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The Role of HRM and Trade Unions in the Resolution of Workplace Conflict in Britain

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10.01. Introduction

Conflict in the workplace is pervasive with estimates by the United Kingdom's (UK's) Confederation of British Industry estimating that it costs the UK economy £33 billion per year (Everett 2017). The nature of such conflict can take a wide variety of forms and how such conflict manifests changing over time, but what is clear is that the management of conflict is now a core part of the management of the employment relationship (Saundry and Dix 2014; Teague, Roche and Hann 2012). While the ubiquitous nature of conflict is well documented, the management of such conflict at the workplace level is still not clearly understood (Dix 2012). This gap in understanding of how conflict is addressed at an organisational level has led to an increased interest in conflict resolution both as a focus of academic research (Lipsky et al., 2012; Roche, Teague, and Colvin 2014), but also in policy development (Department for Business, Innovation and Skills 2011).

While employment relations, in general, has often been the focus of strategic decision making within organisations (Kochan, McKersie and Cappelli 1984), decision making with regard to the approach taken to conflict management is less understood. The research that does exist concerning the relationship between strategy and conflict management focuses on how policies can be designed to improve organisational efficiency (Lipsky, Avgar, and Lamare 2017). While the aims of organisations in designing an approach to conflict management are beginning to be understood, the role played by key actors in making these decisions is under-explored. This paper considers what impact the presence of key employment relations actors can have on the nature and implementation of conflict management strategies at a workplace level.

This paper draws on data from a large-scale survey of firms located in Great Britain. The survey asked questions on organisations' experience and management of conflict, as well as the presence and role of various key employment actors. The article draws on these data to argue that the presence of key actors, in this case, Human Resource (HR) specialists and trade unions,

can significantly impact on the approach taken and that different actors have different approaches that they seek to develop. The article finds that HR specialists actively look to develop innovative approaches to conflict resolution, and more specifically approaches that keep the conflict within the organisation, while in contrast, trade unions also encourage the development of more innovative approaches, but they focus on approaches that include very specific actors.

10.02. Literature Review

A key focus of recent developments in research and policy development relating to the management of conflict in the workplace has been the role and development of Alternative Dispute Resolution (ADR), with workplaces increasingly looking at wide options to resolve conflict (Bendersky 2006; Lipsky, Seeber and Fincher 2003). ADR is the focus of much current interest as its interest-based approach often results in more effective outcomes, offering flexible and innovative solutions that aim to resolve issues as close to the source as possible (Ury, Brett and Goldberg 1993). The traditional route to the resolution of conflict in the workplace has been through organisational grievance and disciplinary procedures, usually involving successively higher levels of management and offering opportunity for appealing such decisions. In contrast, ADR focuses on opportunities to generate trust and create settlement with the intention that outcomes are less traumatic to the parties involved and less public (Davis 2002). These flexible approaches are increasingly popular, however the majority of the empirical studies are focused on the United States (US) (*see*, for example, Bendersky 2006; Lipsky et al., 2003). Research outside the US is limited but suggests that the growth of ADR is perhaps less prevalent (Hann, Nash and Heery 2019; Teague, Roche and Hann 2012). This paper will first investigate the extent to which ADR is present within organisations within Great Britain.

While existing research, even beyond the US, suggests that the use of ADR is growing within organisations, how decisions are made in relation to strategic choices around conflict management approaches is less understood (Nash and Hann 2019). In particular, there is a lack of understanding concerning the relationship between employment relations actors and the strategies that organisations use to manage conflict at a workplace level. This paper will consider the role of two key actors, HR specialists and trade unions, in determining the approaches an

organisation takes. In short, the article is interested in whether different actors lead to different approaches to policy and practice.

Although the impact on conflict management is underexplored, research evidence suggests that HR professionals have the ability to impact policy and practice developments more generally within organisations (Dobbin 2011; Ulrich 1998). Lewin (2001) argues that HR specialists focus on internal mechanisms driven by trained managers as opposed to reliance on processes involving external actors to resolve adversarial conflict. This approach tries to keep conflict 'in-house' and in the control of HR rather than allowing the conflict to enter the public sphere. In contrast, however, Hann, Nash and Heery (2019) found that where HR is present there is an increased use of external processes in addressing conflict, suggesting that HR may be willing to experiment beyond the borders of their organisation where this is seen as appropriate.

The impact of union presence on conflict management is equally unclear in existing research. Initially, ADR was associated with non-union firms as a way to 'fill the gap'. While grievance procedures and processes are long-established within unionised sectors, non-unionised sectors have often lacked adequate or established mechanisms to address conflict (Budd and Colvin 2005; Lipsky et al., 2003). In these cases, ADR has been used as a union substitution strategy rather than being embraced by unions and thus it would be assumed that where a union is present we might see less occurrence of ADR practices (Barrett and O'Dowd 2005). More recent research suggests, however, that dispute resolution techniques are now present in both unionised and non-unionised organisations (Lipsky, Avgar, Lamare et al., 2012; Lipsky and Seeber 2000; Roche and Teague 2012). Unions may seek to actively use ADR especially when it comes to collective disputes and often with a focus on approaches that keep the conflict internal (Hann et al., 2019; Heery and Nash 2011). In short, while it is clear that key employment relations actors have an impact on the approach taken to conflict management in the workplace, the direction of such impact is not always obvious. The intention of this paper is to begin to address this gap in understanding.

10.03. Methods

The work presented below is based on evidence collected using the survey method. The survey, undertaken in 2018, is an extension of previous work undertaken in the Republic of Ireland in 2009 (Teague et al., 2012) and Wales in 2015 (Hann et al., 2019). The research instrument was

developed in conjunction with Advisory Conciliation and Arbitration Service (Acas), Britain's public body responsible for workplace dispute resolution, and was further defined and adapted through cognitive testing with a range of HR professionals.

The sample frame was derived using data from Companies House (the source of official data on the characteristics of UK employing organisations) to identify those organisations whose head office is located in Great Britain. A sample frame was derived to include all organisations with 20 or more employees and covered all industries in the private sector (excluding agriculture, in common with other organisational based surveys). A sample frame of over 99,600 was identified and from this, a sample of 4,833 surveys, representative of both size and sector, were sent out.

The questionnaire was addressed to the senior executive in the company who it was assumed would have responsibility for dealing with workplace conflict, where possible this executive was the HR Specialist. In the event of it not being possible to identify an HR specialist, the questionnaire was sent to the company secretary or to a general management contact with a specific request in the covering letter that it be passed on to the most appropriate person. The questionnaire was distributed by post, with an option for electronic completion. Two postal reminders were issued and organisations also received a telephone call encouraging them to complete the survey. The number of valid responses received was 402..

Within the survey, three forms of conflict were considered: conflict that occurs between individual employees and their employers, defined as individual disputes; conflict that occurs between colleagues but doesn't directly involve the employer (e.g., bullying and harassment), defined as inter-employee disputes; and conflict between groups of employees and their employer, defined as group disputes. Although data have been collected on all three of these forms of conflict, this paper will only consider that relating to individual conflict. The reason for this specific focus is that this is the most common form of conflict within organisations.

This paper will use this data to answer two key research questions:

(1)   How do employers manage workplace conflict in the UK?
(2)   How is their approach mediated by the presence of specialist HR and trade unions?

10.04. Results

What is clear from the survey results is that conflict is ubiquitous in British organisations. Almost all firms reported that they had experienced some form of conflict. Table 10.1 shows that

a range of employee-initiated conflicts from the most informal disagreements to the most serious manifesting in employment tribunal cases is evident throughout all parts of the UK economy, but the table also indicates that the most common form of conflict is employer-initiated, namely disciplinary cases.

Organisations were asked to rank the extent to which various forms of conflict occurred within their organisation on a scale from 1 to 4 (1 = Never; 4 = Often). All organisations, regardless of size, sector, union presence, or type of HR function report experiencing all but the most serious forms of conflict at least once. Only in the case of employment tribunals and conflict that requires the involvement of external experts do organisations report that the frequency is, on average, less than once in the previous two years.

Further analysis of the data suggests that organisations with an HR specialist are more likely to experience all forms of conflict. With the exception of the use of external experts other than Acas (where there is no statistically significant difference), the presence of an in-house HR function was associated with a higher frequency of reported disputes (often or occasionally). In contrast, where in-house generalist managers were responsible for dealing with HR issues, then reporting of the presence of disputes within an organisation was seen as lower. Trade union presence has the same impact on the level of disputes as the presence of an HR Specialist, although in the case of unions the impact is slightly less pronounced.

Table 10.1 Presence of Conflict with UK Organisations

	All Firms	*Spec. HR*	*Gen. HR*	*Union Firms*	*Small Firms*	*Med. Firms*	*Large Firms*	*Manf. Firms*	*Serv. Firms*
Informal disagreements	2.64	2.78	2.18	2.69	2.18	2.72	3	2.52	2.67
Grievances brought by employees	2.21	2.37	1.68	2.21	1.7	1.97	2.8	2.13	2.18
Disciplinary initiated by the organisation	2.72	2.93	2.07	2.75	2.17	2.75	3.24	2.73	2.69

Bullying or Harassment cases	1.69	1.83	1.24	1.7	1.3	1.58	2.1	1.64	1.67
Disputes referred to Acas	1.55	1.63	1.29	1.53	1.27	1.45	1.91	1.43	1.59
External experts involved in resolving disputes	1.49	1.54	1.34	1.51	1.35	1.55	1.56	1.43	1.5
Disputes resulting in Employment Tribunal claim	1.39	1.47	1.16	1.38	1.1	1.32	1.72	1.4	1.36

One final point of note is that respondents in British organisations take an overwhelmingly unitarist orientation in their attitude toward conflict, i.e., that conflict primarily arises as a result of 'misbehaviour, poor performance or misunderstanding'. Seventy-eight per cent of organisations adopt this unitarist stance, while only 10% view conflict as inevitable and unwelcome and a further 12% view conflict as potentially constructive. It should be noted however that the position adopted is not significantly influenced by the presence of an HR specialist of a trade union.

10.05 Impact of Key Actors on Dimensions of Conflict Management

The overall impact of the key industrial relations actors on the management of conflict will be explained using four dimensions reflecting the breadth of activities involved in resolving workplace disputes. First, the paper examines the formality of the approach taken, comparing dispute resolution policy with practice. Examining this potential disparity is important as the reality of what happens in the workplace may not match management's rhetoric (Argyris 1990; Legge 1994. Second, the paper considers the implementation of more innovative approaches to dispute resolution, here interpreted as the adoption of ADR, as there is evidence that particular types of organisation are more likely to establish non-traditional approaches to dispute resolution than others (Lipsky and Seeber 2000; Lipsky et al., 2012; Roche and Teague 2012; Hann et al., 2019). Third, the extent of training for the key actors in dispute resolution will be examined in line with previous studies, which have highlighted its importance in effective

conflict management strategies (Conbere 2001; Keep 2014). Finally, the paper will look for evidence of firms adopting more general HR practices that may constitute a pre-emptive approach to minimising or eliminating conflict prior to its occurrence. This will allow for an investigation of the extent to which conflict management is part of a broader HR approach (Lepak and Snell 1999). The following sections will consider each of these dimensions briefly.

The Formality of the Approach Taken

When considering the formality of the approach taken, this analysis focuses on the extent to which different dispute resolution mechanisms are included in the formal written policy. The mere existence of a formal policy, in and of itself, is a signifier that a firm likely takes a more formalised approach. The vast majority (87.9%) of organisations have established a formal policy to handle disputes in the workplace to address individual conflict. In addition, in the case of individual conflict the vast majority of organisations tend to employ their policy in a flexible manner, using their discretion to reflect the circumstances at hand. The results in Table 10.2 suggest that the presence of in-house HR function is influential in how an organisation might respond to conflict. Where an HR specialist is the first point of contact, then a greater number of organisations will have a policy, which is either rigidly or flexibly applied. Interestingly, trade union presence has no significant impact on the existence of a policy

Table 10.2   Formal Conflict Management Policy by HR Presence

	Firms with Formal Policy		*Firms With No Formal Policy*	
	No.	*%*	*No.*	*%*
In-house HR specialist	244	91.0	24	9.0
In-house general manager	69	78.4	19	21.6
Contracted out HR function	24	85.7	4	14.3
Total	*337*	*87.8*	*47*	*12.2*

The survey considered the presence of fifteen practices which organisations may adopt to deal with conflict in the workplace; two traditional approaches and thirteen more innovative approaches. The fifteen practices are outlined in Table 10.3. The ADR approaches can be further

divided down into those which aim to keep the dispute internal to the organisation (use of organisation's own internal mediation service through to use of personal development/improvement plans) and those which utilise external actors. This taxonomy was utilised by Hann, Nash and Heery (2019).

The majority of organisations utilise the two approaches that would be considered as traditional when it comes to individual conflict (54.2 % state that a process involving progressively higher levels of management is contained within their policy, whilst 57.7% offer a right to appeal decisions within their policy). The presence of an HR specialist or a trade union has no significant impact on the presence of traditional approaches in their formal policy.

Table 10.3 Conflict Management Practices

Category	Practices
Traditional approaches	Progressively higher levels of management resolving disputes
	A right to appeal decisions made by management
ADR Practices with a focus on internal resolution	Use of organisation's own internal mediation service
	Use of review panels comprised of managers or peers
	Use of formalised open-door approach
	Discussions facilitated by HR
	Intensive communication regarding change with a view to avoiding disharmony
	Use of conflict coaching
	Informal conversations with line-manager(s)
	Use of personal development/improvement plan
ADR Practices utilising external actors	Use of Acas conciliation, to help prevent an Employment Tribunal claim
	Use of Acas mediation
	Use of professional mediation by a third-party provider (excluding Acas)
	Use of lawyers
	Use of an external HR expert

Employment relations actors have a limited impact on the content of conflict management policies. The impact of specialist HR on the inclusion of more innovative approaches in formal policy is also limited. Bivariate analysis indicates that only in the case of discussions facilitated by HR, informal conversations with line managers, use of personal development plans and the use of lawyers is there a significant relationship. The presence of HR specialists appears unrelated to the inclusion of the other nine practices. In contrast, the presence of a trade union within an organisation has no significant influence on the content of conflict management policies where they exist. Of the thirteen more progressive approaches to deal with conflict in the workplace, only the use of review panels comprised of managers or peers is more commonly found in company policies where a trade union is present within an organisation compared to where a trade union is not present.

Whilst the presence of HR specialists and/or trade unions within an organisation is only weakly associated with the presence of various approaches within organisational policy, there is a much stronger relationship in terms of the usage of such approaches. It is worth noting that more traditional approaches to conflict management (the use of a process involving progressively higher levels of management and the right to appeal decisions made by management) are more common in organisations with a either a HR Specialist or a trade union present. The pattern of use of both traditional and innovative conflict management practices is associated with the presence of specialist HR and or trade unions.

Adoption of ADR Practices

The presence of an HR specialist within an organisation means that ten of the thirteen innovative approaches to dispute resolution are more frequently used to resolve conflict. This is illustrated in Table 10.4, which compares the average use of ADR practices by firms with and without a specialist HR function. This increase in usage is particularly noticeable when considering practices that aim to keep matters 'in-house'. All but the 'use of review panels comprised of managers or peers' are significantly more frequently used in organisations with HR specialists. It is also notable that the presence of HR specialists is associated with a strong preference to try to keep conflict 'in-house' with the use of external actors only being marginally more prevalent (albeit statistically significant). In the case of approaches using external actors, while the

differences in three out of five practices are statistically significant, they are of a smaller magnitude.

Table 10.4   *Use of ADR Practices by Type of HR Function*

	HR Specialist	General Manager
Internal approaches		
Use of organisation's own internal mediation service	1.73**	1.47**
Use of review panels comprised of managers or peers	1.27	1.28
Use of formalised open-door approach	2.46***	1.94***
Discussions facilitated by HR	3.05***	1.52***
Intensive communication regarding change with a view to avoiding disharmony	2.50***	1.90***
Use of conflict coaching	1.58***	1.24***
Informal conversations with line-manager(s)	3.43***	2.75***
Use of personal development/improvement plan	3.15***	2.37***
External approaches		
Use of Acas conciliation, to help prevent an Employment Tribunal claim	1.54***	1.25***
Use of Acas mediation	1.22	1.20
Use of professional mediation by a third-party provider (excluding Acas)	1.30**	1.15**
Use of lawyers	2.19**	1.56**
Use of an external HR expert	1.85*	1.61*

* significant at .1, ** significant at .05, *** significant at .001

As with the presence of HR, the presence of a trade union within an organisation means the usage of ADR practices is more common than in non-union organisations. The results in Table 10.5 show that nine of the thirteen ADR approaches are more frequently used in organisations with trade unions than those without. The differences in the use of internal approaches, while still statistically significant are less marked than when considering the presence of an HR

specialist. What is notable when considering the impact of a trade union is the differences evident when looking at which external actors are involved. Where a trade union is present within an organisation, Acas or lawyers are more commonly involved than external HR specialists or non-Acas professional mediators. This difference suggests that more emphasis is placed on external actors who are perceived as genuinely neutral over those that may have an affiliation with the 'purchaser' or the employer.

Table 10.5   Use of ADR Practices by Presence of Trade Union

	Union Present	Non union
Internal approaches		
Use of organisation's own internal mediation service	1.78	1.64
Use of review panels comprised of managers or peers	1.45**	1.23**
Use of formalised open-door approach	2.67**	2.26**
Discussions facilitated by HR	3.22***	2.59***
Intensive communication regarding change with a view to avoiding disharmony	2.84***	2.24***
Use of conflict coaching	1.60	1.48
Informal conversations with line-manager(s)	3.56***	3.20***
Use of personal development/improvement plan	3.22***	2.90***
External approaches		
Use of Acas conciliation, to help prevent an Employment Tribunal claim	1.70**	1.42**
Use of Acas mediation	1.33*	1.18*
Use of professional mediation by a third-party provider (excluding Acas)	1.26	1.25
Use of lawyers	2.39***	1.97***
Use of an external HR expert	1.70	1.81

* significant at .1, ** significant at .05, *** significant at .001

Training for Actors

The third dimension where the presence of particular employment relations actors is linked with the management of conflict is the degree to which said actors have been trained to deal with its occurrence. The presence of HR specialists is associated with higher levels of formal training for a range of actors who may be expected to offer advice or guidance on workplace conflict. This includes line managers, trade union representative, non-union representatives, senior managers, HR professionals themselves, occupational health workers and diversity/equal opportunities officers.

   The presence of a trade union within an organisation also has an impact on the degree to which actors are trained to manage conflict, although a more limited one. Here the focus of training is narrower with higher numbers of representatives, both union and non-union, receiving training in organisations where there is a trade union present than where there is not. HR Professionals are also more likely to be trained to deal with conflict where a trade union is present. In short, employment relations actors are associated with the provision of training that is designed to ensure that conflict is effectively handled, but this effect varies depending on the nature of the actor considered.

Pre-emptive HR Practices

The final dimension considered in the survey was the presence of more general HR practices which could serve to address or reduce conflict prior to its occurrence. Respondents were asked to identify which, if any, more general HR practices they used with the aim of reducing or avoiding conflict, and the results are shown in Table 10.6. The focus of this practice was primarily around voice mechanisms, both where they actively seek the views of employees, but equally where management unilaterally communicates information. Respondents were also asked whether external consultants were asked to review and advise the organisation on its dispute resolution policies in an attempt to pre-empt conflict. In other words, the organisation didn't just have these particular practices, but that one intention of having them was addressing conflict before it started. The analysis found that there is a significant difference in the use of these pre-emptive HR practices according to the presence of a trade union or an HR specialist. Unionised organisations were found on average to adopt 5.5 such policies, compared to 4.2 for non-

unionised firms. Organisations with HR specialists adopted an average of 4.7 practices, whereas those firms without a specialist HR function only adopt three practices.

Table 10.6   Use of Pre-emptive HR Practices to Reduce/Avoid Workplace Disputes by HR and Union Presence (% of Firms Adopting Practice)

	HR Specialist	*General Manager*	*Union Present*	*Non Union*
Notice boards	71.5	62.9	80.0*	69.4*
Suggestion schemes	48.3	39.3	42.9	47.9
Regular use of newsletters/email	67.9***	49.4***	82.9***	61.2***
Information posted on company intranet	51.7***	25.8***	61.4**	43.2**
Regular coffee sessions, lunches etc. to identify areas of concern	27.5	20.2	28.6	25.6
Regular meetings with employee representative bodies	42.7***	18.0***	62.9***	32.2***
Use of focus groups	24.8**	10.1**	31.4**	19.9**
Periodic surveys of employee satisfaction	52.6***	23.6***	60.0**	43.8**
Use of external consultants to review dispute resolution practices	5.6	4.5	2.9	6.0
Employees have training in coaching techniques	25.8**	12.4**	27.1	22.1
Employees have training in handling difficult conversations	38.4**	24.7**	50.0**	32.2**
Employees have training in other dispute resolution techniques	15.6	9.0	20.0	12.9

* significant at .1, ** significant at .05, *** significant at .001.

Of the twelve pre-emptive approaches used to reduce or avoid conflict, the presence of an HR specialist or trade union appears is associated with greater use of consultative voice mechanisms such as the use of regular meetings with employee representative bodies to identify growing areas of concern, the use of focus groups and periodic surveys of employee satisfaction. The use

of more one-sided approaches to employee voice (Management communications on notice boards and suggestion schemes) do not appear to vary significantly dependent on the presence of an HR specialist or a trade union within the company, although the use of a company intranet and emails does appear to be greater. The presence of an HR specialist or a trade union is not associated with the use of external consultants to review company practice.

10.06. Conclusions

The findings of this research indicate that the ubiquity of conflict in the workplace is clearly evident, although this conflict is often expressed as low-level disagreements rather than more serious manifestations, such the occurrence of tribunal cases. While conflict is pervasive, the survey data show that there is a clear impact of employment relations actors. The higher levels of disputes occurring where an HR specialist is present could reflect the nature of the type of organisation, i.e., organisations with specialist HR tend to be large firms, who, as established above, have higher levels of conflict. Alternatively, where HR professionals are in place, they may have established policies and practices that allow for the expression of views and opinions more easily. These voice mechanisms might, in turn, 'incentivise' people to speak out or disagree with established policies and practices. Identical trends are also noted for the presence of a trade union as to the presence of an in-house HR function. Similar explanations may apply here, in that larger organisations are more likely to be unionised and these unions may support employees in voicing disagreements where they occur. That is not to say that these employment relations actors cause more conflict, but this may simply be a function of creating more pathways for the expression of said conflict or even a better understanding of the presence of conflict within an organisation (Hirschmann 1970).

In answer to the first research question, organisations in Great Britain employ a wide range of approaches in addressing conflict. The presence of innovative approaches builds on the US literature and begins to demonstrate that contrary to earlier research, ADR is perhaps not just a US phenomenon (Teague et al., 2012). The difference between the study in Ireland and the data found in this paper is the focus on policy over practice. The evidence suggests that the inclusion within policy is limited, as per the Irish research but that the use of ADR practices is fairly widespread.

It is evident from the findings above is that both HR specialists and trade unions are clearly associated with the usage of conflict management policies within organisations, but this relationship varies depending on the actor and the dimension considered. In both cases, these employment relations actors appear to drive the inclusion of the ADR approaches within the practice of their respective organisation. In particular, the findings refute the earlier research (Barrett and O'Dowd 2005; Budd and Colvin 2005) that where a union is present ADR is less likely to be located. Unions in Great Britain appear to be consistent with the use of ADR, especially where those practices link to their own objectives.

The increased level of training evident where an HR Specialist is present is reflective of a desire to formalise and provide robust support for handling conflict in the workplace, which would be consistent with the professionalised nature of the HR function (Legge 2004). These differences could simply be a reflection of the nature of the organisations responding, i.e., an organisation with a trade union present is, by definition, more likely to train union representatives. An organisation with a union (probably a large organisation) is also more likely to have HR professionals in place and thus be more likely to train said HR professionals. Alternatively, the increased evidence of training of representatives in organisations with a trade union could equally be a reflection of the aims and goals pursued by trade unions, i.e., to ensure those representing the employees are able to undertake the tasks required of them.

In short, the findings in this paper suggest that employment relations actors influence the manner with which conflict handled within an organisation. The evidence suggests that HR specialists are associated with a more formalised approach to conflict approach, but one, as suggested by Lewin (Lewin 2001), that looks to keep conflict internal within organisations. While they do not reject the help of external actors in addressing conflict, the analysis suggests a clear preference for practices that occur without outside help. Unions, in contrast, also have a clear and significant impact, but a narrower focus in how they look to drive conflict management. They concentrate on particular external experts in supporting conflict management and they appear to encourage training of selected actors when it comes to handling disputes in the workplace

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