



Acas Conciliation during London 2012

This case study explores Acas' role in a collective conciliation between the National Union of Rail, Maritime and Transport Workers (RMT) and London Underground Limited (LUL) which arose prior to the London 2012 Olympic and Paralympic Games¹.

Acas Social Researchers have written this based on interviews with the lead representative of each of the key parties involved: Gerry Duffy, Director of Employee Relations at LUL; Steve Hedley, Assistant General Secretary of the RMT; and John Woods, Deputy Chief Conciliator at Acas.

Background to the conciliation

LUL employs approximately 19,000 staff, serves 270 stations and, in 2011/2012, 1.171 billion journeys were made on the London Underground. The RMT has around 77,000 members nationwide and is one of four recognised unions (RMT, ASLEF², Unite and TSSA³) with whom LUL started negotiations to bring in temporary changes to existing working patterns and practices in preparation for the period of the Games. The daily timetable for the Games extended the normal working day, and in effect, created a third daily peak of late-night, passenger activity as well as more weekend traffic. For most LUL operational staff, this would mean changing their working practices in order to ensure the Underground was able to deal with the predicted extra passenger demand. LUL needed an agreement with all its trade unions to make this happen. It began talks with them seven months before the opening ceremony, but direct talks between the parties to deliver an agreement began to stall and Acas was asked to assist.

1 Referred to from this point on as the Games
2 Associated Society of Locomotive Engineers and Firemen
3 Transport Salaried Staffs' Association

Acas began conducting negotiations from early March 2012, initially with all four unions involved. Agreement had been reached with ASLEF in respect of drivers working extended shifts in exchange for a one-off payment of £500, a supplement of £20 per shift and up to £150 dependent on a customer feedback survey covering the Games period. The new shift patterns breached agreed practices set out in the so-called Framework Agreement, and had the effect of making negotiations more difficult with the other three unions, TSSA, Unite and RMT. TSSA represented station staff and managers; Unite represented engineers; and RMT represented drivers, station staff, managers and engineers.

The talks were on a number of issues separating the three unions and LUL management, including the appropriate Games reward package for the different groups of staff, but for RMT and LUL management, the question of drivers had become particularly challenging. Added to this was a separate, ongoing dispute over the deployment of contingency staff, specifically Incident Customer Service Assistants (ICSAs) working on underground station platforms.

The LUL representative has worked in employment relations for nearly 40 years and stated that the Games were his biggest challenge yet, explaining this was 'partly due to the time pressures around the Olympic period' but also due to LUL having 'five groups of workers with multiple unions that could have broken the agreement'.

"We've never had a more complicated deal".

Gerry Duffy, LUL

Potential impacts of the disputes

Both the LUL and RMT representative stated that the most critical potential outcome of a failure to resolve the dispute was industrial action, including the possibility of strikes, during the Games period. Both representatives also identified the potentially negative impacts on both organisations' reputations as a result of the disputes.

"Without the conciliation there would have been strikes, which would have caused chaos over the Olympic period without a doubt"

Steve Hedley, RMT

Industrial action on such a key part London's public transport system creates wider economic and welfare costs beyond the disputing parties. The disruption and delays caused by industrial action would have had a knock-on effect on the productivity of the Capital's businesses, delaying or preventing many thousands of employees from reaching their workplaces. Further, a strike on the Underground during the Games would have reflected poorly on London as host city.



For an idea of the costs involved if the strikes had not been avoided, a 2007 report⁴ estimated that the cost of a major tube strike to Britain is £48 million a day in lost productivity, and this is likely to be an underestimate in this case, due to inflation since 2007, and the added effect of the Games.

Acas' role

Acas were asked to help resolve the dispute regarding the Games reward and the first meeting took place on 1st March 2012, with the opening day of the Games barely five months away. A series of meetings took place over the next three months, with all four unions involved to begin with, but eventually this reduced to three. LUL management and RMT, in particular, were experiencing serious difficulties with aspects of how to achieve the temporary changes to working patterns that the logistics of the Games required; many employees would have to work longer hours and extend the beginning and end of their working day. Furthermore, this agreement had to be in place at least four weeks ahead of the Games for the actual Olympic rosters to be filled, so time was running out.

Both parties stressed the importance of having a non-judgemental but proactive third party, whose overriding objective is to help the parties get a deal:

"[Acas were] involved early enough and the quality [of service] could not have been better."

Gerry Duffy, LUL

"It is useful to have an impartial service, giving advice, trying to reach a solution"

Steve Hedley, RMT

Overall, both representatives were very complimentary about the collective conciliation service offered by Acas:

"It's a very good service...it's good for trade unions and industrial relations in general"

Steve Hedley, RMT

⁴ Reported by the London Chamber of Commerce and Industry (LCCI) and calculated based on the results of a September 2007 London Business Leaders' Panel survey, conducted by LCCI and ComRes, in which 315 leading firms of all sizes and operating in all sectors from across the capital were surveyed. http://www.londonchamber.co.uk/lcc_public



“The conciliation service is superb...Acas were phenomenal”

Gerry Duffy, LUL

What does the conciliation process involve?

Acas conciliation is a process where by a conciliator works with the parties involved to come to a mutually agreed outcome, according to Acas’ Deputy Chief Conciliator:

“Conciliation is a very flexible process. There are no rules, really, other than the Acas conciliator will not take sides and will not express any judgements about the merits or otherwise on any party’s position. Unlike arbitration, where parties give up their power to a third party to decide upon an outcome to their dispute, in conciliation they can walk away at any time. We try to take the heat out the situation, we listen, we challenge assumptions, we throw in new ideas, ask speculative questions, and, above all, we try to find common ground to narrow the gap between the parties. We also ask the parties to keep the discussions confidential while they’re at Acas. No tweeting, please!”

John Woods, Acas Deputy Chief Conciliator

Conciliators have different styles but they use the same mediation skills to successfully resolve an average of nine in ten of all collective disputes in which Acas become involved. In the case of the LUL and RMT dispute during the Games, to begin with, the conciliator placed the management team (numbering around ten people) and each of the four trade unions (varying from four to ten people) into separate rooms and visited each group for their perspective and priorities regarding the dispute. Collective conciliation may start as “shuttle diplomacy” but it is more pro-active than just message-taking. In this case, after the initial sessions, the format changed.

“I was getting a feel for the issues and tried to get the parties to look again at their lines in the sand. I use a lot of ‘What if they ... then would you be prepared to ...?’ questions to test whether one side would make a significant movement in their position, if the other side would do the same. This is a key conciliation technique as Acas can ask questions which the parties often cannot for fear of appearing weak. I used a lot of caucus meetings -‘corridor meetings’ as they are better known - to change the dynamics and got one, two or three key players from each team to meet under my chairmanship to have a frank discussion to break the deadlocks we encountered. We made a lot of progress in these smaller meetings and they often ended up being brain-storming sessions.”

John Woods, Acas Deputy Chief Conciliator



After many meetings, with parties having gone over several issues multiple times, a deal was finally reached:

“At the eleventh hour, we got a deal. I can’t say it wasn’t stressful – two months of intense discussions with the possibility of strikes disrupting the Games if we didn’t get a deal. The final deal in June 2012 relied on Acas asking both RMT and LUL to trust each other to deliver their side of the bargain. By that time, I knew the parties well enough to believe they would both deliver. And full credit to the officials of the other three unions as well, as they played their part in making sure the arrangements they had made for Games stuck. So it was a pleasing outcome”

John Woods, Acas Deputy Chief Conciliator

Conciliator skills

Both the LUL and RMT representatives felt that the knowledge and skills of the conciliator involved were instrumental in the success of the conciliation. The conciliator’s knowledge of their organisation and general context, along with the conciliators experience of past LUL/RMT disputes was particularly highly regarded by both representatives.

“Someone with no experience of LU wouldn’t have understood the business. [The conciliator] understands the problems, he understands the politics...he knows the dynamics, he knows how we work...he was tremendous”

Gerry Duffy, LUL

“The people we were dealing with understood the background and have dealt with LU disputes previously. Achieving an outcome may have been more difficult with a less experienced conciliator.”

Steve Hedley, RMT

The representatives were also complimentary of the conciliator’s skills in general, such as persuasion skills, an ability to remain calm and an ability to build and maintain a good relationship with both parties.

“We have a good relationship with Acas – [the conciliator] is unflappable”.

Steve Hedley, RMT



“[The conciliator] makes it his business to get very close to both sides. [The conciliator uses] persuasion, persuasion, persuasion.”

Gerry Duffy, LUL

Outcomes of the conciliation

The main outcome of two months of Acas collective conciliation was that - with the Games opening ceremony seven weeks away - the deadlock between LUL and RMT was finally broken and arrangements for filling the new rosters for the Games could begin. It also enabled other agreements to be finalised with all operational staff, as well as train drivers, receiving a Games reward package, with the amount received dependent on job role, shift attendance during the Games and the results of the LUL Customer Service Satisfaction Survey. All four trade unions, ASLEF, RMT, TSSA and Unite, were now party to a deal for their members with LUL. Part of the agreement was that disputes during the Games period would go to Acas conciliation service, with no industrial action while discussions took place – this was important as it minimised the chance of strikes over the issue.

Both LUL and RMT were content with this deal as it meant that all Underground train drivers now felt they had a fair reward for working with the temporarily extended shift patterns and longer days, while management had the assurance that there were a sufficient number of drivers available during the Games.

The RMT representative felt that the “root issues” of the additional, and longstanding, dispute over the deployment of ICSAs were not resolved, and RMT members had said that they might withdraw labour or not stop at stations if they were deployed on platforms. However, after both representatives had discussed their positions, the outcome of this dispute in relation to the Games was that the ICSAs were still used as a contingency resource, but that their deployment was limited and the dispute did not materially hinder the Games.

Both the LUL and RMT representatives felt that the role of Acas was vital to finding a solution to the disputes and that the same outcomes would not have been achieved without their involvement.

“There are certain things that I know, instinctively, that there is no way I can resolve it without Acas. It needed somebody to break it – it wouldn’t have had the same outcome.”

Gerry Duffy, LUL



When asked whether they would use Acas again in the future, LUL and RMT representatives answered a definitive 'yes'.

"Yes, absolutely – in any situation where we couldn't find a resolution. We are most likely to use collective conciliation."

Steve Hedley, RMT

"Yes. Without an Acas, it would be a disaster."

Gerry Duffy, LUL

Conclusion

Both the LUL and RMT were very satisfied overall with the Acas collective conciliation, and the skills and experience of the conciliator in particular. Both also felt that, although they wanted to resolve their dispute, it would have been highly unlikely that a satisfactory outcome would have been achieved without Acas' involvement.

The representatives were in agreement that the conciliation was successful in helping both parties to reach an agreement on a dispute involving LUL train drivers, which in turn helped avoid any potentially damaging impacts on the Games and both organisations' reputations.

Thanks to the efforts of Acas and representatives of management, trade unions and employees from many organisations, there were no recorded strikes in any sector during the London 2012 Olympic and Paralympic Games, a rare accomplishment for a major event such as this. The transport sector was of most concern to the organisers, Acas, many organisations and the public, making the resolution of these disputes crucial to a successful Games.

"[People thought] transport was going to kill the Olympics; but transport was magnificent"

Gerry Duffy, LUL

Jon Cooper and Emma Dibb, Acas Research and Evaluation

