

International Perspectives on the Future of Work

The International Perspectives on the Future of Work conference provided a platform for experts on mediation from Australia, Canada, Ireland, Great Britain, New Zealand, Northern Ireland, South Africa, and the USA to share and discuss approaches to mediation in the workplace. The event, hosted by Cardiff Business School, was attended not only by delegates from mediation bodies in the countries named above but also by local academics, trade unionists and employers. Below, we provide a summary of the day.

Key note address: The future of workplaces. A view on 2020, Ed Sweeney, Chair of Acas

This session provided an overview of some of the key drivers for change in the workplace in Britain including: demographics, technology, changes in organisational structures and the role of trade unions, and drew on the Acas discussion paper, 'The future of workplace relations. An Acas view' (January 2011). Key points from the presentation included:

An ageing population coupled with the removal of the default retirement age means that Britain will have an increasingly ageing workforce and employers will need to address far more seriously the performance management, career planning and flexible working opportunities of these workers.

As well as new challenges emerging from demographic change, some existing ones persist. The continued feminisation of the workplace can only be regarded favourably and yet despite 30 years of equal pay legislation the pay gap remains stubbornly in evidence.

A relatively new challenge identified was the growth of social media. This has given rise to the need for workplaces to develop new rules and protocols addressing employee use of social networking websites whilst maximising the possibilities that such developments provide.

It is perhaps the fragmentation of the workplace, above all other drivers that presents the most complex challenges. The rise of more dispersed organisational structures, and networked organisations where more than one organisation collaborates, for example, in the production of goods and services is becoming increasingly common and will lead to a more complex and fragmented matrix of

managerial relationships within the workplace. This poses real challenges for managers and trade unions in the way in which they communicate, engage and organise today's workforces.

In an uncertain world the need for third party mediation bodies may become more rather than less important in tomorrow's workplaces.

Securing employee engagement

Speakers John Taylor, Acas CEO and Professor Peter Turnbull, Cardiff Business School

Speakers explored the varying definitions of employee engagement arguing that it may soon be recognised as the key tool for competitive advantage amongst employers, in large part because much greater numbers of people have access to both the technology and knowledge which might previously have given them the edge.

The benefits and drivers of engagement were outlined with reference to the 2009 MacLeod report, 'Engaging for success: Enhancing performance through employee engagement'. Research has shown that a large proportion of work output arises from discretionary effort. And yet there remains a lack of recognition and impetus from employers to effectively engage with their workforce. Only around 14% of workplaces use high commitment management practices (Workplace Employment Relations Survey 2004). How therefore do you stimulate management interest in employee engagement? How do you future-proof it and ensure it is not something that employers only prioritise in the good times? Should regulation be used to increase employers' use of engagement techniques or is exhortation and culture change enough? Can you really legislate for something which relies largely on personal relationships and trust? And have the trade unions in Britain missed an opportunity in not supporting the engagement agenda more wholeheartedly? The conference was divided on a number of these points.

John Taylor outlined the findings from a recent project undertaken by Acas to develop engagement and innovation in organisations in the East Midlands. 'Innovative workplaces-Developing organisations for the Future' (www.acas.org.uk/emda).

The Welsh TUC view was that unions were often faced with employers who paid lip service to information and consultation and that there were in fact many examples where the trade union movement had actively sought partnership opportunities for the

good of employees. Moreover research has shown that engagement is higher in workplaces where trade unions are recognised and are seen to have a proactive role in the organisation.

In South Africa, Workplace Forums, similar to Information and Consultation forums in Britain, have been set up on a voluntary basis despite available legislation and are now seen as a competitive tool by employers.

Participants also expressed the view, however, that exhortation would never be enough and this was due to a range of factors including the fragmentation of workplaces, and external pressures on employee relations.

Capturing employee voice

Speakers: Nerine Kahn, Director/CEO Commission for Conciliation, Mediation and Arbitration, South Africa; William Patterson, Chief Executive of the Labour Relations Agency, Northern Ireland; Elizabeth MacPherson, Chairperson of the Canada Industrial Relations Board; Professor Ed Heery, Cardiff Business School

Voice was identified as a key component of employee engagement and speakers explored the evolution of different channels for employee voice and how voice can be used both as a means of protest in relation to the wider political agenda as well as means for employees to address workplace concerns and engage in decision making. The session raised some interesting questions including: What voice is for? And what role is there for public policy and legislation in supporting and protecting employee voice?

What emerged from the session was evidence not only of a multi-form system of employee voice, but also a challenge to the notion that employee voice is purely about business performance. Voice also provides employees with an opportunity to participate in the running of the organisation, to enhance the quality of working life, demonstrate respect for employees and prevent differences becoming difficulties and difficulties becoming disputes. But despite the diversification of channels of communication have the issues addressed by employee voice become narrower and less meaningful?

Employee voice can also be part of much wider social and political agendas as evidenced in South Africa. Here worker voice played a key role in bringing about social and political change and assisted in

the demise of Apartheid. With the new government meeting workers' demands for an effective industrial relations system and the right to strike, the country witnessed a period of protest based largely on workplace demands and concerns. But more recently there has been a return to using the workplace as the battleground for broader societal issues, and in particular the voicing of frustration over unemployment, desperation over lack of service delivery and a perception that the democratic process has not delivered as it should have and has favoured and enriched the few.

In Canada, despite a long tradition of labour policies and legislative initiatives designed to promote collective bargaining and the constructive settlement of disputes, there is a view that legal protection and the judicial system may not be the appropriate tools for the emancipation of collective voice in the workplace.

The ensuing discussion also raised the issue of the ability of trade union reps to sit down with senior management to work together towards business success, but also highlighted the successful partnerships forged between unions and bodies such as the Local Government Association in Wales to address the challenges presented by the recession. Representatives from the ILO, who attended the conference reported on the ongoing work of the ILO to draw up guidelines on the rights of elected non-union reps.

As employer use of direct forms of communication increase – whether that be face-to-face briefings or emails – and social media provides more and more opportunities for unrepresented communication, the question is will this lead to institutional change in the way in which employee voice is dealt with? Will we see greater individualism or will the less hierarchical structures that social media offers workers produce a new form of collective voice as has emerged in the 'Arab spring'.

The importance of first line manager skills

The Honourable Justice Giudice: President of Fair Work Australia, Professor John Purcell, University of Warwick

In Australian Soccer, there are what are referred to as 'runners'. They are not strictly part of the team but they pass messages between the manager and the players during the game. When one such individual was asked what skills he needed for his role, the man replied 'communication'. 'But don't you just need to pass on a message?' 'Oh I can't tell the players what the manager actually said, anymore than I can tell the manager what the players said,' he replied.

The anecdote provided an apt illustration of the role that line managers play in the organisational hierarchy — although it could equally be used to describe the role of a mediator. Line managers can be faced with passing on unwelcome news and views from senior management to their team members and vice versa. They are often the man or woman in the middle but without the authority to make decisions. And they have become the focal point for employee/management workplace relations and they can directly affect the quality of employment relations and productivity by the way in which they implement and reflect decisions made by others in the organisation and by the decisions they themselves make.

It could be argued that nowadays they are often saddled with the role that was once the responsibility of HR. Now, not only do line managers act as the intermediary relaying information on redundancies, and restructuring and change, they are also expected to be knowledgeable about and responsible for a whole range of issues on top of their operational role from absence management to equality issues. Many struggle to deal with these additional responsibilities in work time, often taking this aspect of their job home with them.

Some key recommendations raised included:

- Need for greater recognition of the importance of line managers
- Need to emphasise people management skills, and not just technical skills, when making new line manager appointments
- The importance of mentoring e.g. some organisations meet once a month to discuss employment relations issues as well as operational ones, providing new line managers with the opportunity to ask questions and learn from more experienced colleagues.
- Need to include more on people skills in performance appraisal criteria
- Greater use of employee engagement surveys which can show how the skills of line managers are improving performance in different areas of the business.

Conflict management and early third party intervention in collective and individual disputes

George Cohen, Director, Federal Mediation and Conciliation Service, USA, Judith Scott, Practice Leader Mediation, Department of Labour, New Zealand, Kieran Mulvey, CEO Labour Relations Commission, Ireland, Simon Marsh Director of Employment Relations, Chemical Industries Association, UK

The phrase 'conflict management' can be a contentious term. Some HR professionals remain uncomfortable with the term, because in the words of one participant 'it suggests we have failed because things have broken down too far to deal with the issue internally'. The speakers noted some reluctance over the last decade to use the term in relation to disputes or disagreements at work, but the term has come back into use in the last few years. The view expressed by the mediation agencies is that conflict is inevitable in any workplace, regardless of the quality of its employment relations. There is always going to be some conflict of interest between employer aims and those of their employees. Better to acknowledge its existence and have clear strategies for dealing with it at the earliest possible stage.

Transparency and early intervention and ongoing relationship building, were highlighted by the US experience of improving labour management relationships. Two sides will never be able to agree if they do not have a common understanding of the facts even if they differ in their view of what should be done about them. Skills too are essential, and in collective disputes relationship building and interest based bargaining skills are key, and something which a number of mediation agencies including the FMCS and Acas provide support to employers, trade unions and employee representatives. The US have developed a new model of proactive outreach and intensive intervention for the most complex and divisive issues and in the most troubled sectors in the economy

In recent years the economic crisis, 'a burning platform', has acted as a major driver for cooperation between the social partners with Ireland's historic Crow Park Public Sector Agreement being cited as a vivid illustration of the importance of communication, negotiation and cooperation between employers and trade unions.

At an individual level there appear to be developments in a number of countries to move away from an adjudicative solution to disputes

and towards greater emphasis on early dispute resolution, including the use of mediation. In Ireland, the Labour Relations Commission is exploring the current GB model of pre hearing conciliation, whilst in Britain the Government is consulting on proposals for cases to be offered conciliation before a claim is lodged formally at the Employment Tribunal Service. And in New Zealand too, where mediation is firmly established, the move is towards early intervention in both individual and collective disputes and the law has recently been changed to provide for early problem solving assistance by mediators and the ability to make recommendations. Third party intervention in individual dispute resolution in New Zealand is seen as a positive contributor to positive work environments, contributing to productivity and safety at work.