

# **The Changing Role of ACAS in British Collective Dispute Resolution**

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## 1. INTRODUCTION

Shortly after the creation of Acas in 1974 the Trades Union Congress (TUC) advised its affiliates to make full use of the new body and the Transport and General Workers' Union, then Britain's largest union, instructed its officers that they must attempt collective conciliation through Acas before taking industrial action (Goodman 2000). In recent years, however, resort to Acas has reduced. While the incidence of industrial action has remained broadly stable over the past decade, requests to use Acas' collective conciliation service have declined. In 2008/09, there were 960 requests to conciliate compared with 1500 in 1999/2000 (Ruhemann 2010).<sup>1</sup>

The primary purpose of this paper is to explore this empirical puzzle and shed light on the seeming reluctance of some paid union officers to involve Acas in situations of collective dispute. In doing so, we make use of a survey of paid trade union officers involved in collective bargaining, commissioned by Acas from the Labour Research Department (LRD) in 2010. The survey gathered information on the characteristics of officers and the bargaining units for which they are responsible, their experience of disputes and their use of Acas. It proved to be a well-designed and an extremely rich source of information. This paper builds on the initial findings reported in Ruhemann 2010 by undertaking a secondary analysis of the dataset, distinguished principally by a fuller statistical examination of patterns of variation in officers' use of Acas. In addition, the report makes use of the Workplace Employment Relations Survey 2004 to provide supplementary material on the incidence of collective conciliation involving Acas in British workplaces.

This critical question, the empirical puzzle outlined above, is explored by testing a series of broad research propositions. These overlapping propositions are as follows:

- Use of Acas is a function of the characteristics of union officers themselves, their backgrounds, socialization, development and orientation to collective bargaining;
- Use of Acas is a function of the unions that employ union officers, their membership, structure and character or identity, including their degree of militancy or orientation to compromise;
- Use of Acas reflects the number and characteristics of the bargaining units for which officers are responsible, including the geographical, sectoral and industrial location of those bargaining units;
- Use of Acas derives from officers' experience of collective conflict and disputes, including the frequency of disputes, their severity and their cause;
- Use of Acas reflects the availability of alternative means of dispute settlement, such as reliance on legal industrial action ballots, that may reduce the need of union officers to have recourse to Acas;
- Use of Acas is a function of the officers' prior knowledge, experience and evaluation of Acas, such that prior users or those with a positive appreciation of Acas' role are more likely to involve the organization in dispute resolution.

While there is limited information fully to test all of these propositions, the LRD data do contain information relevant to all and we have used both bivariate and multivariate statistical tests to examine their validity.

A final objective of the report is to relate the findings of the study to a number of broad developments in British industrial relations that have become the subject of intense debate and research activity. One of these is the question of union 'revitalization' or 'renewal'; the attempts by trade unions to reverse their long decline in membership through a variety of strategies (Heery 2011a; Simms and Charlwood 2010). The latter include increased investment in organizing, developing new partnership relations with employers, improving union responsiveness to the preferences of member-consumers, attempting to represent a more diverse workforce, union mergers, and internal renewal through the development of management systems and training and development for union activists and officers. At several points the analysis below connects with elements in this broad theme. Its closest connection though is with the question of the internal renewal of unions and the degree to which the

changing composition of the officer workforce and the ongoing professionalization of their role promotes or inhibits a relationship with Acas.

Another broad theme underpinning the report is that of the juridification of employment relations in Britain, the presence of an expanding volume of individual and collective employment law (Dickens and Hall 2010; Heery 2011b). Acas has been described by Goodman as 'both a product of, and essentially an embodiment of, voluntarism' (2000: 35); that is, the traditional mode of voluntary joint regulation of the employment relationship by unions and employers with limited recourse to law. Given this voluntarist tradition, and the integral place within it of collective conciliation, it may be that juridification provides a hostile context for this traditional Acas function. Again, at several points in the report we connect with this theme of juridification and examine how it is shaping disputes and dispute resolution. The central question with which we are concerned, however, is the impact on the dispute behaviour of union officers and whether the increased availability of legal instruments, such as industrial action ballots, is reducing their demand for collective conciliation.

A final broad theme concerns the changing role of Acas itself (Sisson and Taylor 2006; Towers and Brown 2000). Since its creation in the 1970s the mission of Acas has changed, most notably by removing the statutory requirement to promote collective bargaining in 1993. In addition, the mix of Acas services has changed. The growth in both individual rights and volume of Employment Tribunal claims means that Acas has been required to devote an increasing volume of its resources to the resolution of individual employment disputes. What might be thought of as its own response to the process of juridification. It has also had to adapt to the era of human resource management, developing services for non-union employers and workers and acting as a consultant to promote high performance work systems and employee engagement (Acas 2010; Purcell 2000). It may be that these changes are affecting union perceptions of Acas and their propensity to use collective conciliation. Accordingly, we use the LRD survey to examine union officers' views and assessments of Acas and the degree to which they influence recourse to the organization in situations of dispute.

In the remainder of the paper we outline the methodology used to collect the data before examining the nature of ACAS use in collective disputes. We first review the available evidence about ACAS usage from the various WERS surveys before returning to the LRD dataset where bivariate and multivariate techniques are used to examine the characteristics of non-users of collective conciliation and the contexts in which they operate. The conclusion summarises findings and returns to the broad themes set out above.

## **2. METHODOLOGY AND DATA**

The basis of our analysis is a survey of paid trade union officers involved in collective bargaining, commissioned by Acas from the Labour Research Department (LRD) in 2010. This survey covered 1719 union negotiating officers, estimated by LRD to comprise more than 80 per cent of union officers in Britain who are involved in negotiations with employers. Of these, 1024 returned questionnaires, a response rate of 60 per cent. This figure was then further reduced to 950 valid responses through the use of screening questions that eliminated responses from officers who were not in fact involved in negotiations (see Ruhemann 2010). This response rate helps to minimise the potential for non-response bias that besets survey data (Mangione 1995). Furthermore, Ruhemann (2010: 53) concludes that the sample is representative of the population of union negotiating officers and, therefore, there is no reason to suspect systematic non-response bias. The survey gathered information on the characteristics of officers and the bargaining units for which they are responsible, their experience of disputes and their use of Acas. It proved to be a well-designed and an extremely rich source of information.

### **3. USE AND NON-USE OF ACAS COLLECTIVE CONCILIATION**

In this section we turn our analysis to the factors associated with the use, and non-use, of Acas in collective disputes. Before embarking on this analysis, however, we first present the results of our examination of WERS data. The latter have contained a number of questions about the use of Acas in workplace disputes procedures and we present a review of this material, drawing principally on the most recent survey of 2004 but also making use of earlier surveys in the WERS series. This material provides a useful context for the exploration of the LRD research data that follows.

#### **3.1 The use of Acas in collective disputes: WERS analysis**

The Workplace Industrial/Employment Relations Surveys (WIRS/WERS) have provided the basis for studying the British workplace for over thirty years. The inaugural 1980 study was the first comprehensive and nationally representative survey of industrial relations in Great Britain (Blanchflower, Bryson and Forth 2007). Since then there have been surveys in 1984, 1990, 1998 and 2004 which have charted the changing nature of the British workplace. Acas has been closely associated with WIRS/WERS, both as a subject to be investigated and since 1984 as a co-sponsor of the surveys. We therefore, went back to the WIRS/WERS data in order to determine whether there were any trends in the use of Acas, which would contextualise our current research.

There have been questions relating to Acas in all five of the surveys. It is, however, difficult to extract consistent data over the whole time-period due to changes in question wording, the dropping of certain questions and the adoption of others. The most reliable information we have relates to Acas' involvement in workplace collective disputes procedures. Managers were asked whether they had a formal procedure for dealing with collective disputes, and if so whether it contained a provision for third party intervention in the case of management and employees failing to reach agreement. According to WERS 2004, 43 per cent of managers reported having such a procedure (Kersley *et al* 2006).<sup>2</sup> The presence of such a procedure was not distributed uniformly across workplaces. There was a strong correlation between organisation size and the presence of a collective disputes procedure with 63 per cent of organisations of over 10,000 employees having one, whilst only 28 per cent of organizations of less than 100 workers did. Written procedures were far more common in the public sector (77 per cent) than in the private (36 per cent). Union recognition was another important factor with 78 per cent of workplaces where a union was recognised having a procedure, whereas only 29 per cent of non-union establishments enjoyed the same protection (Kersely *et al* 2006: 213).

Where there is a formal disputes resolution procedure in place, in the majority of cases there is a provision for any unresolved issue to be referred to an external body. According to WERS 2004, where there was a procedure covering pay and conditions, 63 per cent contained a provision for referral of disputes to a third party. Table 1 indicates the bodies that were named in organisations' dispute resolution procedures in each of the five surveys. What is immediately apparent from the table is that the position of Acas in disputes procedures has remained relatively stable over the period. Approximately a third of workplaces specify Acas as an institution that unresolved disputes concerning pay and conditions can be referred to. This proportion fell sharply in the early 1980s before recovering to 35 per cent in the latest survey. In 2004, 28 per cent of firms specified Acas conciliation in their procedures whilst 20 per cent specified arbitration (13 per cent specified both as an option). The table also highlights the increasing importance of higher level management in resolving collective disputes. Firms were more than twice as likely to refer a dispute to management in 2004, than in 1980. In 2004, a quarter of those establishments with provision for third party intervention in disputes, specified management higher in their organisation as the only appropriate body to undertake such intervention. Despite experiencing something of a renaissance in 1998, employers' associations are only referred to in a small minority of disputes procedures. The position of union officials in formal procedures is highly volatile over the period and no clear trend is discernible.

**Table 1: Provision for third party intervention in disputes procedure relating to pay and conditions**

	<b>1980 (%)</b>	<b>1984 (%)</b>	<b>1990 (%)</b>	<b>1998 (%)</b>	<b>2004 (%)</b>
<b>Acas</b>	35	27	31	30	35
<b>Higher level management</b>	27	51	48	65	55
<b>Union official</b>	7	24	15	47	28
<b>Employers' association</b>	10	8	7	17	8
<b>Joint higher level management/ union officials</b>	5	14	16	-	-
<b>Joint employers' association/ union officials</b>	10	11	12	-	-
<b>Independent arbitrating body - (not Acas)</b>	5	9	10	5	11
<b>Other</b>	5	13	3	0	5

**Base:** Establishments with any third-party provisions in the disputes procedure relating to pay and conditions.

**Source:** WIRS/WERS surveys 1980-2004.

The pattern for disputes procedures covering discipline and dismissal is slightly different from that relating to pay and conditions presented above. The surveys covering the period 1980-90 indicate that the proportion of workplaces specifying Acas as a third party intermediary in their procedures virtually halved from 29 per cent to just 15 per cent. However, the trend for higher level management to be involved is repeated, with the proportion of workplaces naming higher management in the formal procedure increasing from 39 per cent in 1980 to 64 per cent in 1990. By the end of the period, higher level management was named in over four times as many disputes resolution procedures as Acas. Thus, the increasing prominence of higher level management as a mediator of collective disputes can be seen across multiple dimensions of the employment relationship.

Using data from the 2004 survey it is possible to investigate the pattern of Acas involvement in disputes procedures in more detail. Table 2 breaks down those organisations where the disputes procedure contains a provision for Acas involvement by various characteristics. As has already been noted, the figure for the whole economy was 35 per cent of workplaces with a disputes procedure, which equates to nearly half of all employees. This figure masks substantial variation, however. Workplace size is strongly correlated with Acas inclusion in the disputes procedure with nearly two-thirds of the largest workplaces (500 or more employees) having such provision. Interestingly, the same pattern is not discernible for organisation size. This is partly explained by the finding that stand alone workplaces are more likely to make reference to Acas than those establishments which are part of a larger organisation. This reinforces the earlier finding that where higher level management exists, they have become the agent of choice in settling any disputes at workplace level.

Referral to Acas also differs according to the sector of employment. Public sector organisations are more likely to have disputes procedures which make reference to Acas than their private sector counterparts (41 and 32 per cent respectively). There is also substantial variation according to industrial sector. Manufacturing, utilities, construction and public administration all have a majority of establishments which name Acas in their disputes procedure. In contrast, only a fifth of workplaces in wholesale and retail contain such a provision and the figure is just 16 per cent in hotels and restaurants. The final factor that is related to Acas' role in disputes procedures is the presence of unions. Where at least one union is recognised, 39 per cent of workplaces have provision to refer disputes to Acas. The corresponding figure for non-union workplaces is just 22 per cent. If use of Acas is a function of presence in

organisations' formal disputes procedures it will be important to be aware of these factors when seeking to explain the pattern of Acas use by union officers.

**Table 2: Acas use in collective disputes procedures, by workplace characteristics**

	<b>% of workplaces</b>	<b>% of employees</b>
<b>All workplaces</b>	35	49
<b>Workplace size</b>		
10-24 employees	37	34
25-49 employees	40	40
50-99 employees	28	29
100-199 employees	48	49
200-499 employees	49	50
500 or more employees	62	67
<b>Organization status</b>		
stand-alone workplace	42	67
part of a larger organization	33	47
<b>Organization size</b>		
10-99 employees	35	29
100-999 employees	35	44
1,000-9,999 employees	42	60
10,000 employees or more	33	42
<b>Sector of ownership</b>		
private	32	48
public	41	52
<b>Industry</b>		
manufacturing	55	60
electricity, gas and water	55	58
construction	54	39
wholesale and retail	21	25
hotels and restaurants	16	39
transport and communication	29	53
financial services	39	60
other business services	43	57
public administration	82	59
education	24	39
health and social work	37	56
other business services	30	42
<b>Trade union recognition</b>		
no union recognised	22	32
at least one union recognised	39	55

**Base:** Establishments with any third-party provisions in the disputes procedure relating to pay and conditions.

**Source:** WERS 2004

The WERS/WIRS surveys, therefore, paint a mixed picture of how Acas' role in collective dispute resolution has evolved over the last three decades. On the one hand, Acas has held its position in formal dispute resolution procedures over pay and conditions. However, a combination of increasing management autonomy and a seeming tendency for conflict to be resolved outside of formal procedures means that the role of Acas is far from clear. This theme will be explored in more detail in the following analysis where the pattern of Acas use and non-use will be explored by examining the 2010 LRD survey of union negotiating officers.

### 3.2 The use of Acas in collective disputes: LRD analysis

The LRD survey contained a number of questions relating to how often Acas had been brought in to help with collective negotiations or industrial disputes. These range from whether Acas has ever been used to help settle disputes, how often they have been used during the preceding ten years and whether they were brought in during the most recent dispute. In the analysis that follows Acas use was measured using a derived variable with two classifications. Union officers were categorised as either low or non-users of Acas on the one hand or multiple users on the other. The former category comprises 443 officers reporting that they had either not used Acas at all, or had used it only once in the last ten years. Multiple users, on the other hand, comprise 396 officers who confirmed having used Acas on more than one occasion.<sup>3</sup> Our aim in this section of the report is to see how patterns of usage are linked to various bargaining unit and officer characteristics.

#### 3.2.1 Bargaining unit characteristics and Acas usage

The first characteristic that is of interest is the number of bargaining units that officers negotiate on behalf of. The data in Table 3 shows how there is a positive association between bargaining units and Acas usage.

**Table 3: Acas use by number of bargaining units**

<b>Number of bargaining units</b>	<b>Low or non-users (%)</b>	<b>Multiple users (%)</b>	<b>Base</b>
<b>One</b>	66	34	41
<b>2-10</b>	67	33	348
<b>11-20</b>	51	49	151
<b>&gt;20</b>	35	65	291
<b>Total</b>	53	47	831

**Cross-tabulation:** results significant at 5 per cent level

**Base:** Union negotiating officers, 2010

**Source:** Labour Research Department Survey of Union Officers, 2010.

The first striking finding from this analysis is that just over half of the officers in the LRD sample were low or non-users of Acas. In fact 27 per cent of officers claimed to have never used Acas. Those officers with responsibility for a single bargaining unit were far more likely to be low or non-users of Acas (66 per cent) than those who negotiated on behalf of multiple units, however. Only a third of officers who negotiate on behalf of more than 20 bargaining units were low or non-users of Acas. This pattern is repeated if we examine whether or not Acas was used in the officer's most recent dispute. Acas was less likely to be used when officers have responsibility for a smaller number of bargaining units (78 per cent of officers with a single bargaining unit reported not using Acas, whereas the figure for officers with 20 or more units was 65 per cent). One possible explanation for this pattern of usage is that union officers with smaller numbers of bargaining units have proportionately more time to devote to developing cooperate industrial relations with employers. In the event of a collective dispute they will also have more time to devote to resolving it without recourse to third party intervention.

The LRD data show that non-use of Acas is more common in the public sector. Table 4 shows the relationship between Acas use and the sector in which they conduct their negotiations. The results show that whereas 48 per cent of officers working predominantly in the private sector are low or non-users of Acas, this figure rises to 62 per cent in the public sector. Some care should be taken in interpreting the results, as the categories are not mutually exclusive. Despite this caveat, the differences are fairly striking. Again, this pattern is repeated if the most recent dispute is analysed. Analysis of the dataset shows that four fifths of public sector union officers reported that they did not call Acas in to help settle their dispute, whereas the figure for private sector officers was 65 per cent. This pattern of usage is seemingly at odds with the findings of the most recent WERS survey, which showed that public sector organisations were far more likely to have a formal disputes resolution procedure that named Acas as a potential third party.

**Table 4: Acas use by sector**

<b>Sector</b>	<b>Low or non-users (%)</b>	<b>Multiple users (%)</b>	<b>Base</b>
<b>Predominantly private sector</b>	48	52	<i>281</i>
<b>Predominantly public sector</b>	62	38	<i>368</i>
<b>A fairly even mixture</b>	42	58	<i>184</i>
<b>Total</b>	53	47	<i>833</i>

**Cross-tabulation:** results significant at 5 per cent level

**Base:** Union negotiating officers, 2010

**Source:** Labour Research Department Survey of Union Officers, 2010.

It is also possible to analyse the pattern of Acas usage by industry. Table 5 examines the pattern of Acas use according to the industry in which bargaining takes place. It should be noted that the categories are not mutually exclusive and union officers were asked to indicate as many sectors as applied to them. The results reveal some interesting patterns. Officers in health and central government were the most likely to be low or non-users of Acas, whilst passenger transport and retail and distribution were the sectors where it was most common to find multiple use of Acas. A similar pattern emerges if we look at whether Acas was used in the most recent dispute. Over three quarters of officers negotiating in the health and central government sectors reported not using Acas (although the figures for central government were not statistically significant). Passenger transport was again the sector least likely to eschew Acas involvement in the most recent dispute, with construction, retail and distribution, communications and energy and water all having higher than average recent Acas involvement.

**Table 5: Use of Acas by industry**

<b>Sector</b>	<b>Low or non- users (%)</b>	<b>Multiple-users (%)</b>	<b>Base</b>
<b>Manufacturing</b>	43*	57*	237
<b>Central government</b>	58	42	142
<b>Local government</b>	46*	54*	254
<b>Education</b>	53	47	265
<b>Health</b>	58*	42*	308
<b>Voluntary sector</b>	47*	53*	226
<b>Retail &amp; distribution</b>	38*	63*	184
<b>Finance &amp; business services</b>	48	52	48
<b>Construction</b>	38*	62*	86
<b>Passenger transport</b>	33*	67*	131
<b>Communications</b>	49	52	68
<b>Energy &amp; water</b>	40*	60*	115
<b>Media &amp; entertainment</b>	47	53	70
<b>Total</b>	53	47	835

**Cross-tabulation:** \* Results significant at 5 per cent level

**Source:** Labour Research Department Survey of Union Officers, 2010.

The final bargaining unit characteristic that was analysed to test whether it impacted on Acas use was geographic region. The analysis showed that there was no statistically significant relationship between bargaining unit location and the pattern of Acas usage, however.

### **3.2.2 Union Officer Characteristics and Acas usage**

Having profiled union officers earlier in this report, this section will explore whether there are any links between officer characteristics and their propensity to use Acas in collective disputes. Table 6 presents data on how Acas use is related to the tenure of union negotiating officials. The results clearly show a positive correlation between tenure in the role and the use of Acas. Only 28 per cent of officers who have been in the job less than five years have used Acas on more than one occasion, whereas the figure jumps to 62 per cent for those who have had twenty years experience as a negotiating official. These results are not particularly surprising and may simply reflect the fact that the longer an officer has been in that role, the greater the opportunity they will have had to involve Acas in a dispute.

**Table 6: Acas use by officer tenure**

<b>Tenure as paid negotiating official</b>	<b>Low or non-users (%)</b>	<b>Multiple users (%)</b>	<b>Base</b>
<b>&lt;5 years</b>	28	72	117
<b>5-10 years</b>	41	59	240
<b>11-20 years</b>	51	49	293
<b>&gt;20 years</b>	62	38	184
<b>Total</b>	48	52	834

**Cross-tabulation:** results significant at 5 per cent level

**Source:** Labour Research Department Survey of Union Officers, 2010.

Analysis of the LRD data shows that there is an association between the education or training that union officials receive and their preferences for using Acas in disputes. Table 7 presents data which examine this link. The data show that graduates of the TUC's Organising Academy and those officers with a professional industrial relations qualification are no more or less likely to use Acas than average. The same is not true of those officers who have received TUC or union training, however. Of these officers, 49 per cent are multiple users of Acas, versus 47 per cent for the sample as a whole. By far the biggest influence on whether an officer uses Acas is whether they hold a degree, regardless of its subject. Only 43 per cent of union officers with a degree reported involving Acas in disputes on more than one occasion in the preceding ten years.

**Table 7: Acas use by officer education and training**

<b>Education/training</b>	<b>Low or non-users (%)</b>	<b>Multiple-users (%)</b>	<b>Base</b>
<b>TUC Organising Academy training scheme</b>	54	46	100
<b>TUC or union training for full-time officials</b>	51*	49*	591
<b>Industrial relations professional qualification</b>	49	51	156
<b>Degree course in any subject</b>	57*	43*	363
<b>Total</b>	53	47	719

**Cross-tabulation:** \* results significant at the 5 per cent level

**Source:** Labour Research Department Survey of Union Officers, 2010.

An interesting finding that emerges from the analysis of the data is that male union officers are more likely to involve Acas in collective disputes than females (see also above). Table 8 presents the results and indicates that two thirds of female officers are classed as low or non-users of Acas, whereas less than half of their male counterparts fall into that category.

**Table 8: Acas use by gender**

<b>Gender</b>	<b>Low or non-users (%)</b>	<b>Multiple-users (%)</b>	<b>Base</b>
<b>Male</b>	47	53	604
<b>Female</b>	67	33	233
<b>Total</b>	53	47	837

**Cross-tabulation:** results significant at the 5 per cent level

**Source:** Labour Research Department Survey of Union Officers, 2010.

Age was found to be positively associated with the use of Acas. Table 9 shows the pattern of use according to the age of the union officer. A clear positive relationship can be seen with officers who are aged 56 or over being twice as likely to use Acas regularly as those aged 35 or less. The same caveat that applied to the analysis of tenure should be raised here; younger union officers will have had less opportunity to involve Acas in disputes. Having said that, the threshold for inclusion in the 'multiple user' category is a modest two referrals to Acas in the last ten years. Therefore, the impact of a negotiating officer's age on the likelihood they will use Acas should not be dismissed.

**Table 9: Acas use by age**

Age group	Low or non-users (%)	Multiple-users (%)	Base
35 or under	70	30	53
36-45	59	41	179
46-55	54	46	394
56 or over	41	59	213
<b>Total</b>	53	47	839

**Cross-tabulation:** results significant at 5 per cent level

**Source:** Labour Research Department Survey of Union Officers, 2010.

### 3.2.3 Union Negotiating Officer Perceptions and use of Acas

In this section, we will attempt to explain the pattern of Acas usage by comparing it to the perceptions and preferences expressed by union negotiating officers. In this way, it should be possible to unpick some of the underlying motives of the officers in their choice of whether or not to utilise Acas in their collective disputes. Table 10 examines how Acas use is related to union negotiators' approach to negotiating. Officers were asked to rate three approaches to negotiation: to seek compromise that suits both sides without confrontation or disruption ('compromisers'); to press for as much as possible for members, even if it means industrial action ('pressers'); and finally a partnership approach where the employer's view is taken into account ('partners'). The results of the analysis show that those officers adopting a compromising approach to negotiations are very slightly less likely than average to be multiple users of Acas. The results for negotiators that press for as much as possible are more striking. More than two thirds of such officers are regular users of Acas. This can be partly explained by the fact that these officers are likely to experience more disputes as a consequence of their negotiating style and, therefore, have greater opportunity to call upon the services of Acas.

**Table 10: Acas use by negotiating approach**

Negotiating approach	Low or non-users (%)	Multiple-users (%)	Base
Compromisers	50*	50*	331
Pressers	31*	69*	71
Partners	50	50	4
<b>Total</b>	47	53	406

**Cross-tabulation:** \* results significant at 5 per cent level; the difference between compromisers who are low or non-users and those who are multiple users are very slight: 50.2 per cent compared with 49.8 per cent, albeit that the difference is statistically significant

**Source:** Labour Research Department Survey of Union Officers, 2010.

### 3.3 Multivariate Analysis of the LRD survey

In this section we develop multivariate models which explore the nature of the relationship between the characteristics of union officers and their use of Acas in disputes. The technique used to analyse this relationship was logistic regression as the variables in the analysis are categorical in nature. The dependent variable in the analysis that follows is those officers who are low or never-users of Acas. This means they have used Acas a maximum of once in the last ten years. By running logistic regression analysis it will be possible to determine which factors are associated with an increased likelihood of falling into this category. A number of models will be presented, concentrating on different subsets of dependent variables.

### 3.3.1 Bargaining unit characteristics and the use of Acas

Table 11 shows the results of logistic regression analysis where the independent variables are all dummy variables which represent the characteristics of the bargaining units in which the union officers negotiate. The independent variables are the number of bargaining units, geographic region, the sector of ownership and the industry in which the bargaining unit is located. The analysis shows that the model is significant and explains approximately 20 per cent of the variation in the independent variable.<sup>4</sup>

**Table 11: Logistic regression analysis of Acas usage by bargaining unit characteristics**

Predictor	$\beta$	SE $\beta$	Wald's $\chi^2$	Df	p	$e^\beta$
<b>Constant</b>	0.36	0.416	0.747	1	0.388	1.433
<b>Bargaining Units</b>						
2-10	0.384	0.381	1.011	1	0.315	1.468
11-20	-0.2	0.415	0.232	1	0.63	0.819
more than 20	-1.024	0.398	6.627	1	0.01	0.359
<b>Region</b>						
North East	0.807	0.418	3.733	1	0.053	2.241
North West	0.297	0.324	0.839	1	0.36	1.345
Yorkshire and Humber	0.019	0.339	0.003	1	0.954	1.02
East Midlands	1.18	0.514	5.265	1	0.022	3.256
West Midlands	0.847	0.478	3.145	1	0.076	2.333
East of England	0.028	0.433	0.004	1	0.949	1.028
South East	0.89	0.354	6.313	1	0.012	2.436
South West	0.9	0.415	4.712	1	0.03	2.46
Scotland	0.542	0.324	2.803	1	0.094	1.72
Wales	0.41	0.391	1.099	1	0.295	1.506
<b>Sector</b>						
predominantly private	-0.301	0.295	1.041	1	0.308	0.74
<b>Industry</b>						
manufacturing	0.34	0.281	1.471	1	0.225	1.405
central government	0.364	0.278	1.717	1	0.19	1.439
local government	-0.624	0.262	5.653	1	0.017	0.536
education	-0.025	0.253	0.01	1	0.921	0.975
health	0.16	0.247	0.42	1	0.517	1.174
voluntary sector	0.136	0.265	0.263	1	0.608	1.146
retail and distribution	-0.692	0.276	6.278	1	0.012	0.5
finance and business services	0.08	0.422	0.036	1	0.849	1.084
construction	0.254	0.385	0.434	1	0.51	1.289
passenger transport	-0.696	0.282	6.1	1	0.014	0.499

communications	0.332	0.365	0.831	1	0.362	1.394
energy and water	-0.255	0.304	0.702	1	0.402	0.775
media and entertainment	-0.05	0.359	0.019	1	0.889	0.951

Cox and Snell  $R^2 = .144$ , Nagelkerke  $R^2 = .193$ .

The table shows that only a number of the independent variables are significant at the 5 per cent level. In terms of bargaining units, those officers who are responsible for more than twenty units are less likely to be low or non-users of Acas compared to their colleagues who have just one unit to deal with. The final column in the table refers to the odds ratio of the independent variable affecting the dependent variable. Therefore, officers with more than twenty bargaining units are 0.359 times as likely to be non-users of Acas compared to their single-unit counterparts.

The variables associated with region are analysed with London as a reference point, therefore the odds ratios are expressed in relation to officers in the capital. Unlike the bivariate analysis, the regression results show that there are some significant regional effects at work. Officers in the North East are more than twice as likely to be non-users of Acas compared to those in the capital. Acas use is even less common in the East Midlands with officers being over three times more likely to be non-users than in London. The South of England exhibits a similar pattern with officers two and a half times more likely not to use Acas than their counterparts in the capital. Overall, the analysis shows that there is a significant regional influence on usage of Acas and that negotiating officers in London are comparatively likely to make use of its dispute resolution services.

The final significant independent variables relate to the industry in which bargaining takes place. Table 11 shows that officers negotiating in local government, retail and distribution and passenger transport are all about as half as likely to be low or non-users of Acas than those in the rest of the economy. This confirms the bivariate analysis. Some care should be taken with these variables as they are not mutually exclusive and officers can be negotiating across multiple sectors. Overall, this regression model suggests that the characteristics of the bargaining units can have a significant impact on the likelihood of whether a negotiating officer chooses to use Acas.

### **3.3.2 Union negotiating officer characteristics and the use of Acas**

We now turn our attention to the characteristics of the negotiating officers themselves and the impact these have on Acas use. Table 12 shows the results of another logistic regression model where the independent variables relate to the tenure of officers, their previous experience, their education or training, age and gender. In addition, a number of variables examining the impact of union characteristics were included. The first looks at whether being in a union which has a reputation for militancy affects Acas use and the second examines the impact of not being affiliated to the TUC. The final variables examine the negotiating approach favoured by the respondents. Again, the model is significant and the goodness of fit has increased to approximately 26 per cent.

**Table 12: Logistic regression results of Acas usage by officer characteristics**

Predictor	$\beta$	SE $\beta$	Wald's $\chi^2$	df	p	$e^\beta$
<b>Constant</b>	1.075	1.505	0.51	1	0.475	2.931
<b>Tenure as negotiating officer</b>						
5 to 10 years	-0.662	0.441	2.251	1	0.134	0.516
10-plus to 20 years	-1.075	0.456	5.562	1	0.018	0.341
more than 20 years	-1.496	0.506	8.749	1	0.003	0.224
Previous experience						
lay union negotiator	0.564	0.381	2.195	1	0.138	1.758
lay activist	-0.439	0.383	1.314	1	0.252	0.645
Education/training						
TUC Organising Academy	0.222	0.352	0.399	1	0.528	1.249
TUC/union training	-0.056	0.344	0.026	1	0.871	0.946
professional IR qualification	-0.435	0.3	2.106	1	0.147	0.647
degree (any subject)	0.273	0.26	1.104	1	0.293	1.314
<b>Gender</b>						
Male	-0.547	0.282	3.752	1	0.053	0.579
<b>Age</b>						
36-45	0.476	0.562	0.718	1	0.397	1.61
46-55	0.712	0.553	1.656	1	0.198	2.037
over 56	-0.002	0.595	0	1	0.997	0.998
<b>Union type</b>						
Reputedly militant	-0.54	0.281	3.705	1	0.054	0.583
non-TUC affiliate	1.023	0.505	4.114	1	0.043	2.783
<b>Negotiating approach</b>						
Compromisers	-0.246	1.212	0.041	1	0.839	0.782
Pressers	-1.263	1.246	1.027	1	0.311	0.283

Cox and Snell  $R^2 = .193$ , Nagelkerke  $R^2 = .258$ .

The results of the logistic regression show that the characteristics of union negotiating officers can have a significant impact on the use of Acas. The negative association between tenure as a union officer and the non-use of Acas confirms the bivariate analysis, which showed that officers with more experience are more likely to report having used Acas. There are some interesting results with regard to the education and experience of union officers; for example, graduates of the TUC's Organising Academy are less likely to use Acas than those who have not been through this scheme. Unfortunately, none of the variables in this category are significant at the 5 per cent level. The analysis of gender, again confirms our earlier bivariate analysis. Men are just over half as likely to be low or non-users of Acas, than their female colleagues. The age of union officers is not found to be a statistically significant factor; however, this may be due to the correlation between this variable and that measuring tenure.

Overall, when looking at the personal characteristics of negotiating officers, the analysis shows that tenure and age are significantly associated with the use of Acas.

The analysis also shows that certain union characteristics also have a bearing on the likelihood of using Acas. Being a member of a relatively militant union is positively associated with Acas use. Officers from these unions are just over half as likely to be low or non-users of Acas, than their more moderate counterparts. Being a member of a non-TUC affiliated union has the opposite effect, however. Officers in these unions are nearly three times as likely to be low or non-users of Acas than their affiliated colleagues. Finally, despite being significant in the bivariate analysis, the negotiating approach of individual union officers was not found to be so in this analysis.

Our analysis found that negotiating officers' experience of disputes and alternative methods for resolving them to be statistically insignificant in explaining the pattern of Acas usage. This is partly due to the detrimental effect that inclusion of these variables had on the number of cases in the analysis. Despite these caveats, the results of the above analysis has shown that the characteristics of negotiating officers, together with the nature of the unions they represent have a significant influence on the likelihood that they will use Acas to help settle collective disputes.

### 3.3.3 Analysis of the reasons behind the non-use of Acas

The preceding analysis has concentrated on examining which factors are associated with Acas use or non-use. The LRD survey also asked questions about the reasons why union negotiating officers have chosen not to involve Acas in collective disputes. These questions were asked in relation to the most recent dispute and with reference to the preceding decade. Analysis of these variables should help to identify the underlying attitudinal factors that influence negotiating officers in their decision whether or not to refer disputes to Acas.

The questionnaire contained twenty possible variables relating to non-use of Acas. For the purpose of this analysis the first two questions were rejected since they related to incidences where there had been no dispute with any employer, or such disputes had not reached a total impasse. The remaining questions related to situations where referral to Acas would have been a practical, but unused, option to solve the dispute. A Principal Component Analysis with Varimax (orthogonal) rotation of 18 questions was conducted. An examination of the Kaiser-Meyer Olkin measure of sampling adequacy suggested that the sample was factorable (KMO=.570). The results of an orthogonal rotation of the solution are presented in Table 13. When loadings less than 0.40 were excluded, the analysis yielded a seven-factor solution with a simple structure (factor loadings =>.40).

**Table 13: Factor analysis of reasons for non-use of Acas during last 10 years\***

Component	Factor						
	1	2	3	4	5	6	7
I have not thought of using Acas	-.112	-.104		.103		.707	
My experience of Acas has put me off			.151	.724			.122

I didn't see what solutions Acas could find that we couldn't have found ourselves			.653	.271			
Acas couldn't get us more money as there was no more to be had	.108	.200	.558				
We end disputes by members voting either for or against industrial action			.598			-.115	
I was concerned that Acas would take away the members' control over the outcome			.285	.171	.248	-.152	.696
I see as my job/my union's job as to find solutions without using outsiders	.828					-.117	.122
My members see my job/my union's job as to find solutions without using outsiders	.817				.228		
I personally do not like to involve a third party	.490		.164	.497	-.213		-.127
I do not like to involve Acas in particular			-.168	.688	.250		
The employers did not like to involve a third party		.781					
The employers did not like to involve Acas in particular	-.149	.730	-.145			-.147	
The union does not like using a third party	.128	.141	.137		.674	-.115	
The union does not like using Acas in particular		-.133	-.181	.157	.716		
I didn't want to get involved in more bureaucracy/delays	.163	.289	.382		.448	.215	
I didn't know how Acas works/what the process would involve						.807	.151
We didn't have established procedures to involve Acas		.542	.130	-.198	.117	.138	.110
I was concerned about the cost to the union of bringing in Acas		.121	-.199		-.122	.212	.779
Eigenvalues	2.183	1.735	1.541	1.379	1.332	1.108	1.071
Percentage of total variance	12.13	9.64	8.56	7.66	7.40	6.15	5.95

\* Loadings =>.10

The seven factors that emerge from the analysis are conceptually coherent and can be labelled in the following way:

- Factor 1 - 'professional pride of union officers'
- Factor 2 - 'employer unwillingness to use Acas'
- Factor 3 - 'no scope for Acas to find a solution'
- Factor 4 - 'personal experience/dislike of Acas'
- Factor 5 - 'union unwillingness to use Acas'
- Factor 6 - 'ignorance of Acas'
- Factor 7 - 'concerns for union autonomy'

Three items load onto factor 1. It is clear from the table that these items relate to officers' perceived role in collective negotiations. The item that loads most strongly onto this factor is concerned with officers viewing themselves (and their unions) as the most important agents for negotiating with employers. This is reinforced by the belief that union members also see their negotiating officers in this way. The final item in this factor flows from the first two and is related to officers expressing a dislike for involving a third party in disputes. This item is also loaded onto factor 4, which will be discussed later. In summary, the analysis shows that the factor with the greatest explanatory power relates to what could be thought of the professional pride of union negotiating officers in wanting to settle collective disputes themselves and without third party intervention.

The three items that load onto factor 2 all relate to employer preferences. The two most strongly related items are employer reluctance to use any third party to settle disputes and reluctance to use Acas in particular. The third item in this factor is associated with a lack of an established procedure to involve Acas. The relevance of this variable is confirmed by our analysis of the Workplace Employment Relations Survey, which indicated that only 35 per cent of establishments had formal dispute resolution procedures that made provision for Acas involvement.

The third factor that emerges is the opportunity for a solution to be found. The first variable that loads onto this factor is officers' opinion that Acas would be no better at finding a solution than the two parties in dispute. This concept of there being no alternative solution is also encapsulated in the second item that loads onto this factor which is the view that a more favourable financial settlement does not exist. The implication, therefore, is that referral of the dispute to Acas would be pointless. The final item in this factor states that disputes end with a ballot of members for or against industrial action. Although this item is more procedural in nature, it is consistent with the theme of this factor, which is that there is no room for Acas to improve the settlement between the two actors in the employment relationship.

Factor 4 is very clearly identified with negotiating officers' personal experience of Acas. The two items that map most strongly onto this factor are those where officers claim that their experience of using Acas has put them off and that they specifically do not like using Acas in collective disputes. The final item that loads onto this factor is the more general claim that officers do not like to involve any third party. As has already been noted, this item also loads onto factor 1, but the strongest association is with this fourth factor which can be characterised as a personal disinclination to use Acas on the part of union negotiating officers.

Union reluctance to refer disputes to Acas is the subject encapsulated by factor 5. The questions relating to unions not wishing to use a third party in general, or Acas in particular were both strongly loaded onto this factor. The third item that is associated with this factor is an unwillingness on the part of union officers to become embroiled in more bureaucracy or delays resulting from Acas involvement. The fact that these items form a common factor may help shed some light on what lies behind the apparent unwillingness of unions to refer collective disputes to Acas. This theme is conceptually close to that in factor 7, which will be discussed below.

The sixth identifiable factor concerns ignorance on the part of union officers about the role of Acas in resolving disputes and has just two items that load onto it. The first of these is officers

admitting that they had not thought of using Acas. The second, and highly related, item is officers' ignorance of how Acas works, or what the process would involve. Thus, this factor illustrates that part of the explanation for the non-use of Acas in collective disputes lies in the imperfect knowledge of union negotiating officers, a subject which is examined in more detail in Section 4 of this report.

The final factor in the analysis is conceptually similar to factor 5 and is related to the perceived implications of Acas involvement. There are two items which load onto this factor. The first is union officers' belief that referring a dispute to Acas will lessen members' control over the final outcome. The second item refers to concerns over the cost to the union of bringing in Acas.

Taken as a whole, the factor analysis reveals some interesting patterns regarding the underlying motives for union negotiating officers' unwillingness to use Acas in collective disputes. The preceding analysis has shown how there are seven coherent factors which, taken together, account for 57 per cent of the variance in the sample. It should be noted, however, that when these factors were tested for reliability the Cronbach alpha scores were fairly low. Nonetheless, the factor analysis reveals an unambiguous and conceptually consistent picture of the reasons for non-use of Acas.

#### **4. CONCLUSION**

In this conclusion we first summarise the main results of our research, considering the factors associated with low or non-use of Acas collective conciliation. We then return to and reflect upon the three broad themes outlined in the introduction: union revitalization, the juridification of employment relations and the changing nature of Acas itself. Finally, we draw out the significance of our findings for each.

Our findings are complex and point to a variety of factors that are associated with diminished use of Acas. These include structural features of the officer's job, personal characteristics and history and the unions they work for. Among the most significant findings to emerge from the analysis were the following: Officers with responsibility for multiple bargaining units, located in London and with members in local government, retail and distribution and passenger transport were *more* likely to make use of Acas. Women officers, relatively recent entrants to the occupation and graduates of the Organizing Academy were *less* likely to make use of collective conciliation. Union character or identity influences the propensity to use Acas, such that officers from unions with a reputedly militant leadership are more likely to be users while officers from non-TUC affiliates are less likely.

The reasons given by union officers for not using Acas also displayed a complex pattern. A total of seven types of explanation were identified through the analysis. Some of these explanations related to factors beyond the officers' control, including resistance to the involvement of a third party on the part of the employer. Nevertheless, there was evidence that the orientation of union officers to their own job and their perceptions and prior experience shaped the decision not to use Acas. Officers with a professional orientation that emphasised their own capacity to resolve disputes were less likely to have resort to collective conciliation, as were officers who did not have confidence in Acas or who had had a poor previous experience.

What are the implications of these findings for the broader themes that were identified in our Introduction? With regard to union revitalization, perhaps the major finding is that the union workforce does not display evidence of radical change or discontinuity. The characteristics of officers and the work they perform are broadly the same as those identified in earlier research studies (Kelly and Heery 1994). Nevertheless, there is evidence of gradual change, including the presence of more women officers, increasing professionalization and the inclusion in the bargaining workforce of officers who have been formally trained in organizing methods through the TUC's Organizing Academy.

Another major finding is that officers with these characteristics appear to perform their jobs in distinctive ways. Thus, women officers appear, less dispute-prone but report a distinctive

dispute agenda that includes conflict over issues of equality and discrimination. Organizing Academy graduates appear more likely to use campaigning methods when disputes arise, while the rising numbers of graduates are distinctive in their use of Acas, being particularly likely to use web and other sources of advice and information. A third finding is that some of these groups appear to have less contact with or knowledge of Acas and are less likely to make use of collective conciliation. This is the case for both women officers and Academy graduates. There is evidence of gradual change in unions therefore, which is altering the composition of the union workforce. At least some of these changes currently are not favourable to Acas.

The research also produced findings that relate to the question of juridification. There is evidence that increasing legal regulation of industrial relations is shaping the dispute behaviour of union officers, particularly in resort to legal industrial action ballots and the threat of legal action to resolve disputes. Union officers appear to have adapted to a more juridified context and to have developed 'hybrid' forms of representation, in which use of statutory levers is combined with the traditional union method of collective bargaining. The other main finding in this regard is that recourse to Acas is also found in combination with use of these levers. Resort to legal provisions does not appear as an alternative to collective conciliation. On the contrary there is a positive association between the use of legal industrial action ballots and seeking help from Acas.

The final theme that we identified was that of the changing role of Acas itself. Much of the evidence collected through the survey points to stability in union use of Acas. Thus, after balloting, help from Acas is the most widely used method for resolving disputes, most officers have knowledge of Acas and deem it to be effective and there is evident trust in Acas and widespread acceptance that it is both independent and impartial. Acas emerges from the study as an accepted and widely used component of the institutional matrix in which unions operate; it is a stable, trusted brand.

Nevertheless, not all findings are reassuring. As we have noted, there is less use of Acas amongst some of the expanding categories within the union workforce and to a degree, Acas emerges as an instrument of more 'traditional' officers (older, with higher seniority who have served a lay apprenticeship), perhaps employed in more traditional contexts (resolving pay disputes). There is also some evidence that professionalization of the officer workforce may be working against Acas, with many officers seeking to resolve disputes in a self-reliant fashion without resort to third parties. Moreover, changing conceptions of professionalization, seen in the creation of the Organizing Academy, may also work against Acas. The final significant finding is that relating to differential use of Acas amongst union officers. In the past resolving collective conflict through conciliation was central to the Acas-union relationship. This activity continues to be important but for some groups of officers, Acas' advisory and information services may now be more significant.

## END NOTES

1. The number of requests has increased again more recently, with 1050 being received in the year 2010-2011.
2. This figure applies to workplaces of at least 10 employees.
3. In both cases, officers who answered that they were unsure if Acas had been used were counted as negative responses.
4. Nagelkerke's  $R^2$  is the preferred measure of model fit as it is scaled from 0-1 and can, therefore, be interpreted in the same way as a linear regression model.

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