours, holidays)	37	14	20	17
Organisational objectives and strategy	31	43	6	11
Hours	30	19	17	23
Disciplinary or grievance	29	21	12	24
Holidays	25	23	14	27
Pensions	25	27	9	27
Pay	18	24	25	24
The economic situation of the business	16	50	4	18

Base: 484.



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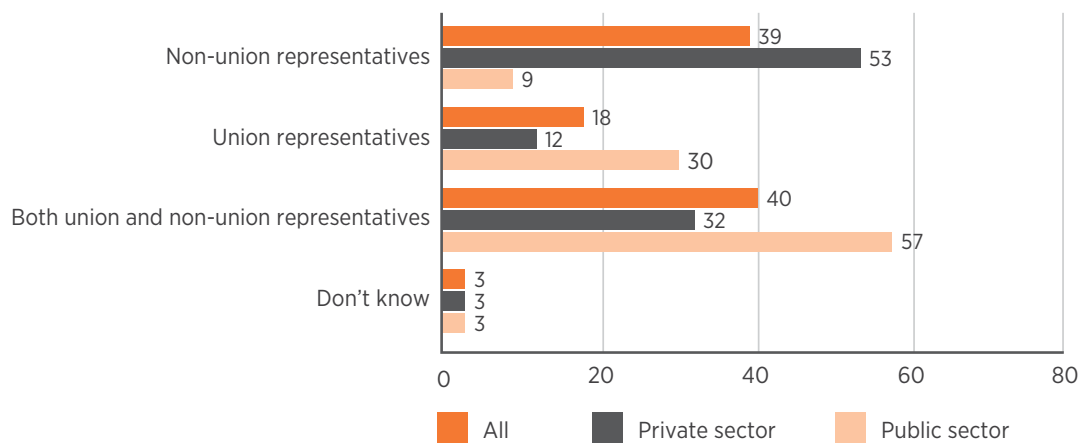
**Employee representation: union, non-union or both?**

We asked employers what kind of employee representative arrangements they have in place in terms of union versus non-union representation. Among those with representative arrangements for informing and consulting with staff, 40% reported both union and non-union representation, 39% just non-union representation and 18% cited union representation only (Figure 5). We reported broadly similar findings in 2011: among employers with representative arrangements for informing and consulting with staff, 42% reported both union and non-union representation, 36% just non-union representation and 21% cited union representation only.

When union representatives sit alongside non-union representatives in an ICE forum, this is often known as a ‘hybrid’ model. This can involve either recognised union(s) being given a designated union seat on the ICE forum, and/or simply having union representatives stand for election like any other workers, with the result that the forum will likely end up having some combination of both union and non-union representatives.

As expected, the public sector is significantly more likely to have representative arrangements with trade unions (30% compared with 12% in the private sector) as well as both union and non-union arrangements (57% compared with 32% in the private sector). Conversely, private sector organisations are considerably more likely to have only non-union representative arrangements in place (53% vs 9% of public sector organisations).

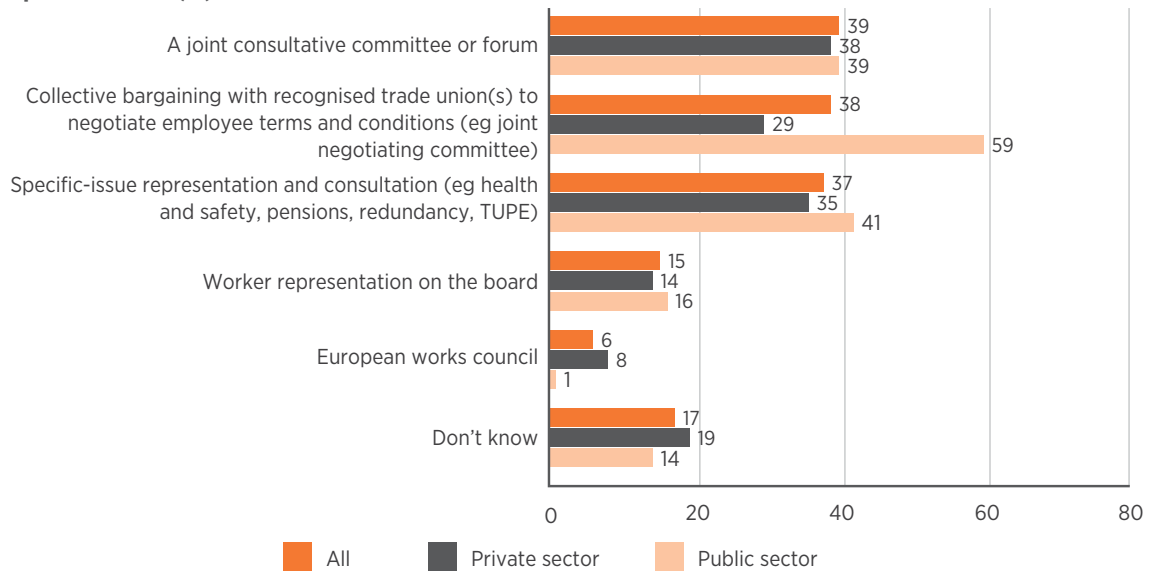
**Figure 5: Union versus non-union representative arrangements to inform and consult employees in organisations (%)**



Base: all: 484; private sector: 305; public sector: 152.  
 Note: the sample size of 27 for voluntary sector is too small for analysis.

Given the much greater prevalence of trade union representation in the public sector, it's not surprising that respondents in this sector are much more likely to describe their arrangements as taking the form of collective bargaining with recognised trade union(s) to negotiate employee terms and conditions, such as a joint negotiating committee (see Figure 6). There's very little difference between these broad sectors in terms of the other types of representative arrangements in place, such as a joint consultative committee or forum.

**Figure 6: Which, if any, of the following describe your organisation’s arrangements for employee representation? (%)**



Base: all: 484; private sector: 305; public sector: 152.  
 Note: the sample size of 27 for voluntary sector is too small for analysis.

**How effective are employee representatives?**

The CIPD’s 2022 Good Work Index explores employees’ experience of voice, including the role played by employee representatives. Among those organisations with employee representation, 52% of employees said employee representatives were good at seeking the views of employees, while 22% said ‘poor’ (26% said neither good nor poor). A similar proportion said that employee representatives were good at representing employee views to management (49% vs 23% who said ‘poor’) and ‘keeping employees informed of management discussions or decisions’ (47% said ‘good’ and 25% said ‘poor’).

**Our recommendations for HR professionals and employers**



**Ensure your organisation informs and consults employees in line with their statutory rights and as part of a strategic approach to build a positive employment relations climate**

- UK employers are under a statutory obligation to consult with employees on certain issues, such as changes to employment contracts, health and safety, selling the business or buying a new one, pensions and potential redundancies. In certain circumstances, this includes a requirement to carry out ‘collective consultation’ with a recognised trade union or employee representatives. See this [Acas guidance](#) on when and how to consult.



**Establish effective information and consultation structures and practices for employee representation**

- Properly train representatives so they know how to ask strategic questions, represent the whole business and ‘present a collected view’.



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## VIEWPOINT

### Marina Glasgow, Deputy Chief Conciliator, Acas

Acas (the Advisory, Conciliation and Arbitration Service) is an independent public body and works with millions of employers and employees every year to improve workplace relationships. Its services include collective conciliation, whereby Acas can help resolve a dispute between an employer and a group of employees, often involving a recognised trade union.

In the view of Deputy Chief Conciliator Marina Glasgow, there are considerable potential benefits for organisations in having effective employee representation: *'A lot of employers can lose sight of the value of the workforce and having a collective dialogue. But the workforce and its employee representatives have a shared interest with their employer in the organisation, and very often the solutions lie in that dialogue.'*

Because of their independence, trade unions can bring honesty to the conversation with management. This encourages genuine feedback on business and employment issues by the workforce because the statutory rights enjoyed by unions can act as a shield to protect their membership. As Marina says: *'The workforce often needs to feel that protection to be confident to speak up, and it's in the employer's interest to hear the real views and concerns of people, even if they don't want to hear them. Because trade unions understand how the business runs and the issues on the ground, they are in a position to discuss changes with management that will work for both the organisation and its workforce.'*

Acas encourages employers and senior management to approach relationships with trade unions and all employee representatives in a spirit of co-operation. Building effective working relationships at a personal level is important, but, as Marina cautions, the relationship needs to be on an adult and professional footing at all times. As she says: *'There needs to be a personal relationship, but it can't be locked into personality. Sometimes it does mean agreeing to disagree, as both sides will inevitably have a different perspective on issues even though there is a mutuality of interest.'* According to Marina, the real skill lies not in the discussion around the table to reach a solution in a disagreement or major workforce change, but in the ability and influence of representatives and management to go back and win over their respective constituents.

In Marina's view, the changing role of HR professionals has lost the value of employment relations as a discipline – a skillset very much needed in today's workplace. Where an organisation has a dedicated role focused on employment relations, this can significantly enhance its ability to resolve conflict and build a more co-operative employment relationship. This perspective has particular resonance today, given the cost-of-living crisis and rumblings of industrial unrest. According to Marina, this wider backdrop of potential conflict is reflected in Acas's activity: *'During the pandemic, generally we saw more collegiate workplace relations as organisations pulled together – but given the financial squeeze, patience is wearing thin and there could be a bumpy ride ahead for collective employment relations in some sectors.'*



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### Time off and training

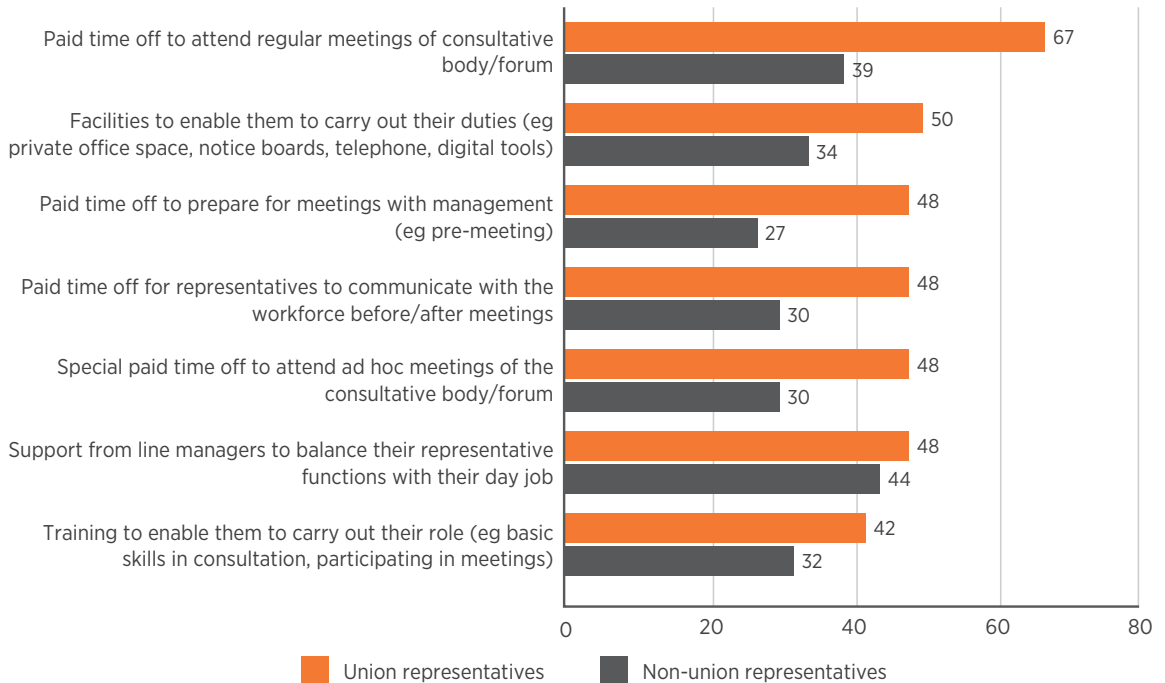
Trade union representatives have had a statutory right to reasonable paid time off to carry out trade union duties and to undertake trade union training since the Employment Protection Act 1975. This legislation applies UK-wide. However, it's important to note that with the devolution of employment law powers to the Northern Ireland Assembly, HR professionals with responsibility for employees in Northern Ireland must be aware of the [employment law differences from the rest of the UK](#) (Great Britain, made up of England, Wales and Scotland).

Union representatives and members also have a statutory right to reasonable unpaid time off when taking part in trade union activities. The [Acas Code of Practice](#) on time off for trade union duties covers these in detail.

There are also areas, such as employee safety, TUPE, collective redundancy and pensions, where non-union representatives have statutory rights to paid time off to perform their duties and, in some cases, to receive training, and be provided with facilities. In these cases, representatives are protected from dismissal or detriment in carrying out their duties or in standing for election. The Acas guide on [Non-union representation in the workplace](#) covers these in detail.

As shown in Figure 7, union representatives have much more access to time off, training and facilities compared with their non-union counterparts.

**Figure 7: What time off, training and facilities do employee representatives have access to? (%)**



Base: union representatives: 279; non-union representatives: 383.





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## VIEWPOINT

### Kate Dearden, Head of Research, Policy and External Relations, Community

Representing over 40,000 members, today the union Community is a general union representing members across all sectors. But its industrial roots go back over 100 years with the foundation of steel workers' unions, including the Iron and Steel Trades Confederation (ISTC). In 2004 the ISTC and KFAT (National Union of Knitwear, Footwear and Apparel Trades) joined together to form Community; both unions had strong links in UK communities, which the union maintains today. *'Our strong campaigning agenda and community focus recognise that our members' lives and issues are not restricted to the workplace,'* says Kate Dearden. As well as campaigns covering employment issues such as skills development, learning and training, some straddle the workplace and wider community, such as Community's campaign to end veteran homelessness.

The union's mental health campaign demonstrates how a modern union agenda can firmly align with that of good employers who want to improve mental health outcomes for employees. Community has developed mental health at work guidance for members and a Mental Health Charter signed by many employers. It has also delivered training to a significant number of its representatives to ensure they have the knowledge and skills to support their members while understanding the boundaries of their role. *'Community representatives play a really important role by working with lots of employers to improve mental health awareness, develop policies and generally build more inclusive and open cultures where people can talk about mental health and access support,'* says Kate. The union has also created a support centre with mental health organisations and health care providers to help alongside their Community representatives.

Community also carries out extensive policy work aimed at building mentally healthy workplaces, with General Secretary Roy Rickhuss CBE serving on the Mental Health and Income Commission, which recently published a report showing a significant 'mental health income gap', and calling for urgent and systemic action to stop this from growing.

Partnership working is one of Community's three core tenets of working with employers to make improvements for its members (the second is its community focus and the third is a commitment to skills development and training). As Roy says: *'I have always believed that we achieve the best for our members by working with rather than against good employers.'* Kate explains that there are many examples of effective partnership working between Community trade union representatives and employers to keep people safe and healthy through the pandemic. The union has also played a key role centrally, advising on the UK Government's 'Working safely during coronavirus (COVID-19) guidelines', feeding in valuable and practical knowledge from its representatives to shape health and safety protocols across different sectors.

Kate predicts a delicate balancing act ahead as unions seek to negotiate meaningful wage increases in the coming months in the context of big hikes in the cost of living. But she pragmatically acknowledges that this is also a difficult time for businesses as they navigate the continuing uncertainty and other external pressures. In Kate's view, working in partnership *'is the only way to get through these challenging times'.*



### Is there pressure from employees for representation?

Just over half (52%) of organisations don't have any representative arrangements for informing and consulting employees. When asked why this is the case, the main reason cited was that it's more effective to inform or consult with employees directly (63% of respondents). Four in ten (41%) also reported that there hasn't been any pressure from the workforce for employee representation. Far fewer said the reason was because there's no legal requirement to have representatives (18%) or senior managers are opposed to the idea of trade union recognition (7%).

We also asked the 39% of organisations with just non-union representation arrangements in place if there was pressure from one or more trade unions to achieve formal recognition. The vast majority (90%) replied in the negative and just 5% said yes. We reported almost identical findings in 2011, when just 5% of employers said there was pressure from one or more union to achieve formal recognition, and 93% said no.

#### Our recommendations for HR professionals and employers



#### Take a joint working approach with employee representatives so they understand and feel part of the strategy

- If there is a request for union recognition, it's better to engage with the unions and form an agreement based on mutual understanding, preferably as part of a joint working approach. See this UK [Government advice](#) for dealing with a recognition request.

## 5 Unionisation in the modern workplace

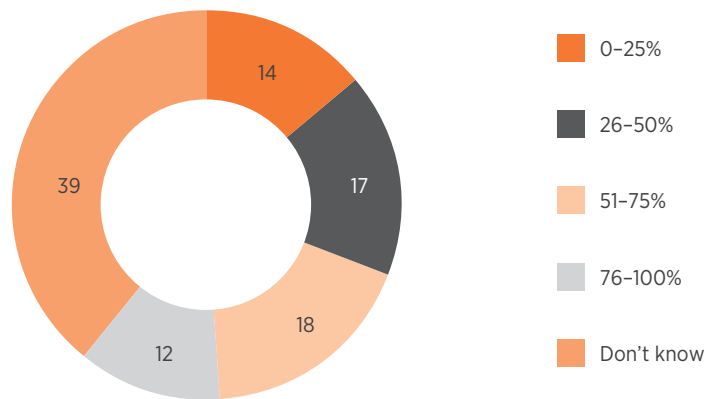
Since their inception, trade unions have aimed to raise standards for working people, an objective that the CIPD readily identifies with given its own mission to champion better work and working lives. This section of the report explores the level of unionisation in the UK labour market and the continued relevance of trade unions in the modern workplace.

There has been a transformation in many aspects of UK employment relations over the past 40 years, none more profound than the changed role and influence of trade unions. The declining levels of union membership and density, combined with a huge fall in collective industrial action, are well charted. Even more significant is the decline in collective bargaining over pay and conditions, historically regarded as the acme of union influence.

### Union membership

Among those organisations with union representatives, three in ten (30%) report that more than half of their workforce are union members. However, a significant number of respondents don't know what percentage of their workforce are union members (see Figure 8).

Figure 8: Percentage of the workforce who are union members in organisations (%)



Base: 279.

### Trade union membership: UK snapshot

The profile of trade union membership and density across the UK economy is considerably lower than our survey findings. The long-term decline in trade union membership and collective bargaining over the past decades has been well charted. According to the [OECD](#), trade union density stood at 23.5% in 2019 in the UK compared with 29.8% in 2000, while the percentage of employees covered by collective bargaining was 26.9% in 2019 compared with 36.4% in 2000.

According to [2021 UK official statistics](#), trade union membership declined to 6.4 million in 2021. The proportion of UK employees who were trade union members fell to 23.1% in 2021, down from 23.7% in 2020. This represents the lowest union membership rate on record among UK employees for which we have comparable data (since 1995).

In 2021, the number of public sector employees belonging to a trade union fell to 3.9 million, falling for the first time after three consecutive increases. In 2021, private sector trade union membership levels stood at 2.6 million.

Prior to these 2021 figures, UK trade union membership levels among employees had risen for four consecutive years, mainly driven by an increase in female membership, and by a rise in trade union numbers among public sector workers.

Unionisation levels have consistently been considerably higher in the public sector, although in 2021 the fall in trade union numbers among employees was driven by the decrease in public sector members, down 58,000 on the year to 3.9 million in 2021.

The downturn in membership rates reported in 2021 has also been primarily driven by female membership. The female membership rate fell by 0.9 percentage points from 27.2% to 26.3% from 2020 to 2021.

Other interesting national trends include:

- higher educated employees (for example, with a degree or equivalent) and those in professional occupations are more likely to be union members
- employees in larger workplaces are more likely to have a union presence in their workplace
- employees in permanent jobs and full-time roles are more likely to be trade union members
- middle-income earners are more likely to be trade union members
- UK-born and black ethnic group employees are more likely to be union members.

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## VIEWPOINT

### Unions21: Becky Wright, Executive Director

Unions21 is a forum for unions to explore shared challenges. To Executive Director Becky Wright, the overarching employment relations climate has not shifted dramatically over the past few years, including since COVID-19. During the first wave of the pandemic, there was a notable increase in the level of collaboration and partnership working between many employers and their recognised trade unions, but collective relations have broadly 'reverted back to type' since.

The upwards pressures on wages from rises in the cost of living and fuel increases could be a significant factor influencing wage bargaining, particularly in the public sector, but Becky doesn't subscribe to the view that there is a marked shift in the balance of power towards the unions. At the same time, where there is potential for collective disputes, the nature of employment relations in this country means these will continue to happen.

There is always a strong case to convince employers that it's in their interest to encourage collective voice and work productively with employee representatives and trade unions, and that remains the case today. As Becky says, *'the business case is two-pronged: at an industry level, the trade unions have insight into the issues affecting the business and employment, and work with employers to lobby for that industry. It's in everyone's interest that the business survives! At a workplace level, where the working relationship is effective, the unions have a sharp insight into what's happening on the shopfloor; for example, if bullying or harassment is an issue, they can bring these issues to management's attention.'*

The real value of having trade union representation is that it provides an independent voice mechanism, which, if employed in a collaborative way, can be healthy and productive for the business. As Becky comments: *'Because of that independence, trade unions can bring a different flavour to the discussion. At a societal level, when unions bargain for higher wages, that means workers can spend locally, which has to benefit the local community and economy.'*

The most effective approach to foster effective partnership working with trade unions is to *'not be distrustful or immediately go on the offensive'* and value the process and its potential benefits. *'If a group of employees wants to unionise, what does an organisation have to lose? If an employer is resistant or fearful, that attitude indicates there is a wider problem with the culture and employment relationship in that organisation,'* Becky comments. In her view, more employers would benefit from appreciating that trade union representatives are highly trained, highly knowledgeable individuals that can be of benefit to an organisation. The role that health and safety representatives have played in organisations since COVID-19 is a case in point. Typically, union representatives have detailed understanding of how things operate on a day-to-day basis and so can make sound, practical recommendations to help keep employees safe and healthy at work.



Health and wellbeing is one area where some unions and their representatives are increasingly taking a progressive and more holistic approach, making their contribution even more relevant. Instead of focusing solely on the more traditional health and safety issues involving equipment and the physical environment, wider workplace wellbeing issues such as the menopause and access to flexible working now form a key part of the union agenda.

There are obstacles to effective partnership with the trade unions in Becky's view. The first relates to a persistent lack of awareness about their role, how HR teams can work effectively with them and the potential benefits of partnership working. Second, there's the wider legal landscape and the fact that the statutory framework is focused on the protection of individual rights at work. If, as a result, the main relationship trade unions have are, out of necessity, focused on individual representation, this can give a skewed view of a trade union's role.

*'As long as there is work, there will be a need for an independent body to represent workers. Unions are large institutions, and, like any large institution, change can be challenging. But unions are as relevant today as they ever were. And they can evolve. To do so, they need to understand how people want to engage in organisations today. There's no job for life anymore – so what should the relationship be between workers, their employer and the unions in today's workplace? The real value of unions is their independence – and that goes for employers too. Because they are independent of management, they can be honest, and that's how employers can hear the genuine voice of its workforce.'*

Our survey findings and insights from employment experts show how trade unions continue to play a significant and legitimate role in many UK workplaces, particularly the public sector.

### Our recommendations for HR professionals and employers



#### **Take a joint working approach with employee representatives so they understand and feel part of the strategy**

- Develop effective working relationships between senior management and trade union representatives, as well as non-union representatives.
- Build trust through honesty and direct communications – this approach has been key to developing positive working relationships between management and employee representatives in our [case study organisations](#).



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## 6 Working together: challenges and opportunities

‘Partnership’ between trade unions and employers is no longer always promoted as a modern employment relations model. But its focus on joint working, collaboration and mutuality still has relevance. Essentially, it’s *‘about employers, unions and employees working together and creating long-term positive relationships which focus on the future of business and improving working life for employees’* (John Monks, TUC General Secretary, 2001). As such, ‘partnership’ is an approach that many organisations with representative arrangements would recognise and endorse, even if they don’t call it that. This includes our panel of respondents, with almost six in ten (59%) agreeing with the statement that ‘working in partnership with trade unions can benefit the organisation’. It’s not surprising that public sector respondents, presumably with more experience of working with trade unions, are more likely than those in the private sector to agree (72% vs 55%).

Further, almost four in ten (39%) respondents say the purpose of their organisation’s arrangements for representative participation are ‘to support partnership working or collaboration on specific projects’ (see Figure 3). Just 3% say partnership is not a realistic model (see Figure 11).

### CASE STUDY EXTRACT

*‘We want the unions and their members – our employees – to feel part of what we’re doing in the company, so we take a partnership approach. We engage with them in conversations around strategy, the future of the business, the funding of the business and performance within the business.’*

**Gordon Milligan, Deputy CEO, Translink, Chair of the Institute of Directors for Northern Ireland, Chair of the Labour Relations Agency, and Visiting Professor at Ulster University Business School**

See the [full case study report](#) for more detail on Translink.

### Building effective working relationships between management and representatives

Most respondents (60%) with recognised unions describe the relationship between management and the trade union(s) in their organisations as positive, with just 6% reporting it as negative, although a third (34%) are ambivalent and say it’s ‘neither positive nor negative’.



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## CASE STUDY EXTRACT

### NatWest Group

NatWest Group asserts that building trust through honesty has been key to developing positive relationships. This includes admitting when they don't have the answers and making sure employee representatives understand the reasons behind responses and decisions when it's not what they want to hear. *'Part of our role is to prepare senior people who are meeting with employee representatives to explain changes. The key thing I tell them is to just be honest and direct – they [the employee representatives] want to understand your strategy, where you're coming from, what it means for your people and how you're going to treat them. Don't hide behind fancy words; just be direct.'*

### Kirsty Ballentyne, People and Transformation Team

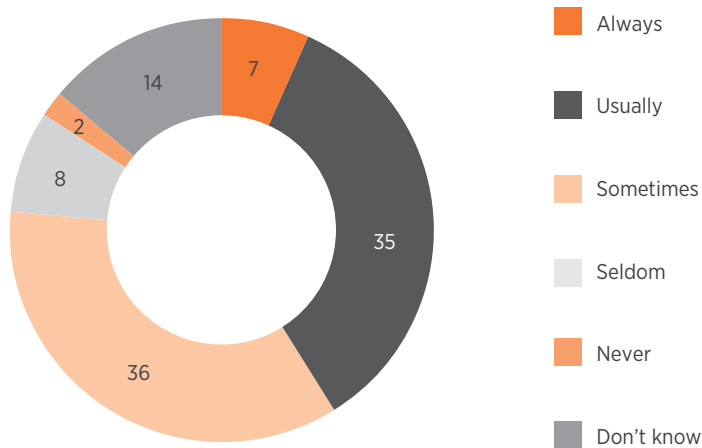
*'You might have all the technical knowledge in the world, but you won't be effective if you can't build relationships.'*

### John Peake, Senior Workplace Representative, Unite

Read the full [case study report](#) for more on NatWest Group.

Overall, 35% of respondents say unions usually take a constructive line when major changes are proposed. A further 7% say this is always the case and 36% say it's sometimes the case (Figure 9). There's no significant difference in responses according to broad sector.

**Figure 9: Can management rely on the unions(s) to take a constructive line when major changes are proposed in your organisation? (%)**



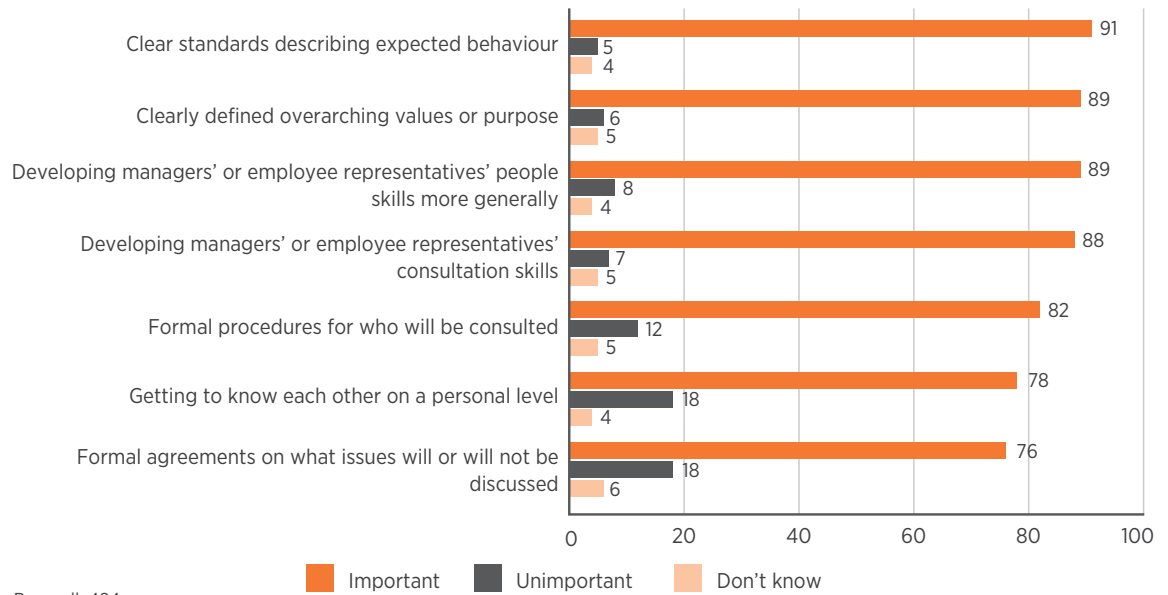
Base: 279.

Our findings show that respondents consider there's a range of critical success factors for building effective working relationships between senior management and employee representatives. These cover both formal and informal approaches, and range from having clear standards describing expected behaviour or employee representatives' consultation skills to getting to know each other on a personal level (see Figure 10).



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**Figure 10: How important, if at all, are the following for effective working relationships between senior management and employee representatives? (%)**



### Our recommendations for HR professionals and employers



#### Take a joint working approach with employee representatives so they understand and feel part of the strategy

- Build trust through honesty and direct communications – this approach has been key to developing positive working relationships between management and employee representatives in our [case study organisations](#).

### CASE STUDY EXTRACT

*'At a senior level, we know them personally and have built up trust and respect as we've worked with each other for a long time. Line managers have also developed good relationships with local representatives as we drive an ethos of engagement throughout the organisation. We want to be proactive, engage regularly, share information and be transparent so we understand each other and the unions can help us achieve our ambition. Of course we have our differences, but from our perspective the norm has been nothing but positivity.'*

**Gordon Milligan, Deputy CEO, Translink, Chair of the Institute of Directors for Northern Ireland, Chair of the Labour Relations Agency, and Visiting Professor at Ulster University Business School**

See the [full case study report](#) for more detail on Translink.

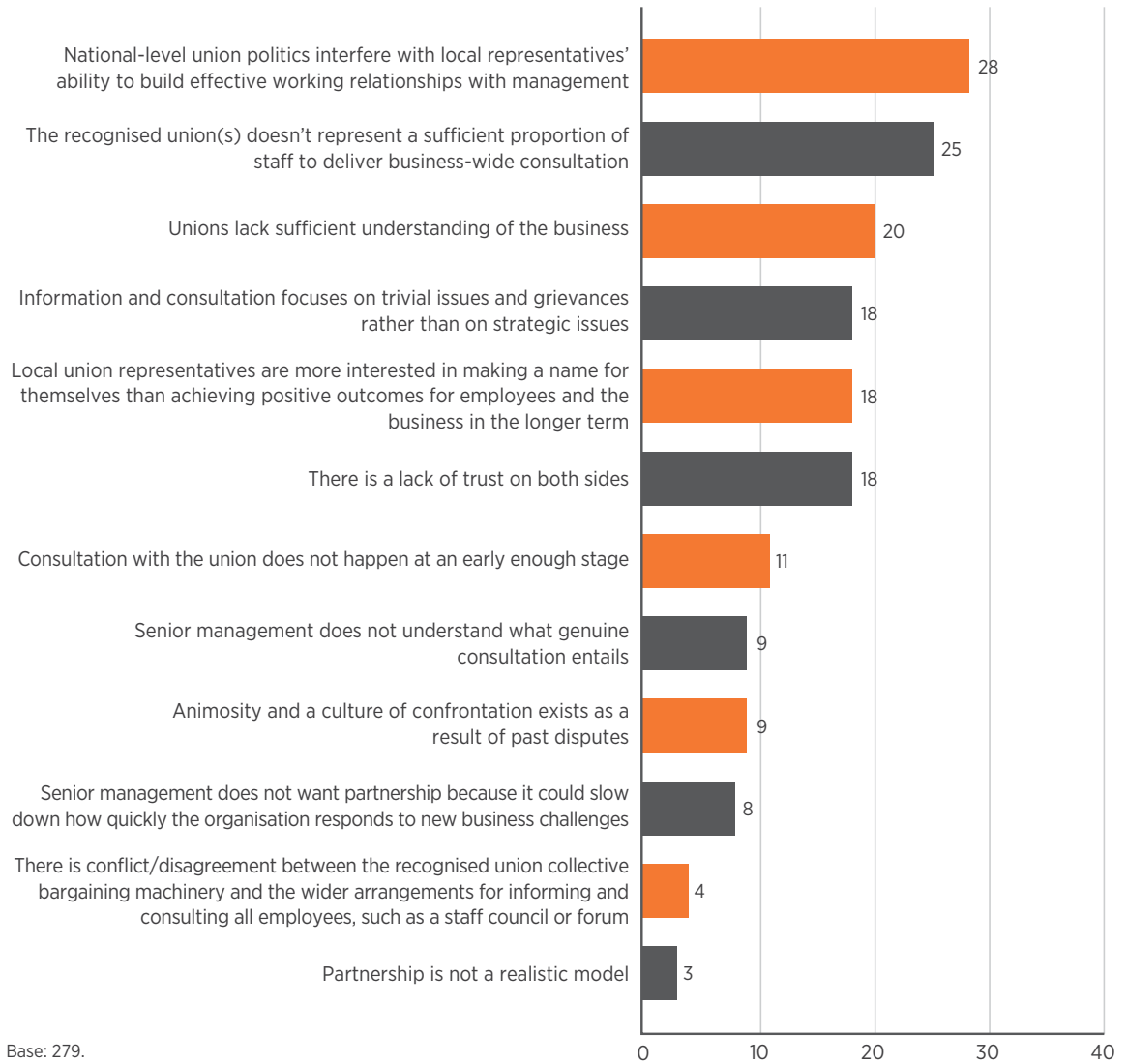




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When asked what, if any, are the three main obstacles to effective partnership with the trade union(s) in their organisation, respondents indicated a range of challenges to varying degrees (see Figure 11).

**Figure 11: The main obstacles to effective partnership with the trade unions (in top three obstacles) (%)**



Base: 279.

## VIEWPOINT

### Gary Kelly, Organiser for the TSSA (Transport Salaried Staffs' Association)

In Gary Kelly's view, unions are as important today as they have ever been but need to constantly evolve in the changing labour market to ensure their relevance. As he comments: *'Some workers in the so-called gig economy are being exploited and unions need to reach out and recruit from new parts of the labour market – trade unions will only remain relevant if they can reinvent themselves to keep up with the changing world of work.'*



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Gary also points to the enhanced safety of unionised versus non-unionised industries as a testament to the unions' important role in striving for safe and healthy workplaces – a key union focus that has mutual benefit for employers given their duty of care to provide a safe place of work.

Gary sees the role of the unions as a positive one that extends to protecting public services in the interests of the wider community. *'The union's role is no longer just focused on traditional collective bargaining agendas like pay, terms and conditions. These are still bread and butter issues, but now we are at the forefront of wider campaigns where we push for progressive change, such as the environment and climate change, and equality and diversity.'* A good example of joint trade union collaboration on issues related to climate change and the benefits of public transport to society can be found in the [jointly commissioned report](#) launched by the four railway unions in Scotland ahead of COP26.

See the [full case study report](#) for more detail on Translink.

There are different interpretations of partnership and it can be an ambiguous term. However, fostering a climate of mutual co-operation with recognised trade unions and employee representatives – whether union or non-union – can complement both individual voice channels and people management practices. Such an approach can also result in benefits for the business as well as for employees, as our case study organisations demonstrate in relation to how they have worked with their recognised trade unions during COVID-19.

### Our recommendations for HR professionals and employers



#### Take a joint working approach with employee representatives so they understand and feel part of the strategy

- Develop effective working relationships between senior management and trade union representatives, as well as non-union representatives.
- Ensure a positive joint working ethos is cascaded throughout the organisation, so that managers at all levels approach working relationships with representatives in a constructive way and build trust.



#### Develop a holistic employee voice framework that combines individual with collective voice channels

- Set up multiple and complementary mechanisms for employee voice, including direct methods with individuals and indirect methods for collective voice, via employee representation.



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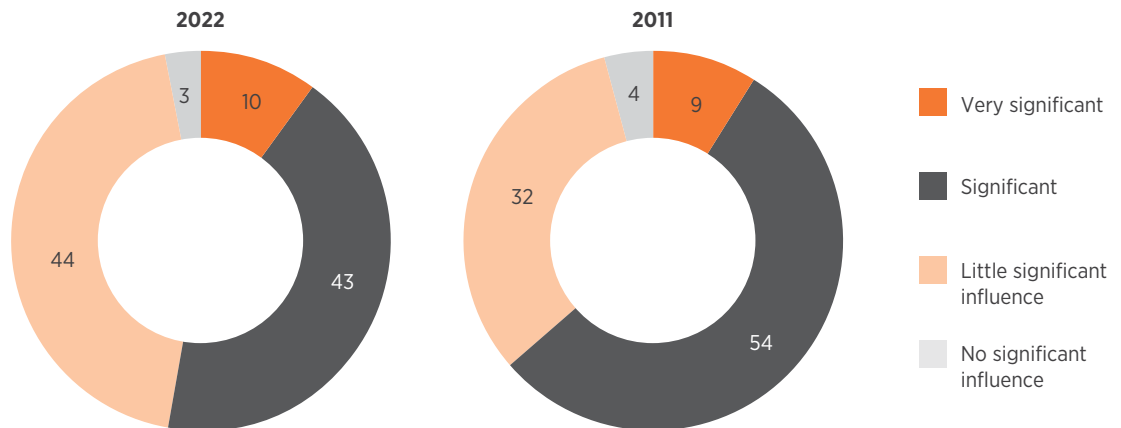
## 7 The future of employment relations

### Unions are still relevant today

Our findings show that trade unions are still an everyday reality for many organisations, particularly in the public sector. When asked about the perceived level of union influence in their organisation, more than half (53%) of respondents said it was significant/very significant, only slightly lower than the almost two-thirds (63%) who responded as such in our 2011 survey (see Figure 12). Interestingly, current findings reveal no difference in perceived level of influence according to the public or private sector, despite the considerably higher level of unionisation in the former.

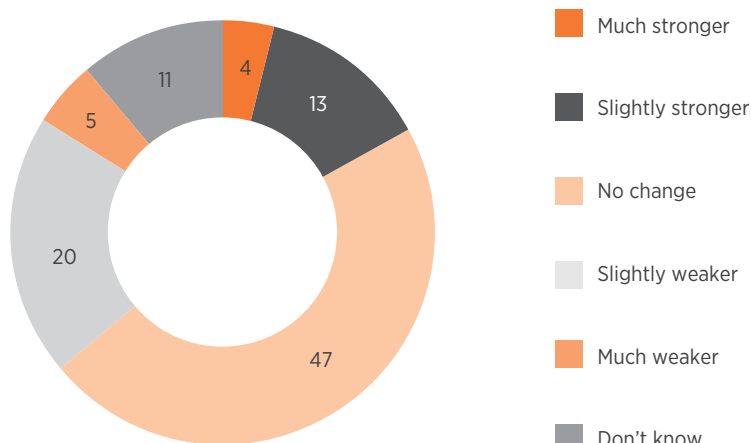
We also explored whether or not respondents thought the influence of the union(s) in their organisation had become weaker or stronger over the past two years: just 17% said stronger, 25% said weaker but almost half (47%) said there had been no change (Figure 13). The public sector is more likely to report no change compared with the private sector (55% vs 40%), while private sector organisations are more likely to report both an increase in strength and weakness compared with their public sector counterparts (21% vs 13% and 28% vs 21%, respectively).

Figure 12: Level of influence the union(s) has on the organisation (%)



Base: 2022: 279; 2011: 371.

Figure 13: Has the influence of the union(s) got weaker or stronger over the past two years? (%)



Base: 279.



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The dominant backdrop to the past two years is the pandemic, but there have been other serious external pressures on businesses, including Brexit, economic stress and skills shortages. The continuing volatility will have inevitably caused pressure on employment relations and increased potential for conflict in some organisations.

Whether the impact on collective voice and management's relationship with their organisation's trade union(s) has been positive or negative will depend on a number of factors. As Becky Wright, executive director of Unions21, comments: *'The level of collaboration depends a lot on the particular industry and the issues it's facing – we've seen great partnership working between the healthcare unions and NHS employers on issues involving skills shortages in the context of Brexit, for example,'* says Becky. *'But it also depends a lot on the individuals involved and their approach to working with trade unions in a particular organisation.'*

### **Is there fuel for collective disputes?**

It's encouraging that the majority of employers (62%) hadn't been involved in a collective dispute with their recognised trade unions over the previous two years. Around a fifth (19%) said their organisation *had* experienced a collective dispute, although most didn't know the details. A collective dispute can manifest in a range of ways, including negotiations, working to rule, a ballot for industrial action or strike action. In our 2011 survey, 16% of organisations with union recognition said they had been affected by strike action over the last 12 months.

To put some historical perspective on current levels of industrial action, during the 1926 General Strike in the UK, the total number of working days lost to labour disputes was 162 million. In 1979, which started with the 'winter of discontent', over 30 million days were lost. These figures compare with just 273,000 days lost in 2019. The fact that the UK labour market was just over 17 million-strong in 1926, considerably smaller than it is today, adds an even starker contrast to the figures.

It would be a gross oversimplification to judge union influence through the lens of industrial action levels now compared with almost a century ago, or even half a century ago. The world of work has changed dramatically, including the huge growth in the statutory individual rights framework. Many union representatives now spend a good proportion of their time protecting individual rights at work, such as representing members in discipline and grievance issues.

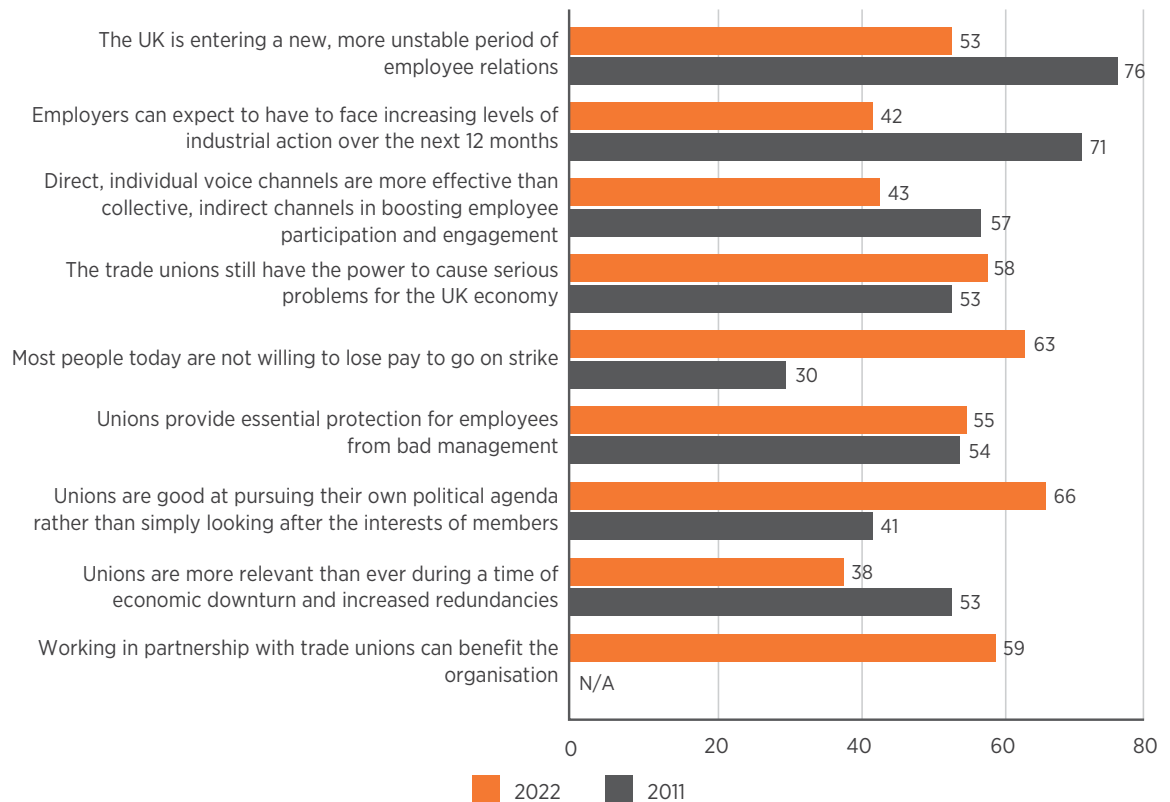
However, if we stay with the lens of industrial action, in the view of Nita Clarke, of the IPA, employment relations in the UK stands at an 'inflection point', with major external events such as Brexit, the pandemic, rising cost of living and skills shortages combining to act as a potentially powerful influence on the bargaining power of workers. She predicts an increasingly challenging period of industrial relations, and she is not alone in that prediction.

Further evidence that trade unions retain their influence, and their relevance, in the modern workplace is provided in our survey findings. For example, it's interesting that a slightly higher proportion agree now that 'trade unions still have the power to cause serious problems for the UK economy' compared with 2011, while a similar proportion concur with the statement that 'unions provide essential protection for employees from bad management' (see Figure 14). However, fewer agree now that 'unions are more relevant than ever during a time of economic downturn and increased redundancies'.



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**Figure 14: Attitudes to employment relations (%)**



Base: 2022: 1,075; 2011: 371.

Attitudes to employment relations have shifted in our 2022 survey compared with 11 years ago in other aspects. For example, respondents are much less likely now to agree that ‘the UK is entering a new, more unstable period of employee relations’ or that ‘employers can expect to have to face increasing levels of industrial action over the next 12 months’. Further, respondents are more than twice as likely to agree now that ‘most people today are not willing to lose pay to go on strike’ compared with 2011.

### VIEWPOINT

#### Paul Day, Director, Pharmacists’ Defence Association (PDA) and the PDA Union

The Pharmacists’ Defence Association (PDA) is a not-for-profit organisation that supports the needs of employed and locum pharmacists. It runs in parallel with the PDA Union, which ‘exists to represent, defend and support the interests of members either individually or collectively in respect of their terms and conditions in dealing with employers and/or outside organisations’. The PDA Union was set up in 2008, after PDA members ‘could only secure representation in employment disputes through statutory means’. PDA members join the PDA Union at no extra cost to their PDA membership, and are given a choice as to whether they want to be a union member when they submit their annual renewal.



The PDA Union may be a relatively young union, but it's a fast-growing one. It now has around 34,000 members, with numbers increasing by more than 15% over the past two years – proof, says Director Paul Day, that unionisation is still wanted by the modern professional. Its membership covers around half of all UK pharmacists, even though it excludes pharmacy owners because of the potential conflict of interest. Many of its members work in community pharmacies, where many employers are small businesses with scant knowledge of employment law and workers' rights, while others are huge multinationals. In 2019, after years of dispute, the PDA Union signed a formal recognition agreement with Boots, *'outlining how the union will represent the 7,000 store-based pharmacists and pre-registration pharmacists at the largest multiple pharmacy employer in the UK'*. It then secured voluntary trade union recognition agreements with the second largest high street pharmacy chain and some other employers.

As well as negotiating on members' collective terms and conditions, the PDA Union represents members when needed in individual disputes. The PDA Union has a strong in-house legal team. As well as providing legal representation if needed in formal employment disputes, it also provides member support that is outside the type of union representation more typically provided to members, such as defending indemnity claims, coroners' hearings, and regulatory 'fitness to practise' hearings. Pharmacists could also be liable for criminal proceedings under the Human Medicines Regulations, another vital aspect of legal representation.

Paul emphasises the strong rationale for the protection and benefits afforded by membership of a union: *'Alongside the typical range of workplace issues, pharmacists are healthcare professionals with a strong ethos of patient care and responsible for the regulated healthcare setting in which they work, but many are employed by retailers who have a commercial focus; this can give rise to conflict. Our members can also be victim to the violence experienced by retail workers.'*

Many pharmacists have portfolio careers, working as locums across different pharmacies, and can be isolated. They are part of the modern 'gig economy' workforce, and membership of the PDA Union gives them vital support and a sense of belonging. It also has a strong voice on the wider issues affecting the profession. *'Many pharmacists are leaving the profession because they are not working in environments with safe staffing levels, which causes significant health and wellbeing challenges for our members as well as recruitment difficulties for employers,'* Paul comments. *'This is why we produced our Safer Pharmacies Charter and survey annually on its content.'*

The PDA Union pursues a holistic agenda to improve working conditions for its members, with wellbeing and work-life balance issues considered as important as pay and benefits. The PDA and PDA Union also have a strong focus on equality, inclusion and diversity, and in 2020 launched three additional equality, inclusion and diversity networks. The Ability (disabled pharmacists network), BAME and LGBT+ networks now sit alongside the National Association of Women Pharmacists (NAWP, founded in 1905), which became part of the PDA in the same year.



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## VIEWPOINT

### Key priorities for senior management

*‘Employers should have a clear employment relations strategy that aims to provide good working conditions and a positive, inclusive culture. Line managers play a vital role in engaging people and encouraging them to stay, so ensure they are capable to manage people well. Listen to your people and use a range of voice channels to ensure there’s real dialogue.’*

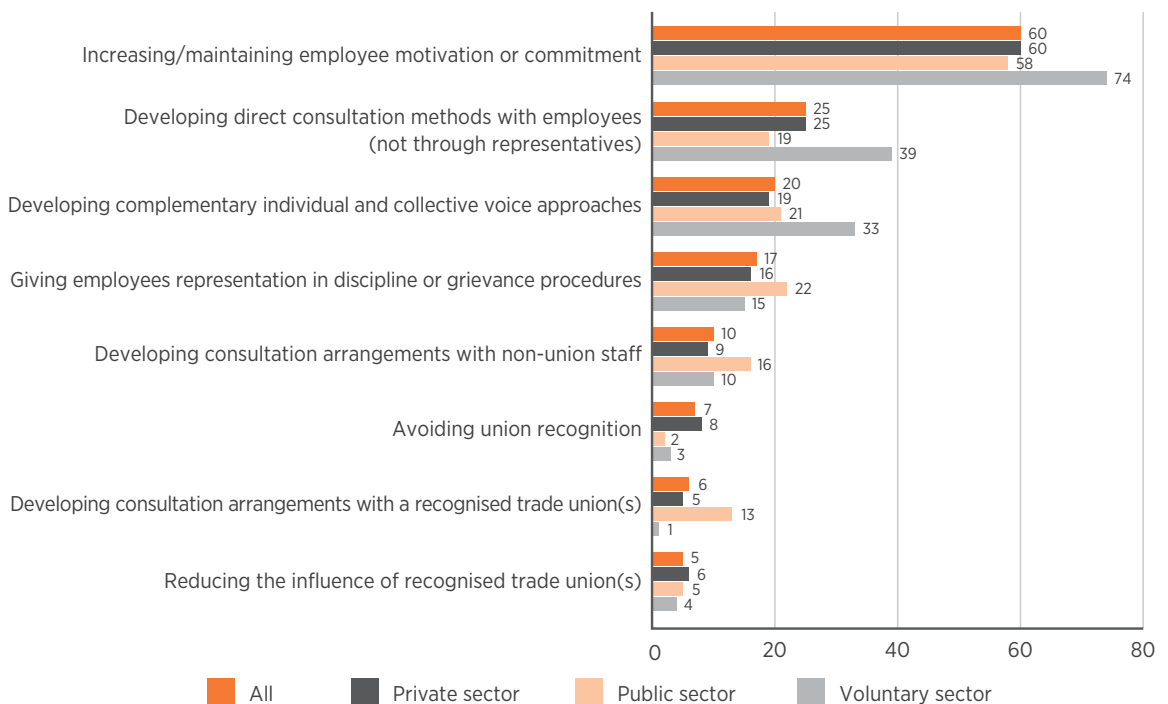
**Nita Clarke OBE, Director, Involvement & Participation Association**

In terms of current employment relations priorities for senior management, these remain broadly similar across all three broad sectors. Voluntary sector organisations are more likely to prioritise developing direct consultation methods with employees that are not through representatives. However, this sector is also more likely to focus on developing complementary individual and collective voice approaches (see Figure 15).

‘Increasing/maintaining employee motivation or commitment’ is by far the key priority for organisations, regardless of sector. Only a very small percentage aim to avoid union recognition or to reduce the influence of recognised trade unions. Equally, very few want to develop consultation arrangements with a union, although where there is already recognition, this could be because there’s no need to pursue such an approach.

Respondents are more than twice as likely to agree than disagree that ‘direct, individual voice channels are more effective than collective, indirect channels in boosting employee participation and engagement’ (43% vs 17%), although respondents were significantly more likely to agree with this statement in 2011 (Figure 14).

**Figure 15: Current priorities for senior management in organisations (%)**



Base: all: 1,075; private sector: 807; public sector: 192; voluntary sector: 75.



## Our recommendations for HR professionals and employers



### Develop a holistic employee voice framework that combines individual with collective voice channels

- Set up multiple and complementary mechanisms for employee voice, including direct methods with individuals and indirect methods for collective voice, via employee representation.
- Evaluate the effectiveness of the voice framework, including whether or not voice channels are adequate and available for all employees, and whether they meaningfully influence decision-making.



### Establish effective information and consultation structures and practices for employee representation

- Encourage people to meet and talk regularly and informally around and outside of the formal structures.
- Train and guide managers so they understand the organisation's aims and practices for information and consultation, and have the skills and knowledge to promote effective employee voice.



### Take a joint working approach with employee representatives so they understand and feel part of the strategy

- Develop effective working relationships between senior management and trade union representatives, as well as non-union representatives.
- Ensure a positive joint working ethos is cascaded throughout the organisation, so that managers at all levels approach working relationships with representatives in a constructive way and build trust.

## 8 Conclusion

Employee voice is integral to people's experience of working life. If employees can raise concerns, and influence issues that affect them, there's the potential to build trust as well as better engagement and performance. There are very good reasons why effective voice is one of the CIPD's [seven dimensions of job quality](#) and central to its Good Work Index. Year on year, the Good Work Index shows that individual voice channels, rather than collective ones, dominate organisational approaches. But it also shows how consultation and active dialogue between workers and management, including through employee representation, have been critical through the pandemic to meaningfully engage with workers on organisational change. For example, the percentage of workers rating employee representatives as good or very good at representing their views to senior management rose from 40% in 2020 to 49% in 2021 and 2022 in the CIPD's Good Work Index.





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Organisations, as well as the workforce, stand to gain the most from employee voice if they develop a holistic framework that combines a range of individual and collective channels that use employee representatives. Giving employees the opportunity to have a voice on issues of common concern can provide senior management with valuable feedback they can use to inform organisational decision-making for mutual gain.

There are already serious rumblings of industrial unrest in pockets of the UK labour market. This could be a difficult period for employment relations and, without underestimating the challenges for some employers, adversarial relationships should be avoided wherever possible. Where there is union recognition, our survey findings and case study insights show how much better the outcomes can be if employers approach relationships with union representatives in a spirit of co-operation.

## 9 Appendix

### Background to the research

This report, exploring employment relations and employee participation in UK workplaces, is based on findings from a survey of 1,075 senior HR professionals and decision-makers in the UK, conducted by YouGov Plc. Fieldwork was undertaken from 7–29 January 2022. The survey was carried out online. The figures have been weighted and are representative of UK business by size, sector and industry.

Respondents come from organisations of all sizes and work within a wide range of industries. Overall, 74% work in the private sector, 19% in the public sector and 7% in the voluntary sector. SMEs refer to organisations with fewer than 250 employees.

All figures in graphs have been rounded to the nearest percentage point. Due to rounding, percentages may not always total 100.

As well as conducting case studies exploring arrangements for employee participation and collective voice in four organisations, we also conducted a number of one-to-one telephone interviews with organisations and experts in this field.



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