

## **Evidence to the Select Committee on the Employment Rights Bill 2024**

Written evidence submitted by Dr. Tony Bennett and Dr. Adrian Wright **on behalf of the Institute for Research into Work and Employment (iROWE)**

1. Based in the School of Business at the University of Central Lancashire, iROWE aims to engage with all stakeholders to help build a fair and equitable future of work. To that end, our research focuses on many of the areas covered by the Bill, including: the role of trade unions, facilitating a fairer workplace for all workers, and the key role of line managers, particularly in the effective management of conflict. We believe our findings would be of value to Committee members in maximising the positive impact of the new legislation.

[Call for Evidence - Committees - UK Parliament](#)

### **Executive Summary**

2. In addition to greater employee voice, trade union recognition brings added value to employers, the economy and society in terms of:
  - a. Facilitating a potential culture change in workplace conflict management.
  - b. Utilising the unique role of the union representative in helping to address the impact of domestic abuse in the workplace through supporting victim/survivors.
  - c. Utilising the unique role of the union representative in helping to address the learning, particularly the skills for life, needs of employees through their support and advocacy in the workplace.
3. The new law being a potential catalyst for employers to fully recognise the key impact of the line manager on employee wellbeing, motivation and productivity and support them through appropriate training and development.
4. The new law's potential to improve the working conditions of over one million student part-time workers, who make a substantial contribution to our economy.

**SELECT COMMITTEE QUESTION:** [Protecting workers: Will the proposed trade union reforms improve working relationships between workers and businesses, and hence, productivity and enable voice at work?](#)

### **The value of union recognition to the economy: partnership in practice**

5. A collective voice is key to workers being treated fairly and having an effective say in decision-making by employers that could affect their livelihood and well-being. Whilst full endorsing this contribution that union recognition makes to us as a society, we would also like to present evidence to show that partnership between employers and unions have significantly further advantages to our economy. This can be seen specifically in terms of the unions' key role in the effective management of conflict, supporting the wellbeing of staff and facilitating workplace learning.

### **Managing conflict and the role of the union**

6. Many organisations, specifically with respect to their HR (Human Relations) practitioners and managers, have not previously worked with unions and may be

concerned with this change in managing the employment relationship. Similarly, the change to dismissal rights will require managers to have a better understanding of employment law<sup>i</sup> (Cave, 2024). This need for training is further highlighted by the latest CIPD report on the findings from their 'good work' index, an annual benchmark of job quality in the UK, which reveals that:

7. 'Notably, we find that conflict in the workplace negatively impacts almost every aspect of work measured in the UK Working Lives survey. Twenty-five per cent of our survey – or 8 million people at work in the UK – are affected by some form of interpersonal conflict at work. To improve work quality, we must tackle conflict, particularly for those with protected characteristics....this...requires investment in line management training to better understand conflict and feel empowered to deal with it more effectively' (2024:24)<sup>ii</sup>
8. Our research findings concur, suggesting that line managers need greater training generally in managing their teams. The NHS is the largest and most diverse employer in the UK. Based on two concurrent surveys of a cross-section of NHS managers and union officers, followed by in-depth interviews with over 55 senior managers, HR practitioners and union officers, we found an overwhelming appeal for greater training and development of line managers, significantly, to reduce workplace conflict<sup>iii</sup>. Therefore, the introduction of the new Bill is a timely opportunity for organisations to establish programmes of employee relations training for their managers and HR colleagues who support them. As Urwin and Saundry argue in their report for Acas<sup>iv</sup> (2021), poor conflict management costs the economy over £28 billion per year. As we suggest further below, such initiatives will equip organisations, through greater equity of process and outcomes for employees, to better work with their unions within a new culture of workplace employment relations.

### **Employee wellbeing and the union representative**

9. Although also a part of conflict, particularly when its impact is on the performance of an employee, is the union's role in supporting an employee experiencing domestic abuse. The Government is rightly focussed on addressing the unacceptable level of domestic abuse in the UK, and the previous government's legislation did go some way to raise awareness and place responsibility.
10. However, our research over several years highlights that in terms of the workplace, employers alone do not have effective policy and practice to support victim/survivors to disclose their abuse<sup>v</sup>. Rather, a person is more likely to disclose to their union rep than a HR colleague or their manager. Even then, for reasons obvious, many union members do not want to disclose until the impact on their performance or behaviour at work has resulted in some form of disciplinary action. Which can often lead to the employee leaving the organisation.
11. In-depth interviews with a cross-section of over 50 union officers and reps confirmed that the unique trust in an impartial union representative can be invaluable in supporting those workers. Crucially, when supported by their union as

part of that investigation, this opens up the possibility for the union representative, manager and HR colleague to work with the individual, only with their consent, to start to address their position. Conversely, their role as an advocate for workplaces to support affected employees, is also based on facilitating confidential reporting channels for a member of staff. Linked to another key element of the Bill, there is also an argument for making flexible working the default; as flexible hours could help individuals manage personal crises without risking job stability or income. The Bill currently does not recognise these potential benefits in terms of indirectly supporting those experiencing domestic abuse.

12. In a broader sense, through their communication channels, unions can raise awareness of domestic abuse and its impact across their members' and representatives' networks. Also, they can negotiate with employers to introduce strategies of support for victim/survivors of abuse. We would argue that the current domestic abuse law is lacking in not having a legal duty for all employers to have effective domestic abuse policy and practice in place<sup>vi</sup>. In addition, trade unions help articulate the moral reasons why the employer as a good corporate citizen should support their employee. They can make the legal case, for instance a duty of care under health and safety law, for the mental and physical wellbeing of the individual<sup>vii</sup>. Finally, they and others stress that there is a key economic case for addressing cases<sup>viii</sup> (Bennett and Wibberley, 2023; EIDA, 2024).

#### **Trade unions and workplace learning**

13. The previous government short sightedly stopped funding for union learning, despite the unions long record of successfully supporting learners, typically low skilled, into training. Furthermore, there remains a skilled for life challenge for millions of workers<sup>ix</sup> with numeracy and literacy needs resulting in poor productivity and commensurate economic costs to the country. With the Government rightly prioritising skills enhancement within the workforce, reestablishing union learning funding, alongside the recognition proposals in the new Bill, can only positively impact on the economy. Crucially, our research over many years have shown that workers with skills needs are reluctant to concede this to their line manager or HR. However, trained union learning reps in the workplace can be a non-threatening source of support and guidance to the benefit of the individual and the employer. This can only happen where unions can, more equitably, engage in recognition talks and demonstrate the broad range of skills and support they can bring to those employers and their staff.

**SELECT COMMITTEE QUESTION: Impact on businesses: How will other areas set out in the Plan to Make Work Pay impact businesses?**

#### **In support of day one rights: Changing the culture of people management**

14. Understandably, there have been concerns voiced by employers and their representative groups of the added costs of day one rights for workers. We would

argue that the evidence of our research is that the potential benefits of the necessary action by employers would more than outweigh any costs. The change in dismissal rights puts more onus on employers getting right the management of the employment relationship. Further, as evidenced in our research across the NHS, the positive effects that 'day one rights' would bring in terms of enhanced employee wellbeing and motivation and, therefore, productivity, could be usefully framed within a culture change of employee relations across the economy.

15. It has been recognised by both practitioners and academics for several years that organisations need to develop more person-centred systems for conflict management in the workplace<sup>x</sup>. One such initiative in the NHS, with clear evidence of success, has been a model of culture change that is based on addressing systemic failures rather than blaming the individual. Through more equitable processes and, therefore, outcomes, respect for all and learning from practice is a central ethos of the new culture<sup>xi</sup>.
16. From our research we would suggest that this is an opportunity for greater use of informal dispute resolution such as mediation, and as a mindset for line managers to avoid costly disputes. Working with Acas we have critically reviewed the work of one trust in the North-west of England that has developed a very well-respected model for early intervention conflict management which would lend itself well to the new era of workplace rights. Crucially, this model is based on a close working relationship between management and the unions to utilise non-formal routes to dispute resolution which more effectively maintain and enhance the psychological contract between staff members and their employer. Whilst the tendency previously might be to invoke, too swiftly, formal discipline procedures<sup>xii</sup>.
17. Significantly, the conclusion to the research was that:
18. 'Staff survey indicators in relation to workplace conflict have steadily improved in recent years. Perhaps more importantly, there was a broad view across key stakeholders that there was a greater emphasis on early resolution and a move away from compliance-based and procedural responses to conflict. There was also evidence of a partnership approach with HR, occupational health, trade unions, Freedom To Speak Up Guardians<sup>xiii</sup> and the mediation service working in a relatively coordinated way to resolve complex issues' (Saundry et al., 2023).
19. As the report further acknowledges, whilst mediation is a key part of this system, it should not be at the expense of other approaches to early intervention nor the need for more formal approaches when necessary. Nonetheless:
20. 'The success of the mediation service at the Trust suggests that there is a case to develop mediation skills that all managers can use.....Therefore, it is the view of the authors that employers, both inside and outside the NHS, should consider making conflict resolution training a core and expected part of managerial development' (Saundry et al., 2023).
21. These findings again suggest, we would argue, that the introduction of greater employee rights should be the catalyst for the much-needed focus on giving our line managers the training, capacity and therefore confidence to effectively carry out the ever more devolved HR tasks they must undertake. In concurrence, our recent survey of the views of over 200 employees and managers, this time working

predominantly for SMEs in the private sector in our region, revealed that employees were less satisfied with the management of conflict than managers, leading to a negative impact on staff well-being and productivity<sup>xiv</sup>.

22. In closing this section, and in the spirit of the change in rights for workers through the new legislation, our research in the Health Service has also highlighted the value of reappraising employee disciplinary investigation as part of a fair, equitable and just workplace culture. For instance, important recent research on dispute resolution, subsequently being rolled out in NHS Wales, and beyond, facilitated by the Healthcare People Management Association (HPMA), is based on 'avoiding employee harm' as part of the process. Crucially, whilst recognising the centrality of investigations as part of rigorous performance management, it advocates that investigations be carried out in a way that the wellbeing of workers who are being investigated is also acknowledged (Cooper et al., 2024)<sup>xv</sup>

**SELECT COMMITTEE QUESTION: How will the Plan to Make Work Pay impact: What solutions or actions are required by Government, businesses and workers to effectively support the labour market while boosting productivity and protecting workers' rights?**

#### **Supporting the non-typical workforce**

23. The Plan to Make Work Pay, as outlined in the Employment Rights Bill, aims to enhance employment rights and protections, ensuring fair pay and conditions for all workers. This initiative is crucial in addressing the challenges faced by students and other vulnerable groups in the labour market. Currently, there are over 1 million student part time workers<sup>xvi</sup>, who make a substantial contribution to our economy. Based on a cross-sectional survey sample of over 270 students, key findings from the Student Working Lives<sup>xvii</sup> project conducted at the University of Central Lancashire highlight several issues that are pertinent to the Plan to Make Work Pay:
24. Many students work part-time out of financial necessity,
25. Our study found that 52% work to pay bills and 29% to pay university fees. This indicates a significant dependency on part-time work to meet basic living costs. The Student Working Lives project emphasises the need for "good work" that goes beyond job satisfaction to include fair pay, reasonable contracts, and a healthy work-life balance. Many students are employed in low-paying sectors, and reported poor job quality. Its likely that others in the non-typical workforce will also experience poor quality.
26. Support for groups of workers experiencing workplace inequalities:
27. The impact of part-time work varies across different student demographics, including international students, those with caring responsibilities, and students from various ethnic backgrounds. Our research found that workforce inequalities, typical of some sections of our economy, are exacerbated in student work. Tailored support is necessary to address these diverse needs.
28. Flexible practices

29. To effectively support the labour market while boosting productivity and protecting workers' rights, we support legislating for Fair Work Conditions and the Implementation and enforcement of regulations that ensure fair pay, reasonable working hours, and job security. This includes banning exploitative zero-hour contracts and ensuring compensation for short-notice shift cancellations. We hope that the legislation will encourage businesses to adopt Flexible Work Practices to improve work-life balance and productivity and provide "good work" by offering fair wages, secure contracts, and a supportive work environment.
30. Further, it is of note that students working in the social care sector also often face low pay and poor job quality. The establishment of a negotiating body can help address these issues by setting fair pay and conditions.

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<sup>i</sup> Cave, D. (2024) Employment Rights Bill, People Management Nov/Jan 2024.

<sup>ii</sup> CIPD Good Work index 2024, [CIPD Good Work Index 2024: Summary report](#)

<sup>iii</sup> People Management (2022) [Inadequate line management biggest cause of NHS conflict, research finds](#); Bennett, T., Wright, A., Wilding, M., Lawler, M. and Marsh, D. (2024) A critical reappraisal of the effectiveness of employee relations in the NHS – Commissioned by HPMA and CMP Solutions – published in January 2025

<sup>iv</sup> Saundry, R. and Urwin, P. (2021) Estimating the costs of workplace conflict, Acas publications.

<sup>v</sup> Domestic Violence as a Management Challenge: How trade unions can help' in *Overcoming Challenges to Gender Equality in the Workplace* (2016) Jones, C., Wibberley, G., Bennett, T. and Hollinrake, A. Greenleaf Publishing; The role of trade unions in supporting victims of domestic violence in the workplace, *Industrial Relations Journal* (2018) Co-authored Carol Jones and Gemma Wibberley. *Industrial Relations Journal* Vol 49 Iss. 1, [The role of trade unions in supporting victims of domestic violence in the workplace - Wibberley - 2018 - Industrial Relations Journal - Wiley Online Library](#)

<sup>vi</sup> Bennett, T., Wibberley, G. and Patterson, A. (2021) CIPD Applied Research Conference 2021 'It's not just a private matter': Developing effective policy and procedure for addressing the impact of domestic abuse in the workplace [domestic-abuse-1 tcm18-96189.pdf](#)

<sup>vii</sup> Bennett T., Wibberley, G. and Jones, C. 2019 [Legal, Moral and Business Implications of Domestic Abuse and its Impact in the Workplace | Industrial Law Journal | Oxford Academic](#)

<sup>viii</sup> Bennett, T. and Wibberley, G., 2023 Making the ethical case for effective domestic abuse policy and practice: the role of trade unions [Making the ethical case for effective domestic abuse policy and practice: the role of trade unions | Emerald Insight](#); EIDA, 2024 [The EIDA Handbook | Employers' Initiative on Domestic Abuse](#)

<sup>ix</sup> Local government association (2024) Local employment and skills recovery: Basic skills and capabilities [Local employment and skills recovery: Basic skills and capabilities | Local Government Association](#)

<sup>x</sup> Saundry R (2019). Fairness, justice and capability – repositioning conflict management (PDF, 258KB). Acas policy paper.

<sup>xi</sup> Bennett, T., Wright, A., Wibberley, G., and Lawler, M. (2023) The state of employee relations in the NHS in the 'new normal' CIPD Applied Research Conference 2023 [2023-arc-employee-relations-nhs-8415.pdf](#)

<sup>xii</sup> Saundry, Richard Arthur, Wibberley, Gemma, Wright, Adrian and Hollinrake, Alison (2023) *Mediation and early resolution in East Lancashire Hospitals NHS Trust*. Project Report. Acas, London, UK. [Mediation and early resolution in East Lancashire Hospitals NHS Trust | Acas](#)

<sup>xiii</sup> Alternative workplace advocates for employers

<sup>xiv</sup> Wright, A., Lawler, M., Ellison, G. and Bennett, T. Work in Lancashire

[work-in-lancashire-understanding-job-quality-and-productivity-in-the-region](#)

<sup>xv</sup> Andrew Cooper Rhiannon Windsor Neil Lewis (2024) When we do harm An Avoiding Harm discussion paper on improving our employee investigation, HPMA, [Avoiding Harm - HPMA](#)

<sup>xvi</sup> [LFS: Part-time workers: Student or at school: UK: All: Thousands: SA - Office for National Statistics](#)

<sup>xvii</sup> [Student working lives](#)