Conference Proceedings

The Changing World of Work - Key Issues for Northern Ireland
19 April 2005

Contents

Opening Addresses

The Changing World of Work - Key Issues for Northern Ireland

Pat McCartan
(Chairman, LRA)

Distinguished Guests and Colleagues - You are all very welcome to the Labour Relations Agency's Conference 2005.

Let me extend our warmest of welcomes to our guests from Britain and the Republic of Ireland, and from the Department for Employment and Learning, our sponsoring department. Also, we have received best wishes from our sister organisations around the world for a successful conference, as well as from the European Commissioner, Vladimir Spidla, and the social partner organisations at EU level. We are delighted to welcome our sister organisations the Labour Relations Commission, and the Advisory, Conciliation and Arbitration Service, and we look forward to hearing from them in our deliberations.

We extend the very warmest of welcomes to our social partner organisations, the CBI and the ICTU, and are delighted to have John Cridland, Deputy Director General, and David Begg, General Secretary, as our keynote speakers. We welcome the Chartered Institute of Personnel and Development, the Federation of Small Businesses, the NI Committee of ICTU, and the Employment Relations Committee of CBI Northern Ireland. We welcome our partner agencies, the Chairman of Invest NI, the Vice-President of the Industrial and Fair Employment Tribunals, the Chairman of the Industrial Court, and the Certification Officer for Northern Ireland. And, we welcome representatives from a wide range of employers and trade unions, and the staff of the Agency itself.

We are delighted that so many partner agencies are not only participating in our conference, but they have also taken stands in our exhibition to show us all the important work they undertake in the field of improving employment relationships. Our thanks again are due to the Department for Employment and Learning, to Invest NI, the Equality Commission, the NI Health & Safety Executive, the CBI, to NIC-ICTU, to Mediation NI, to the Federation of Small Businesses, and to the Agency staff. You have a wonderful opportunity to visit our exhibition throughout the day and do some real business as well as just talk about it.

And that is the way we have designed our conference – to achieve maximum input on a range of burning topics which reflect the current and future work of our Agency.

The Changing World of Work - Northern Ireland

It was unimaginable in 1976 when the LRA was created, that our unemployment would be less than 5%, that we would be earning £1725 on average each month, that equality at work was normal, and there would be a minimum wage of £4.85 per hour.

It was unimaginable that computers would rule our lives, or that email and mobile phones would give us almost instant communication with each other, and the satellite digital television, DVD/video, and audio revolution would occur.

It was unimaginable there would be no ships being built, and few garments being made, or that so many of our jobs would be in fast food, software, or personal services. We may never have imagined we could work part-time, or that our boss would be female, or we would decide for ourselves when to start and stop working, or that over 40% of us would go to university as full-time students. Also, we never imagined we would see a growth in jobs to ¾ million, (over a quarter of a million more), nor did we believe trade union membership would drop to 30%, perhaps as low as 20% in the private sector.

In the early seventies, before the Labour Relations Agency was created, it was agreed there was an immediate need to tackle disputes and strikes between employers and unions, to bring some fairness and protection for workers against redundancy, unfair dismissal, and discrimination at work. It was envisaged there was a continuing need to have systems for resolving problems at the workplace.

It is even more necessary today – for, whilst the world of work has changed, and legal rights have changed, human nature has not. Conflict at work is more likely today than ever, and the work of conflict resolution has never been more important. Conflict is more likely because expectations are much higher, of both employer and employee, and competitive pressures are greater. The European Union has raised the platform of employment rights as an integral part of the social agenda, just as business has expanded with access to the enlarged market. The Information and Consultation Directive, and the new Disciplinary and Grievance procedures, which take effect from 3 April 2005, add to our expectations.

Employment Rights

There are now almost 80 reasons for bringing a case to an Industrial or Fair Employment Tribunal, but at last the legislation places emphasis on solving problems within the workplace. The LRA provides conciliation, mediation, and arbitration services for employers and employees, and will be developing its mediation services further, - all aimed at low cost, easy access and speedy solutions to workplace problems. The task of the LRA is to resolve every dispute before the Tribunal takes place, and where this does not occur, new processes are requiring disputants to undertake a considerable amount of preparatory work beforehand, such as witness statements, document exchange, etc. Also, the LRA now has an officer attend the Tribunals office when preliminary hearings are taking place, and this is having some success in promoting settlements.

This results in 85% of cases (approx) being resolved before a full hearing is finalised, but the LRA believes this percentage should be higher and achieved much earlier, to avoid unnecessary costs, emotional trauma which damages psychological contracts, and to prevent the erosion of workplace relationships.

New Legislation

It is appropriate to put the emphasis on dispute resolution and problem solving before any tribunal hearing, and that is what the Employment (Northern Ireland) Order 2003 now does, with the Commencement Order taking effect from 3 April 2005. The proper place to handle employment rights is within the workplace as soon as possible after an issue arises, not within the precincts of tribunal and court buildings. All of us have the responsibility to improve our processes, to find the least cost – soonest mended

way to resolve employment rights disagreements. Of course, there will always be matters that will require a legal decision, but these are relatively few. Already we know that less than 15% of cases actually require full tribunal adjudication. So the new legislation is to be welcomed, and we in the LRA are already shaping our services to take full advantage of the law, and to encourage much earlier resolution of employment rights cases. We believe this will place much greater pressure on our advice helpline, our website www.lra.org.uk, and conciliation, mediation, and arbitration services. That is why we have increased our staff, and the resources we are placing in early intervention problem-solving services, such as mediation and arbitration.

The New LRA Code

It is a great pleasure to launch our new Code of Practice on Disciplinary and Grievance Procedures today. We commend it to all employers and employees in Northern Ireland, all ¾ million of you. We know it is based upon good practice in good workplaces, where employees and their trade unions have developed positive relationships with employers, and where employers have shown responsibility for fairness in managing their workers. Our Code of Practice makes good business sense, and emerges from many years experience in the Agency, and in dispute resolution. We expect it to form the baseline for many workplaces to revise their own procedures, and for the tribunals to use in forming their decisions. We expect it to be in use for many years to come, and I particularly pay tribute to my fellow Board members and Agency senior staff for their hard work in arriving at the final version.

EU Directive

We also welcome the Information and Consultation Directive which took effect from this month, and which requires minimum standards of involvement of all employees in businesses which have more than 150 employees, and within three years will apply to organisations with 50 or more employees. We have already been involved in assisting workplaces introduce and modernise their systems to be compatible with the Directive and companies legislation. The IC Directive strengthens the Agency role in encouraging the unions and employers to form or improve their partnership or collaborative working, to enable them to share responsibility for anticipating and avoiding conflict, and to build enduring relationships based on trust.

Migrant Workers

And what of Migrant workers? Despite this appearing to be a relatively new problem, the LRA has always offered its services to all workers and employers in Northern Ireland irrespective of origin, and we will continue to do so. But that is not enough. We need to make much greater efforts to reach out, in ways and languages that overcome cultural barriers, and the fears of immigrants. We need to work with community groups and welfare associations for our guest workers and EU citizens to ensure their employment is not exploited, and their rights are asserted. We have been working hard on this, but there is more to do in partnership with other agencies and bodies.

Public Services

Changes in the public service, particularly in pay levels and arrangements for bargaining, and pensions, have recently had a significant effect on disputes and relationships. Government policies on

regionalism, and on modernisation in public services are having an effect. We see growing financial pressures on public expenditure at regional level, at the level of devolved government, and these are currently influencing employment relations in Education, Health and Social Services, Local Government and the Civil Service. Also, we are now in the consultation period following the recent publication of the Review of Public Administration. It makes proposals which affect the employment contract of over 125,000 public service workers in Health, Education and Local Government, yet these matters were specifically excluded from the consideration of the Review group, as were the possible costs. If the proposals to implement the changes in public administration are to proceed as envisaged within the next 3 years, how are the employment rights of workers to be asserted and adjudicated? What thought is being given to individual and collective problem solving? The LRA is actively working on its submission to the Review body, to ensure none of these matters go by default, but it is clear that now is the time to plan how to face the employment rights issues. And it is clear we need to give priority to developing processes for dispute avoidance, and to building skills, as well as trust, if we are to have efficient public services for Northern Ireland.

Small Businesses

The public service is sometimes regarded as the dominant part of our economy, but it is not so. Small businesses, employing less than 50, employ more than the whole of the public sector, over 200,000 people, and are vital to our economy. That is why our advisory services concentrate on employment issues relating to small firms, and it is why our accessibility to the small employer is so important. Our partnerships with Invest NI, local chambers of trade and enterprise agencies provide the best way to reach small businesses with our early intervention advice, and which significantly reduces the "risk" element and takes away the fear of employing more people. But we need the views and ideas of everyone involved so our services can be even better, and help build the quality and security of employment in the small firm.

And so it is clear our conference has a big agenda, and has a focus on how to approach the future changes in the world of work. Be assured that we will set the agenda here today for our work over the next 2-3 years, just as we did 2 years ago.

The Labour Relations Agency values your presence and input to our work, and we promise to take your comments and views fully into account. We will, once again, publish our conference proceedings shortly, and you will receive a copy.

Best wishes for an enjoyable conference.

The Changing World of Work - The Government View

Will Haire
(Permanent Secretary, Department for Employment and Learning)

Thank you very much indeed Pat. It is a real pleasure to join this Conference today, to address the challenges facing us all within the "changing world of work".

The size of the audience here today illustrates the importance of some of the issues that we are addressing, not just in the keynote speeches from John Cridland and David Begg, but also in the eight workshops, this morning and this afternoon.

I am very honoured to have been asked to set some context for this discussion. If we were not in the foothills of the General Election, it would have been my Minister who would have delivered these words.

But I make this speech with great pleasure. We have clear directions on the key policy issues that we must address in the short term, some set by national and others by European direction. Can I start by setting the work of this Conference within the wider Employment Agenda, while, as most of you will know, there has been some joy over the years in naming the Department for which I currently work, it is in essence the Department for Skills. A major part of our work relates to the enhancement of learning and skills to meet the needs of the economy. It involves the entire vocational, training and higher education field, and indeed extends into our underpinning of the great majority of research and development investment in Northern Ireland at the Universities.

A related business is about helping people to get the employability and job-search skills to find jobs, increasing focus on those with limited or no skills who need to enter the labour market or learn skills themselves.

But the final business which DEL is involved in also relates to skills - the skills of being good employers and good employees. The key part of our role is the development and maintenance of the framework of employment rights and responsibilities including the provision of effective remedy through the Tribunal system.

However, we conclude that these three "r's" - rights, responsibilities and remedies - on their own are not enough to allow us to meet our objective of creating fair and flexible workplaces, places where businesses can be productive, but also the places where employees working in a fair environment, are able to achieve balance between their work and other responsibilities. So we need a fourth "r" - effective employment relations. This is what the LRA is in the business of and what we will explore today, giving us all food for thought.

As I start this discussion can I just focus on two key areas, areas where we have introduced significant legislative changes. I am referring to the resolution of employment rights disputes and systems for information and consultation within the workplace.

Let me first of all turn to Dispute Resolution. In the field of employment relations, it is inevitable that there will be failures in those relationships, and that individuals or groups enter into disputes with their employer. We have produced significant employment law to try and regulate this, and of course, we have established the system of Tribunals to ensure that final and effective remedy can be given. But we are also all aware of the time that this can take, and the anguish to individuals, and to their businesses, as well as the sheer cost involved. So one

of the key rights that we must establish is the right to timely resolution of disputes, and why that can be achieved.

Most of us here know only too well of the problems that such disputes can cause. We know the long-term implications for staff morale and the destruction of relationships within the workplace. We know that it can impact on businesses, and the pressure on management. How many of us are aware that in a great number of these cases early resolution, with fair and effective measures, could have been of benefit.

Of course, many employers already know the value of having robust internal procedures for dealing with disciplinary or grievance matters. But, the number of small businesses for example who have no procedures in place is worryingly high. According to recent research we carried out, some 38% of those interviewed, working for firms with fewer than 25 employees, said that there were no formal procedures for dealing with grievances in their workplace. It is with that in mind that the statutory minimum disciplinary, dismissal and grievance procedures, contained in the Employment (Northern Ireland) Order 2003 are designed to be easy for small businesses to use. In addition, I am pleased to see that the LRA has taken account of this new legislation and, indeed the needs of small businesses, in its revised Code of Practice on Disciplinary and Grievance Procedures, which I am sure will prove invaluable both to employers, and in turn to employees.

Of course it would be wonderful for everyone if this led to a sudden reduction in applications, with issues resolved prior to that stage. But even if 10% of the 5,000 or so Industrial Tribunal claims or of the 500 Fair Employment Tribunal claims made each year were to go away because employers and employees had a structured way of talking to each other, that would make a significant success for them, and by shortening waiting times, Tribunal success for those of us who have to use the Tribunals.

Of course the Tribunal will, in certain cases, be the most appropriate means of resolving an issue. It is important that the Tribunals are equipped to deal with their case referrals as effectively as possible. We have taken a variety of steps to address this, improving the information technology resources, enhancing the staffing structure and appointing more full-time judiciary. New Rules of Procedures were introduced earlier this month to give the Tribunals more power to manage their cases effectively. It is hoped that the new approach of introducing, for certain cases, fixed periods in which parties will have free access to the assistance of the LRA Conciliation Officer should reinforce the emphasis on settling cases at the earliest possible point. After all, if a case is going to settle, it is best for all concerned that this happens as early as possible.

Let me then turn to the issue of Information and Consultation. In support of this principle, we have recently made the Information and Consultation of Employees Regulations (Northern Ireland) Order 2005, which came into operation on 6 April. This gives effect to the relevant European Directive.

The principle behind this is a strong belief that business, employees and unions could all benefit from a better informed and consulted workforce. In an increasingly competitive environment, it makes sense that all employees are drawn in to understand that environment and to be treated in a way that they can participate. There is clear evidence that the more people are involved and informed in their work, the more they contribute, the more they commit themselves, the better prepared they are for change. The rewards are to the business of course in terms of improved productivity, performance and customer

satisfaction, but those rewards rest on a better-informed and engaged workforce.

The Regulations, which were introduced following the completion of two public Consultations, include a flexible framework within which employers and employees can develop information and consultation arrangements suiting their particular circumstances. Approached in the right way, the Regulations have the potential to bring about a culture of change in workplaces, and to significantly improve the way we all work, and to enable employees to contribute even more to the business they work for. This is information well-known to the best employers who know it and practice it, and it is important that it is now spread as widely as possible. These Regulations will be phased in over the next three years, applying first to those undertakings with 150 or more employees, then to those with 100 or more employees by 6 April 2007 and finally to those with 50 or more employees in April 2008.

DEL and the LRA have been working closely to raise awareness of this legislation, and have produced a range of Guidance materials and practical support and assistance. The Agency is currently running a series of Good Practice Seminars and I would encourage you all to take advantage of this support. Information on this and on the Dispute Resolution legislation is available on the DEL stand which accompanies today's Conference.

In conclusion, as Pat has emphasised, we work in a very changing environment. Those changes also require us to think of new ways of improving employment relations, and the two major areas of legislation I have set out can assist in that process; I gave you examples of where we have a meaty agenda to develop. But the rest of today, will give you examples of other means, and emphasise key areas such as migrant labour, and the future of mediation and arbitration.

I wish you all well for today, and would like to thank the LRA, and all the speakers for what I am sure will be a very successful event.

The Future of Employment Relations - An Employer's Perspective

John Cridland
(CBI Deputy Director-General)

Good morning Ladies and Gentlemen.

It's a great pleasure to be here to address today's conference on the Changing World of Work.

I want to address four points:

- a word about the Changing World of Work – better or worse?
- a word about litigation;
- a word about regulation – Information and Consultation;
- finally a word about workplace practice on employment relations.

It is widely recognised that the past quarter century has seen a radical transformation of the World of Work, but I'm sure that our hosts at the Labour Relations Agency would not have expected that April 2005 would mark such a significant moment in that transformation. It is with great sadness that we mark the end of a century of mass car making at Longbridge. It is of course a tragedy for the employees, their families, suppliers and car dealers.

But in the context of today's theme the demise of MG Rover is significant because of the widespread acceptance of the inevitability of change at work. For many people, in this case, cold winds of globalisation are a reality. Few are suggesting that the sad demise of Rover is any longer avoidable.

Instead the focus is on helping those affected rebuild their working lives with the focus on employability, skills and skill shortages, and yes, concerns too about pension security. Employers and Trade Unions are working constructively together to do what can be done. How very different from the reaction which John Moulton of Alchemy received only five short years ago. How totally different from the days of failed nationalisation, British Leyland, the Austin Allegro, and the Industrial Relations of 'Red Robo'.

How far we have come, for better or worse, in just a quarter of a Century.

So then, focusing down on employment relations, is that change in the world of work for better or worse?

As an employer I am quite sure that for many 'different' has meant 'better' – knowledge workers in new style high value-added, often small, businesses; employees of all ages but particularly women with caring responsibilities, having much more flexibility than their parents about when and where they can work; many people having the opportunity to raise their living standards by contributing to the success of their organisations with much less of the 'them and us' culture epitomised by Peter Sellers in 'I'm all right Jack'; strikes in the private sector almost a subject for the history lesson.

But I do also recognise that flexible labour markets have not served everyone as well. As a Low Pay Commissioner I am conscious of the significance of low pay here in Northern Ireland. As an ACAS Council member across the water, I do recognise that employment relations now has two cultures: increasingly individualistic workplaces with direct involvement and participation the norm throughout the private sector on the one hand. On the other hand a public sector still with national collective agreements, stronger Trade Unions, and with collective disputes. And finally I recognise that the modern world of work

has not served Trade Unions themselves particularly well. Latest figures released just last Friday show union density in the private sector down a full 1% in the last year alone to 17%, and even declining a little in the public sector but still at 58%. And of course Trade Union density here in Northern Ireland is much more alive and well at 39% of employees – a good 12% points higher than in England.

So the world of work has indeed changed – I would say, for the better, but what challenges do we face for the future?

Well employers are not having it all their own way. The level of business concern about industrial tribunals on the one hand, and the 19 major pieces of employment regulation which UK business has seen since 1997 on the other, are evidence of a new counterbalance in the employment relationship.

Employers want to work with their employees directly as individuals – to organise work, to set pay, etc. When business is good that direct model of involvement has a lot to offer. But when something goes wrong in the employment relationship those same employees respond as individuals – by taking their grievance to a Tribunal. We cannot have it both ways.

And the decline of collective bargaining has left a vacuum which politicians, here, in London and in Brussels have filled with employment regulation, with more and more aspects of the employment relationship covered by legislation. Only a generation ago employers and trade unions were united in taking the view that employment legislation shouldn't regulate the individual contract of employment - that was a matter for collective bargaining.

There are those who believe that both trends – that to litigation, and that to regulation - will inevitably continue. I am not of that school. Commonsense will and should prevail, and the pendulum must not be allowed to swing too far. Both employer and employee will lose out if the flexibility of discretion and individual judgement are lost from the employment relationship. Employment relations are about people, not primarily about the law.

So first on employment litigation, and then on employment regulation where, from a UK perspective, have we got to?

We saw the introduction of your new dispute resolution regulations in Great Britain last October. These were designed to place the emphasis on resolving disputes in the workplace and not in courts. We welcomed this approach but CBI members are reporting that the complexity of the new regulations make them difficult to implement, and the jury is still out on the effect they will have on the numbers of tribunal claims.

However, last year the second highest number of tribunal cases in the employment tribunal system's history were brought against employers.

Litigation is costing UK firms both time and money. The costs and inconvenience of fighting a claim can be large and an employer will begin to accrue costs from the moment the complaint is lodged, even if it's later withdrawn.

The CBI supports a system where the most serious complaints are heard in court; but it's important that the legal process isn't seen as the only remedy to every individual employee or employer complaint. On many counts, courts can be seen as too litigious, expensive and often do not adequately resolve the situation, for either party.

CBI survey data shows that employers are far from satisfied with the current system – only about a third of businesses think the industrial tribunals are effective.

It is essential that the Government continues to investigate methods for alternative dispute resolution and look at how models such as arbitration and mediation and the increased use of bodies such as LRA and ACAS can be used to bring the number of claims down. I know that these are the subject of workshops here today.

The new Information and Consultation regulations came into force two weeks ago.

The business community did not see a need for regulation of information and consultation. On a list of national priorities for action this would have come pretty far down. But we lost the vote in the European Union and so the CBI worked with the TUC and the UK Government to generate business regulations that enable diverse information and consultation arrangements to continue, and to recognise the validity of direct involvement.

The new information and consultation regulations establish a general framework for informing and consulting employees on an ongoing basis about developments in the organisations where they work.

However, we are pleased that they will not oblige an organisation to establish any formal arrangements for consultation unless at least ten per cent of the workforce request it.

And there is protection for firms that are able to demonstrate that their existing arrangements have the support of employees, for example, through a formal agreement with employee representatives - would need 40% of your workforce to vote against your existing arrangement.

That must make sense. In the negotiations with the TUC, both shared a desire that these regulations and the European Directive should not upskittle arrangements that were working well, whether it's trade union arrangements or direct involvement arrangements.

But the new Information and Consultation regulations also pose challenges.

The CBI has urged firms to continue implementing any necessary measures for putting voluntary agreements in place to avoid the danger of being forced to resort to fall-back arrangements, that are unlikely to be in the long-term best interests of their companies or their workforces.

Many companies have already thought carefully about what this new law will mean.

Take one large manufacturer I spoke to recently.

The company employs 6,000 people. The workforce is dispersed across multi-establishment sites and the business is partly unionised. Information and consultation, and seeking to ensure that all employees feel involved in the business, has always posed a particular challenge to the company.

While a key element of the company's employee involvement strategy has been to communicate directly to staff on a regular basis, it has decided to put a number of staff fora in place and is seeking written employee approval. This doesn't mean, however, that they see employee involvement as a set 'programme', capable of rigid definition.

Management sees it rather as a way for employees and managers to communicate with one another through a variety of procedures. When combined, the different communication strategies have proved efficient and effective methods of information and consultation and this has been continuously reflected in results from staff opinion surveys.

In contrast, a small professional services company - also a CBI member - has 200 employees located in a centralised office and no history of formal collective consultation bodies.

The company's commitment to employee involvement is no less than that of the manufacturer's. It also strives to manage and operate a culture of a high performance workplace, where the emphasis is on teamwork and co-operation between employers and employees. All staff continuously work together to improve productivity, product and service quality, flexibility and adaptability to market demands and innovation.

But, unlike in the manufacturing firm, employees have expressed no appetite for representative structure and so the strategic decision was made to formalise an information and consultation agreement, which provided for direct communication alone.

Both these examples clearly illustrate the importance of making assessments on employee wishes in determining the most appropriate ways to involve staff. Both firms wanted to find their own solution within cultures that understand that the key to improved business performance is effective people management strategies.

The new regulations do provide the flexibility to come up with a solution that is right for the company regardless of size or sector and to think innovatively of a structure that suits each company.

There's a real opportunity for business to produce bespoke arrangements - including the *status quo*. Companies can devise a strategy that copes with the pressures of a diverse workforce and utilises the flexibility in the law, which allow them to consult through a myriad of approaches.

Key flexibilities available in the regulations ensure diversity is permissible as long as a company has employee support. Some firms have decided that employees are content with existing arrangements and that there's no risk of the trigger being pulled. Others are choosing to formalise existing arrangements with their workforce to obtain the protection of the higher forty per cent trigger or are introducing new special information and consultation bodies.

So the CBI has worked hard to make sure that this was a Directive, which we felt was a Directive too far, that did not damage UK practice. This point was, indeed recognised by the TUC, with whom I reached a framework agreement along the lines I have just outlined which then formed the Government regulations. When I say a Directive 'too far' it is interesting that no contested employment Directive has been passed since this Directive was passed in 2001. Both the Agency Workers' Directive and revisions to the Working Time Directive are blocked at present because the current proposals would not work in the UK workplace. Agreement is possible on both but only when they are practical - the pendulum is swinging back - no more poor regulation.

So let us presume that we can find a sensible balance for law and regulation in the world of work. Where does that leave workplace practice in employment relations? Last year the CBI produced a report of case studies entitled Achieving Competitive Edge through Change at Work. It tells its own story. For example, at BAE Systems, on the Eurofighter Project, employees played a central role in designing the more flexible working environment to accommodate production of the new aircraft and all the major systems have been designed using product teams.

Lever Faberge says that by involving staff in the problem-solving process, the

company hopes to utilise the ideas and creativity of its workforce in finding solutions. The company works on the principle that the people best placed to drive home improvements are those who actually use the equipment.

The consequences of greater employee involvement typically include:

- a heightened appreciation of the importance of product quality and customer needs;
- increased willingness to consider and embrace change;
- a better flow of ideas for reducing costs and improving productivity;
- reductions in staff turnover and absence levels; and
- increased commitment to the organisation's long-term success.

Emphasis tends to be given to keeping the workforce informed about the business's objectives, performance and developments.

Jaguar needed to make far reaching changes in working practices when it took over the Halewood plant on Merseyside, which had been notorious for poor industrial relations. Its first step was to negotiate a wide-ranging agreement with its recognised trade unions, and at the end of this lengthy process managers and union officials have continued to work closely together on change issues, resulting in sharply increased productivity and quality.

What we learn from this is that all firms need to consider how best to involve their employees and to continue to refresh their methods to ensure that employee buy-in remains a constant. Only through effective employee input, can companies hope to achieve the results our case studies have seen.

CBI's Employment Trends Survey backs up this new and evolving set of workplace practices which are about effective employment relations for business performance. In 2004, almost all employers - nearly ninety per cent of those surveyed - said they were using a variety of direct methods to communicate and consult with employees on a regular basis.

Many also use the latest technology-intranets and email - for communication with their workforce and that has increased firms' ability to inform and consult all employees quickly and efficiently.

However, the tried and tested methods remain the most prevalent means for informing and consulting staff – eighty eight per cent use team and project meetings to inform and consult staff.

Our survey results also support other research such as the 'Workplace Employee Relations Survey' (WERS), which suggests that companies of different sizes and in different sectors use a wide range of practices to communicate directly and indirectly with staff.

WERS also provides the most compelling evidence that it is direct rather than indirect consultation, which improves employee commitment and business performance, whilst fully recognising that trade union recognition and other forms of collective representation have a valuable role to play in support. Employees are likely to have a higher opinion of their managers if direct involvement mechanisms are in place.

So to sum up. There is mounting evidence which links informing and consulting staff with high performance and the direct involvement of individual

staff remains the key to progress. I believe that the ‘individualised’ workplace is here to stay.

The world of work has changed, and overall that change is for the better.

Thank you.

The ICTU View

Dave Begg
(General Secretary, Irish Congress of Trade Unions)

Ladies and gentlemen, it is a great pleasure to be here with you this morning and to give you a perspective on the theme of your conference from the Congress's point of view. I know that the conference has four wide-ranging aims. Any one of them I think would be sufficient in itself almost to occupy a conference. I had thought that I might speak about the non-adversarial process for resolving disputes, what that might mean in practice; to talk a little bit from my own experience, and perhaps to contrast the experience in Northern Ireland with the Republic of Ireland and to consider what changes might be coming at us which indeed John has spoken about quite eloquently.

Now before doing that I thought that there might be more things John would say that I would disagree with, but I found myself in empathy with a certain amount of what he said. I had not intended to deal with the question of globalisation, but I would like to say a few words about it. The collapse of MG Rover to me was a very poignant thing, particularly when you saw the chaps go out of the workplace with their tools which they had built up over the years, reflecting the experience and the skills which they had achieved. It is clearly a very painful thing living in the West Midlands in Britain; people in Northern Ireland would have painful memories of that same thing here with DeLorean. In the '70s I was union official for Apex and was working representing the staff in the DeLorean motor company. People here probably have unhappy memories of the same type of experience. But I would just make this point about globalisation. I think it is true that in the years since globalisation has manifested itself, there has been a very real shift in the balance of power between capital and business and workers and the consequences of that have been played out in many parts of the world. I think there are three issues which nearly every country in the world has to face at the moment.

First of all there is the enormous influence of the United States in the world in what it does. The United States as you know is a country which has a very sure perspective of how it sees things happening. Secondly, there is the issue of migration flows. Thirdly, there is the problem of growing inequality throughout the developed and indeed the developing world. We all know that the developing world has huge numbers of people who live in great destitution, but inequality is a growing phenomenon in the developed countries as well and you find that there is a huge gap now between the levels of remuneration that people can earn at the very top of companies and at the very bottom. The most extreme example is probably the United States where I think in 1980 the gap between the Chief Executive of a company would be say 40 times the wage of the person working on the factory floor. Today it is about 500 times that figure. I thought about that looking at MG Rover - the people who ran the company for the last five years came out of it very comfortably indeed. There are examples of companies with pension schemes going bust, but where the top executives of those companies got away with more than sufficient to live in great comfort for the rest of their lives.

The question I would pose is this, how long will that condition endure? I am not sure that it will endure inevitably for the future. There are real strains in the system at the moment. There are real strains in the United States economy, with the huge imbalance which has racked it up on the trade side, and its

relationship with Asia, and the fact that the Asian countries own huge amounts of the United States. The reaction was evident, during the last election campaign in the United States, about the demise of its trade relationship with other parts of the world. Life's experience has taught me to work out that nothing is inevitable for the future. We have had globalisation before in the world and the greatest period was between 1870 and 1914. You know how that ended in 1914 with the First World War, so we cannot be complacent about these things. I would think that any system which throws up such extraordinary inequalities has within itself potentially the seeds of its own destruction. Things may work out in our lifetime, things may not change, but they may change beyond that. So I am afraid that I was just moved by the spirit of what John said to make those observations.

Let me turn back now to what I am supposed to be talking about, which is the substance and aims of your conference. If I take the theme about dispute resolution and look at that first of all, it seems to me that to have a successful dispute resolution environment you need a number of things. You need mechanistic things certainly, but you need the general environment in which business is being transacted to be right as well, because no amount of perfect procedures is going to make things work if the general atmosphere is wrong. You do not want to get to a situation where the result of employment disputes is a sort of zero sum outcome. What I mean by that is if the end result of some dispute between the worker and the manager of the company means that the relationship is broken down so irretrievably that neither the two of them can live together for the future, that is not a good outcome for anyone. I feel myself that the overemphasis on the kind of legalistic approach to the resolution of disputes is leading to that type of conclusion. I think John and I probably would not be too far apart on that issue. There is a programme on Radio 4 that some of you may have heard - "Unreliable Evidence". I was listening to it this morning and they were talking about a very interesting and complex case in terms of labour law and not a thing you would come across every day. This particular worker had gone through a gender orientation change and that gave rise to a practical difficulty in the work location about the use of toilet facilities and so on. The manager was insisting that this person would have to use a toilet separate from everyone else. That in itself was not a huge problem, except that the person had to walk across the factory floor and it was very obvious where they were going. They thought that this brought them into a position of ridicule with the workforce and eventually they brought a case to the industrial tribunal. There were a number of practising barristers and legal people talking about the whole thing, but the person telling the story more or less had been added as an afterthought. Unfortunately in that case we lost the case, but it was a very interesting one. From an academic perspective it may be very interesting but what about the poor person who was involved in that, what would they do after that? Do you think it would have been possible for that person to live and work in that environment any longer? I would put it to you that if that had have been a unionised factory with an intelligent shop steward on the staff, he or she would have found a solution for the manager for that practical problem which would not have exposed the person to the type of ridicule that forced them to bring their case in the first place, and would have provided a practical solution for the manager. So my point is that somehow or other we are dealing with a huge corpus of law now, but we are dealing with it in a very legalistic way, and I think that it is not the best way to handle matters of this kind at all.

In Northern Ireland it strikes me that this is a particular feature of how things are done. It is, as John said, a very

individualist type of system, it is very much based on litigation, and litigation from the Congress experience can sometimes lead to legal, where it takes a very long time to get a resolution to issues. It is very adversarial so it does not necessarily meet the test to be able to preserve the working relationship, and it certainly by any definition is not a voluntary system in that way. I think that really, we have moved too far in the wrong direction in that respect.

Just to say a word about my own experience. I worked at one time in the electricity industry in the Republic and the electricity industry had in-house procedures which were quite sophisticated, including at its apex a thing called ESB Industrial Council. It was an important industry in the 70s and 80s because at that time you did not have the type of national collective bargaining structure in the Republic which has existed from 1987. As an industry you tended to lead wage formation in the country and the particular person who was Chairman of the Council at the time always saw it as his most important job, to avoid being the first in the queue, because it brought huge pressure as a result of that, and as a result of the settlements that might be there.

I will just tell you an anecdote of how it worked on one occasion. There was this chap who was involved in a case. He took the whole thing very seriously and on the day of the case he was very wound up. We lost the case. Unfortunately he took it so badly that he went off home and decided to go on hunger strike in protest. The President of the union and I had to go down to his house where we managed to talk him round. I just recall that, as my experience of operating in that type of environment.

I went on then to work for the Post Office and the telecommunications industry for several years. I was Kieran Mulvey's best customer for many years, and I am sure the shares in the Irish Labour Relations Commission went down when I left! Then I worked overseas and I worked for Concern. We operated in 27 different countries where we had all sorts of different systems, including the UK and the USA systems, and some of the African countries had very advanced ways of dealing with industrial disputes. One time in Ethiopia we had a case of a chap who was sacked by the Personnel Manager for stealing or something like that. He protested this and was very aggrieved, and so a few nights later police arrived and arrested the Personnel Manager and kept him in jail until he agreed to reinstate the chap he had sacked. So you might infer from that, that the Ethiopians have a very sophisticated approach to industrial relations, or not, depending or your perspective!

At the moment, as part of my role in the south, I am involved in a thing called the National Implementation Body which is sort of a policing structure over the partnership agreement which we have down there. I mention that simply because it has a kind of a clearing house role, in that it monitors everything that happens in terms of industrial disputes and tries to ensure that the procedures are put in place to guarantee that you do not have very serious industrial stoppages and problems that would cause difficulty for the economy. In the last few years it has been involved in quite a number of major industrial difficulties where companies were being restructured. I am glad to say that it has been quite successful in trying to avoid problems, not directly, but they work closely with the Labour Court and the Labour Relations Commission, who have gone to extraordinary lengths in order to sort things out. Now just so you understand the differences between the two jurisdictions and the roles that the Labour Relations Commission plays down there, the national airline in the Republic is Aer Lingus. A couple of years ago the Aer Lingus management wanted

to restructure the company and they came forward with a business plan. It is not widely known that that business plan was not a viable product at all. In fact Kieran Mulvey and one of his colleagues actually went out to the airline and sat there for a fortnight and worked through the business plan with management and the employees, and shaped it into a document that was a viable product upon which the airline was able to go forward. If you follow these things you will know that it is one of the few flag carriers in Europe which is a successful airline at the moment. It still has plenty of problems but it does work very well. I just mentioned that to you to give you a flavour of the interventionist nature of the system that operates in the South in relation to a social partnership model. That is why I said that success depends on not just the mechanisms and the procedures for dispute resolution, but on the general atmosphere that is behind them.

I am not here to say that what happens in the Republic is the best. It is not, and in many respects it is far behind the UK, particularly in relation to things like the system for recognition of trade unions for collective bargaining. We have no statutory basis for that in the Republic at all, and there is a much more satisfactory range of material in Northern Ireland and in the UK. But what we can point out is that within a system of social partnership there are opportunities for dispute resolution, where all of the agencies operate in tandem with the employers and the unions to ensure good results, and trying to do this in a more informal way than the legalistic system. It is possible to get reasonably good results through this kind of approach, and what we would certainly like to see as Congress in Northern Ireland, is that this would be taken a little bit further. There is one key difficulty in all of this. We find that you cannot operate that system if you try to do it in an environment where you do not have union recognition on a voluntary basis as well. The difficulty is that there are too many companies who, from our point of view anyway, are unwilling to have a trade unionist about the house. I would say that they are foolish in that respect, particularly small and medium enterprises, because I think that a lot of their problems could be solved. A lot of the expense and uncertainty that they incur on entering into a legal process with no knowledge of how things will end, not to mention the problem of the employee and the destruction of the working relationship between the parties at the end of it, could in fact be changed with a change of attitude. I would appeal to the employers in the audience just to think again about that, because at the end of the day the stakeholders with the best long-term interest in any employment are the workers there. Workers have their whole lives invested in a company. They need to see it do well. I have never met anybody in my experience who did not want the company to do well. Everybody wants to work for any organisation, not just for financial reasons, but to be proud of the company they work for.

Another thing I thought about MG Rover was that there were an awful lot of people who worked there who had gleaming new Rovers in the driveway, on which they owe money now. However, one of the top trade union people was interviewed in the last few days and he said that they were proud to buy Rovers because they really believed in that product and were proud to demonstrate their commitment to it. I must say it is all very sad that it has ended in the way that is has.

Thank you Chairman for the opportunity to address you, it has been a privilege and a pleasure.

Luncheon Addresses

The ACAS View

John Taylor
(Chief Executive, ACAS)

It's great to be invited along, thank you. What I'll try to do in the next 10 minutes is just share with you some analysis and some thought that we've been putting into ACAS about the next 5 to 10 years. We try to be a little bit predictive about what we think is going to happen. About 4 or 5 years ago we looked quite radically at what's happening out there in the world of work. We took the view that continuing simply as a dispute resolution agency was not the right path for us as an organisation and what we really wanted to do was to become a business improvement organisation. So if you look at our website you will see that our mission is about improving organisations and working life through better employment relations. We do not believe that they are mutually exclusive. In fact, we believe they are mutually reinforcing. If you improve working life you'll improve organisations and vice versa.

I want to talk about 3 things: the economy - what I think is going to happen over the next few years; demography - what we know for certain is happening; and a little bit about knowledge and skills acquisition. Various speakers have touched on globalisation, but I'll just give you some figures to put into context what's happened over the last 100/200 years. In 1800 China and India accounted for 50% of the world's GDP. By 1900 they accounted for 7% of the world's GDP. As we approached the 2010's they're creeping up to 20% of the world's GDP. So globalisation is a thing that comes in swings and troughs. When you look at what's happened to employment in GB we're now at a stage where manufacturing accounts for about 15% of the workforce, still a huge generator of wealth but only about 15% of the workforce; manufacturing has shifted eastwards and been replaced by the service economy. But just as China has risen to take up manufacturing there's an issue about whether India will rise to become the service centre of the world. You go back to those figures in 1800. We've had 200 years of industrialisation in western Europe, the States, Japan. So I think all we can predict is that manufacturing will probably continue to reduce in size and the competitive pressures on the service sector will increase. As far as workplaces are concerned we're now at the stage were about 50% of the workforce work in SMEs or work in organisations that employ less than 250. If you then take large organisations, nearly everybody in large organisations are actually employed in small units so the workforce over the 30 years of ACAS's existence has gone from working in quite large institutions, factories, into quite small units, and that brings with it problems. But it's not just about size. If you think about what's happened to workplaces: they're now very mobile; they're very footloose; they're dispersed; you can have workplaces split between continents, using time differences to do the back office work; you can have virtual workplaces. So it's a very different workplace scenario now and that difference and variety can only increase I think over the next few years. Finally, on the economy there is an issue around customer expectations, where 24/7 round the clock working or demand is just now part of life and that has meant that work patterns have completely changed. So part-time contract, temporary, the whole issue of how you organise work and again looking ahead all we can see is that trend continuing.

The second point is around demography. Again I'll just give you a few figures. By 2011 the under 16's will account for about 18% of the population in the UK. With the increase in longevity and the increase in female participation in the workforce we're going to have both the greying of the workforce and the feminisation of the workforce. What that means is that if you went back to 1960, 80% of all workers would be white, male, able bodied and under the age of 45. By 2011 there will be 20%. So the whole thing has flipped in a 50-year period. The final point I'll give you is about ethnic minorities between now and 2010; 50% of all new entrants to the labour force in Great Britain will be Afro Caribbean or Asian. That obviously differs between areas. What all of that means is that the conventional standard labour force that everybody is used to has changed and will change forever and it's changed at a time when the labour market is probably at it's tightest that its been since the 1950's. That's a big challenge for employers. Certainly what we're seeing in South London and the Southeast of England is that migrant workers are actually acting as a safety valve in terms of filling jobs and that's starting to spin out from the Southeast. It's got some implications which I'll come on to in a second. The third point is about knowledge, skills acquisition. If you go back to 1945 successive Governments have spent huge amounts of money in terms of allowing people to acquire skills. They have not spent huge amounts of money on how people apply those skills. So the big challenge is how do we improve skills application. We believe in ACAS that it's about improving the quality of management and it's about getting employee involvement, employee engagement in the business. There is a sort of warning here that new technology means that new countries can quickly catch up with older countries. We are already seeing with the EU countries that because of new technology and knowledge transfer they are acquiring the capacity to compete with the UK and other more developed economies. What does that mean for employment relations? Its seems to me that rather than two kinds of labour markets I think there are four kinds of labour markets or four kinds of employment relations we've got to deal with. One's the knowledge worker that John Cridland talked about - highly individualised, internationally mobile, can look after themselves. But we shouldn't delude ourselves that the economy is like that. A recent piece of research showed that if you'd been asleep for 50 years and just woke up then you would recognise 70% of all the jobs in the economy; they would be exactly the same as they were 50 years ago. So let's not get carried away by knowledge workers. The reality is the vast majority of people are not knowledge workers but you've got a second group of people who are skilled workers, generally unionised and generally in a collective kind of way. You've got a third group of workers within the public sector who again tend to be unionised, tend to act collectively, tend to be quite sophisticated and knowledgeable but are facing the challenge of public sector reform. Then you've got a fourth group of workers who I would call vulnerable workers who work in various sectors like catering, care, agriculture, construction, where historically the unions have found difficulty in unionising. I think if you go back to 1908 I think Winston Churchill worked this out and invented wages councils to actually cover them; but there is the disturbing phenomenon of gang masters. So you've got a group of workers for whom there's not really a lot of adequate protection driven along by events; if you think of Morecombe bay, what's happened in the cleaning industry with the MRSA bug; Governments are going to have to do something about those vulnerable workers. What does that mean? I think it certainly means that one size doesn't fit all and there's a real tension here between individual rights which increasingly Brussels gives people and the requirement to realise the way in

which people interact in workplaces is very difficult to define in law. It seems to me that compliance, if you go down the route of compliance, it's a very minimalist kind of route and if we look at things like having had equal pay legislation since 1970 but women's pay is still 19% adrift of men's pay, that's about job segregation. Compliance does not deliver your policy goals. We argue quite strongly, and it's interesting to see there's not disagreement between the CBI and the TUC on this, that the best way of dealing with this is down the route of best practice - getting information into the public domain, benchmarking, using supply changes, the soft touch regulation. We think that that will be very much the way things will operate, with different countries of different economic growth following the law in a similar kind of way. But I've sort of come back to the mission because the mission really is about saying to employers and unions "start dealing with the issues which are really important, those issues around recruitment and retention and around managing change, managing diversity, closing that productivity gap and in effect getting the potential out of your workforce and in the process try and avoid conflict". Conflict has not gone away. People are very sophisticated now; they don't withdraw their labour in strike action they do it through absenteeism. And if you actually look at one of the problems that we face in Britain we actually lose 50 times more days through absenteeism than we do through industrial action; 50 times more days, but trying to engage the politicians in terms of addressing that issue is difficult.

If I can leave you with one thought it would be this, it is that employment relations is not something that you do when things go wrong, employment relations is something that you do to make things go right. I think the way in which this conference is being structured you are all going to go away with some ideas about how to make it right.

Thanks very much.

Developing and Managing Employment Relations Policy and Practice in a Changing World

David Guest
(Professor of Organisational Psychology and Human Resource Management, The Management Centre, King's College, London)

The theme of the conference concerns how to develop and manage employment relations policy and practice in a changing world. To do this in an informed way, we need practical conceptual frameworks that point to the potential policy levers at a national and local level and their consequences and a strong evidence base to inform policy.

I have already discussed with some of you this morning the merits of the psychological contract and in particular the broader measure of the state of the psychological contract, incorporating issues of delivery of promises, their fairness and the trust that they will be delivered in the future, as one possible framework. It has the merits of addressing employment relations in both very small and very large organisations and we know that a feature of the economy in Northern Ireland is the large and growing number of very small organisations as well as a large public sector. I will not discuss that again except to say that the psychological contract is not just a passing fad but a concept that has been around for a while, even if many people do not recognise the label. Indeed it was referred to in classic industrial relations books of the 1960s and 1970s such as Gouldner's *Wildcat Strike* and Alan Fox's *Beyond Contract*. With its emphasis on the exchange and on fairness and trust, it addresses issues central to traditional industrial relations.

In Great Britain, we are fortunate in having an increasingly impressive evidence base both to inform and to evaluate employment relations policy and practice. We have the Workplace Employee Relations Surveys, with a new one just being completed covering 2,000 establishments and many thousands of workers. We have extensive skills-related surveys covering both employer and employee views. And we have sources such as the regular surveys on the state of the employment relationship that I have conducted on an almost annual basis in collaboration with the CIPD and occasionally other organisations such as the Cabinet Office.

From these sources, we have an increasingly robust body of knowledge to guide policy and practice. For example, we know that progressive, high-commitment human resource practices are associated with higher levels of commitment and motivation. We know that workers respond well to a challenging job and to an opportunity to use their skills to the full but we also know that on average jobs are tending to become less autonomous and more constrained. We know that firms that provide more training, contrary to the expectations of some, are more rather than less likely to retain their workers. And we know that there has been a considerable intensification of work resulting in over 20 per cent of the population reporting very high levels of work-related stress while at the same time we know what steps can be taken to reduce stress levels.

Unfortunately, Northern Ireland has a much more limited evidence base. It is therefore much less feasible to present convincing local evidence about what policies and practices work in the Province. Most of the major and extremely useful surveys have not included Northern Ireland. I would

therefore like to make a plea to Pat McCartan as Chairman of the LRA, to Bill Patterson as its Chief Executive and to their colleagues in the Department for Employment and Learning to act as soon as possible to begin to remedy this deficiency. Northern Ireland deserves a good evidence base of its own to inform and evaluate employment policy and practice. I would urge an initiative to find the funding and put in place appropriate means of collecting relevant employment information from both employers and employees as swiftly as possible. It should be repaid many times over in better informed decisions. It is time to act on this.

Closing Remarks

Professor Fabian Monds
(Chairman, Invest NI)

There is a tremendous relationship between labour relations and economic development. At a practical, local level Invest Northern Ireland has a valuable and effective interest in employment relations and a good and satisfactory and developing relationship with the Labour Relations Agency itself. As the economic development agency charged with supporting companies and applying economic development policy our ambition for Northern Ireland companies to be innovative, entrepreneurial and international would count for very little if these companies did not have good relationships between employer and employee and between staff; they would not be able to function satisfactorily. It has been very interesting to take part in the discussion sessions today and to hear the diversity which in all cases emphasises just how important that relationship is,. The context in Northern Ireland includes the changing profile of employment, the growth in services, the decline in manufacturing and the growth in financial services and associated software development and the growing importance of small companies.

I want to make two points: one is the relationship between LRA and Invest Northern Ireland and secondly the relationship between information and business and labour relations. To give a few facts about how Invest NI and the LRA work together - through our business improvements services in Invest NI we have worked together in the development of the Employers' Handbook that was launched a year or so ago. We have also launched the People Excellence Framework and we have had a No Nonsense Guide to Small Business, all areas in which we have co-operated with the LRA. The business improvement advisors have got a lot of benefit from being briefed by LRA and the services provided by the Agency. We think it is very important that we have a source of expertise for Invest NI companies in matters relating to employment and we do direct our companies towards the LRA helpline. The people excellence service in Invest NI runs workshops to improve people management in client companies and LRA provides great help to these by contributing advice and guidance for participants. Invest NI in turn has helped the LRA achieve its statutory objectives through partnership and seminars and conferences on employment legislation. In the context of new inward investment, having reliable information which is accessible by companies thinking of investing in Northern Ireland is important - for example, information on days lost through industrial disputes or through absenteeism. More generally, increased employment in private services and the restructuring of traditional occupations and the demand for new skills has resulted in the flattening of organisational structures and line managers taking increased responsibility for employment matters. More people are involved in people issues.

Another area that Invest NI has a particular interest in is small business starts. In the last 3 years, the first 3 years of Invest NI's existence we have over 8,000 new business starts, which corresponds to something of the order of 12,000/12,500 employment posts. That's about 3.5 times the number of new jobs created through inward investment so it gives you an idea of the relative significance of job creation from new business starts and from inward investment. One of the aspects of business starts is that a lot of them are of a lower quality than we would like to see. We would like to see a lot more of high

quality businesses and for that reason Invest NI has initiated the global start programme where we are trying to identify companies that can grow quickly to 2 or 3 million pounds' turnover in 4 or 5 years, that have intellectual property, that have potential for capital investment for increasing shareholder value, that will grow fast and that need help. But if they are going to grow fast, they are going to grow fast in terms of employment and therefore they are going to encounter the challenges of employment relations more quickly. Again that's an area were we think our partnership with the LRA is important. The new economy is defining a new labour market with new labour relationships between employers and employees especially in SMEs. As technology and especially ICT is increasingly the basis of the business instead of just supporting the business, so there is a change in the balance of power towards the employee; the employee has the knowledge which is the basic material of the new economy. But the nature of modern companies - 24/7 operation, continuous access, geographic independence - all these features are more similar to the relationship between independent professionals or between partners than between employers and employees.

It has been said that in the old economy a company's approach to managing its activities gave top priority to structure, often hierarchical, followed by process with information and people somewhere below that. This has been radically reversed; the premium is now on people and information and their knowledge management capabilities and we're also moving to the notion of virtual businesses (a bit like a movie production crew which only comes together for a single film and then disperses). The terms flexibility and fragmentation have been used a lot today. We can argue the merits and applicability of such new economy models for business. What is certain is that businesses in the new economy face many new challenges - globalisation, fast moving technology, skills needs - but at the core of any successful business is people and relationships between people. This conference has shed light on key aspects of people, people's relationships in the changing world of work, key issues from management and staff and it has emphasised and I think appropriately, communications. The Labour Relations Agency is to be commended for staging such an ambitious and informative gathering, and we have all I know enjoyed the discussions the presentations and we've all learned a great deal. So my thanks to Pat McCartan and all of his team and to everyone who has contributed to this conference. It's been a pleasure to be here. Thank you very much.

Public Sector Pay and Pensions

This workshop was chaired by Harry Goodman (LRA Vice Chairman).

There were three contributions - from:
John Corey
(General Secretary, NIPSA)
John Hunter
(Permanent Secretary, Department of Finance and Personnel)
Elaine Way
(Chief Executive, Altnagelvin Hospitals H&SS Trust)

John Corey looked at the issues on public sector pay in terms of the Northern Ireland perspective, the principles involved, the challenges faced, the way forward and finally the areas of collaboration and conflict.

John Hunter followed with an outline of the Government position on the area of public pay, in terms of the public value chain, public sector pay principles, public/private sector wage trends, differentials and numbers employed throughout the public service and public sector pensions. Finally, he posed two questions (i) how should the Government develop its policies for regional pay? and (ii) how should the structure of public sector pension schemes change to reflect the demographic challenge?

Elaine Way delivered a talk on 'Agenda for Change' and outlined how the Trust was implementing the 'biggest' pay reform in its history. She explained that 'Agenda for Change' was a new national system of pay and terms and conditions for NHS and HPSS staff, and gave a brief history of how the Agenda was agreed since Government proposals were published in 1999. She outlined the main features and benefits and highlighted the implementation risks and issues which had been faced throughout. She was enthusiastic and believed the new system supported the wider service modernisation agenda and at the same time met the national aspirations of staff.

Discussion

Brian Campfield from NIPSA started the Q & A session. He referred to a comment by John Hunter, DFP, about problems with recruitment of both Social Workers and Administrative staff - which in essence meant that the Health Service was in direct competition with large multi-national companies and that this had to be factored in to the equation. John Hunter explained that from a civil service perspective there was little difficulty in recruiting large numbers of staff at the lower end of the scale, ie Administrative Assistants, Administrative Officers, Executive Officer 11's and Staff Officers. He also explained that there was little wastage and so from this perspective there was no indication that staff in these grades were moving into the private sector.

Elaine Way expressed concerns about regional pay and breaking parity and believed we should be looking at how the private sector can be moved up as opposed to driving public pay down. She explained that consultants had moved to the Republic of Ireland for more money and outlined how the new recruitment and retention premia could allow the Trust to pay up to 30% more where they faced problems. John Corey stated that John Hunter had said it was difficult to justify the 25% differential in pay between the public and private sector – he went on to explain that Northern Ireland was on a par with the rest of the UK on public sector pay so we were looking in the

wrong place; we must concentrate on providing a good public service.

The next question came from Tony McMullan, NIPSA. He stated that in the area of equal pay, the direct comparator should be the Home Civil Service as opposed to the private sector and asked John Hunter how the Government planned to motivate and retain staff in the Civil Service. He also stated that what Elaine Way might favour for HPSS was not suited to the Civil Service. John Hunter responded that in terms of regional pay there was nothing unique to Northern Ireland, whereas in London for example, there was a case for special allowances. He explained that pay in NI must be set in the context of regional pay. Tony McMullan pressed the issue on why the Government would want to treat the HPSS differently to the Civil Service and John Hunter reiterated his earlier point that recruitment and retention was a problem in HPSS but not in the Civil Service.

The next question came from David Begg who asked how national agreements would be dealt with in negotiation of regional pay - this would mean local bargaining for NI. John Corey stated that in terms of 'Agenda for Change' the government was focusing on NI and on one sector only - the HPSS - this was very much a regional perspective.

Beverley Jones, Jones and Cassidy Solicitors, asked whether full consideration had been given to gender issues in the 'Agenda for Change' – she was concerned to know if differentials on gender had been eroded and expressed concern on whether the people who would be deciding on retention premia were equipped to take into account, gender issues. She stated that fair play must not be confused with equal pay and asked what monitoring would be put in place to ensure this. Elaine Way responded that the Trust was proud of its record on the equality issue and assured the audience that people would be fully trained and a close eye would be kept on such issues. She also highlighted the existence of the national monitoring body.

The final question was raised by Philip Robinson, Staff Commission for Education and Library Boards, in the area of proposed changes to the Civil Service pension scheme. He asked the panel to explain why the career average pay was fairer than the final salary system. John Corey outlined the main differences by giving an example of a person with 40 years' service:

- based on the 1/80 scheme this person would retire on 40/80, so would receive half of *final* salary;
- based on 1/60 scheme this person would retire on 40/60, so would receive two-thirds of *average* salary.

There was then some debate on which was the better system - people had different opinions depending on promotions etc.

Employment Relations and the Psychological Contract

This workshop was chaired by Boyd Black (LRA Board).

There were three contributions - from:
David Guest
(Professor of Organisational Psychology and Human Resource Management, The Management Centre, King's College, London)
Bro McFerran
(Managing Director, Northbrook Technology of NI Ltd)
Peter Williamson
(Regional Secretary, Amicus)

David Guest highlighted that there is a lot of talk around the idea of the psychological contract and good employment relations in a variety of contexts; many are interested in the search for happy productive workers. He set the scene by describing the features of contemporary employment relations and highlighting some reasons for change in employment relations. The case was made for the need for a new conceptual framework where the decreased relevance of the traditional collective model in many workplaces is recognised, where the rise in individualism and flexibility can be accommodated and core issues in the employment relationship (trust, exchange and control) can be addressed. He explained that the psychological contract can meet these requirements. He went on to define the psychological contract and the state of the psychological contract. He concluded by describing the policy challenges: active management of the psychological contract as a means of maintaining effective employment relations; recognition being given to it being a two-way deal; addressing the outer context of human resource management and employment relations policy; and addressing the inner core of the "deal" at the local level.

Bro McFerran described the operation of Northbrook Technology in terms of the psychological contract. He explained Northbrook's commitment in terms of corporate social responsibility, health and safety, work life balance and their employee partnership. He finished off by highlighting a number of tips for a good psychological contract including: inform and consult employees about proposed changes; take care to fulfil commitments you make to employees; trust employees to do a good job; do not rely on performance management systems to motivate employees; be aware of changing expectations.

Peter Williamson described the history of employment relations and the psychological contract. He emphasised that what is clear is that political, social, industrial, employment or corporate strategies cannot exist within a vacuum. He explained that the employment relationship is best understood in the context of developments in the organisation, management and control of work activity in the wider social and political environment. He pointed out that major changes are occurring to the organisation of the workplace. At the heart of these changes is the transformation of the psychological contract. Most new forms of organisational employment systems are closely associated with the emergence of non-union workplaces. Peter went on to describe the emergence of "Partnership" and explained that genuine partnership should go beyond the engagement between employers and trade unions provided through collective bargaining. It offers arrangements which are mature and enduring, has a proactive approach,

has labour parity agreements and a good established outlook to collective bargaining. He concluded that partnership at work is not only about the workplace, it is also an expression of the values of the society in which we live. The pressures on employers and employees will remain, both wrestling with economic efficiencies on the one hand and developing social justice on the other, and both should continue to be pursued simultaneously and not one at the expense of the other.

Discussion

Colin Arthur, LRA, raised the issue of the "extras" provided by Northbrook to their employees. Bro McFerran explained that these are discussed in consultation with staff to try to identify what makes the company more attractive to people. He said that they try to be proactive rather than reactive. Maurice Cashel, Labour Relations Commission, queried the measurement of the state of the psychological contract at Northbrook. Bro McFerran replied by saying that performance management systems have a place in the workplace but that it is necessary to engage the hearts and minds of people to motivate them to excel at what the do; management must also excel. He explained that performance management systems are a very linear/ two-dimensional way of doing this but that it does give a matrix that can be applied. He stressed that it is an emotional approach rather than performance management. At Northbrook management act as a conduit between stakeholders and shareholders and the expectations of both of these groups have to be managed. He went on to say that if people understand business pressures and why decisions are made and if there is full disclosure with shareholders and employees, ten they all be aligned with what management and shareholders have to accomplish.

Peter Williamson highlighted the individual position and how it sits in a team concept of trust. He reiterated that he advocates partnership. He was interested in Northbrook's staff surveys and wondered whether or not they included questions on whether or not employees would want a trade union to represent them in a collective bargaining position. Bro McFerran responded by saying that in some ways, if they got into a collective bargaining situation they would see it almost as a failure to communicate effectively. He stressed that he agrees fully with the partnership idea and that it should not be a case of adopting mushroom management as far as businesses are concerned. He stated that Northbrook has not been to tribunal. He explained that Northbrook has the ability to take criticism and that they are prepared to take it; they have good partnership and representation; people are encouraged to participate. He made the point that if you can have a finger on the pulse and understand the spirit of the organisation, and if you ensure you have enough channels of communication to get the vibe of the organisation, then you won't get into a situation where you fail and people feel that their only recourse is to go for collective bargaining. He made the point that Northbrook has no objection to employees being union members.

Employment Relations for Migrant Workers in NI

This workshop was chaired by Eugene McGlone (LRA Board).

There were four contributions - from:
Denise Cranston
(Diversity Director, Business in the Community)
John McLaughlin
(Liaison Officer, South Tyrone Empowerment Programme; ATGWU)
Nuala Conlon
(Organiser, Unison)
Stuart Reid
(Head of Human Resources, O'Kane Poultry Group)

Denise Cranston highlighted the core business of Business in the Community - corporate social responsibility. She defined it as how companies manage their business processes to produce an overall positive impact on society. Business in the Community works with their members to promote responsible business practice across the four key areas of environment, workplace, social impact and economic impact. In terms of the focus on migrant workers, this fits across all of the key areas but particularly the areas of workplace which includes a theme of diversity. She explained that diversity in business is about people and the differences between them. It is about getting the best people, keeping them and getting the best out of them. She explained that to do this depends on the culture of the organisation. It is much more than equality of opportunity. It is about recognising people for what they do, respecting them and valuing them within the organisation. Denise defined a migrant worker as *An individual who arrives in the host country either with a job to go to or with the intention of finding one.* She went on to describe two different categories of migrant workers - nationals of the European economic area (who have a right to travel, live and work in the UK) and nationals of all other countries (who require a work permit, which is obtained by an employer who cannot find a suitable national to fill a post).

Denise then described some research findings from a survey carried out by the Institute of Conflict Research in 2003. The survey found that in 2002-2003 work permit holders from 66 different countries came to Northern Ireland. Most came from Philippines, India, Ukraine, USA, China, Bulgaria, Romania, South Africa, Canada and Malaysia. Amongst European economic area countries, Portuguese nationals are the largest visible group. The migrant workers work mainly in nursing, food processing, agriculture, service industry/catering, further education and construction. The survey estimated that there were 20,000+ migrant workers in NI in 2003 (Denise gave an estimated figure of 25,000 for 2005). Many have problems getting paid and many have experienced harassment or discrimination in the workplace. Some have complained of unfair dismissal and for many their qualifications and skills have not been taken into account leaving them in low-paid, low-skilled work. Migrant workers face many issues including rights, housing, language, access and information about public services, recognition of qualifications and racism. Denise made the point that migrant workers are a growing category of employees in NI. They are a necessary factor for many employment sectors due to a shortage of available local labour.

Denise went on to describe Business in the Community's response so far. They have consulted with over 50 employer and statutory Agency representatives, including trade unions, to flesh out what support and help is needed in terms of the migrant worker issue. It was identified that a lot of support is available from community groups as well as what the Government is responsible for. However, this support is spread out widely and nobody really understands who to approach to find certain information. Business in the Community is trying to identify who is providing which information so that they can provide signposting to particular information especially for employers.

Business in the Community have also held a conference in partnership with the Equality Commission for NI on *Employing Migrant Workers: Building on Best Practice*. They have developed a voluntary Code of Practice on employing migrant workers. They have also launched their 2005 Workplace Awards which includes a Migrant Workers Award category.

Denise described the elements of the Code of Practice. The Code has been designed as a guide to reinforce good practice with respect to the employment of migrant workers. There are no legal obligations involved; it is not an authoritative statement of the law; Denise pointed out that Business in the Community see this as a positive thing. She went on to describe some of the elements of the Code (for example, recruitment, travel and accommodation, integration into the host community, treatment of workers). She emphasised that what was presented was not an exhaustive list of what employers can and should be doing.

Denise concluded by highlighting other opportunities being explored by Business in the Community. Firstly, she gave an insight into the Invest-NI funded Business to Business Bridge programme for SMEs across NI. This programme involves members of Business in the Community who are well-established large companies, sharing their expertise with smaller companies in relation to a whole range of business issues. They will utilise this programme in terms of migrant workers employment - what small businesses need to do in employing migrant workers. They are also providing support for support groups through Business in the Community programmes, for example, Digital Inclusion, Prohelp. Currently they are developing guidelines, particularly for small businesses, on the personnel side of employing migrant workers.

Finally, Denise made an appeal to those who are employing migrant workers, to sign up to Business in the Community's Code of Practice. She noted that they will also be producing a Charter Statement for employers to sign and make the commitment to good practice in relation to this issue.

John McLaughlin stated that he is mainly concerned with migrant workers in Dungannon and although the migrant community comprises people from many very different countries (which happen to be Portuguese speaking), the workers tend to be lumped together as coming from the "Portuguese community". Similarly, people coming from the EU Accession countries also tend to be lumped together although they too have very different cultures.

John went through the statistics on migrant workers and noted that 52% of all workers who approached the Migrant Centre are employed through employment agencies. He also noted that 55% of migrant women have children.

The profile of migrants has changed over the years. Originally migrants were single males who came to NI for periods of 6-12

months. They usually were provided with housing and transport by the employer and a return ticket home. However, the cost of these "benefits" was then deducted from the worker's wages. Now, more and more people come with their families. This creates problems for employment agencies and employers as it is no longer possible for them to place the migrant workers in shared housing (it is not appropriate for a family to share a house with other people). In addition, migrant workers are coming for longer periods and might decide to change jobs while here. This creates a problem if the worker's accommodation is linked to the original job and he/she stands to lose that accommodation if he switches job. Other issues facing migrant workers are, for example, rights, language, access and information about public services.

The South Tyrone Empowerment Project (STEP) drop-in centre has had to change its opening policy to cope with the number of queries. People are now required to book appointments (however in an emergency the centre will see people urgently).

The five main areas the support centre covers are: language support, interpreting services, employment rights, administration/individual assistance and community development.

A key role of STEP is to provide "signposting" for migrant workers and this service is provided in the worker's first language. Assistance is given in form filling, writing and reading correspondence, administrative support, advocacy and providing referrals to other sources of help. Signposting means not only providing information but also, providing follow-up until a particular matter is resolved. So for example, if a migrant worker brings in an official letter to STEP and requests assistance in understanding it, STEP not only assists in interpreting the language but will, if necessary, contact the relevant party who sent the letter to clarify any potential ambiguities in meaning. John noted that some organisations misunderstand the role of STEP and think it is actually responsible for migrant workers.

A key role of STEP is providing information and advice on employment rights. Originally advice focused on employment agency issues but this has expanded to all areas of employment law and advice is provided both to employees and employers. STEP does not provide immigration advice but refers people on to the law centres. Working with ATGWU, STEP also has a migrant workers' forum and a union clinic which meet every week. They also are involved in campaigning on various issues in conjunction with other organisations. Current important campaign issues include housing, water charges and health screening of Agency workers. STEP also has a Workers' Charter of Rights which it hopes will be launched in other council districts of NI.

There is a strong campaign to get workers organised to join ATGWU.

STEP is also involved in policy development and representations in a number of areas. The Migrant Workers' Forum, which is a service providers' forum, was first set up in 1999.

In relation to community development, it is important for people to realise that there is no such thing as a "migrant community". STEP can facilitate contact by various groups and agencies with migrant workers and contact between migrant workers themselves. Individual migrant workers who plan to stay in NI long term provide the impetus for many initiatives (eg Timorese women's choir, childcare for women who work).
STEP has been working in the migrant population to identify issues and establish networks of support between the workers themselves to deal with these issues. It has been a slow process and it is only

now that people are looking at the long term benefits of getting organised.

Nuala Conlon focused on overseas nurses and how UNISON's organising strategy. She stated that in 1998 UNISON had 50 migrant workers on its books, mainly overseas workers. By February 2005 this figure had risen to over 800. Most of these workers are located in the Acute Trusts but some within community trusts and some in the private nursing home sector.

The approach UNISON adopts towards recruiting migrant workers to membership differs from that for recruiting locals. Migrant workers initially did not show much interest in the union and so UNISON had to think of ways of making them interested. This was done in consultation with the migrant workers, the majority of whom are Filipino. It became clear that the key issues arose with nurses working in the private nursing homes rather than those working in the Health Trusts. For example, many private nursing homes in the community provide nurses with accommodation and, in exchange, part of salary is repaid to the home owner. UNISON identified accommodation, contracts, arranging pin numbers etc were key issues and arranged an information session for the workers. That session was very successful and was followed by further seminars and information workshops including a session on union membership. In addition, the union discovered that the Filipino nurses enjoyed karaoke and so arranged a karaoke night for them. This was hugely successful in that it allowed the nurses to meet up and socialise and also provided an opportunity for the union to build up links with them. In addition, UNISON had developed initiatives working with faith communities who were also tackling racism and welcoming new communities. UNISON discovered that the nurses attend a special monthly Mass at Clonard Monastery in Belfast. They were invited to provide a speaker for one of the Masses. Nuala spoke at the Mass; UNISON arranged for tea and sandwiches after the service and brought membership forms for them. This is how UNISON built relationships with migrant workers.

UNISON tries to ensure migrant workers participate at all levels of the union and, for example, encourages participation on the UNISON Race Committee and the NI Regional Council (representatives from the Race Committee have reserved seats). The union also encourages migrant workers to become UNISON community leaders and to participate in confidence building courses.

What next for UNISON? The union recognises that within its own ranks there are members who may have racist attitudes (whether conscious or unconscious) and it is important for the union to address this. The NI Council for Ethnic Minorities has liaised with UNISON to provide training for its members and this training is obligatory for all union activists. The union wants to encourage employers and public bodies to tackle racism and promote equality. UNISON are currently challenging the cutting of teaching English as a second language within schools as this will have a detrimental effect on the children of migrant workers. An example of how the union is attempting to tackle racism is a project being done in liaison with the Mater Hospital Branch and Community Sector Branch of UNISON to produce a wall mural on the Antrim road depicting migrant workers working within the health sector. The mural will incorporate "welcome" messages in the various languages of the migrant workers. It is hoped this will not only brighten up the road which many nurses walk down on the way to work but also promote a positive image of migrant workers within the local community.

The union recognises that most hospitals do work well with them in fighting racism and trying to promote equality within the workplace. However, a difficult area for UNISON remains the private nursing home sector. It is often difficult to access these sites in order to speak to migrant workers employed there. Often the only way UNISON can contact these workers is by asking migrant workers in the hospital trusts to pass information to their friends in the private sector.

UNISON has identified the following issues for employers to address:

developing models of best practise to tackle racism;
undertaking an audit of anti-racism policies within health trusts;
providing anti-racism training for all line managers; and
tackling racism not only in the workplace but in society generally.

Stuart Reid gave an overview of O'Kane Poultry's experience of managing migrant workers. Founded in 1932, the O'Kane Poultry Group is family owned and employs 2,200 staff. Stuart outlined the business case for employing migrant labour: O'Kane's found that, compared to relying on agencies, it is financially feasible; as O'Kane employees, people enjoy a greater empathy and feeling of belonging, as well as greater protection, than when employed through an agency; it results in a stable workforce with a lower turnover and higher attendance rates; it makes planning possible; and allows for accurate budgeting.
The majority of migrant workers employed by the company are either Slovakian or Romanian.

The following are some of the issues which have arisen in employing migrant workers in the company:

Language difficulties Romanian workers tend to have a good level of English compared to their Slovak colleagues but in general, with migrant workers there can be language difficulties in communicating instructions, health and safety information and in completing documentation (eg health records, training records, etc).

Tension with the workforce and community There are no problems within the company but there have been some tensions within the local community caused by the arrival of migrant workers. These problems were resolved through working with the PSNI and local community groups.

One-year contracts Many of the work permits granted in the sector are for one year only and require the worker to then leave the country. This is not only hard on workers but also on employers who then have to go through the bureaucracy of applying for a new work permit. It is easier for the company to employ workers from the EU Accession countries and this is generally done by contacting employment agencies directly in those countries.

Cultural Differences There are cultural differences not only between the local workforce and the migrant workers but also between the migrant workers themselves. An example of this would be in relation to food. The company's experience is that many migrant workers prefer to bring their own food rather than eat the food generally available in the canteen.

Bureaucracy There are well-documented problems of bureaucracy. The biggest problem is that there is no office within NI which deals with work permit issues for migrant workers, as this function was moved to Sheffield some years ago.

Stuart went on to point out some common misconceptions about (i) migrant workers; and (ii) the employers that employ them.

One common perception of migrant workers is that they carry a greater risk of

contagious disease. The company recognises how offensive this view is to the workers and completely untrue. Migrant workers often voluntarily produce results of health checks which are far more rigorous than any health checks local workers might undergo.

Companies that employ migrant workers are commonly perceived as being users of cheap labour, that they profit from accommodation provided to the workers and they do not want to employ the local workforce. In relation to accommodation, the company often incurs loss in rent income because it limits the number of migrant workers to a maximum of five to a house. It is not true that migrant workers are "cheap labour" as all employees are paid the same wages regardless of national origin. However, many migrant workers are very keen to take up overtime work (although all employees are free to volunteer for overtime). The idea that the company is not willing to employ local workers is a fallacy and this can be shown by the amount of money the company spends in local advertising for workers (£28,000 in 2002/2003) and by statistics relating to recruitment (for example, in the time span January 2004 - June 2004, there were 90 applicants for employment; of these, 38 failed to turn up for interview and 22 were rejected due to their previous employment record.

Stuart highlighted that it is also important to recognise the contribution that migrant workers make to our economy. The company estimates that over a two-year period their migrant workers have contributed over £4,000,000 (comprising income tax and national insurance contributions plus over £2,000,000 spending in the local area).

The company has identified some techniques for assisting migrant workers to integrate into the workplace and the local community. These "aids to orientation" include appointing a company welfare officer, providing details of employment rights in workers' first language, assisting with accommodation and with opening bank accounts, providing free language classes on site and arranging library membership for workers (library membership is important as it gives workers free access to email and internet and thus contact with their home countries).

Discussion

The chair commented that all four speakers had shown that the prospects for migrant workers within NI is not all gloom and doom (despite some recent negative reports in the press). Common themes touched on by all speakers were those of language and the importance of communicating with migrant workers to ensure they are aware of their rights.

Brendan McAllister of Mediation NI asked the panel to comment on remittances by migrant workers (ie money sent back to their home countries). He understands that it is estimated that migrant workers in Europe send home more money than the total international aid budget. This shows that migrant workers themselves are an important source of "aid". Some European countries facilitate banking arrangements to allow migrant workers to send money home and Mr McAllister queried if there was any demand for such help in NI.

Nuala Conlon commented that the recent tragic case concerning the Filipino woman who committed suicide highlighted this issue. This woman sent money home and accordingly, her death was not only a tragedy for the family but also had financial implications for them.

John McLaughlin commented that companies charge quite high rates for money transfers (for example, £13 to £25 per £100).

The Chair commented that for an employer to take on such work could prove to be very difficult administratively. He also referred to the recent high profile GAMA case where the company had provided for the employer to be co-signatory on the employees' bank accounts.

Stuart Reid commented that O'Kane Poultry has assisted employees in dealings with local banks. He knows that some companies charge about £25 per transaction and this leads workers to delay sending money until they have a substantial amount. This can potentially be risky if the money is kept at home by the workers.

Alastair Killen of CIPD commented that Glasgow will need 10,000 new workers in the next year because of the city's declining population. At the same time 98% of people in one particular area were shown by a survey to be on incapacity benefit. This latter benefit is disguising unemployment figures. In his view, people often do not want to work because of low wages whereas Stuart Reid has shown that migrant workers are keen to work. He posed the question Does the panel think that the number of migrant workers in NI is going to increase?

Stuart Reid commented that the employment levels among the 15 EU member states (excluding the Accession States) is 64% and in the US the employment level is 72%. Unemployment in Slovakia is 48% and accordingly, it would be absurd not to allow migrant workers in to work.

Nuala Conlon commented that the Mater Trust has found it very difficult to recruit staff in North Belfast despite the high rates of unemployment there. Accordingly it has recruited Polish workers to work in the canteen and for cleaning work.

Johanna Woods of Grant Thornton asked what the panel knows about agencies; are they good at dealing with migrant workers?

Stuart Reid commented that, in his experience, there are some very good agencies.

Denise Cranston commented that the health trusts use agencies and this seems to work well for them. They ensure that no fee is charged by the agency to the migrant workers. Overall, she has had a positive experience of agencies.

John McLaughlin commented that although there are some good agencies there are also some quite bad ones and the problem is that there are no guidelines to regulate them. He hopes that the new gang master legislation might help this. In particular, John noted that just because an agency is large and has presence in different countries does not mean it is good.

Denise Cranston commented that a code of practice for agencies is needed and it would also be helpful if there could be a list of reputable agencies.

The Chair commented that it is clear that regulation in this area is required. However, employers also need to monitor the activities of agencies.

The Chair queried why all employers do not take up the example of O'Kane Poultry and offer language classes to migrant workers.

Denise Cranston commented that not all FE Colleges offer such courses.

Stuart Reid stated that it actually took one year for the company to set up the classes and they take place outside of work hours.

The Chair commented that there must be health and safety issues for employers if workers do not have sufficient English to understand health and safety information, read notices or understand instructions.

Alastair Killen of CIPD commented that three CIPD members are currently doing projects on induction packages for migrant workers.

Nikki Monson of the Health and Safety Executive stated that they produce a universal safety booklet which sets out health and safety issues in a pictorial format.

John Gillen of Westcare Business Services commented that the figures about racism are depressing and asked if any of the panel had any information about anti-racism initiatives.

Denise Cranston stated that anti-racism training is very important and people need to be made aware of the impact that racism has on individuals and on organisations. It is necessary to liaise with community groups and PSNI before migrant workers are brought in.

John McLaughlin stated that the ATG&WU has a day for anti-racism training of shop stewards. He stated that sometimes racism was a result of ignorance and/or fear of change.

Nuala Conlon stated that UNISON and NIPSA work together on anti-racism initiatives and acknowledged that racism can exist within unions as well (eg among UNISON members).

Deirdre Stewart of CBI stated that the office responsible for migrant workers in NI moved to Sheffield at a time when there were not many migrant workers in NI. She acknowledged that it is now time to start lobbying for change on this.

The Chair highlighted a problem a Lithuanian worker had when he lost his passport. He was unable to go to the Lithuanian Embassy in the UK because he had no photographic identification with which to travel.

Family Friendly Policies and Employment Relations

This workshop was chaired by Norma Heaton (LRA Board).

There were three contributions - from:
Marie Mallon
(Director of Human Resources, Royal Group of Hospitals & Dental Hospital H&SS Trust)
Pauline Buchanan
(Organiser, GMB)
Mary McSorley
(Manager Information Team, Equality Commission for Northern Ireland)

Marie Mallon discussed family friendly policies within the context of her experience at Royal Victoria Hospitals Trust which employs 7,000 staff, 3,000 of whom are nurses and midwives. The majority of these are women, and within childbearing age.

The Royal Hospitals became a self-governing Trust in 1993. They wanted to expand the number of policies they had prior to these becoming legislative requirements, as well as develop an ethos of equality. They achieved this in partnership with their trade unions, which she believes was significant in enabling them to move forward.

Why family friendly policies exist within the Royal
The Royal wanted to comply with legislative requirements, though a number of their policies existed prior to the introduction of legislation. However, they also genuinely felt that morally and ethically, it was the right thing to do. As people have caring responsibilities beyond the family, they use the term 'employee friendly' rather than 'family friendly' policies.

They also had a business rationale for introducing such policies within the Royal. There has been a severe shortage of nursing staff within the health and personal social services, largely due to poor workforce planning from about ten years ago when there was a worry about having too many nurses. The shortage is being rectified with the commissioning of additional training places, but in the meantime nurses, for example, are a very scarce resource. As an organisation they had had a labour turnover rate of 15% among nursing staff. This had a significant impact on service. The dilemma of addressing the staffing shortage and labour turnover was that they needed more nurses and more hours covered, but in order to retain existing staff they had to consider offering them flexibility, for some nurses employing them on reduced hours. It was a short-term gamble that paid off in the long term as it meant they were able to retain them.

Marie then provided an overview of the profile on the employee breakdown of Royal Hospitals staff. In line with the rest of the health sector, RVH employees are predominantly female (75%), young (86% under 50), part time (43%, mainly within nursing) and a substantial minority of nursing staff (300+) are from overseas, recruited in order to address the shortage of nursing staff. As women are the main carers in society, women ask for flexibility and employee friendly policies more often than men.

Flexible working options available to Trust employees
Marie outlined the types of special leave available to staff within the Royal, pointing out that these often go beyond statutory requirements. In implementation, the real challenge has

been to make sure that everyone knows that the options are available and also that it is safe to ask if they can access them.

One commonly used example is 'carer's leave', which can be accessed on a day-to-day basis to cover an unplanned, unforeseen circumstance – such as a child falling sick.

They also have flexible working options. They are very supportive of job sharing requests. Marie recalled an early job share pilot which was successfully implemented and led to employee satisfaction, lower absenteeism, higher productivity, higher morale and improved service. It genuinely worked.

Term time working is facilitated where possible, though it has difficult implications in a hospital, being a 24-hour operation. Reduced hours requests can be a challenging issue, particularly if an individual wants to reduce his/her hours by a relatively small amount. For example, if an employee wants to work 30 hours instead of the standard 37.5 hours per week, it can be difficult to cover the other 7.5 hours. Often they have to negotiate with the individual concerned in order to work something out. There are always service issues.

Marie then discussed their attempts to measure the effect these policies were having through an impact assessment, particularly since they subscribe to the Business Excellence Model and because of their Section 75 obligations, as a public authority. An impact assessment was carried out in 2003, with three key recommendations coming out of it:

- publication of employee friendly policy guide for staff;
- record all requests for access to employee friendly policies;
- update policies to reflect changes in family composition.

One thing they hadn't known in the past was how many people had tried to access the policies and were refused. Marie considers that that may be the mark of an organisation that's committed. This is what they are trying to collate now. For example, of the 1,397 requests last year, only 13 requests were refused. Nine did not meet the criteria and three were turned down on service issues.

The way forward

Under the heading 'The Way Forward', Marie considered three key areas of influence for the future. One will be the future changes in legislation, though she thinks it is better to use collective bargaining than legislative obligation because it becomes more relevant, meaningful and appropriate at ground level. However, she understands the need for legislation, since not all organisations will take the same approach they have adopted within the Royal.

Highly relevant to the hospital sector is 'Agenda for Change', a significant pay modernisation issue. This will ask them as the employer not only to pay people better, but also that they change the way they work.

Finally, Marie raised the provision of childcare. She noted that though there is a crêche in the Royal, it is neither big enough nor flexible enough in relation to the hours of opening. There is no after school care provision, no summer scheme. These are issues around money and capacity. However, they are developing a childcare strategy and hoping to get some funding in order to implement it.

She concluded by stating that even if they did not have ethical values that meant that family friendly policies are 'the right thing to do', there are business reasons for using these policies as one of the tools in retaining and motivating staff -

ultimately they can continue to provide a service to members of the public.

Pauline Buchanan began by giving a brief overview of GMB. GMB is one of the largest general unions, with 650,000 members, 16,000 of whom are in Northern Ireland. GMB primarily represents members in the public sector; over 50% of the membership is female. So they do quite a bit of work on family friendly policies. Pauline expressed an interest in the theme of how family friendly policies link with low pay.

Justifications for introduction of family friendly policies

Pauline described the justifications for introducing family friendly policies as follows:

- *Changes in the world of work* – we now operate in a 24/7 global environment. If our local businesses are to be able to compete in this market, we need to recruit and retain people from all sections of our population and draw on the diverse skills, talent and experience we have here.
- *Social cause of globalisation* – we now expect to have greater choice and flexibility than we have ever had before; we are seeking control over our work and family life. People will now often work different hours at different stages in their lives.
- *Motivation for change* – is it because we want to or because we have to? Is it business or social?

Pauline quoted Patricia Hewitt in 2005, when she was Secretary of State for Trade and Industry and the Minister for Women and Equality, who had said,

> "The needs of children and families cannot be traded against the demands of the labour market, but must be advanced together".

Pauline posed some thought-provoking questions: Have we advanced together? Did both the unions and the business partners really campaign and get support for family friendly policies on issues such as gender, sex discrimination, equal pay, part-time working, maternity and paternity leave?

In order to illustrate the changes in demographics over recent years, she provided an overview of statistics from the recent census. The 2001 census of Northern Ireland reported that there were 442,586 families in Northern Ireland. Of these, single parent males led 888 families, with 24,443 families being led by single females; 36.5% of households had dependent children and 41% of households had at least one person with a limiting long-term illness. 11% of the population of Northern Ireland provided unpaid care for others. Of the carers who provided care for more than 20 hours per week, 62% (74,476) were women.

Issues that particularly affect women include the choices made in relation to their education and skills, their careers, their caring roles, the availability of flexible working arrangements, the long hours working culture, whether they are married, and the influence of stereotypes.

Pauline stated that in recent surveys conducted by the Government, men have said they would like to spend more time with their children. Research shows that men now spend an average of two hours per day looking after their children, whereas in the 1970s it was 30 minutes per day.

Paid holiday entitlement provided through the Working Time Directive enables people to take holidays and spend more time with their families. On the important development of the introduction of the minimum wage, the Northern Ireland census has shown that 57% of adults in poor households are women. Women are more likely to have low incomes at

key stages in their lives. They are more likely to have to choose to leave the workforce because of their caring responsibilities. This inevitably leads on to a poorer pension in retirement.

Family Friendly policies – is it a women's issue?
Pauline asked whether it was a coincidence that this workshop dealing with family issues is chaired by a woman and has three women speakers. She was concerned that this stereotyped the issue. She stated that it is important for us to become involved in family friendly policies, not least because it is good for the children. Family friendly policies enable families to spend time together as well as work and contribute to the family income. It is good for parents as it helps them to balance their hours of work and caring responsibilities. It is good for business as it enables employers to draw on a wider pool of skills and talents in the workforce, and improve recruitment and retention. It also increases staff morale, productivity, the numbers of applicants for advertised jobs, reduces training costs and reduces staff turnover. It is a very important issue.

What is the current position?
Since the flexible working legislation came in in 2003 almost a quarter of parents have asked for a more flexible pattern of working. 38% have asked for part-time working, 46% have asked for smaller variations to their working hours (such as condensed hours, annualised hours, job sharing and reduced hours) another 10% asked for home working.

Statistics also show that more recent requests have been more successful. This may be due to employers' growing confidence in the legislation. Businesses have seen a positive impact on the business and implementation costs have been insignificant. Most requests are from women.

What is the future?
The Government consultation document "Work and families – choice and flexibility" (consultation closed 25 May 2005) raises various issues. On working hours, it asks us to consider the impact on business and collective bargaining, should rights be extended to a further five groups.

If the right to request flexible working were extended to people caring for a partner, 127,000 employees could be eligible to apply. If extended to caring for a partner or parent, the right would be extended to an extra 837,000 workers. On caring for any dependent adult relative, it would rise to another 1.3 million people covered by the legislation. On caring for any disabled dependent, the figure would rise to 1.8 million.

The Government is also consulting on the extension to workers with older children. If they extend it to the under 9s, that will take in another 3.7 million, under 12s would be an extra 2.6 million on top of that and if extended to the under 17s it would be an extra 4.5 million.

Setting the scene
Pauline finished by posing a few last questions for the audience to ponder:

- Have we as trade unions and employers negotiated agreements to ensure flexible working arrangements that facilitate a work/life balance?
- Have we negotiated any work/life balance issues?
- Do we monitor developments on flexibility, such as on equal pay in public and private sectors and have we negotiated and monitored agreements to ensure they are non-discriminatory?

She stated that we need to do this as a priority, to consider it in the context of new families today, where there are smaller families, with different family structures. We need to take into account

the fact that three out of five people will at some stage in their lives care for a dependent adult. Since the GMB's purpose is to enhance the lives of its members and ensure that their advancements spearhead the advance of working people, we need to work towards achieving a more level playing field for those with dependents.

Mary McSorley outlined the areas she would cover:

- where we have got to in relation to the development of so-called family policies, so-called because they mean different things to different people;
- looking at recent employment legislation that provides for the family friendly rights and how these pieces of legislation relate to some of our other anti-discrimination and equality legislation that most of us are probably already familiar with, including Section 75;
- where we see all of this going; can we keep on going? can we continue the pace of change? do we have a vision for how we see this whole area developing and if we do, what do we want it to look like? what are the implications of continuing to move in a particular direction? are there different groups, areas or partners that are going to be advantaged or further disadvantaged if things keep on moving as they have? There are a lot of challenges.

Mary gave a brief overview of legislative developments that have helped shape the dramatic change in employment relations since the 1970s, particularly individual rights at work.

The 1970s saw the introduction of sex discrimination, equal pay, and religious discrimination legislation in Northern Ireland. Then there was a period in the 1980s when not an awful lot changed. The next big change was in the 1990s – where we saw the introduction of a huge range of general employment rights; there was a new push on introducing pregnancy and maternity rights. It is interesting to reflect back on how relatively recently we did not have any of the rights that we take for granted today. It is not that long ago that women went off on maternity leave, did not return to the jobs they were in and did not get paid any statutory maternity leave at all.

In the late 1990s the parental leave regulations and emergency time off for dependents legislation were introduced. This was an interesting development, codifying in law and giving statutory rights to employees - though many good practice employers were already offering some of these benefits to their staff.

Within the Equality Commission they welcomed the introduction of these new developments and felt they were very necessary to enable people with commitments to stay in work and not be disadvantaged for accessing the right. But they felt the rights did not go far enough as many of the new rights are unpaid and many employees are still excluded. Mary said that increasingly their experience is that the policies coming from Government look wonderful, the good practice employers are wonderful, but the people who do not work for good practice employers cannot access the rights because there are service requirements or there are other qualifying conditions. She cautioned that the rights do not attach to everyone. Many people who are employees and workers do not often realise that they fall outside of the rights. There is still a way to go.

In Northern Ireland there is a vast range of very small employers who will not always be able to offer the flexibility and generous employee-friendly policies that we would expect of the public sector and

the larger employers. When the Equality Commission responded to the initial Government green paper on working parents they were very clear about that. They wanted to see as many people as possible benefiting from any proposed new rights but they were very firm in their call for Government to provide support that the smaller employer needed. It was with some regret that Mary stated she was not sure whether or not that backup has been provided, nor do we hear a lot of debate about it.

Returning to the recent chronological progress of family friendly rights, she reflected on the period 2000-2005 when a huge range of issues arose out of the Working Parents green paper. The Employment Order provisions were introduced in 2002 and came into practice in 2003. Improved maternity leave and pay regulations have been welcomed broadly. However, it is important to note that a lot of good practice employers were already offering some of these things; in fact there are organisations in the private sector who have been offering some of these benefits for quite some time because they realised it was necessary in order to attract and keep their well-qualified female employees.

Paid statutory paternity leave caused a huge stir but is not being taken up because it is not earnings-related at present, so men do not see it as being particularly beneficial to them to take it up.

The right to request flexible working probably caused the biggest stir, though in practice it was informally already there. In the past some women would have asked to reduce their hours or asked for more flexible working following having a child or children. If the employer unreasonably refused, those women would have had the option to pursue an indirect sex discrimination case and many women in Northern Ireland and Great Britain successfully argued that an employer should at least consider the possibility of them working more flexibly.

Similar to other family friendly rights, this legislation just codified in law what had become established through industrial tribunal case law. Again it was feted as a great achievement - but again not everyone was entitled. Mary cited particular rights questioned by the Equality Commission. For example, when somebody is applying for a new job they must have six months' qualifying service to be able to access the flexible working request right. She does not understand why someone shouldn't be able to negotiate at the point of taking up the new job. Though she recognised that some employers may take a different viewpoint, Mary felt that the qualifying service obligation to some extent negated the benefit of that particular right.

Mary also reflected on the recent legislative protection for part-time workers, who are mainly women. She referred to the consultation on proposed improvements and extension to the existing flexible working request rights that Pauline Buchanan had discussed, confirming that the Commission would welcome those changes. Indeed, some of the things that the Government is proposing and consulting about at present are the further improvements that the Commission was calling for two or three years previously. Mary was also conscious of the business community's negative opinion on the current proposals, a general view that they were going too far. She said that there does seem to be an acceptance among employers that the current legislation does work, and it is not causing huge problems for them - but that now the balance is right, and they do not want it to go too much further.

She asked the question 'Where have we come from?' In answer, she said that we have moved from a focus on preventing sex discrimination, trying to ensure that

women can get in to the workplace and stay in it. She was clear in the belief that sex discrimination legislation evolved because employers needed women in the workforce. In acknowledging skills shortages, employers recognised that we need women workers.

Reflecting on the progression of a 'family friendly' approach, Mary pointed out that in many cases this is still seen as a gender issue, something that benefits women, despite the fact that a lot of the policies are available to everyone. In more recent years both the Government and employers themselves have supported the presentation of this whole issue as being the 'work life balance' issue, the 'diversity' agenda, something bigger and broader, an initiative that offers something for everyone. She considered the merits in that approach, not least because a broader and more encompassing work life balance and diversity agenda lessens the perception within many workplaces that too many benefits are aimed at women. Even when the benefits are available to everyone, male and female, there seems to be a focus on women and the working parent. If we consider the rights of those of us who are not parents, or those of us who are a bit older and did not have the access to these rights in the past, it could potentially create some difficulties in the workplace. The work life balance/diversity approach can have the advantage of being seen as more inclusive, reflecting the best examples of 'good practice' in some organisations.

Mary then raised the issue of the danger of introducing too much legislation. With many regulations there is the risk of employers taking a very prescriptive view on their role. In considering their obligations, they may tone down options that they would otherwise have considered. In focusing on what we have to do, rather than creatively considering what can be achieved in a best practice environment, we can stifle workable solutions.

She considered the downside of viewing family friendly initiatives as an issue for women only. She stressed the need to encourage men to take up the options available to all staff – to communicate that flexible working is not solely a female right, and that it will have no detrimental impact on career progression. This is an area in which she believes the Government still has more work to do.

Mary stated that we need to consider those people who do not currently have access to work-life balance/diversity policies. She noted that the Government can make the workplace sound like a very rosy place. We have to remember that it is not that rosy for many people – that there is the potential for an increasing divergence between those who have access to very good benefits and those who have not. There is the issue of the small employer versus the medium-sized or larger employer and there is the issue of the whole environment here in Northern Ireland, how Government policy, driven by conditions within the rest of Britain, fits within our environment. We may have very different, sometimes unique issues here, and we need to look at that.

Mary welcomed events, like this, where people have an opportunity to frankly and openly debate the issues and face up to the challenges. The reality we face is that we have to accommodate people with family responsibilities because we need their skills, we need to keep them in the workforce. Though she accepts the need for policies, she urged policy makers to be quite bold.

Finishing on a more light-hearted note, while still considering the 'boldness' needed among policy makers, Mary recalled an article she had seen in the Guardian on 8 April 2005. The Spanish Government had decided to take steps to

address the very difficult cultural male attitudes that still exist in Spain, where more women are entering the workforce, yet still carrying their traditional burdens, including childcare and housework. She recounted that the Spanish Government is proposing to introduce a legal obligation in the marriage contract via divorce legislation where husbands will have to agree to take on formal responsibility for childcare and other caring work, including elderly care, as well as housework. The proposals are that if a husband fails in this responsibility, and the marriage ends in divorce, the husband's non compliance will be taken into account in any divorce settlement.

Though primarily an amusing reflection on the potential for legislative changes within the workplace and the home, Mary thought it interesting to consider this story as an example of how pushing the boundaries a little bit can get debate. Her serious message was that the area of family friendly policies is one that still needs a lot more debate, a lot more discussion about where and how it works, greater sharing of good practice, and an acceptance that flexible working cannot work for everyone. Rather, she asked us to consider how it can best work for as many people as possible without disadvantaging any particular groups.

Discussion

Mark McAllister (LRA) asked Marie Mallon how they reconciled the requirements of Section 75 with regard to flexible working for people not included in the 9 categories.

Marie said that overriding all of their fixed policies is the notion of flexibility and the right to ask for flexibility regardless of a person's background. They recognise that they need their staff and that even if they never had any of these policies they respond to this need. Staff have choices with respect to where they go and they have needs regardless of fixed policies, and the Royal see it as their duty to try and address this. Marie explained that part of their monitoring is just to check that the application of their fixed policies is not impacting adversely on other groups under Section 75. She felt that any new legislation has to swing almost in an extreme way and push the boundaries out; this causes almost dis-equilibrium in organisations but is necessary in order to get the balance right eventually.

Marie highlighted the importance of the ethos and approach of the organisation; she explained the approach of the 16 trade unions in the Royal. She explained that when they work in partnership there are better outcomes. She highlighted that the Royal is an employer that needs to keep their employees and that therefore it is a good idea to do the right thing.

Marie went on to say that even prior to some of the recent legislation, when organisations would be asking them to comment on policies, they would have been making the point to employers that if they had particular policies that benefited one section well, they should explore whether or not they have got a complementary or other policy whereby other people can access a similar right but in a different way. Many were very happy to take this idea up. There were many rights in the past that were only attached to people in certain circumstances. However, the Royal would have been emphasising that employers should consider flexibility if their business could accommodate it. She made the point that the legislation is saying that the right to request flexible working is by no way a right to have it and furthermore that employees assume that they have got more of a right than they actually have. She was of the view that all employers are being asked to do is to think carefully; the bottom line is that some employers need to be forced to do this as they can sometimes think it is so

easy to just say “No, we’ve never done it like that” or to just not think about how it might be done. Marie highlighted her view that the legislation is helping to change that sort of cultural attitude. She went on to make some points in relation to the employee. For example, the law requires, in relation to flexible working, the employee to make their case. This implies that they have to think about how it is going to work in practice and in doing that they are thinking about their colleagues and the implications for them. She is of the view that, although it is difficult for some employees to do this, in practice it is helping to make sure that people research their case and make a good case.

A second question came from an anonymous member of the audience who asked if the Royal’s policies have made a positive impact on retention and whether or not those in management positions avail of those policies.

Marie pointed out that the Royal has lots of different HR approaches and strategies in relation to retention and it is difficult to measure one factor in isolation from a number of factors. However, they have been able to reduce labour turnover by almost half in the period of 5 years by the application of a number of issues including a big push on flexibility and job sharing. She said that it is not just about promoting the policies. It is about promoting the message to managers that they should think in terms of “I think I can do”, rather than an automatic “no”. So it is about turning the mindset round. In terms of outcome measures the labour turnover is a key issue but also the applicability to people who are a bit older and who have got to their managerial positions and who might no longer need it. But there is absolutely no reason why not. So there’s absolutely no limit artificially or otherwise as to the people who access it.

Following some further comments from the audience, Marie described work she had been involved in at Translink in 2003 whereby a framework for change was built which allowed for new working patterns and a whole new structure in Translink for management and trade unions to work jointly together. Training was the crux of the matter, certainly amongst the drivers. When Translink first muted the idea particularly of term-time working, there was a lot of fear around that. There has been a creation of fear of change for workers. It is now in the agreement, everybody is working together on it and it has been a success. Male drivers have applied for the part-time work and the term-time working and I think that that has been with the trade unions and with the company working together to give people reassurance to open it out into other industries, let people see what’s happened there and what the benefits are both for male drivers and female drivers.

Mary McSorley emphasised that it is important to remember that of all of the so called family friendly rights, there is really only one area that attaches to woman only and that’s Statutory Maternity Provisions. The others are all intended to be equally available to males and females. So all of the rights are there and are in principle available to men. So the issue is how do we as a society, as a culture make men more inclined to want to avail of them. We keep hearing that men want to be more engaged with their children and their family life and so on, but that’s not translating into action on the ground in workplaces. So I think there’s a responsibility on unions and on employers to do the communication that Marie talked about, to make it possible. However, there’s a huge sort of Government policy or society policy issue there which has to run alongside some of the other legislative changes. So at the same time the Government is saying “Right we’ve got these employment policies”, there are other agendas that

need to be pursued to change the culture. So there are lots of issues there that need to be addressed in terms of cultural attitudes, more than just employers or unions having a role to play.

Tribunal Processes and the Role of the LRA

This workshop was chaired by Julie-Anne Clarke (LRA Board).

There were three contributions - from:
Mayo Price
(Vice President of the Office of the Industrial Tribunals and the Fair Employment Tribunal)
Harry Coll OBE
(Managing Partner, Elliott Duffy Garrett Solicitors)
Penny Holloway
(Director (Conciliation and Arbitration), LRA)

Mayo Price began by explaining that the 2005 Rules of Procedure came into force on 3 April 2005. The new Tribunal rules can be downloaded from the Internet and they mirror to a large extent the rules introduced in England on 1 October 2004. Unfortunately for us, they come six months after some of the most fundamental changing rules of procedure which only came into play for us in October last year. We are all on a steep learning curve in relation to what is happening with the tribunals. The procedures have been put in place to try to streamline case management, facilitate settlements and try to focus parties and their representatives on what are the issues and what are the matters that should be brought to a tribunal and what should be settled ahead of time. At the moment cases sometimes settle on the first day of the Tribunal hearing which is frustrating not only for the Panel but for the whole system, because there is a backlog of cases and the Tribunal's time has been wasted. Another bad practice is that both sides keep their ammunition to themselves and do not disclose their cases fully to the other side. The new rules have been designed with this in mind and will hopefully encourage more openness from an early stage. However, the rules are very complex. Mayo outlined the rules as follows:

- "Applicants" become "Claimants";
- "Complaints" become "Claims";
- "Notices of Appearance" become "Responses";
- Required New Forms "IT1" & "IT3" from 3 April 2005;
- Formal "Acceptance Procedures";
- Provision for "Default Judgments";
- Enhanced "Strike Out" Powers;
- Power to issue "Practice Directions".

She explained that the new forms are quite lengthy and aim to get as much information as possible - gone are the days of the 2-liners.

When a complaint is made, the Secretary of the Tribunal initially makes a choice as to whether the claim is accepted. If it is to be wholly or partly rejected, the complaint is referred to a Chairman who makes the actual decision. If a decision is made to reject, the form is returned to the claimant. Claims can be rejected on the grounds that the IT1 does not contain all the relevant information or if the Tribunal does not have power to consider the claim, or if it is a complaint about a grievance under Article 19 of the Employment Rights Order. There is a right of review or appeal to the Chairman's decision.

With regard to IT3s, there has been a big change in this area. Respondents now only have 28 days to respond to the claim and there will be no automatic extension of time. If an extension of time is required, respondents must write requesting this and giving reasons for the request within the 28-day period. If this is not done, no extension will be allowed.

An extension will only be granted where the Chair feels that it is just and equitable to do so (Rule 33). The IT3 itself must set out any grounds for resisting the claim. Again, the Secretary decides whether the response will be accepted and then refers any rejections to the Chair. If the response is rejected, the Chair records the decision and the reasons in writing. The "over-riding objective" is that the parties assist the Tribunal to deal with the case justly. Dealing with a case justly includes, so far as practicable:

- ensuring that the parties are on an equal footing;
- dealing with the case in ways which are proportionate to the complexity or importance of the issues;
- ensuring that it is dealt with expeditiously and fairly; and
- saving expense.

There is an emphasis on the parties providing information to each other without recourse to a tribunal (Regulation 10).

Powers for case management

This aspect is in the early stages. The aim is to get to the stage where every case will be given a set of standard directions. Case management discussions take up a great deal of the full-time Chairman's time. Parties will be expected to comply with the standard directions. Orders for costs are not being granted unless there is a very strong reason to do so.

Provisions on costs "with teeth"

If people are not cooperating with the tribunal or with directions, without due reason, then the Tribunal has powers to award costs.

Default judgements

This aspect is causing problems in England and Wales. If a respondent fails to satisfy the above rules, a default judgement may be issued. This will be done on the 29th day. The default judgement can determine liability only or liability and remedy. If a default judgement is issued, the respondent can make an application for review within 14 days (Rule 33). This application must state the reasons why a default judgement should be varied or revoked and it must include the respondent's proposed response to the claim and an application for an extension of the time limit and an explanation of why the time limits were not originally complied with. If a respondent hasn't presented a response to a claim, they are not entitled to take any further part in the proceedings. The reasons for a default judgement will be recorded in writing and can be appealed.

Types of hearings

Case management discussion

These are interim hearings and may deal with procedure and management of the proceedings. They may be held in private. They can also be done by telephone conference which is becoming more and more the norm. Witness statements are becoming part of the game plan.

Pre-hearing review

This replaces the old preliminary hearing. It deals with interim matters, interim relief and jurisdictional issues. It involves a Chairman sitting alone. A deposit can be ordered at this hearing. It can consider all written representations or oral evidence.

If a party wishes to have a full tribunal, they have to write in at least 10 days before the hearing, for the Chairman to consider. They have to give to reason(s) why it should be a three-person tribunal.

Hearing

The hearing is till to be referred to as the "hearing" with a small "h". It is the old full tribunal hearing.

Review Hearings
These are covered in Rule 33 or Rule 36

Cost Orders
Costs are another area that has changed considerably. There are now 3 types of costs orders – ordinary, preparation time (for unrepresented people - if the tribunal thinks that the person has spent a lot of time preparing their case and because of the actions of the other party, costs should be awarded. The Chairman is allowed to make orders for £25 per hour, which will be increased by £1 per year). The maximum amount of costs that can be awarded is £10,000 in fair employment and other jurisdictions. The definition to award costs is that a party in bringing proceedings, or he/she or their representative has, in conducting the proceedings, acted improperly or unreasonably or the bringing or conducting of the proceedings by the paying party has been misconceived.

Wasted costs orders against representatives
For the first time, costs can be awarded against representatives who act improperly, unreasonably or negligently of a party or any representative. Before making such an order, the Chairman should give the representative a reasonable opportunity to give reasons as to why such an order should not be made and the representative's ability to pay. The role of the representative has to be looked at - employee of the company in which case an order can't be made; if it is a *pro bono* representative the order would not be made.

Decisions
With regard to decisions, in Northern Ireland, we do not have the primary legislation to implement the word "judgements". We can make default judgements but everything else is a decision. Rule 36 refers to matters that must be contained in a decision. With regard to decisions, provision is there for oral decisions to be given on the day. They will be given in writing only if a party so requests. In "fast track" cases, this will be of benefit to the Chair and the parties in that decisions can be given on the day, and the amount awarded or not as the case may be. This may result in shorter decisions being given by the tribunals because it actually sets out quite clearly what has to be in the decision.

Harry Coll explained that the tribunal process was set up on the basis that it was free from formality. Whilst the process is free from the trappings of a traditional court scene, it is not free from formality. Respondents and applicants both experience a sense of dread when appearing at a tribunal. The disputes are significant to those involved and they deserve a degree of formality in respect and how they are approached. Up until now, the paperwork has not been complicated but the new forms are about nine pages long and a lot more complex. Over the next number of years we will become more aware of what is required. There are more interlocutory steps than before. Despite the best intentions of Government and its advisors and those with whom they consulted, the process will not get any less contentious, indeed it may get more so. From both points of view, and particularly from a respondent's point of view, there is a requirement to be directly involved from the moment the IT1 is received.

There are many complaints with regard to the length of the tribunal process - it is long and tiresome. It is difficult to see how this will be reduced unless there is a significant fall in the number of claims being made. The new case management rules are a necessity in 2005 - the idea of waiting until the case is listed is no longer a viable proposition. But it does have its own issues - costs in terms of time and financial cost. From the parties' points of view, costs are now a very significant factor. It was possible in the past for employers just to wait and see - they could just enter the IT3 stating that they

denied the allegations. This is no longer possible. Comprehensive reasons are required, resulting in more time and cost for the employer.

Moving on to conciliation, which is a steadfast principle and obligation of the Labour Relations Agency; the Conciliation Officers have been extraordinarily useful and professional. Early contact with the Conciliation Officer has proved useful. The new fixed period of conciliation may create problems but we will have to wait and see.

Using Conciliation Officers has facilitated exchange of information between the parties allowing people to come to a better view of what the liabilities and risks might be and whether they want to go forward and try and effect a resolution through the Conciliation Officer or otherwise. Conciliation Officers at all times maintain their independence – this would encourage representatives to exchange views, information and comments with them and know that they would not be abused or misrepresented. Parties have confidence in the role of the Conciliation Officers which has allowed conciliation to be very successful and has allowed for early disposal of cases, without which Mrs Price and her cohorts would be under more pressure.

Harry described another alternative to the Industrial Tribunal - the Agency's Statutory Arbitration Scheme. He outlined the process and emphasised that it is to be highly recommended. The arbitrator is entitled to determine how he/she will proceed and is not bound by the rules of evidence. He further emphasised that in his experience, the arbitrator acted in a very suitable manner adopting an inquisitorial approach, not adversarial. There was no cross examination and no witnesses. The arbitrator listened to the story, asked questions as needed and obtained clarification and comments from the other party. The process was conducted in a conversational way which gave a better chance of getting the story. The arbitrator listened to all the people involved in the issue and then determined the likely truth of the matter. Hence people involved said what they wanted rather than being led by questions from representatives.

Arbitration is quicker than the tribunal process and is confidential. This confidentiality may be a double-edged sword – some want it, some do not. Arbitration is not an adversarial process and the informality allowed the process to flow in a way that was more meaningful than the adversarial process could be. Some lawyers have been concerned that there is no cross-examination but the arbitrator did allow comment to be made. There is a limited right of appeal but I believe this is not a significant problem. There is a fairly limited right of appeal at tribunal anyway and we tend to accept decisions. The Court of Appeal has never shown itself to be particularly welcoming.

Penny Holloway highlighted the range of alternative dispute resolution (ADR) options available. She explained that the Agency begins with encouraging good employment practices and joint problem solving within the workplace but when a dispute arises the Agency would want to move through the three options - conciliation, mediation and arbitration. She then gave the following definition of conciliation:

Conciliation is a process of voluntary third party dispute resolution where Agency officers attempt to bridge the gap between parties in dispute by teasing out arguments, matters of importance, terms of settlement etc – and try to reach a binding ***settlement agreed to by and between the parties*** *in order to avoid the need for a Tribunal hearing.*

Conciliation is a voluntary process where Agency Officers attempt to bridge the gap between parties. If successful, the

outcome is a legally binding settlement. Conciliation is also impartial, confidential and non-directive (Conciliation Officers do not represent either party nor provide advice). All discussions are without prejudice to any subsequent tribunal hearing.

Conciliation is now subject to a fixed period which varies from 7 weeks to an open period in discrimination cases. All of the procedures in the Agency have been revised to ensure our duty to conciliate takes place within the fixed period. There will be much more proactive efforts by Officers. Even though respondents have 28 days to present the IT3, the Conciliation Officers will contact them during the 28 day period – we cannot afford to wait. We will make clear the importance of returning the response within the 28 days and what happens if respondents do not do so. We believe that we will see a difference here. The tribunal process will be outlined, conciliation will be offered and hopefully a settlement reached. If a settlement is reached, the Agency will inform the tribunal office. If the parties refuse conciliation, or if a case is not settled or withdrawn, the case will be listed for hearing. The tribunal will be listing cases very quickly – by the 8th week the parties will know the date of the hearing. The conciliation team are happy that cases have to be stated in full on the tribunal forms since this should help the conciliation process. Under the new legislation, the Agency has a duty to conciliate which for the fixed period then becomes a power. We have been taking on board comments, and believe we will not be taking as hard a line as ACAS with regard to conciliation after the fixed period.

Penny went on to describe arbitration. She gave the following definition:

Arbitration is a process of third party dispute resolution, where an independent Chairperson/panel appointed by the Agency resolves a dispute between the parties – by teasing out arguments, matters of importance, preferred terms of settlement etc – and issues a ***written decision*** *to the parties, which both had previously agreed to accept as* ***binding****.*

With regard to arbitration, at the moment there is one statutory scheme dealing with unfair dismissal – the flexible working scheme is awaiting approval and has been held up by the General Election but the Agency is ready to proceed.

Arbitration is an alternative to the industrial tribunal and hearings are set up within 6 weeks of the agreement of the parties. Generally the hearings last for ½ a day and written judgements are issued within 2 weeks of the hearing.

Mediation involves an independent arbitrator who teases out arguments and tries to help the parties reach agreement. If no agreement is reached then the arbitrator makes recommendations on the way forward. Such recommendations are not binding. Whether arbitration or mediation is suitable depends upon the individual circumstances.

The Agency is supportive of the new case management discussions (CMDs) – it is necessary due to the fixed period of conciliation. Conciliation Officers are invited to CMDs by the Tribunal Office, mainly to cases where parties are unrepresented. Conciliation Officers are available on a daily rota. The Tribunal Office provides facilities for the Officers. The Officers introduce themselves to parties, ascertain whether conciliation assistance is required and attend discussions before the Tribunal Chairman if necessary.

If conciliation is agreed discussions will take place immediately or at an agreed date with the parties. Settlement is reached on the day, documentation is prepared and signed and the Tribunal Office informed. If there is no

conciliation, the Chairman of the CMD will determine the date of hearing. Normal conciliation rules apply - impartial, confidential and non directive.

The Agency has had some success with a number of conciliated settlements being reached on the day of the discussion hence we are convinced of the merits of having a Conciliation Officer in attendance. There is also a duty Officer at the Agency so that there is always someone available for cases outside of the CMDs.

Penny highlighted the advantages of ADR, including confidentiality, flexibility, can be set up quickly, the range of solutions is much wider. In addition, arbitrators are encouraged to make recommendations to improve employment relations.

Discussion

Colin Arthur (LRA) asked how much more complicated were the forms going to be? Harry Coll replied that the new form is twice the size as the old form – there is a lot more information required. You cannot just state "I was unfairly dismissed" or the employer can't simply say "I do not accept he was unfairly dismissed. The case has to be set out." People must start thinking differently and may find this daunting. Mayo Price explained that the forms are being closely monitored in England. Some sections may be modified by the time they become mandatory in NI (Oct 2005).

Beverley Jones (Jones and Cassidy Solicitors) indicated that there will likely be problems with the form. Some of the questions are of a highly legal nature.

Harry Coll stated that at the moment the form has to be handwritten, it cannot be filled in online. Mayo Price explained that the aspiration and expectation is that the form will be downloadable. In terms of accepting claims, the Tribunal Office will be taking a purposive approach rather than a ferocious one. If people give the necessary information, the claim will be accepted.

Carla McCambridge (Transport Salaried Staff's Association) queried whether, in order to go to arbitration, do both parties have to agree? Harry Coll replied that arbitration is only available if both sides agree to it. She went on to enquire if there is an appeals process. Harry Coll explained that there is; if the arbitrator's decision does not reflect what the law is, it can be appealed on the grounds that the law was not properly applied by the arbitrator.

A representative from Limavady Borough Council asked if the industrial tribunal has considered what they are going to do about serial applicants. Mayo Price explained that the Tribunal Office does have people who bring a lot of claims but that it is a laborious process to establish that someone is a vexatious litigant. It is very complex and must involve the Attorney General. Julie-Anne Clarke pointed out that the human rights legislation has made this issue more complex to deal with. She said that there had to be a balance between protecting someone's rights in that situation and protecting the employer's rights not to have to deal with it.

The representative from Limavady Borough Council asked if case management discussions will help.
Mayo Price said that they would hope so; they will help to narrow down issues on both sides as to what the case really is about and to get things into a framework rather than a scattergram approach which happens in some cases.

Harry Coll pointed out that presumably the new costs rules will help. Julie-Anne Clarke explained that given the costs against representatives only certain representatives can be hit. She queried if

it would be more effective if a wider range of people could be brought into line. Mayo Price explained that it was hard to say. If something happens along the line and it is the representative's fault, they will be penalised. There will be case law on pro bono representative-type situations with cases already going to the EAT. Julie-Anne Clarke made the point that there are a significant number of representatives in tribunals who are not-for-profit representatives and who are capable of causing as much delay and difficulties in the system as people who are paid to be there.

Beverly Jones then asked if mediation discussions are confidential. Penny Holloway explained that they are not confidential at-the-moment. Mediation does not attract the same protection as conciliation but the Agency would want to introduce this. She said that mediation is suitable for, for example, harassment cases and interpersonal difficulties cases. She explained that the Agency would want to expand the statutory arbitration schemes to the other jurisdictions.

Orla O'Neill (Napier and Sons Solicitors) queried if employees and representatives can use previous case law and if arbitration is bound by that. Harry Coll explained that arbitrators are not bound by it but that they would need to take cognisance of what is good practice.

The Future of Mediation and Arbitration in NI

This workshop was chaired by Jim McCusker (LRA Board).

There were three contributions - from:
Janet Hughes
(Rights Commissioner, Labour Relations Commission)
Brian Campfield
(Deputy General Secretary, NIPSA)
Bill Patterson
(Chief Executive, LRA)

Janet Hughes outlined that the role of the Rights Commissioner was not unique to the RoI and was utilised in other European countries. She advised that the Commissioner gets more hits on the LRC website than any other and felt that this may have been down to a 'curiosity factor'.

She said that the Commissioner role was established in 1969 when there was a different era for Employment and Industrial Relations. There were a lot of one-man disputes/pickets. The collective structures could not deal with it and the Commissioners were established on foot of this as a catchall for workplace grievances. They were operating in a highly unionised environment and the majority of referrals were from union members.

In 1973 the nature of the role changed with the introduction of the Unfair Dismissals Act and the establishment of the Employment Appeals Tribunal. This allowed parties to bypass the Commissioner.

There were no further significant changes until the 1990s when the role changed perceptively and definitively. Commissioners were dealing with more employment rights based disputes and carrying out a quasi-judicial role. 1991 saw the introduction of the Payment of Wages Act which is now the largest source of referrals.

In 1995 more new pieces of legislation were added, for example, Terms of Employment and Equality based and they now have 18 over which they have jurisdiction. Whilst these are individual cases they have collective connotations.

Whilst the nature of the service has changed the people and the service have remained much the same. It is voluntarist in nature with legally enforceable decisions. Appeals are made to the Employment Appeals Tribunal (formal/legalistic) or the Labour Court (less formal).

Commissioners are independent. They are not employees and are nominated by the LRC and approved by the Minister. There are currently eight Commissioners some full time and some part time. They are based in Dublin but travel elsewhere for hearings. The Commissioner determines how the hearing is conducted and unlike the tribunal there is no cross examination or witnesses and legal representatives have no greater role than anyone else. 40% of the parties represent themselves, 40% use their Trade Union and the remaining 20% use other types of representation. They hold three hearings per day and have no prescribed procedures for these. At the hearing more than one jurisdiction may be determined. 4,700 cases are received on average but some disappear before the hearing through settlements or parties objecting.

A Commissioner can make recommendations and then become personally involved in mediation. 30% of cases are settled directly.

The lead-in time for hearings is approximately three months and the vast majority of cases are disposed of in one hearing but some legislation makes this more difficult.

They have noticed an increasing number of migrant workers who have a huge success rate with their cases but difficulties arise when their work permits have expired and/or the person has gone home.

The use of solicitors is not a major feature but they have noticed that it is increasing.

Janet commented that those responsible for developing the Commissioner structure had great foresight. It is an adaptable, flexible and cheaper service in relation to resolving disputes.

The Department of Employment and Enterprise are currently carrying out a wide-ranging review of employment relations bodies. They are considering making Commissioners the first point of referral with the exception of equality law. If this goes ahead it will present challenges for Commissioners in the form of increased use of solicitors, increased workloads and the support systems required.

Brian Campfield outlined that he wished to provide a trade union perspective of alternative dispute resolution (ADR). He said that in the last number of years there has been an increased focus on ADR because of the increase in employment legislation resulting in a higher volume of cases at Tribunal.

He stated that these cases consume resources and energy and divert organisations away from the business on top of the legal costs and stresses caused by litigation.

Brian can recall Jim Largan arguing for statutory arbitration back in the early 20th century so ADR has been on the agenda for a long time.

He stated that NIPSA were supportive of ADR as the tribunal system that had been set up to be informal was now overly legalistic and away from the original view that trade unions thought it would be. These complaints are not only about the individual as they often involve fellow workers which again diverts the resources of the organisation and trade union away from their core responsibilities.

He went on to say that a number of ADR models currently exist in NI. The Education and Library Boards and District Councils have disciplinary and grievance procedures that have reference to independent appeals. He believes that employers (even those who have it) are uneasy about it.

His view was, that because there was independence, people had more faith in the process but employers liked to maintain control. Employees view this control as a vested interest and have less faith in the process as a result.

Generally speaking, if an employee loses under these procedures they are less likely to take a case as they feel their issues have been aired and heard in a fair way.

It is his view that organisations need to look at alternative resolution mechanisms to avoid tribunal complaints.

He commented that mediation is beginning to become an industry. At a recent conference attended by NIPSA officials on the subject their thoughts were:

- useful process/methodology in resolving disputes;
- effective in resolving inter-personal issues by early intervention in a non-adversarial way.

He closed by commenting that there is no point having ADR processes if the culture does not change. If introduced, ADR requires a complete overhaul of organisational culture and management styles to support it in order to ensure success.

Bill Patterson stated that definitions regarding arbitration and mediation were important and for clarity he went through the terms as follows:

The traditional understanding of third party alternative dispute resolution defines three key elements as follows:

- Conciliation - a process where a neutral third party assists the parties to a dispute to come to their own agreement and resolution.
- Mediation - a process where a neutral third party assists the parties to work towards agreement and provides a recommendation for resolution.
- Arbitration - a process where a neutral third party provides a binding decision to resolve the dispute.

He said that the Amercians have a different definition of mediation and mix up these processes. They have a continuum from a decision being made to parties reaching agreement. He also outlined that ACAS have a preventative mediation process in place. Due to this it is important to decide on the language we are using. He stated that the above definitions have been made within the traditional industrial relations context for ADR which has been the resolution of collective bargaining disputes.

He outlined that over recent decades the emphasis has changed from resolving disputes between employers and trade unions to the more inclusive perspective of resolving organisational conflict. Four key drivers of this change have been:

- increase in individual employment rights;
- individualisation of the employment relationship (tied with the reduction of collectivism - EU wide);
- flexible Working;
- increased recognition and acceptability of mediation.

Bill stated that ADR had become a more acceptable practice in the last 10 years.

He outlined that in 1976 four principal jurisdictions existed compared with 39 jurisdictions underpinned by European Directives and the Human Rights Act in 2004.

Bill outlined some contrasts between litigation and ADR as follows:

Litigation	***ADR***
Rights enforcement	Interests accommodation
Due process of law	Procedural flexibility
Fact/Act oriented	Person/Relationship oriented
Adversarial	Collaborative
Formality	Informality

He said that neither of these lists are mutually exclusive and could be extended.

Bill outlined the next steps for ADR as follows:

- statutory arbitration for all relevant employment jurisdictions. This is currently in place for unfair dismissal and flexible working will be added shortly. Bill asked why not have this for all jurisdictions and provide a range of options for resolution for individuals through

conciliation, mediation and statutory arbitration? He pointed out that ADR is not a one size fits all and it is important to ensure that cases are decided at the appropriate level eg to establish case law, cases need to be heard at tribunal;

- maintain conciliation as the first choice;
- develop LRA mediation role;
- design ADR systems;
- develop ADR skills ie dealing with conflict. Bill outlined that the CIPD recognise that HR professionals lack these skills and he posed a question regarding trade union representatives needing these skills also.

Bill went on to say that New Zealand and Australia are more inverse and use a lot of ADR to resolve issues. He outlined that ACAS and the Agency have not really pushed mediation in the past. Trade Unions were sceptical about statutory arbitration and they were right. Perhaps mediation is now more appropriate as the parties still maintain control. The challenge for the future lies in how we choose to progress this.
Bill outlined the importance of changing from procedures to patterns of behaviour. He also stated that it was important to analyse relationships and types of disputes and design ADR mechanisms on foot of this.

He outlined the process involved in designing an ADR following the approach used by the Canadians and the Americans. This involved:

- diagnosis;
- interest-based processes first;
- rights-based processes later;
- have exits and re-entries for the various issues;
- use creativity to solve problems;
- use training and evaluation (application of conflict resolution processes).

Bill concluded by stating that there has been no analysis or systematic approach to employment relations which is procedurally based. He pointed out that we are behind the US in this respect. He stated that multi-dimensional problems require multi-dimensional solutions.

Discussion

Roy Gamble (Certification Officer) was interested to hear how the Rights Commissioners were able to handle three cases per day.

Janet responded that there was no provision for cross examination and in any case this slows the whole process down. She also pointed out that they like to keep their hearings simple (no submissions). They encourage parties to tell their story and this gets the facts across succinctly. Irrelevant material is not included and this saves on time.

Maurice Cashel from the LRC asked if there was prominence of one or more types of dispute that are suitable for mediation.

Bill responded that even if statutory arbitration was extended to all jurisdictions it would still not be a high volume activity. The aim should be to give coherent options within each jurisdiction. He explained that mediation is not defined in jurisdiction terms but could relate to interpersonal, inter-department disputes where an individual is not giving up a right - possibly the same broad base as conciliation. If it is an interest-based dispute, conciliation or mediation can be applied without prejudice to the tribunal process but if it is rights-based the challenge for the Agency is whether Agency officers will get involved in mediation ie when a case is ongoing at tribunal what impact does this have on our authority and impartiality. More thought needs to be given to this.

Brendan McAllister from Mediation Network stated that it was good news that the Agency was focusing on mediation albeit stated that the definitions differed. He felt it was important to discuss and agree on this as NI is a small place and confusion already exists in community situations over what mediation is all about. He believes that if mediation is to be understood it needs to be more than dispute resolution and focus on organisational capacity. He commented on Brian Campfield's reference to the growing industry of mediation and pointed out that his organisation was in the not-for-profit sector. He felt that the values underpinning mediation need to be understood.

Janet commented that in the Republic Commissioners are being drawn into interpersonal disputes eg bullying. She stated that this was a difficult area for the LRC and employers are paying for this via mediation and legal costs. She stated that early intervention in such disputes was key.

Brian Campfield stated that the focus of mediation in NI had been in the community sense. He felt that the trade union could benefit from input in dealing with conflict within workplaces relating to religious divides. He stated that whilst Counteract had assisted in this to some degree they did not have the capacity to resolve every situation.

Bill accepted that the mediation term was ambiguous and needs to be defined for each process to which it is applied/context within which it is used eg ACAS calling one of their processes Facilitative Mediation. He stated that we need to be careful of throwing the term around as a 'one size fits all'.

Linda Leahy from the Local Government Staff Commission stated that as an HR practitioner she was less interested in terminology and more interested in resolving issues. She believes that ADR needs to come in early to procedures before the damage is done to the working relationship.

Arthur Hamilton from Translink outlined that a dispute within his organisation was resolved via a process that they entered into. He asked if we were getting too hung up on definitions rather than focusing on the process.

Bill outlined that the PSNI have introduced mediation early in their processes. He commented that the process (whatever route is chosen) should be clearly understood by the parties.

Janet stated that the most important word was clarity as terms mean nothing to members of the public.

Susan from Invest NI agreed with Bill regarding the approach in Canada being more advanced. She said that there were two streams. If you are a TU member - binding arbitration. If you are not a TU member - the process is similar to the tribunal in NI.

Employment Relations - The Necessary Skills

This workshop was chaired by Patricia O'Farrell (LRA Board).

There were three contributions - from:
Tom Moore
(Education and Training Officer, NIC-ICTU)
Philip Lennon
(Manager, Human Resources, Bombardier Aerospace Shorts)
Mike Emmott
(Adviser, Employee Relations, Chartered Institute of Personnel and Development)

Tom Moore began by highlighting that no matter how good employee relations are there will always be conflict; this is a result of the organisation of society. Employers invest wealth for return and employees sell skills for wages; the same is true for both the public and private sectors. Good employment relations bring management to conflict of interest.

Good employment relations involve aspects of a person's personality. Employee relations are about human relations and we need to begin from there. Some of the ingredients of employee relations are credibility, communications, negotiations and courtesy; some of these are skills and some are attributes.

Credibility
People involved in employee relations need to have:

- a track record of trustworthiness;
- ability to deliver on agreements – if people do not deliver an industrial relations problem can arise;
- knowledge of relevant legislation – this is important in the context of negotiations; parties not aware or not fully aware of relevant legislation can lead to bad relationships or no agreement; it might be related to a lack of trustworthiness;
- understanding of workplace operations – private sector investors have limited hands-on operational experience and often people will be at the negotiating table and not understand workplace operations. He described an example of an organisation that recruited graduates into management. It was a new approach but the managers had no understanding of operations and management quickly realised this was leading to employee relations problems.

Communications
Communication is part of the human aspect of employee relations. People need to use plain language, readily understandable by all. There is a need to avoid acronyms and abbreviations common in all organisations.
In terms of listening you need to be aware of people's emotions, a very important factor in negotiations; it is important not to make assumptions. It is also important to be aware of body language.

Negotiations
Tom summarised the key points as follows:

- be realistic in the objective – everyone has high ideals about what they want but it is important to be realistic in what you can achieve;
- know the strengths and weaknesses of the case;
- be able to keep an open mind on what the outcome may be – be aware that something might

happen to move things forward in a different way;
- be able to reach a compromise. The human psyche always likes to win; if you are realistic in your objective you might achieve it. Compromise means you get some of what you are looking for.

Courtesy
Tom's final points were on courtesy. He pointed out the need to:

- be able to act civilly – treat people as you would like to be treated;
- have good social and people skills; good people skills can move negotiations forward;
- be prepared to give early notice of anything relevant, for example, giving early warning of a change in plans or potential redundancy. This relates back to the ability to deliver on agreements.

Philip Lennon began by pointing out that employee relations is not that simple - you cannot just play to win and win all the time. He went on to give a brief overview of Bombardier Aerospace.

Within Bombardier, there are three unions (AMICUS, ATGWU and GMB), of which AMICUS is the largest. These negotiate as a body under the Corporate Committee. Throughout the last few years there have been two periods of acrimonious industrial action. However, the company has still managed to retain IiP status as even during the bad times they communicated well.

Philip described the structured mechanisms for working together - high level Joint Consulting Committee and shopfloor business unit committees which help ensure that issues are raised early. The mechanisms are in place and the organisation now needs to work on trust and the environment. There is recognition from management that there are certain issues to be addressed.

Working together with union colleagues, a number of issues have been identified that need to be looked at. These include business awareness, policies and procedures, roles and responsibilities, sickness absence/medical issues, communication.

Philip explained that within the company they have recognised that there is an issue in terms of the skills development of management. Skills training is in place which aims to build the relationship between management and employees so that issues can be resolved at lower level. The three key programmes are: Creating Good Employee Relations; Leadership that Gets Results; and Communication - the Messages we Deliver.

Philip gave further information on each of these as follows:

Creating Good Employee Relations
Objectives

- To provide the manager with an understanding of the key aspects of legislation and organisational policies and procedures

- To enable the manager to broaden his/her understanding of key processes through the practical application in a safe environment

- To explore tools and techniques for "going beyond the basics"

Leadership that Gets Results
Objectives

- A sound understanding of the Six Managerial Styles (Goleman)
- An understanding of how emotional intelligence competence underpins the effective use of the Six Managerial styles.
- Consider the unique mix of managerial styles you need in your role.

- Receive and review of Managerial Styles Profile.
- Analyse the gap between current managerial style and required future managerial style.
- Create an action plan in preparation for coaching session.

Communication - the Messages we Deliver

Managers need to review their skill set and communication is one way of doing this.

Philip went on to highlight the key skills for employee relations:

- understand your business;
- be an employee advocate;
- develop communication – listening and delivering the message;
- develop patience and perseverance;
- develop innovative solutions;
- create a vision of the bigger picture;
- be flexible and adaptable;
- build relationships and trust;
- be a risk taker.

Mike Emmott stressed the importance of knowing what employee relations is. He described findings from CIPD recent research.

Managing conflict is not enough. There is a need to focus on good practice. This has been a fundamental shift in practice. Managing the psychological contract should be the focus of for anyone working in employee relations – trust, fairness and delivery.

Employee relations is not organised along same lines as reward or training, or as a separate department. Line managers also have responsibility for employee relations.

There is a new wave of representative activity in light of ICE. There is a view from some unions that consultation is not enough but some see it as very positive. A number of employers have anticipated the new ICE regulations. Employee relations is both collective and individual and to some extent about compliance.

He gave the following conclusions:

- industrial relations as such is not the core content of the employee relations agenda;
- "employee relations" remains an ambiguous term with no clear boundaries;
- academic models of industrial relations have limited relevance for managers;
- employee relations attitudes and skills are still needed by HR practitioners;
- employers want HR managers with a positive, "can do" attitude;
- commitment and engagement are not consistently high enough among line/HR priorities;
- too much focus on strategy and planning, not enough on engagement and delivery;
- current debate about human capital can help promote the "engagement" message;
- the psychological contract is fundamental to most people management/business performance models (including Purcell).

Discussion

Dermot Rafferty (Certification Office) asked Philip Lennon in his experience of dealing with three unions how has the approach developed and changed, have the terms of negotiation changed or is it still focused on pay.

Philip Lennon explained that there used to be five unions negotiating individually;

after privatisation there was one committee for negotiation. It has changed as it is easier to negotiate with one body - there is less playing one off against the other. There are still issues between unions, for example, power play - one union is dominant but all have to be brought on board. Employees are now more demanding of the unions and management. He gave an example of negotiations around contract renewal; management were fully engaged with the union reps but there was a gap between reps and employees. It was a mistake focusing on too narrow a group.

Dermot had a further question for Mike Emmott - should employee relations be the employee champion and was the use of the word paternalistic a criticism?

Mike suggested that it was a language issue again. Paternalism sounds patronising. People are more interested in talking business case, employer brand, etc. People wanted a different description of relationship based on respect.

Peter Williamson (Amicus) commented on engagement, that the word conjures up different images, with potential for conflict.

Mike Emmott replied that this is the danger. He stressed that he was giving the employer perspective and queried what were the limits on commitment that employees can accept. Some aspects of the workplace do not fit into engagement eg bullying.

Pat McCartan asked if there is a need for cross training and development between managers and union representatives?

Tom Moore said that there is a need to bear in mind the conflict situation; middle management is taking pressure from both ends; they do not receive adequate training, they are not at the stage to receive negotiation training. There are some steps still to go given the political context of employee relations.

Philip Lennon commented that it is sometimes easier to let the law decide. There has been a loss of negotiating skills. He further commented that dual training could cause problems; the workforce may feel disengaged from reps. It is a good idea but how do you do it practically; employees expect their reps to get them the best deal.

Peter Williamson commented that trade unions have changed as work has changed. Ten per cent of membership in Bombardier is made up of management grades; interaction is there; they attend shop steward training so the cross training is there.

An anonymous delegate asked Philip Lennon, how Bombardier measures the effectiveness of the management development programme.

Philip explained that they carry out staff surveys on a three yearly basis and they also dip check to gauge impact on relationship.

The delegate further queried if it includes business results.

Philip explained that the performance of the company is measured although it is very complex to tie it down to employee engagement; major areas will be retention and morale.

Pat McCartan asked if, in light of new dispute resolution legislation, Bombardier were planning any changes to get the decision making process at ranch level.

Philip Lennon replied that there are a large number of issues resolved locally.

Tom Moore said that the trade union will support structures to resolve grievances in the workplace.

Employment Relations in Small Firms

This session was chaired by Gordon Milligan (LRA Board).

There were 3 contributions from:
Jim Quinn
(Regional Industrial Organiser, ATGWU)
Rotha Johnston
(Director, Variety Foods Ltd)
Mark McAllister
(Senior Employment Relations Officer, LRA)

Jim Quinn outlined the common issues that Trade Unions have with small firms. These included:

- the avoidance of litigation and compensation cases;
- the common desire to resolve issues in the workplace through internal procedures.

Jim stated that with a recognised Trade Union the local Union representative would benefit the employer by preventing issues arising.

Jim went on to give two examples of areas where the trade union had assisted small employers in lobbying Government Agencies:

- a situation of 'aggregate tax' on quarries near the border;
- the food sector.

Rotha Johnston gave a brief history of Variety Foods. She said that when the company was acquired in 1985 it had three employees and a turnover of £190,000. In 1995 it had 12 employees and a £2 million turnover.

Rotha gave the following definition of employee relations:

> *The subject "employee relations" deals with all the formal and informal relationships of an interpersonal nature that arise from management/employee interactions in working situations*

She described the various parties involved. These parties included:

- Employees;
- Government;
- Trade Unions;
- Employees Associations.

She said that the management style and relationship is very important in small business. It is much more personal, intense and closer than is the case with larger employers.

She said that is important that employee interests are addressed. These include job security, income security, a sense of belonging, an open relationship and personal development gains for the employee. Similarly the employer's interests and business strategy needs to be addressed, for example:

- production of goods;
- price;
- timing;
- quality;
- appointing the right person;
- balancing costs and growth.

Rotha said that in developing the business strategy, discussions with staff

are important. Such discussions include the focus on the business, operational matters and external environment.

She stated that it is necessary to have the right organisation and company structure. The employer should ensure good work-life balance, effective team work, and so on.

Rotha also said that employees should be aware of the Company's objectives, accept personal responsibility for quality output and their own personal objectives.

In conclusion, she said that in her small business the employment relationship is a combination of formality and informality with a need for:

- integrity;
- a need to engage on a meaningful basis; and
- have some fun.

Mark McAllister, LRA, outlined the employment context in Northern Ireland. It was noted that:

- 99% of businesses employ 50 people or less; and
- 93% employ 10 people or less.

Mark went on to outline the proactive work of the Agency in supporting small businesses. This is achieved through:

- workshops and good practice seminars (including bullying in the workplace, recruitment and selection, unfair dismissal, statutory grievance and discipline procedures, information and consultation regulations, and so on);
- advisory support; and
- general enquiries.

Mark gave some statistical examples on the types of calls and the main issues that are raised. He went on to refer to the Agency's publications and the updated website.

Discussion

An issue was raised concerning the cost to a small business in time for attending a seminar in Belfast or Derry. Mark McAllister said that the Agency reviews its delivery of services on a regular basis. On occasions, however, this is resource led.

Mr Killen asked if this was a communication issue. He said that perhaps if information was available for example in Post Offices or through a mail shot it may be helpful for small businesses.

Rotha Johnston pointed out that there is an 'opportunity cost' for small business. She said that there has been much publicity over the Statutory Disciplinary and Grievance Procedures and the Information and Consultation Regulations.

Miss Black enquired if Trade Unions should promote a better understanding in small businesses. Jim Quinn pointed out that a recognition situation is possibly the first contact he may have with an employer and it may be useful for a Union to promote themselves to employers.

Rotha said she has never had a request for recognition. In her previous employment she has had both positive and negative experiences. She also said it is important for clarity in the roles of the employer and the Trade Union.

The representative from the Federation of Small Businesses said that it has 5,000 members in NI with a dedicated helpline in operation 24 hours per day, which may be of interest to small employers.

Appendix 1

Biographical Details of Speakers

Dave Begg
ICTU
David Begg became General Secretary of the Irish Congress of Trade Unions in 2001. For five years prior to that he was Chief Executive of Concern Worldwide, an international humanitarian organisation working in 27 countries and with offices in Dublin, London, Belfast, New York and Chicago. He is also a Director of the Central Bank (since 1995), a Governor of the Irish Times Trust, Chairperson of the Democracy Commission, a member of the National Economic and Social Council (NESC), and of the Advisory Board of Development Co-operation Ireland. He also sits on the Executive Committee of the European Trade Union Confederation (ETUC).

Boyd Black
LRA Board Member
Dr Boyd Black teaches Employment Relations and Managerial Economics at Queen's University Belfast, where he is Subject Leader in Economics and Finance. His research interests include comparative international industrial relations and Human Resource Management, as well as the changing employment relations scene in Northern Ireland.

Pauline Buchanan
Organiser, GMB
Pauline Buchanan is Organiser with GMB Trade Union. She is past Chair of NIC/ICTU, NIC/ICTU Women's Committee and CWU Women's Advisory Committee.

Brian Campfield
Deputy General Secretary, NIPSA
Brian Campfield is Deputy General Secretary of the NI Public Service Alliance. He also has overall responsibility for major policy issues in the Health and Social Services Boards; District Councils; Housing Executive and the Education and Library Boards. He is also responsible for Women's Issues, Equal Opportunities and management of the Public Officers Section of NIPSA.

Julie-Anne Clarke
LRA Board Member
Julie-Anne is an associate partner at Elliott Duffy Garrett Commercial Lawyers specialising in employment law. In addition to be being a Board member of the LRA I am a committee member of the Employment Lawyers Group (NI).

Harry Coll OBE
Managing Partner, Elliott Duffy Garrett Solicitors
Harry Coll has been a Managing Partner of Elliott Duffy Garrett Solicitors since 1999. He is Head of the firm's Employment Law Unit dealing with and supervising professional staff, involved in a varied and complex workload including cases before Industrial Tribunals, the Fair Employment Tribunal and Civil Courts including applications for Judicial Review and Case Stated applications. He is involved in a wide variety of community organisations mainly involved in economic regeneration in Belfast. He has been Director of ORTUS, a company involved in economic regeneration in Belfast since 1990.

Nuala Conlon
Organiser, Unison
Nuala Conlon is a Unison Organiser. She has been a Full-time Official with Unison NI for five years. Previously she spent more than 10 years working in the community sector. At present she is involved in working with, amongst others, Education workers and overseas nursing staff.

John Corey
General Secretary, NIPSA
Mr John Corey is the General Secretary of NIPSA, the largest trade union in Northern Ireland with 42,000 members

employed in the civil and public services. Mr Corey has been a full-time trade union official since 1981 and held previous appointments as NIPSA's Assistant General Secretary and Deputy General Secretary. He represents NIPSA on the Executive Council and Northern Ireland Committee of the Irish Congress of Trade Unions. He has also represented the trade unions on several public bodies including the former NI Economic Council. He currently represents the trade unions on the Board of the Economic Research Institute of Northern Ireland.

Denise Cranston
Diversity Director, Business in the Community

In June 1995 Denise joined Business in the Community as the Campaign Manager for Opportunity Now (formerly Opportunity 2000) in Northern Ireland. During this time Denise has worked extensively with public and private sector organisations, providing business advice and support aimed at enabling employers to adopt working policies and practices to improve women=s participation within the workforce. Alongside this, Denise has been instrumental in the development and launch of the Northern Ireland Work-Life Balance Campaign, which was delivered by BITC in partnership with the Department for Employment and Learning. Denise was appointed BITC's Diversity Director in 2000, and since then she has acquired extensive strategic and practical understanding of the continually developing diversity agenda.

Prior to 1995 Denise worked for Moy Park Ltd for almost nine years in a number of roles, including Production Management, Total Quality Management and Personnel Management.

John Cridland
Deputy Director-General,CBI

John Cridland studied Indian and African history at Christ's College Cambridge and joined the CBI in 1982.

In 1991, he was appointed Director of Environmental Affairs and played a key role on lobbying for the Environment Act 1995. He was appointed Director of Human Resources Policy in 1995, negotiating the UK's first National Minimum Wage, entry into the EU Social Europe and the Employment Relations Act 1999.

In 2000, he was appointed Deputy Director-General of the CBI and is responsible for the management of the CBI's policy and membership activities.

He is also a member of the Low Pay Commission and the ACAS Council.

Mike Emmott
Adviser, Employee Relations, Chartered Institute of Personnel and Development

Mike Emmott has been an adviser on employee relations at the Chartered Institute of Personnel and Development (CIPD) since February 1996. His interests include the psychological contract; employee voice; corporate social responsibility; and employment law. He manages a regular CIPD survey of employee attitudes, and research projects focusing on HR in the public sector.

Mike spent most of his earlier career in the Employment Department Group. He was at different times private secretary to Barbara Castle MP and Michael Foot MP as Secretaries of State for Employment, and spent two years on secondment to the Australian Department of Labor in Melbourne. In the mid-80s he worked as a member of the Enterprise Unit headed by Lord Young. From 1987 to 1991 he was a member of the Executive Board of the Employment Service, subsequently becoming Deputy Director of the Office of Manpower Economics servicing the Pay Review Bodies.

Mike has a first class degree in law (MA) from Cambridge University and a

Master's degree in employment relations and law (LLM) from Kingston University. He has contributed to a number of books on employment issues and writes occasional articles for the national press and specialist journals.

Harry Goodman OBE
Board Member, Labour Relations Agency
Harry Goodman is a member of the Board of the LRA. He is a former Chief Executive of the Equality Commission for NI and prior to that Chief Executive of the Fair Employment Commission for NI. Harry is also a Council Member of the Council for Catholic Maintained Schools.

Professor David Guest
Professor of Organisational Psychology and Human Resource Management, King's College, London
David Guest has a first degree in Psychology and Sociology from Birmingham University and PhD in Occupational Psychology from London University. After postgraduate research, he became a research officer in the Department of Occupational Psychology at Birkbeck College. He then spent three years as behavioural science adviser to British Rail before joining the London School of Economics in 1972. He moved to Birkbeck in 1990 and for ten years was Professor of Occupational Psychology and Head of the Department of Organizational Psychology. During that period he had a spell as a Governor of Birkbeck and as Pro-Vice Master with responsibility for Information and Learning Technology. He moved to King's College in 2000 where he is now Head of The Department of Management and Deputy Head of the School of Social Science and Public Policy.

He has written and researched extensively in the areas of human resource management, employment relations and the psychological contract, motivation and commitment, and careers. His current research is concerned with the relationship between human resource management and performance; the individualisation of employment relations and the role of the psychological contract; flexibility and employment contracts; partnership at work; and the future of the career.

Norma Heaton
LRA Board Member
Norma Heaton is a Senior Lecturer in Human Resource Management at the University of Ulster and has taught there since 1990. She has extensive knowledge of employment legislation, familiarity with relevant academic work and practical experience of employment relations. She also has a substantial record of research and publication in areas such as gender in the labour market and workplace partnerships. She is a member of the Chartered Institute of Personnel and Development and the Higher Education Academy (formerly Institute of Learning and Teaching).

Penny Holloway
Director (Conciliation and Arbitration), Labour Relations Agency
Penny Holloway was appointed as Director (Conciliation and Arbitration) in December 2001. She had previously worked in higher education. She has experience of industrial relations via trade unions at local, regional, national and international levels. She was a member of the TUC General Council and Executive as well as a Workers' Representative for the UK at the ILO, Geneva.

Janet Hughes
Labour Relations Commission
Janet Hughes is a Rights Commissioner for the Labour Relations Commission.

John Hunter
Permanent Secretary, Department of Finance and Personnel
John Hunter was appointed Permanent Secretary of the Department of Finance and Personnel in November 2003. He

transferred from the Department for Social Development where he had been appointed Permanent Secretary in December 1999 on the establishment of the devolved rule administration for Northern Ireland. Prior to that, he was Director of Personnel for the Northern Ireland Civil Service and from 1990 to 1997 was Chief Executive of the Health and Social Services Executive in the Department of Health and Social Services.

John has spent most of his Civil Service career in the Department of Health and Social Services which he joined on graduating from university in 1970. He was seconded to the Department of Finance and Personnel from 1986 to 1988 where he was the first Director General of the International Fund for Ireland.

Rotha Johnston
Director, Variety Foods Ltd
Rotha Johnston is a Director of Variety Foods Ltd, a foodservice company that has operations in Belfast and the Republic of Ireland. She is also a Director of AIB (UK) plc and Deputy Chairman Invest NI.

Philip Lennon
Manager, Human Resources, Bombardier Aerospace Shorts
Philip has worked for Bombardier Aerospace Belfast (Shorts) for over 17 years and has over 20 years experience in HR, primarily in the HR generalist field. As an HR generalist in a large multi-unionised company his experiences are wide and varied covering areas such as: recruitment and selection; discipline and grievance; training and management development; employee relations and redundancy selection. He has an MA in Human Resources Management from the University of Ulster, Jordanstown.

Marie Mallon
Director of Human Resources, Royal Group of Hospitals and Dental Hospital H&SS Trust
Marie Mallon has been Director of Human Resources at the Royal Hospitals for eight years. Prior to that she held many posts within the Health and Personal Social Services including Senior Industrial Relations Manager with the Eastern Board, Deputy Director of HR in both The Royal Hospitals and Central Services Agency and has been a management consultant with the Beeches Management Centre, specialising in human resource issues and delivering high level management development programmes. The promotion of equality has been a major feature in Marie's career and she developed with colleagues in The Royal Hospitals many approaches to equality and employee friendly polices since it became a self governing Trust in 1993.

As well as being a Member of the Industrial Tribunals Marie spends a significant amount of time working on regional committees of the Health & Social Services including those relating to partnership working with trade unions, implementing new pay modernisation issues, human resource strategy development etc.

Patrick McCartan
Chairman, Labour Relations Agency
Patrick McCartan became Chairman of the LRA in February 2002. He is also Chairman of North and West Belfast Health and Social Services Trust and former Chairman of Co-Operation Ireland, the premier peace-building charity. He spent 12 years in a senior academic post in the University of Ulster, 18 years as a trade union official with GMB/Apex and 10 years in the Civil Service. He is a former member of the ICTU Executive Committee, Chairman of NIC-ICTU, former Board Member of IDB and the NI Economic Council and is a Fellow of the Chartered Institute of Personnel and Development.

Jim McCusker
LRA Board Member
Jim has over 40 years' experience of industrial relations. Most of his working has been spent with NIPSA (Northern Ireland Public Service Alliance), where he held the position of General Secretary from 1977 until his retirement in 2003. In addition to being a Board Member of the Labour Relations Agency, Jim holds a number of other appointments including membership of the European Economic and Social Committee, Council for Healthcare Regulatory Excellence, Economic Development Forum and Concordia.

Bro McFerran
Managing Director, Northbrook Technology of Northern Ireland Ltd
Bro McFerran is Managing Director of Northbrook Technology of Northern Ireland Ltd., Northern Ireland's largest IT company, employing over 1400 people. He took up this position in January 1999 when the company set up in Northern Ireland. He has held previous positions as Vice President, Global Sales & Marketing for IMRglobal Corporation, an IT Outsourcing company, based in Clearwater, Florida. He was joint founder and Managing Director of Logicom Limited, a Northern Ireland based IT Services company he set up in 1980 and sold on in 1997. He is a shareholder in Relay Business Software, one of Northern Ireland's largest indigenous software companies. He was one of the founding Board members of the Software Industry Federation in Northern Ireland (now Momentum), and its second Chairman, and has served on a number of public advisory boards including chairing the ICT Forum for Belfast City Council, and a previous Board Member of the Information Age Initiative. He is currently a Board Member of the Centre for Software Process Technologies (CSPT) and Springvale Training. Bro was awarded the "IT Professional of the Year" award by the Northern Ireland Branch of BCS in 2001.

Bro was educated at St. Malachy's College and Queen's University, Belfast where he studied Mechanical Engineering. He is married with three children and lives in Belfast.

Eugene McGlone
Board Member, Labour Relations Agency
Eugene currently works as an Adviser on Industrial Relations. He was formerly Regional Organiser of the ATGWU and Chairman of NIC-ICTU. He is currently a Panel Member of the Industrial Tribunals and the Criminal Injuries Compensation Appeals Panels.

David McGrath
Director (Advisory Services), Labour Relations Agency
David McGrath is Director (Advisory Services) in the Labour Relations Agency. In this job David is responsible for the information and advisory services provided by the Agency and for the promotion of good practice employment policies, practices and procedures. A long-serving employee of the Agency David has experience in all the operational areas of the Agency's activities and is a regular speaker on employment relations matters.

John McLaughlin
Liaison Officer, STEP; ATGWU
John began his association with STEP while working as a shop steward in Moy Park Dungannon. The STEP organisation, which had begun its Migrant Worker Programme and the T&G Union were aware that Migrant Workers in the area had a lack of information and awareness about their employment rights. As part of a successful partnership, John assumed a position within STEP's Migrant Project as Migrant Liaison Officer. As part of this role John coordinates Union Clinics in Dungannon, Portadown and Cookstown, where he offers advice to Migrant Workers on Employment Rights Issues. He is also involved in communication with local

industry and businesses that employ Migrant Workers so that they too are aware of legislation and appropriate procedures.

Mary McSorley
Manager – Information Team, Equality Commission for Northern Ireland
Mary has worked for the Equality Commission since April 2000 when she joined as an employer adviser, specialising in gender equality issues. She is currently manager of the information team in the Commission's Promotion and Education division. Before joining the Commission, she was Development Officer for Women Into Trades and Non-Traditional Occupations, a European funded project which aimed to encourage more girls and women to take up non-traditional training and employment. Prior to this she held various PR and marketing posts in the voluntary sector and in further and higher education. She is a graduate in Sociology and Social Administration and also holds postgraduate qualifications in Business and Marketing and Women's Studies.

Gordon Milligan
LRA Board
Gordon is currently responsible for Human Resources within Nortel Network's European Operations. He has extensive employee relations experience within large organisations and has managed a broad range of Human Resource functions. He frequently provides input at universities and conferences on the HR agenda.

Professor Fabian Monds CBE
Chairman, Invest NI
Professor Monds is Emeritus Professor of Information Systems of University of Ulster. He is a founding partner of Medical and Scientific Computer Services Ltd Lisburn and of WesternConnect Ltd Londonderry and has contributed to economic development and inward investment initiatives, particularly in Londonderry, Fermanagh, Omagh and West Belfast. He is the BBC National Governor for Northern Ireland.

Tom Moore
Education and Training Officer, NIC-ICTU
Tom Moore has been Education and Training Officer with ICTU in Northern Ireland since 1992. His responsibilities include the provision of training courses for Trade Union Representatives, Trade Union Full-Time Officers and Health and Safety Representatives and the servicing of the ICTU Health & Safety Advisory Committee. Tom served for many years on a number of Public Bodies including the Industrial Tribunals Panel and the HSENI. Tom currently represents ICTU on a number of public bodies including the "Working for Health Strategy", the "Southern Investing for Health Partnership" of the Government's Investing for Health Strategy, the Northern Ireland Open College Network and the Workers' Educational Association. He was recently appointed to the Board of the Health Promotion Agency Northern Ireland. Actively involved in his home area Tom is Chairperson of the Newry & Mourne Local Strategy Partnership, one of the bodies charged with disbursing the special European Peace & Reconciliation Funding.

Patricia O'Farrell
LRA Board Member
Patricia O'Farrell is a member of the Irish National Teachers' Organisation and recently has been Vice-Chairman and Chairman successively of its Northern section. She is currently a member of the CCEA Council of the NI Teachers' Council. She has over 30 years as a teacher, Head of Department and team leader in secondary and grammar schools.

Bill Patterson
Chief Executive, Labour Relations Agency
Bill Patterson has held various posts in the area of employment relations. From 1978-1980 he held the post of Industrial Relations Officer with British Aluminium. From 1980-1990 he was Personnel Manager with the Northern Ireland Housing Executive. From 1990-1993 he was Director (Administration and Personnel) with the NHSSB (Loughside).

Prior to joining the Labour Relations Agency he was employed by the Belfast City Council from 1993 to 1996 as Head of Human Resources. Mr Patterson joined the Labour Relations Agency in 1996 as Chief Executive.

Mr Patterson is a Fellow of the Chartered Institute of Personnel Development.

Mayo Price
Vice-Chair of the Office of the Industrial Tribunals and the Fair Employment Tribunal
Mayo Price is Vice President of Industrial Tribunals and the Fair Employment Tribunal - June 1990 to date. She was formerly Barrister-at-Law. She was Chairman of the Industrial Tribunals and the Fair Employment Tribunal from September 1989 - June 1990. Mayo is particularly interested in case management, discrimination and the occasional round of golf!

Jim Quinn
Regional Industrial Organiser, ATGWU
Jim Quinn is a Regional Industrial Organiser with the Amalgamated Transport and General Workers Union. He is currently based in Enniskillen and has been involved with the union for 26 years and a full-time officer for the last twelve. He services 40 + employers of varying sizes in the public and private sectors in Fermanagh and Tyrone. He studied for a Labour Studies Diploma in Ruskin College, Oxford before becoming a union officer.

Stuart Reid
Head of Human Resources, O'Kane Poultry Group
Stuart Reid has been Head of Human Resources at O'Kane Poultry Group since 1998 where he is Chair of the Investors in People Implementation Committee and Chair of the Employer of Choice Programme.

John Taylor
Chief Executive, ACAS
John joined ACAS at the beginning of April 2001 for the second time. He was part of the team that set up the modern service in the mid-1970s. Since then he has held a number of posts, all with strong links to the world of work. Immediately before returning to ACAS, John was Chief Executive of the South East Wales Training and Enterprise Council based in Cardiff with an annual turnover of £60m. Before that he was Head of the Development Board for Rural Wales and has held a number of senior posts with the Rural Development Commission, the Department of Employment and the Manpower Services Commission. John's roots are in the North East he is still a keen Sunderland supporter but he has held posts in many parts of the country including London, Wales, Birmingham, Sheffield and Salisbury. This has given him wide experience of dealing with employment problems in areas with very different economies and social issues.

Roden Ward
LRA Board Member
Roden Ward has extensive experience over the past 30 years in Human Resource Management in both the public and private sectors in Northern Ireland. His most recent position was as Head of Human Resources in First Trust Bank. He is a Fellow of the CIPD.

Elaine Way
Chief Executive, Altnagelvin hospitals H&SS Trust

Elaine Way joined the Health Service as a graduate management trainee and after the training scheme specialised in personnel management. In 1991 she was appointed as Director of Human Resources for the Western Board area. In 1993 Elaine was appointed Unit General Manager of Foyle and became its Chief Executive in 1996.

She contributes to the UK wide agenda, particularly on human resources issues. She was heavily involved in the 'Agenda for Change' national pay negotiations and was a member of the NHS Confederation's HR committee. In October 2004, Elaine completed 2 years as National President of the Association of Healthcare Human Resource Management.

Elaine was recently appointed as Chief Executive Altnagelvin Hospitals Trust and took up post in February 2005.

Elaine is married to Garrow and they have 2 children, Kathryn 11 and Michael 9. To support Elaine in her work Garrow left "paid employment" in 1999 to become a househusband.

Peter Williamson
Irish Regional Secretary - AMICUS-AEEU

Peter Williamson is married, with five children. He was elected full-time Trade Union Official in 1990.

He is currently Irish Regional Secretary, AMICUS-AEEU and Belfast District Secretary of the Confederation of Shipbuilding and Engineering Unions. He is also Director of the Engineering Training Council and a Panel Member of the Industrial Courts.

Having been involved actively with AMICUS-AEEU for the past 30 years at Branch, Shop Floor and Full-Time Official levels he has wide experience of industrial relations.