Coming to the table: The role of Acas in collective disputes and improving workplace relationships

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Preamble

In late 2003 Acas was approached by the editor of *Employee Relations* journal to write an article on Acas' role in dispute resolution. The invitation provided an opportunity to draw on a wealth of research data and information collected within the Acas Research and Evaluation Section in recent years. The attached paper was published in the August 2004 edition of the journal.

The paper focuses on the diverse roles played by Acas in relation to both dispute prevention, and dispute resolution. It draws particularly on data reporting the views and experiences of the users of Acas services. The data are located within the wider debates around the competing notions of 'conflict' at work and workplace effectiveness. It concludes that Acas' strength lies in bringing the parties to the table to both resolve disputes, but also to develop innovative strategies for improving workplace effectiveness. The paper also assesses future opportunities for seeking a more strategic approach to managing conflict at work.

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1 INTRODUCTION

1.1 Background

Public policy conceptions of employment relations have been subject to considerable change in recent decades. The period has seen a shift in focus from one in which collective bargaining was the prime vehicle for institutionalising workplace conflict, to one which promotes the positive link between good employment relations and economic outcomes. The latter is manifest most commonly in notions of 'organisational effectiveness'. This emphasis on the potential for economic advantage through good employment relations dates back to the 1970s, but has become more prominent since the election of the current Labour Government. Legislative proposals on employment, introduced following the change of Government in 1997 and set out in the *Fairness at Work* White Paper, cemented the association of these two dimensions. The raft of proposed legislative changes, including the introduction of statutory trade union recognition and changes to individual rights, was set against the 'Government's principles in this area... At the forefront of these principles is a belief that fairness at work and competitiveness go hand in hand' (DTI, 1998).

More recently, the DTI's consultation document on the implementation of the European Commission Directive on Information and Consultation was couched in terms of the productivity gains associated with effective consultation (see *High Performance Workplaces*: *The role of employee involvement in the modern economy*, DTI, 2002). In the interim, the introduction of the DTI Partnership Fund further embedded the Labour Government's advocacy of workplace partnerships as a means of bringing the parties to the employment relationship together in the pursuit of enhanced performance. Since this time Martinez Lucio and Stuart (2002) have described the emergence of a partnership "industry", in which a number of organisations now play a third party role in brokering these relationships.

It is against this changing backdrop that the Advisory, Conciliation and Arbitration Service (Acas) has operated. Its statutory duty enacted in 1993 spanned the general to the specific: 'to promote the improvement of industrial relations, in particular by exercising its functions in relation to the settlement of trade disputes'[1]. The Employment Relations Act 1999 removed reference to settlement of trade disputes. Nonetheless, the exercise of the specific statutory role in settling collective disputes has historically attracted considerable attention, and continues to do so.

Since its inception, Acas' reputation has been largely founded on its role in resolving disputes, many of them high profile and attracting media attention.

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[1] Acas' statutory duty, as revised and enacted in the Trade Union Reform and Employment Rights Act 1993. The original statutory duty was set out in the Employment Protection Act 1975 and included responsibility for promoting collective bargaining.

But much less is known in the public arena about how Acas realises the duty of 'improving industrial relations'. In practice, since the mid 1990s, Acas' activities have been guided by a Mission Statement which encapsulates its wide-ranging general duty, together with an emphasis on workplace effectiveness, with the stated aim to 'improve the performance and effectiveness of organisations… through building harmonious relationships at work'[2].

This Mission is by no means rhetoric alone, as the services provided by Acas extend far beyond those associated with dispute resolution in the narrowest sense. A sizeable proportion of Acas' resources today are devoted to 'prevention' (as opposed to 'resolution') of difficulties at work. These include a national programme of training sessions, some offering open access, others customised to individual workplaces. These address aspects of employment law and good practice. Attended by a cross-section of employers and employees, these events attract around 40,000 individuals a year, all of whom have an interest in bettering relations and practice at work. Also falling under the umbrella of Acas' preventative work is the national telephone helpline responding annually to around three quarters of a million calls. Employers, employees, and trade union and other employee representatives, in broadly even numbers, use the service to address questions on legality and fair practice at work. These one to one services are supplemented by publications and e-learning tools provided via the Acas website. Since 2001, following Government departmental change, Acas has also managed the Race Relations Employment Advisory Service. These services are all geared towards addressing questions and concerns, and instilling notions of best practice *before* problems arise.

But what of the dispute resolution roles played by Acas? Established in 1974, initially as the Conciliation and Arbitration Service (CAS), Acas was transferred to a statutory body in January 1976[3]. Its terms of reference were to 'provide conciliation and mediation as a means of avoiding and resolving disputes', thus building on the concept of a state supported conciliation service to deal with collective disputes dating back to the Conciliation Act of 1896[4]. The strengthening of collective bargaining procedures following the Donovan Commission (Donovan Commission, 1968) provided the institutional medium for managing conflict and from the mid-1970s onwards, Acas did much to spread the benefits of such procedures. Additionally, procedures often refer to Acas involvement, should there be a failure to agree. In practice, bargaining has proved an effective tool for mediating conflicts of interest, with most differences or disputes resolved directly by the parties without external assistance (Goodman, 2000). But where there is a failure to agree, parties in the main turn to Acas to help resolve their dispute through conciliation, or on more rare occasions, through mediation or arbitration.

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[2] Acas has recently amended its Mission Statement, though the emphasis on organisational improvement is retained. The new mission is, 'to improve organisations and working life through better employment relations'.
[3] Terms of reference set out in the Employment Protection Act 1975.
[4] See Hawes (2000) for an overview of the conciliation function prior to the establishment of Acas, and for discussion of Acas' changing roles in its first twenty five years. See also Goodman (2000) for a discussion of Acas' collective role.

Today, Acas' dispute resolution role is imprinted on the minds of the public and commentators. The volumes of cases are well documented in Acas Annual Reports and academic papers (see Goodman, 2000). Acas has continued to attract media coverage of its involvement in some higher profile disputes. However media coverage invariably provides tantalisingly limited detail on the nature of Acas' role. In practice, little is known of the substance of what goes on in Acas' work in this arena: of parties' rationale for turning to Acas; of the processes involved in dispute resolution; and perhaps most important, of the impact of Acas' involvement. This paper addresses these issues.

Acas' interpretation of its role in relation to workplace conflict is expansive in practice. As well as its collective dispute role, it includes the provision of assistance designed to enable workplaces to take a more proactive and strategic approach to preventing conflict. These interventions are known within Acas as 'advisory projects'[5]. At the heart of the projects lies the objective of enhancing relations at work. Improving collective bargaining may be the focus of some projects, but overall the objectives are far broader, offering a different approach to managing conflict through joint problem solving and consultation and communication processes (Acas, 1999; Dix and Oxenbridge, 2003). As such, the roles played by Acas are better understood as fitting into a wider paradigm which includes dispute resolution, but equally promotes strategies for improved workplace relationships and conflict prevention. An interesting parallel can be found in the US literature. Lipsky *et al* (2003), for example, argue for a 'conflict management approach'. This is more comprehensive than the simple resolution of disputes and involves a range of strategies and processes which are transparent and embedded in the workplace. This approach is returned to at the end of the paper.

This report draws on empirical data collected as part of Acas' evaluation programme to explore the nature, coverage and objectives of Acas' dispute resolution and advisory project work. It focuses on the role played by Acas in managing collective relationships, setting aside its significant role in providing conciliation (and latterly mediation) in individual rights cases. It focuses on the experiences of users of the services – employers and employee representatives. The data provides new insights into the process, outcomes, and role of Acas interventions. It provides a basis for discussion of how the services provided stretch beyond pure problem resolution towards strategies for improved workplace relationships and management of conflict. Lastly, it considers the extent to which Acas' work in relation to conflict contributes to the wider 'productivity' or 'organisational effectiveness' agenda.

1.2   Resolving disputes and improving employment relations

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[5] Acas has recently renamed advisory projects, and they are now known as 'workplace projects'.

According to legislation, in situations where 'a trade dispute exists or is apprehended Acas may, at the request of one or more parties' offer its assistance with a view to bringing about a settlement[6]. This role is operationalised via the Acas collective conciliation function. In the spirit of its voluntarist approach, Acas has no powers to compel parties to participate, or to impose a settlement. Instead, the emphasis is on the parties reaching an agreement themselves. According to Acas, the aim of conciliation is to provide assistance to employers and employee representatives 'to help both sides to reach their own solution' (Acas, 2003). The starting point for a collective conciliation is essentially one of a 'failure to agree' at the end of internal procedures, and inevitably involves conflictual relationships. This is reflected in the manner and environment in which conciliation is carried out: often talks are held on neutral territory (sometimes on Acas premises) and different types of meetings may take place, sometimes starting with a joint session, but almost invariably involving independent talks with the parties in separate rooms. The only obligation placed on parties is that they are willing to talk. Acas provides no other requirements for the parties coming to the table.

Acas advisory project work differs from collective conciliations in a number of respects. First, while the starting point in the latter is almost always one of formal dispute, this is not always the case in advisory project work. Certainly in some cases, relations between the parties may be problematic or characterised by confrontation, and the advisory project will focus on improving relationships and resolving any issues which are causing ongoing problems. In other cases, relationships may simply be characterised by low levels of trust, and Acas may be asked to assist in facilitating workplace changes, resolving specific problems, or implementing new policies or practices. In using Acas assistance, the parties may avoid the potential for future conflict or problems emerging – for example in the form of worker resistance to management change proposals or worker dissatisfaction at having little involvement in the development of new policies. Indeed the management of change is an issue central to many of Acas' advisory projects where advisers, managers and employee representatives alike often recognise that relationships are not sufficiently robust to tackle large-scale change.

Second, whilst the conciliation function requires only that parties agree to talk, in the case of advisory projects, Acas requires the 'commitment and active, joint participation' of parties. These include top management and employee representatives who must jointly agree terms of reference for the project. Where a union is present, agreement is sought from the full time official; and where unions do not exist, the onus is on Acas advisers ensuring independent representation of employees through appropriate selection. Parties in the main tend to work together in the same room, unlike conciliation, and the process will often be carried out, not on neutral territory, but in the parties' own workplace.

While the two services have distinct features, there is also a degree of commonality. The emphasis on a voluntary approach is one. A second is the

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[6] Trade Union and Labour Relations Consolidation Act 1992, s210.

implicit objective of encouraging parties to take responsibility for actively seeking solutions. But perhaps more relevant, the starting point for both is a recognition of the competing as well as common interests in the employment relationship, and the inherent potential for conflict. This view of the employment relationship resonates with Edwards' (1986, 2003) conceptualisation in which both 'cooperation' and 'conflict' are key features. Marsden's (1999) framework is also relevant. The 'flexibility' of the employment contract brings benefits to both parties, yet simultaneously the 'incompleteness' of the contract carries inherent dangers of 'uncertainty', and the scope for divergent goals and behaviours. The recognition of this 'uncertainty' coupled with the potential for cooperation underpins Acas interventions.

The report starts with a discussion of the volumes and key subject issues of conciliation cases and advisory projects. This is followed by a detailed analysis of parties' views on the Acas role and outcome of interventions. Finally, the paper reflects on the roles played by Acas resolving and preventing conflict, and considers the implications for its role on an enduring basis.

1.3   Volumes of cases and the issues addressed

Table 1 charts the overall volumes of collective conciliation and advisory project work over the last thirty years.

Table 1: Acas Activities: 1974-2003

Year	Requests for collective conciliation	Completed Advisory Projects
1974	656	65
1975	2,564	240
1976	3,460(a)	208
1977	3,299(a)	259
1978	3,338(a)	365
1979	2,667(a)	457
1980	2,091(a)	476
1981	1,958	468
1982	1,865	515
1983	1,789	717
1984	1,569	842
1985	1,475	946
1986	1,457	924
1987	1,302	956
1988	1,163	985
1989	1,164	1,144
1990	1,260	964
1991	1,386	947
1992	1,207	787
1993	1,211	529
1994	1,313	487
1995	1,321	539
1996	1,306	540
1997	1,281	467

1998	1,301	530
1999/2000(b)	1500 (331)	595 (184)
2000/2001	1,472	545
2001/2002	1,371	506
2002/2003	1,353	458

Source: Acas Annual Reports

(a) Excludes figures for recognition raised under S11 Employment Protection Act 1975
(b) Covers 15 month period 01/01/1999 - 31/03/2000 due to new reporting requirements. Figures in brackets are for Jan - Mar 1999

In the early years of Acas there was a growth in demand for collective conciliation peaking at over 3,000 'requests' between 1976 and 1978. Demand fell dramatically during the 1980s. This trend reflects in part the significant sectoral changes occurring during the period as well as legislative changes to union powers. Perhaps most interesting is that despite declines in union membership, collective bargaining coverage and recorded industrial action, requests for conciliation remained steady between 1990 and 2002 (at 1,260 and 1,353 per year respectively).

Between 1975 and 1992 the figures for advisory projects show growth in numbers and scope, as projects were undertaken in more traditional 'consultancy' areas where conflict was minimal. However, between 1991 and 1993, a proportion of Acas' staff resources were directed away from advisory project work towards fulfilling Acas' conciliation function in the growing number of employment tribunal cases. The result was a 44 per cent decrease in the number of recorded projects, from 947 in 1991 to 529 in 1993. Since then, the number of advisory projects has remained more constant at between around 470 and 550 per year.

Since Acas' inception, general pay claims or other dimensions of pay have dominated the conciliation agenda (see Goodman, 2000). Recent analysis of the nature of disputes shows a continuation of this trend, with 49 per cent of cases addressing issues of pay; 23 per cent concerning recognition, and the remainder relating to workplace change, trade union issues, redundancy, and discipline and dismissal issues (Acas, 2003). The only major change in the distribution of case types in the last decade has come in relation to trade union recognition. The statutory recognition provisions of the Employment Relations Act 1999 (ERA) have resulted in a significant increase in the volume of Acas recognition-related work with a small expansion of the work in anticipation of the legislation, and the number of recognition cases doubling since 1999.

In contrast there has been some volatility in the type of issues addressed in advisory projects. Data collected between 1993 and 2002 shows a substantial increase in the amount of work around collective bargaining arrangements, particularly around the 2001/2002 period (16 per cent in 1993 to 29 per cent in 2001). The rise in projects in this period reflects the growth in collective conciliation work around new recognition agreements following the introduction of the ERA. However, the greatest proportional increase has been in projects concerning employer-employee communication, consultation and employee involvement (17 per cent in 1993 to 28 per cent in 2002). This change again stems in part from the ERA 1999 which led to an increase in demand for Acas assistance in establishing

consultation and communication structures following recognition agreements. There has been a concomitant decrease in the proportion of advisory work around individual employment matters and pay and reward systems, with the proportions of advisory projects tackling these issues halving between 1993 and 2002. This shift can largely be explained by a change in the way services are delivered within Acas, with a move in the mid-1990s to charged training sessions around individual rights issues. Interestingly however, the proportion of projects around organisational effectiveness and handling change has remained consistently high over the period, at around one-quarter.

The following section looks in detail first at the collective conciliation role and then at Acas advisory projects. Drawing on empirical data, it examines the roles and styles adopted by Acas staff in the course of their work, as well as the impact of their interventions.

2.   ACAS CONCILIATION IN COLLECTIVE DISPUTES

The following data is drawn from research commissioned by Acas' Research and Evaluation Section, designed to capture the views of employers and employee representatives. This includes two surveys of parties involved in collective disputes carried out in 2001 and 2002 (Acas, 2002)[7], and an in-depth qualitative study comprising interviews with parties (Molloy *et al*, 2003)[8]. Further data is drawn from a study involving in-depth interviews with conciliators, which explores the different approaches involved in conciliation work (Molloy and Lewis, 2002). This section looks briefly at how conciliation is initiated. It then profiles the parties' descriptions of the roles played by conciliators, before assessing the impact of conciliation work in terms of both immediate and longer term outcomes.

2.1   Starting conciliation

What do we know about the workplaces in which Acas is involved in resolving collective disputes? First, Acas is mainly involved in disputes in workplaces where formal processes are present. Four out of five (80 per cent) of the cases brought to conciliation have procedures in place for dealing with disputes, and of these, 66 per cent refer to Acas in their written procedure.

The process by which conciliation is initiated is of equal interest. Nearly half of cases follow a joint request from management and the union together. Analysing data over time, Goodman (2000) found a consistently lower level of management as compared to union initiation of conciliation since Acas was

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[7] Based on data from self completion questionnaires completed by samples of 433 (2001) and 376 (2002) employers and employee representatives (not from matched cases) who had been involved in cases completed between June 2000 and January 2001, and between June 2001 and January 2002. Response rates of 60 per cent (2001) and 55 per cent (2002) were achieved. A summary report on the 2001 survey is available from the Acas Research and Evaluation Section.
[8] This study was carried out by the National Centre for Social Research in late 2001. Interviews were conducted with ten employers and eight trade union representatives, most of who had been involved in a number of Acas collective conciliation cases.

established, with 17 per cent initiated by the employer in 1975. The most recent Acas statistics (2003/2004) report that 14 per cent of requests were made by the employer, 47 per cent jointly, 28 per cent by the union, and 11 per cent of cases were initiated by Acas. Acas' primary role is to be receptive to requests for conciliation, but it is not its role in any sense to 'chase' cases. In interviews, conciliators placed great emphasis on the value of maintaining contacts with employers and trade union officials as a means of gaining the confidence of the parties and forging a role for Acas in potential or actual disputes (Molloy and Lewis, 2002). These contacts are achieved through Acas advisory projects or visits, training sessions, or other networking opportunities.

The importance of building sound relationships and being proactive in regional and national networking is further reflected in an activity known within Acas as 'running alongside'. This is where conciliators seek to keep abreast of local employment relations developments in workplaces which may or may not be in dispute, but where there has been no formal request for Acas involvement. This kind of approach may be relevant where the parties are still working through internal procedures or negotiating amongst themselves, and allows the conciliator to collect information about the organisation and the dispute. Essentially a proactive function, 'running alongside' aims to heighten awareness about Acas services among potential customers, particularly in companies with no history of using the service. In organisations that have used Acas before, 'running alongside' serves as a reminder of the role Acas could play.

Indeed, research shows that where disputes occurred, parties identified the benefits of an ongoing relationship in building respect and trust in Acas conciliators (Molloy *et al*, 2003). In particular, where the parties had had a satisfactory experience with a particular conciliator in the past, they were keen to work with the same individual again. Trust was considered especially important, since it gave parties the confidence to be open and frank in bilateral discussions with their conciliator. Other advantages of an ongoing relationship identified by parties were the conciliator having a familiarity with the structure and operation of workplaces, and an understanding of the history of the relationship. In short, using the same conciliator meant starting from a 'higher base' of knowledge and information.

The following sections explore the various roles played by Acas conciliators in the conciliation process, turning then to discuss the range of 'styles' adopted by conciliators.

2.2   The conciliation process

Research highlighted how employers and employee representatives look to Acas to fulfil a number of different roles (see Molloy *et al*, 2003). It found that parties have particular expectations of conciliators' qualities, and of those they feel are necessary to bring about the satisfactory resolution of differences. Studies on mediation have identified a host of attributes that can affect the success of the mediation process, many of which chime with those described by parties in relation to Acas conciliation (Kressel and Pruitt 1989;

Pruitt and Carnevale 1993)[9]. The roles and qualities identified in Acas' evaluation research are discussed below.

The presence of an intermediary

In most cases, by the time parties reach conciliation, internal procedures will have been exhausted and in many instances discussions will have reached deadlock. The importance of avoiding industrial action will be paramount for both sides. By this stage in negotiations, parties' positions are likely to be inflexible and sometimes entrenched. Most significant, dialogue between the parties will often have ceased. When interviewed, the parties described the benefits of third party involvement enabling them to 'get back into talks'. It provided a chance to change the dynamics of the situation, allowing parties to air their frustration or anger in a 'safe', less confrontational environment. Where the atmosphere had become tense, the very act of initiating conciliation gave people the chance to 'draw breath'.

Parties emphasised that for this environment to be effective, the conciliator needs to act impartially at all times. This notion of impartiality recurred throughout the research, and was defined as conciliators demonstrating that they did not have a vested interest in the terms of the settlement, and making it clear that they were not there to negotiate on behalf of either party. But the parties also look for other qualities in a conciliator. As noted before, trustworthiness was highlighted, as was confidentiality, with the parties wanting to feel sure that information was only communicated to the other side when authorised. Also important were listening skills and patience, together with an ability to establish rapport with parties, and allowing each to feel able to state their viewpoints and positions.

Acting as the 'messenger'

The role of the messenger perhaps fits the traditional view of the conciliator – a person conveying information between two parties. Parties to conciliation saw this role as integral to the conciliation process, but described it as multi-layered. At one level, conciliators acted as 'a go-between', relaying messages between parties. But equally, they recognised the value that conciliators brought by relaying a party's position using neutral or unemotive language. Communicating messages in a palatable form was a tactic for influencing parties and helped ensure that opposing parties were 'more likely to listen'. Conciliators also used tactics to shed new light on proposals by, for example, hinting at how far the opposing side might be prepared to move and allowing parties to calmly reassess their own position. There was a strong belief that this helped 'kick-start' the process of moving towards a solution. An employer described this process:

> *With an independent person shuttling between the two rooms, Acas can start to give you a feel of an area where a settlement might be*

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[9] In Acas, 'conciliation' is used to describe a neutral third party acting as communicator between opposing parties. 'Mediation' differs in that the mediator can make formal recommendations on the potential terms of settlement. In other spheres, the term 'mediation' has a more generic meaning which embraces functions which Acas categorise as 'conciliation'.

> *possible and that starts to take you forward. You feel you are starting to make progress so you then feel safer about trying out ideas, testing the water, seeing whether such and such might work.* (Molloy *et al*, 2003)

Providing an informed, independent perspective

Parties also identified the benefits of involving an independent but informed person who could offer an objective view. Conciliators' experience was key to parties' perceptions of their credibility, particularly among trade union representatives. On occasion, the parties also sought the conciliator's views on the strength of their case. And they valued conciliators testing or challenging their views and positions by, for example, asking parties to explain logically why they took a particular position. This then compelled the parties to consider shortcomings in their arguments. Employer and trade union representatives cited in Molloy *et al* (2003) noted (respectively):

> *I have to applaud the way Acas handled it. They didn't direct us, but there was a subtle nudge in terms of which way they thought our thinking should go. … they very subtly pointed out without telling us that perhaps our view was not sound … they may say things like 'well its not a usual clause to have in…'*

> *Coming in, making us all re-think and all re-look … I mean there are times when I have just closed down… And it all comes out, all the silliness that's been going on. … I usually find that if I call them (Acas) in, it does make a difference. It opens it all up again… it all comes out onto the table.*

Conciliators, however, clearly walk a tightrope. There were different views on whether the process of challenging views or asserting opinions impinged on the conciliator's impartiality. Its acceptability depended on the individual conciliator's approach, and parties favoured a neutral interpretation rather than the conciliator's personal views. Where the latter occurred, the inference was sometimes made that the conciliator identified more strongly with one side. However, parties welcomed hearing a reasoned assessment of the 'pros and cons' of a situation, based on the conciliator's knowledge of previous cases and of legislation. There was a clear distinction in the parties' minds between 'personal views' and 'professional reasoned assessments'.

Generating new options and pointing out the consequences of failure to agree

The approaches described above, of challenging ideas or probing for logic, often helped parties reach new ideas and options themselves. But parties also reported instances when they had welcomed new suggestions proposed by the conciliator. These might be ideas which, if put forward by one of the parties, would be unacceptable to the other side. However the same proposals were more acceptable when presented by the conciliator as an

independent, third party coming to the dispute 'without any baggage'. One approach valued by the parties was the conciliator putting forward ideas couched in terms of 'what if' scenarios. Additionally, knowledge of the industrial sector of the dispute, an awareness of the background to the dispute, and familiarity with case details all added to the conciliator's credibility. One factor leading to progress towards a settlement, as identified by parties, was that conciliators suggested ideas they had come across in other situations.

As well as seeking new options and areas for compromise, parties also welcomed conciliators spelling out the consequences of failing to reach resolution – for instance, the possible impact on customer confidence or job security – in an uncompromising way. This was considered a 'backstop' in the process and was an approach recognised and valued by the parties.

2.3   Conciliation styles

Along with describing the roles adopted by conciliators, parties also identified different *styles* employed by conciliators. At one end of the spectrum were conciliators whose style was described as a 'go-between'. These conciliators conveyed messages but tended not to provide explanations of the factors underpinning each side's position. According to the parties, these conciliators placed less emphasis on shifting the perspectives of parties, and more on accurately conveying information between the two sides. At the other end of the spectrum were conciliators whose style was described as 'proactive', who moved beyond relaying messages and instead chose tactics to move the parties' thinking forward by presenting options or teasing out areas of agreement to actively seek a resolution.

The overwhelming preference expressed by the parties was for a proactive approach, as it gave parties the confidence that the conciliator would try all avenues to achieve an acceptable outcome. Parties felt that a proactive approach was consistent with impartiality if it was clear that the conciliator's actions – testing either party's stance, giving their own view, suggesting possible ways forward and so on – were based on an objective and even-handed assessment. Other research carried out on the Acas conciliation provided in individual rights cases (Dix, 2000) uncovered parallel behaviours. This research mapped conciliation styles across three spectrums: from reactive to proactive; from message bearing to influencing; and from a passive to a forceful stance. It also found that while some conciliators consistently tended to use a particular style of conciliation, others chose different strategies depending on factors within the case, or the positions of the parties.

The research with parties to collective cases equally found that some conciliators shifted their styles and adapted their tactics to different people or different stages in the process. Conciliators' 'adaptive' approach was felt to be useful by parties, as a trade union representative involved in successive conciliation cases explained:

We tend to get the same person (Acas conciliator). His approach varies depending on who he is dealing with. He knows how to pitch it to different people. … His role changes in different circumstances. Sometimes he is very persuasive and sometimes quite demanding. Sometimes he throws out bait or challenges and asks questions. They (Acas conciliators) do that very well. (Molloy *et al*, 2003).

Overall, feedback regarding Acas' conciliation service is highly positive. Taking some of the dimensions discussed above, Acas' 2002 customer survey found that 89 per cent of parties agreed (strongly agreed or agreed) that they trusted the conciliator who dealt with their case; 95 per cent felt the conciliator was professional; and 90 per cent felt the conciliator was knowledgeable (Acas, 2002). There were some differences in parties' perceptions of these attributes, with employee representatives being more likely than employers to report favourably on the conciliator. Nonetheless overall satisfaction levels with the service were high: 95 per cent of employee representatives and 80 per cent of employers said they were very satisfied or satisfied with the service received from Acas.

2.4   The outcome and impact of the conciliation process

Acas has historically reported a high rate of success in resolving collective disputes. Case outcomes are defined according to: whether there was 'an actual settlement'; 'progress was made towards a settlement'; cases are 'referred to arbitration'; or 'no resolution' is achieved. In reporting case outcomes, Acas statistics classify a case as 'successful' if any of the first three categories above is achieved. Using this measure, settlement rates have remained steady in the last decade, with around 90 per cent (94 per cent in 2003) of cases recorded as achieving a 'successful' outcome (Acas, 2003).

Arguably, the over-reliance in public sector performance management on targets and single performance indicators has given false credence to bald outcome statistics. In reality, the concepts of 'success' and 'failure' are too stark, none more so than in dispute resolution, where complex issues are being addressed by multiple parties, often representing significant and diverse constituencies, and often resulting in compromise. To compensate for this, Acas uses both qualitative and quantitative data to gain a more detailed understanding of the outcomes of its involvement.

Promoting settlements

One dimension is whether or not Acas involvement has helped promote settlement. In the 2002 customer survey, 66 per cent of parties surveyed on conciliation outcomes agreed that Acas helped speed up the resolution process and brought the parties closer together (Acas, 2002). The role most readily identified with Acas in qualitative research was in prompting parties to 'move their position' during talks. There was also a view that Acas involvement bestowed credibility upon settlements. Trade union representatives holding this view felt that Acas involvement was a signal to

members that all possible avenues for resolution had been explored, and any proposed deal was the best they could achieve. Parties also spoke of Acas settlements having 'a code of honour' which meant that parties were more likely to adhere to it, post-settlement. However the same parties were also able to cite occasions where one party had reneged on the agreement.

Of course, a minority of disputes that go to Acas do not achieve a settlement: typically 10 per cent per year. One factor preventing settlement was when one or other of the parties was especially entrenched in their position, and showed little interest in moving. Hiltrop's (1985) study of Acas' conciliation role uncovered such behaviours, with parties' position at the outset of the case being the key determinant of whether or not the case settled. Another barrier to successful discussions was where there were divergent opinions within each party, for instance between individual managers, or between union representatives. Another was where a proposal for settlement is rejected by trade union members or employees. Some, albeit exceptional cases revealed a lack of understanding among the parties about the role of conciliation, and unrealistic expectations about the role of the conciliator acting as a negotiator.

More pervasive barriers to resolution of disputes were deeper industrial relations problems within a workplace. Conciliators and parties emphasised that misunderstandings often related to ineffective communication structures, or a breakdown in communication. Where the situation in a workplace is especially negative and compounded by low trust, the opportunities for effective conciliation are remote. Even if conciliation results in an agreement on the surface issue, deeper problems may be unresolved and resurface at a later date. One trade union official commented in Molloy *et al* (2003):

> *Sometimes all it's doing (conciliation) is turning the gas burner off for a little bit... Conciliation ... is capable of taking the heat out of some disputes... but it starts up again... a week later the problem is back there again. And yes, conciliation ... did what it was supposed to do but it didn't deal with the underlying industrial relations problem.*

In such cases, Acas advisory project work - as described later – may provide a more enduring solution to the problems faced.

Beyond settling the case

As Goodman has pointed out, Acas' overall 'success' rates may have a tendency to 'exaggerate the clarity of the outcomes' (Goodman, 2002). From research with parties there are clearly instances when the resolution of the dispute may not necessarily be regarded as a 'success' by both or either party. The conciliation process was widely regarded as resulting in a compromise for one or both parties and the extent to which parties (or their constituents) feel their own positions have been undermined will impinge upon the overall acceptability of the settlement. There was a widespread view that settlements shaped during the conciliation process were 'balanced'

and tended thus to be rarely in complete accord with the position of one side. Some parties expressed the view that 'no side will get a great deal at Acas'.

Despite these complexities, when asked in survey research about the quality of settlements drawn up with Acas assistance, 77 per cent said the agreement reached was acceptable to the parties, and a majority (82 per cent) that it offered practical outcomes to the dispute (Acas, 2002). Around two thirds (65 per cent) of those who had reached an agreement said they felt it provided a 'lasting solution' while 7 per cent disagreed with this (a quarter of parties were undecided on this issue). The benefits are clearest where industrial action is avoided or ceases. As employers and trade union representatives reported, calling an end to the uncertainty associated with industrial action can have immediate positive effects on staff morale and relationships. Service sector union representatives and employers taking part in the research exercises were especially quick to identify the benefits in respect of preventing customer dissatisfaction when industrial action was avoided. Conversely, failure to resolve disputes was recognised as particularly damaging to morale and disempowering to union representatives, and was felt to lead to lingering resentments or disagreements.

Where industrial action is considered less of a threat, the focus of parties' attention was more likely to be on longer term benefits associated with the implementation of new or revised practices, or improved relations within the organisation. Survey research is a blunt instrument for exploring longer term effects of interventions, since respondents may find it difficult to make strong links between a single intervention and a change in practice or policy. Nonetheless 32 per cent of those responding to the 2002 Survey identified changes made to policy or practice as a result of the dispute, including changes to payment systems and human resource policies, and 25 per cent of parties noted improvements in working practices following Acas involvement (Acas, 2002).

What wider benefits did conciliation bring? In the first instance, the process of agreeing to conciliation itself was recognised by employers and employee representatives as important in demonstrating to the workforce a willingness to try every option to settle the dispute. Research with parties indicated improvements in employee relations, with management and trade union attitudes towards each other improving as a result of talks at Acas (Molloy *et al*, 2003).

Interviews with conciliators indicate that improving relationships is considered an important secondary objective, after resolving the dispute (Molloy and Lewis, 2002). The goal of conciliators was - where feasible - to leave relationships in a better, more cooperative state, thus equipping organisations to resolve similar issues that might arise in the future.

It is of interest that even though Acas conciliation occurs in circumstances which may be highly negative, data from the 2002 customer survey points to perceptions of positive long term benefits of Acas involvement. Data indicated that 22 per cent of parties noted improvements in employee morale following Acas involvement in the dispute; 39 per cent reported an

improvement in communication between sides; and 39 per cent reported that there had been an improvement in understanding of the other side's position (Acas, 2002). However similar proportions of customers reported that no improvements had occurred. Employee representatives were more likely than those speaking from the employers' perspective to state that improvements in workplace cooperation between the two sides were evident following Acas involvement (43 per cent of employee representatives compared to 27 per cent of employer representatives).

A further objective might be to work with the company to introduce new or improved dispute-handling procedures. Yet equally there was a view that it is not always advantageous to try to work on underlying relationships in conciliation if there is a high level of bitterness between the parties. It was felt that even if the parties are able to recognise underlying problems within their relationships, time is usually needed for feelings about the dispute to 'settle' before attempts should be made to resolve problems. In these circumstances, the conciliator's goal might be more modest, with an emphasis on trying to achieve a compromise that allows both parties to feel they are leaving negotiations without any loss of credibility. To fail to do this was felt to sow the seeds for future disputes, as any remaining resentments will inevitably resurface.

One practical way of preventing disputes from recurring is by Acas offering to work with management and employee representatives once the dispute has been resolved, to seek strategies for more effective prevention and handling of conflict in the future, and to implement new policies and practices. This type of Acas intervention, and its processes and impacts, is discussed in the following section.

3. ACAS ADVISORY PROJECTS

This section describes Acas' advisory project function. It draws on two survey exercises which were conducted to explore customer views of Acas advisory projects. The first of these, conducted by Kessler and Purcell (Purcell, 2000), surveyed all organisations in which advisory projects had been conducted during 1990-1993[10]. The second survey was with a smaller sample drawn from 2002 records, carried out by Acas[11]. Further evaluation of Acas work has been carried out in 2003 using in-depth case studies of advisory projects, and findings from these (as yet unpublished) are also reported. Cases referenced relate to: two manufacturing organisations which implemented large-scale change programmes[12]; a central government body which embarked on a relationship-building programme to help manage change; and an NHS Trust assisted by Acas in developing and implementing a new bullying and harassment policy. This section begins with an overview

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[10] Postal questionnaire survey resulting in responses from 689 managers and 299 employee representatives (see Purcell 2000:166 for details).

[11] Postal survey of participants involved in advisory projects carried out for Acas by research contractors which generated 162 responses, evenly split between employer and employee or trade union representatives. A summary report on the 2001 survey is available from the Acas Research and Evaluation Section.

[12] One of these cases was carried out with the assistance of an ESRC Future of Work grant.

of techniques and methodologies used in advisory project work, before exploring the roles and impact of advisory projects.

3.1   Techniques and methodologies

Given the breadth of issues tackled in advisory projects, Acas staff are required to use a variety of methods and techniques tailored to specific circumstances. The two most commonly used methods are joint working groups and workshops. At the outset of new projects, advisers carefully explore the issues in question with the parties, before deciding which techniques are most appropriate. Around two thirds of Acas advisory projects involve joint working groups where Acas advisers and representatives of management and employees (sometimes including trade union full-time officers, and more rarely, officials of employers' bodies) meet at regular intervals over the problem resolution process. Workshops differ in that they are of shorter duration, and may be one-off events, concluding with the development of action plans setting out ongoing objectives and changes. They too are attended by management and employee representatives. Both methods provide a forum for the parties to review their relationship or discuss issues relating to particular problems.

3.2   The roles played by Acas advisers

The adviser's role is centred on acting as a facilitator to establish facts, clarify problems, and help to identify solutions in order to promote joint agreement. Advisers do not act as an arbiter, or decide on the merit of competing positions.

Consistent with the research finding that the parties in collective disputes valued the *impartial 'intermediary' role* played by conciliators, managers and union representatives interviewed in advisory project case studies often described – unprompted - how they valued advisers' ability to maintain a neutral and unbiased stance while at the same time showing an understanding of each party's concerns. Indeed, Acas' 2002 customer survey indicates that almost all customers (92 per cent) agreed that advisers appeared independent and impartial.

Case study data echoes this finding. Managers and trade union representatives in an NHS Trust, for example, described one of the key benefits of Acas' involvement as being its role as an 'independent honest broker' which had the respect of both parties. Interviewees on both sides felt that if the Trust had paid consultants to facilitate the process, staff and union representatives would have been wary that 'there was a catch to what management is saying', in terms of their promotion of change within the organisation.

As is the case with conciliators, parties involved in advisory projects also valued advisers' 'repertoire of experience' in *generating new options* and

posing 'what if' scenarios to highlight the potential negative outcomes if agreement was not reached around change, or if relationships did not improve. These scenarios were also painted to evaluate the real-life practicality of suggestions. Advisers drew on their expertise to provide an objective evaluation of parties' views, and through a carefully managed process, constructively challenged suggestions. A trade union full-time officer for instance, spoke of Acas' expertise in 'teasing out the issues' and encouraging joint group members to look at options in greater depth, rather than 'reaching the first assumption' and not considering either the alternatives or the ramifications of certain decisions.

A key strength of the joint working group process highlighted in case study research is that it enables those with a wealth of workplace knowledge – management and employee representatives - to develop tailored solutions to problems. However on occasion advisers also play an 'expert' role in offering suggestions based on 'good practice', citing examples of initiatives introduced elsewhere, or clarifying concepts. This 'external perspective' was valued by parties. One of the only perceived drawbacks of the broader joint working process was that it was viewed by parties in some cases as time and resource intensive. However this view was counterbalanced by the perceived benefits of the process of allowing parties to fully evaluate options, and generating commitment among all stakeholders.

A feature unique to advisory projects is the *facilitation* role played by advisers. One of their greatest challenges lies in introducing joint working processes into organisations where, hitherto, little joint working has taken place. Here advisers play a crucial role in advising parties on the appropriate sequencing, dynamics and political sensitivities of the process. One technique especially valued by customers is syndicate group exercises involving senior managers and employee representatives (who may have had minimal contact in the past) working together in mixed groups to solve problems. As one union representative in a government body commented, by showing management and union participants that joint working could pay dividends, these exercises served to force a realisation that change in the relationship was necessary. Case study research more broadly also indicated how this process is especially valuable in identifying common areas of interest between the parties.

Parties also recognised the benefits of the facilitative role played by advisers in group meetings and workshops in 'pulling the group back' when they became side-tracked. They described how, through active facilitation, advisers kept the process on track whenever blockages were encountered. As one manager commented:

> *(Advisers) were able to put perspective into the programme. Whereas we might tend to say "We've got a problem here and it's all gone to pot", as it were, they would say "No, this is quite typical of this stage, and we're going to have problems, and you need to think of the longer-term position". So that was helpful.*

3.3   The impact of advisory project work

The impact of Acas advisory projects may be examined from two angles: by considering the *immediate outcomes* in terms of the realisation of the explicit goals of the project; and second, by assessing the *longer-term or wider benefits* flowing from the intervention, and how these in turn impact upon organisational effectiveness.

The most common immediate achievements of advisory projects are the development and implementation of a new policy or procedure; or an agreement setting out joint proposals for change or an action plan which may then be put to the workforce for their acceptance through balloting. Alternatively, the Acas project may result in the development of an agreement which sets out the terms of a new workplace relationship. This contrasts with the most immediate outcome of collective conciliation work, which generally ends in settlement of the dispute.

Evaluating wider and longer term impacts of advisory project work is more challenging, particularly if seeking hard measures, such as measures relating to disputes, absenteeism or productivity. This is difficult for several reasons. First, the benefits flowing from changes to policies, practices, or relationships resulting from a project may only become evident once they have bedded in, and this may be some time after the project ends. Indeed, in some cases, certain performance indicators may actually worsen in the first instance, for example where implementing change causes disruption to operations, or requires extensive workforce reskilling programmes. A second obstacle is that not all employers systematically collect performance data. Finally, the most significant challenge is in determining with certainty the precise relationship between the Acas intervention and the measured outcome due to interference from other causal factors, especially where a number of changes are taking place simultaneously. For all of these reasons, identifying the effects of interventions is especially problematic when using quantitative approaches to evaluation. However, case studies offer a more appropriate method, involving indepth discussions with parties, and some case study evidence is reported below.

Improving trust and dialogue

The very act of joint working can stimulate a culture change within organisations, and build trust between management and employees and their representatives. With training, the parties to the employment relationship can learn new methods of problem-solving and consensus decision-making which provide an alternative to traditional adversarial relations. Indeed, there are many similarities between Acas' role in facilitating relationship-building and the processes involved in partnership-building exercises (see Terry and Smith, 2003; Wills, forthcoming 2004).

A union representative in a government body, for example, summed up how joint working processes had changed the interaction between management and the union 'from arguing, to discussing'. There were also instances where the success of joint working had encouraged the parties to adopt the same

approach beyond the project completion. In an NHS Trust, the process of using a joint working group to develop bullying and harassment procedures was so successful that managers decided to use joint working to tackle a wide range of policy and operational issues. And the following quotes from a senior manager and full-time officer (respectively) involved in a manufacturing sector project highlight similar views:

> *(Acas) did introduce us to a different way of consulting (with employees), rather than this "head-on" type consultation where typically, we would present the proposal and then they would present a counter proposal. … (Acas) did put forward an alternative way of doing it where you … generate ideas jointly. And that is one of the things that we have stuck at.*

> *The first phase was getting people into the frame of mind that they could change things without falling out and going out on strike. They had to learn the language of change first of all, before they could get onto the issues. And Acas were very valuable in that process.*

Where an objective of an advisory project is to stimulate cultural change, improving trust between managers and employees and their representatives is critical. Improvements in trust provide the foundation for more cooperative decision making in the future. Yet the parties also acknowledged that this is a significant challenge, especially in workplaces where trust is low at the outset.

Measuring the effects of Acas work in increasing trust is therefore an important aspect of the evaluation process. While trust is notoriously difficult to measure, Acas customer survey data does however capture perceptions of levels of trust. In the 1990/1993 survey, 17 per cent of managers rated trust as 'high' prior to the intervention, while double this number (36 per cent) rated it 'high' following Acas' involvement. Likewise, in the 2002 survey, 70 per cent of *all* respondents felt that the level of trust had improved since the Acas exercise.

Other improvements in communication were identified as flowing from the relationship-building techniques used during Acas projects. Case studies generated many examples of the ways in which the scope and coverage of communication, consultation and negotiation processes had improved, and in turn had contributed to enhanced organisational effectiveness. Related beneficial outcomes cited by parties included faster decision-making and negotiating processes, and more frequent, early consultation and problem resolution, leading to reduced numbers of formal disputes.

In some cases there was also a direct link between improved consultation and the substance of negotiations. In one manufacturing case, the relationship had changed to the point where managers and stewards now resolved problems on a continuous basis throughout the year, rather than limiting their contact to once-yearly - often adversarial - pay negotiations, as in the past. Advisory projects involving unions often involve coaching parties in methods of win-win (or integrative, or mutual gains) bargaining. This approach emphasises collaborative behaviour, and requires greater

information-sharing to identify common interests. In case studies, the introduction of win-win bargaining methods had increased the likelihood of pay deals being accepted by employees and union representatives. Joint working methods also laid a foundation for greater information-sharing between the parties, including financial information, giving employee representatives a better understanding of how the business worked.

Improving organisational effectiveness

The desired goal of all advisory work is to improve organisational effectiveness, either through achievement of specific objectives or through improving workplace relationships in order to provide a platform for change initiatives. The process of identifying attributable effects of Acas interventions on workplace effectiveness is complex since change processes and outcomes are iterative and multifaceted. Yet a variety of clear examples of improvement were identified from research interviews.

One example is a government body in which Acas facilitated a relationship-building 'partnership' process, and where staff surveys conducted following the advisory project showed marked improvement in staff satisfaction measures. A second is a manufacturing firm where managers described a direct and positive link between the outcomes of an Acas-facilitated change programme and improvements in company performance. They highlighted improvements in machine efficiencies, a halving in absence levels, and an increase in productivity of over 20 per cent due to a new staffing scheme. Alongside this, there had been a reduction in waste and reject levels, and in the number of customer complaints about product quality.

As highlighted above, case study data revealed how the parties, in most cases, linked improved organisational effectiveness to improvement in consultation and communication mechanisms. For example, when asked whether improvements in organisational performance had resulted from Acas involvement, interviewees in a government body described how policies are now developed more quickly, and are of better quality due to early management consultation with union representatives, and greater employee representative involvement in decision making. An example they gave was the recent implementation of swipe cards for employees to enable secure movement around the workplace. This initiative had a strong potential for opposition and failure. However, because trust had been built between the parties during relationship-building sessions, and the union was involved in policy development and implementation from the outset, the project ran smoothly to completion.

Interviewees in other case studies similarly gave examples of how better communication and consultation provided a means of circumventing potential disputes. Where employee representatives brought concerns 'early' to management, it was recognised that problems could be resolved 'rather than left to fester and become an issue', or reach formal grievance or dispute stages. Making this approach work effectively carried many challenges, one of which was ensuring effective communication links beyond the joint working group, with the wider workforce. It was clear that despite best

efforts there were dangers that joint working groups could become isolated from the wider workforce; and that there were occasions when union representatives were uncomfortable with 'selling' difficult decisions. Structures and processes for regular communication were thus important.

Better *quality* decision making was also recognised to emerge from cooperative working. This was found to be the case in a manufacturing workplace facing significant change management issues. All of those interviewed in this case agreed that managers could not have managed the restructuring process – generally, and in terms of fine-tuning technical elements of the change programme - without union representatives' involvement throughout. The process of improving systems and processes required representatives to contribute their technical know-how. Importantly, representatives believed that if managers had attempted to introduce change without union involvement and support, employee resistance would have resulted.

Acas also collects survey data aimed at measuring customer perceptions of the impact. Successive surveys have asked managers (1990/1993) and managers and employee representatives (2001/2002) about the extent to which the organisation benefited from Acas assistance. The results are consistently positive, with 86 and 78 per cent respectively answering that the organisation had either benefited "a lot" or "a fair amount".

4.   DISCUSSION

The current public policy focus on enhancing workplace productivity has created a new interest in the benefits that can flow from good employment relations. A consequence has been a shift in the core of the employment relations debate from one focused on conflict to one centred on workplace effectiveness. This has provided fresh impetus for maximising cooperation between managers and employees. A consequence is that 'conflict' has been left out in the cold, shunned from policy debate and assumed, in some quarters, to no longer exist. Yet it is Acas' belief that an inherent component of good employment relations is the acceptance that conflict is intrinsic to the relationship and therefore needs to be managed effectively. Both objectives – managing conflict and improving workplace effectiveness – have historically been at the heart of Acas' interventions, and this report has explored Acas' role and achievements in these areas.

The existence of a third party to assist when parties fail to agree on collective issues is an essential element of conflict management. The collective conciliation service provided by Acas is a powerful tool, and much of the reputation and respect it has garnered stems from the ability of Acas officials to deliver the service in an impartial fashion. Yet by the same token, conciliators are not entirely passive or reactive in the way they approach the conciliation process. During conciliation they act as 'go betweens' and 'message bearers' but equally, conciliators seek opportunities to be a 'creative force' (Acas, 1998) by influencing parties, compelling them to consider their positions, and assisting them in moving towards agreement.

Evidence from parties suggests that conciliators are 'tactical', in that they operate within agreed procedures for conveying messages and opinions, but also 'strategic' in seeking to impel a change in the attitudes and situations of parties, to improve relations (see also Hawes, 2000). Where feasible, and where they judge it appropriate, Acas officials will also look beyond the immediate dispute, and seek strategies to improve relations and better equip the parties to deal with future conflict or problems, if they arise.

This latter role overlaps with Acas' advisory project function, where the focus is on improving workplace relations for the long term. This process may take time and organisational resources and even experience setbacks, but evidence from case studies demonstrates that following advisory project interventions, parties were in a better position to tackle difficult decisions and achieve consensus. The benefits identified by parties are wide-ranging. Acas advisory project work equips organisations with the tools to build and maintain effective relationships that enable dialogue to take place in an environment of trust and mutual respect. As with conciliation, joint working strengthens parties' capacity to deal with disagreement or conflict effectively when it occurs, but also acts to prevent conflict by engendering workforce 'buy-in' to change initiatives. Research evidence found that positive working relationships led to marked improvements in decision-making and the ability of organisations to introduce better policies and practices. This in turn had a positive impact on organisational effectiveness.

4.1   Changing the focus on conflict

The strength of Acas lies in getting employers and employees to engage in effective dialogue, either in the context of conciliation or advisory projects. The benefits range from bringing about an immediate resolution to disputes, to seeking strategies for more effective cooperative working, and better consultation. But what of strategies for the long-term pursuit of organisational effectiveness? One question is whether there is scope to adopt a more strategic approach to conflict handling. There are some interesting parallels in the US literature. For example Lipsky *et al* (2003) discuss the notion of a more strategic and comprehensive approach, labelled 'conflict management'. This perspective raises the prospect of a more proactive approach which embraces multiple aspects of organisational life, addresses a wider range of issues, and involves a wider cross section of organisational players than is the case with dispute resolution strategies. Examples cited by Lipsky and colleagues include proactive joint working to manage conflict, in-company mediation, and conflict champions. It is perhaps the goals of effective 'conflict management' that are most palpably different from those of 'dispute resolution'. The latter seeks an effective resolution to the immediate crisis, while the former embraces wider strategic objectives of identifying, preventing, and resolving all types of workplace problems.

The UK context is clearly different to that in the US, not least because of the voluntarist, non-legal context in which collective relationships are handled. 'Conflict' itself has also become a pejorative term. Nonetheless, the model chimes with the approach promoted by Acas in fulfilling its statutory functions. There may be further lessons from the US literature in terms of

the cohesive approach that is implied in adopting 'conflict management strategies'. The implementation of the EC Directive on Information and Consultation provides new opportunities for Acas in fulfilling its role and demonstrating how conflict management fits in the basket of issues to be addressed within arrangements set up to comply with the Directive.

In addition, Acas is also developing its mediation services: both in providing mediation in instances of individual grievance; and in training mediators internal to companies so that they can strategically handle conflict as it emerges. These services are new and subject to evaluation at the present time. As the data in this report has revealed, Acas has demonstrated the benefits of its core philosophy. Bringing parties to the table can assist in the resolution of disputes and build effective dialogue, laying the foundations for cooperative working and ensuring a more strategic approach to conflict management.

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