Employee Relations

Purpose

Employee relations is concerned with how to gain people’s commitment to the achievement of the organisation’s business goals and objectives in a number of different situations. It is also about ensuring that organisational change is accepted.

This Standard widens and deepens the coverage of employee relations in the People Management and Development Standard, with the aim of achieving professional competence in this area.

The Standard embraces the strategies, policies, structures and processes used to develop and maintain employee commitment. It will also broaden and deepen the general management skills of influencing and negotiating with:

- managerial colleagues, both inside and outside the people management function
- individual employees, on grievances and discipline
- employees as a group, as well as their representatives.

Personnel and development professionals are frequently involved in employee relations issues, whether they are generalists or specialise in people resourcing, employee reward or learning and development. An integrated approach to human resource management means that all these aspects have to be considered together so that a mutually reinforcing and interrelated set of personnel policies and practices can be developed.

Personnel and development professionals are expected to play their part alongside line managers in maximising the contribution of people to the achievement of current and evolving business objectives. In partnership with their colleagues they need to understand the business context and the importance of taking a strategic viewpoint when meeting business needs and managing change.

This Standard defines how thinking performers can meet these requirements in the field of employee relations. It is relevant for:

- any personnel/human resources practitioner at a relatively early stage in their career, responsible for a range of basic personnel operations and wanting to develop deeper and broader knowledge and skills and make a professional contribution to the employee relations process
- externally-based consultants providing advice and services in many organisational types, sectors and settings.
Performance indicators

1 Employee relations management in context

Operational indicators
Practitioners must be able to:

1 Contribute to setting the strategic direction for an organisation's employee relations policy and practice.

Knowledge indicators
Practitioners must be able to understand, explain and critically evaluate:

1 The various means and methods available for effective workplace decision-making and management policies and approaches to gain the commitment, co-operation and empowerment of the workforce.
2 The organisational, regional, national and international context and their potential impact on current employee relations policies, issues and practices.
3 The implications of European Union membership and the internationalisation of employee relations policies, issues and practices.

Indicative content
1 The changing economic, social, political and technological environment of employee relations.
2 The social dimension of the European Union and:
   • the Commission
   • the Council of Ministers
   • the Parliament
   • the Court of Justice
   • the European Trades Union Confederation (ETUC)
   • UNICE, CEEP, framework agreements and directives.
3 The role of the Government as an economic manager, through its fiscal and monetary policies etc and its implications for employer/employee interests.
4 The role of the Government as legislator and:
   • employment protection legislation
   • maternity and parental leave
   • equal opportunities legislation
   • individual rights in relation to trade union membership (statutory recognition for collective bargaining purposes)
   • the law relating to industrial conflict
   • the health and safety legal framework
   • the role of employment tribunals and the Labour Court (Ireland).
5 The role of state agencies, including:
   • the Advisory, Conciliation and Arbitration Service (ACAS)
   • the Central Arbitration Committee (CAC)
   • the Labour Relations Commission (Ireland)
   • the Certification Officer
   • the Health and Safety Commission.

2 The parties in employee relations

Operational indicators
Practitioners must be able to:

1 Supply appropriate advice on the basic rights and obligations of employers and employees arising from the contract of employment and associated legislation.

Knowledge indicators
Practitioners must be able to understand, explain and critically evaluate:

1 The range of internal factors within an organisation that may affect the management of employee relations in the public, private, voluntary and not-for-profit sectors.

Indicative content
1 Management and:
   • objectives and styles of employee relations management
   • business strategy and the employee relations strategy and policies to achieve the business strategy
   • managing with or without trade unions
   • the role of the line manager and employee relations in change
   • the changing role and function of employer associations (eg Confederation of British Industry (CBI), the Retail Consortium and (in the Republic of Ireland) the Irish Business and Employers’ Confederation (IBEC)
   • management representative bodies at the EU level and at the EU sector (industry) level.
3 Employee relations processes

2 Employees and:
- different forms of employee voice, such as consultation and information giving and receiving bodies (consultative committees, works councils)
- staff/employee associations
- the role, function, status and values of trade unions
- the role and functions of the Trade Union Congress (in the Republic of Ireland, the Irish Congress of Trade Unions) and European and international employee representative bodies
- health and safety representatives.

3 The state as an employer and:
- the exemplar and reflective role of the state as an employer
- the state as a model employer
- the implications of the liberalisation of public sector product/service markets on employee commitment in the public sector and quasi-public sector employing organisations.

Operational indicators
Practitioners must be able to:
1 Provide advice on the appropriateness of adopting different forms of employee involvement/participation and how to implement them.
2 Participate as a key team member in the effective implementation of organisational change.
3 Participate as a key team member in the consultation and communication process.
4 Monitor and evaluate the effectiveness of the organisation’s strategies, policies, procedures and processes to develop and maintain employee commitment.
5 Facilitate the resolution of differences with management colleagues within and between the management functions, as well as employees individually and/or collectively.
6 Draft policies and procedures dealing with employee grievances, discipline, redundancy, job grading, harassment and bullying, and ensure their effective implementation and management.

Knowledge indicators
Practitioners must be able to understand, explain and critically evaluate:
1 The impact of organisational change on relationships within an organisation.

2 The mechanisms in both non-union and unionised enterprises designed to reconcile the different interests of employers and employees for mutual gain.

Indicative content
1 The range of techniques for practising employee involvement in organisations, including:
- communication strategies and policies
- problem-solving
- task-based involvement
- quality circles
- team briefing
- representative participation
- financial involvement.
2 Advice, conciliation, mediation and arbitration.
3 Unilateral decision-making by employers.
4 Employee participation in management decision-making by information and consultation bodies, by worker directors, by collective bargaining (scope, level, formality, bargaining units, single-table bargaining etc) and by health, safety and environment committees.
5 Industrial sanctions, including strikes and lockouts.
6 Legal regulation to provide common standards, for example:
- national minimum wage
- working time regulations
- parental leave
- disciplinary procedures
- transnational consultation and information regulations
- statutory codes.
7 The role and function of health and safety committees.
4 Outcomes

Operational Indicators

Practitioners must be able to:

1 Monitor and evaluate the effectiveness of the organisation’s strategies, policies, procedures and processes to develop and maintain employee commitment.

Knowledge indicators

Practitioners must be able to understand, explain and critically evaluate:

1 The key features of the individual employment relationship, including the psychological contract.

Indicative content

1 Agreements and their:
   • types – substantive, procedural, partnership, technological, single-union/no-strike and workforce
   • authorship – solely by management (as predominates in non-union firms) or jointly (as normal in unionised organisations)
   • levels and formality – informal as against formal
   • scope – the subjects covered.
2 The impact of employee relations on economic efficiency.

5 Employee relations skills

Operational indicators

Practitioners must be able to:

1 Participate in the preparation of a case at an employment tribunal on behalf of an employer.
2 Review and monitor an organisation’s safety and environment policies and programmes in line with current legal requirements and ensure their effective implementation and management.
3 Promote good occupational health by raising awareness through health surveillance and training.
4 Advise on contemporary developments in employee relations and their potential impact on the organisation’s policies and practices.

Knowledge indicators

Practitioners must be able to understand, explain and critically evaluate:

1 The mechanisms that ensure organisations achieve a safe and healthy working environment.
2 The skills managers need for:
   • grievance handling
   • discipline in the workplace
   • group problem-solving
   • resolving differences within interest groups
   • negotiating with different interest groups whether unionised or non-unionised employees, management colleagues or managers from other management functions
   • managing and implementing change programmes.
Indicative content

1 Negotiation, its definition and:
   • groups that management negotiates with, including other managers, the workforce, customers and suppliers
   • different types of negotiating situation, including intra-management, grievance, bargaining, group problem-solving
   • the style of negotiations in different situations with different parties
   • the different stages of the process and the ‘ritual’ of negotiation.

2 Bargaining, its definition and:
   • the management skills needed to prepare for and conduct bargaining
   • preparation of claims, offers and counter-offers etc
   • skills in concluding bargaining
   • techniques in searching for the ‘common ground’
   • skills in writing the agreement
   • sources of information.

3 Grievance, its definition and:
   • the management skills needed – including analysis, defining aims, determining strategy and tactics – to prepare for and conduct management grievance handling with individual employees or groups
   • interviewing skills
   • presentation skills
   • the skills needed to find the common ground and resolve employee grievances.

4 Discipline and:
   • the skills needed for handling disciplinary proceedings
   • interviewing skills
   • devising and reviewing procedures and the importance of ‘natural justice’ in procedures
   • criteria for evaluating whether the disciplinary procedure is operating effectively
   • the law relating to unfair dismissal
   • the concept of ‘gross misconduct’
   • the importance of ‘good practice’ or best fit as opposed to the legal minimum
   • preparing evidence for management’s case at an employment tribunal.

5 Redundancy and:
   • the skills needed to manage redundancy effectively
   • the relevant law on redundancy to consider when negotiating, devising and implementing a redundancy agreement or arrangements.

6 Managing change and:
   • the skills needed to interpret and evaluate whether a new employee relations practice that works in one enterprise can be transplanted successfully to another
   • communication, influencing and negotiating skills to achieve the implementation of change in the light of changing business objectives.