

Research Paper

Trade union negotiating officials' use and non-use of
Acas conciliation in industrial disputes

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Table of contents

ACKNOWLEDGEMENTS.....	4
EXECUTIVE SUMMARY	5
1. INTRODUCTION.....	7
1.1 Background.....	7
1.2 Method.....	7
1.2.1 Building a sample-frame of officials.....	7
1.2.2 Development of hypotheses.....	8
1.2.3 Interviews with officials to further explore hypotheses.....	9
1.2.4 Development of question sets	10
1.2.5 Structured survey of officials.....	10
1.3 Reporting conventions	11
2. SUMMARY OF RESPONDENTS, THEIR WORK ENVIRONMENT AND THEIR PREFERRED DISPUTE HANDLING APPROACHES.....	12
2.1 Summary of respondents' personal characteristics and work background	12
2.2 Summary of respondents' experience of disputes.....	12
2.3 Respondents' preferred dispute handling approaches: 'compromisers', 'pressers' and 'partners'	13
3.1 Officials' experience of the three kinds of dispute situation.....	16
3.1.1 Variations in experience of different dispute situations.....	16
3.2 Dispute resolution strategies used by officials in different dispute situations.....	17
3.2.1 Use of Acas in different dispute situations	19
3.3 Effectiveness of strategies.....	20
3.3.1 Variations in views on effectiveness of use of Acas as a strategy for resolving disputes.....	22
4. USE OF ACAS IN DISPUTES.....	23
4.1 Historic and more recent usage of Acas.....	23
5. REASONS FOR NON-USE OF ACAS.....	27
5.1 Qualitative research findings.....	27
5.2 Survey findings: All reasons for officials' low/non-use of Acas.....	28
5.2.1 Characteristics of officials' reporting reasons for low/non-use.....	29
5.3 Single most important reason for low/non-use of Acas	30
5.3.1 Characteristics affecting the most important reason for low/ non- use	31
6. EXAMINING THE OFFICIAL'S MOST RECENT DISPUTE	32
6.1 Factors associated with non use of Acas in officials' most recent dispute	32
6.2 Reasons for non-use of Acas in officials' most recent dispute	33
7. KNOWLEDGE OF ACAS	35
7.1 Effect of knowledge on use of Acas	37
8. CONCLUSIONS.....	38
APPENDIX A: DETAILED PROFILE OF FULL-TIME NEGOTIATING OFFICIALS IN BRITAIN	44
APPENDIX B: NUMBER OF RESPONDENTS BY TRADE UNION	50
TECHNICAL APPENDIX	51

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EXECUTIVE SUMMARY

Method

This report describes the findings of a research project investigating trade union officials' experience of dealing with collective employment disputes, the extent of their use of Acas collective conciliation as a strategy for resolving disputes and their reasons for any non-use. The project comprised qualitative and quantitative elements:

- A qualitative phase comprised in-depth interviews with 12 union officials who had themselves not used Acas collective conciliation in the past 10 years.
- A quantitative phase involved a survey based on the qualitative findings. This was sent to 1,719 union officials (estimated to constitute around 80% of the total population of paid union negotiating officials). 1,024 officials responded, giving a response rate of 60% (but screening questions eliminated 74 of these, leaving 950 'valid respondents' whose answers were subjected to analysis).

Experience of dealing with different industrial dispute situations

Most negotiators still encounter collective disputes - almost nine-in-ten respondents had dealt with some form of industrial dispute over the past decade. Officials were asked specifically about the strategies they used in three different dispute situations, ranging in severity:

- where the sides are talking, but can't find a solution
 - where the sides cannot agree on the facts of the dispute
 - where the sides have reach a complete impasse
- More negotiators have disputes were 'the two sides are talking but can't find a solution' (77%) than where there is a 'complete impasse' (60%).
 - There is no evidence that officials have turned against using Acas in disputes - 69% of respondents who had encountered industrial disputes in the last 10 years (equivalent to 60% of all negotiating officials) brought Acas in at some point during that time.
 - There is a tendency for some officials to see Acas as only being appropriate at the point where communications have reached a complete impasse, rather than at the more formative stages of the dispute.
 - One in five officials who had used Acas in the past 10 years (20%) said that it had been 'always or usually effective' as a strategy for resolving disputes - fewer than the proportion saying that of 'full legal industrial action ballots' (42%) but more than any other dispute resolution strategy (such as threat of legal action by the union)

Reasons for non-use/low usage of Acas in disputes

A group of respondents was identified who, although they had encountered disputes in the last 10 years, had rarely or never used Acas:

- The most commonly cited reason for their low/non-use was that they had "not reached a total impasse with any employer in that period" (selected by 49% as a reason).
- This lends weight to the suggestion that involving Acas is more likely to be seen as appropriate for impasse situations than for 'lesser' dispute situations.

- The next most common reason for low/non-use was that these respondents “didn’t see what solutions Acas could find that they couldn’t have found themselves” (selected by 35%).
- When asked to specify which reason was most important in explaining their low/non use of Acas, the fact that they had not reached impasse emerges as an even more dominant driver.

Profile of non-users of Acas

A number of factors can be seen to have had an influence on the likelihood of officials using Acas or using Acas more than once – the evidence here clarifying certain hypotheses within Acas about non-user populations:

- Contrary to the notion that certain large (TUC) unions might be less inclined towards Acas collective conciliation, the TUC “big three” (Unite, UNISON and the GMB) were all *higher*-than-average users of Acas during collective negotiations/disputes of all types.
- There is similarly no evidence to support the idea that London-based officials are less likely to use Acas collective conciliation; in fact a slightly higher than average proportion of London-based negotiators are Acas-users.
- Conversely there *is* evidence that negotiators in the public sector are less likely to have used Acas collective conciliation than those in the private sector and those negotiating in both sectors.
- Older and more experienced officials and those longer in post are more likely to have brought in Acas, including in their most recent dispute.
- Graduates of the TUC Organising Academy were no less likely to use Acas in disputes than non-Academy graduates, but university graduates were less likely than officials without a degree. Officials who had previously been a lay union activist or negotiator were also more likely to have used Acas than those who had not.

Knowledge of Acas

While respondents tended to *think* that they knew about Acas services – 95% of respondents said they knew either ‘a reasonable amount’ or ‘a lot’ – there was strong evidence to the contrary. Many officials are not clear what Acas collective conciliation entails and are confused by the different services available for industrial disputes (although it not clear whether their confusion is simply semantic, or if they fundamentally misunderstand the services):

- 58% wrongly thought that conciliation “results in a solution being chosen for the parties by Acas” (49% said the same about ‘mediation’, 56% about arbitration)
- Asked which Acas service is the one most commonly used in industrial disputes, only 44% correctly picked out conciliation (37% picked ‘mediation’ and 13% selected ‘arbitration’).
- Only 77% of respondents rightly agreed with a statement positing that “Acas is independent of government” – 14% disagreed and 8% were ‘not sure’.

Not surprisingly, the less an official felt they knew about what Acas could offer in industrial disputes, the less likely they were to have actually used it. Groups who felt more knowledgeable included Unite and GMB officials, older negotiators, more experienced negotiators and those with prior lay experience.

1. INTRODUCCION

1.1 Background

This report describes the findings of an exploratory research project investigating trade union officials' experience of dealing with collective employment disputes – with a particular focus on the extent of their use and reasons for any *non-use* of Acas 'collective conciliation' in such disputes.

Collective conciliation refers to talks aimed at resolving disputes between representative groups (typically trade unions) and employers, facilitated by an independent third party. This usually takes place when relationships between management and employee representatives have reached some sort of 'crisis point'. This may mean that strike action is threatened, but could also simply mean that communication between the two sides has broken down. Indeed, collective conciliation may be appropriate for resolving disputes at varying stages. Acas has a statutory responsibility to provide collective conciliation in employment disputes where one or more parties request it. Its management information shows that there has been a fairly steady decline in the volume of collective conciliation cases in the last decade. In 2008/9, there were 960 requests to conciliate – down from 1500 in 1999/2000. This decline *may* be due to external factors in the employment relations environment – but equally, research is warranted to determine whether perceptions of Acas services could also be a factor.

Acas' Research and Evaluation Section (RES) routinely evaluates its collective conciliation function. A comprehensive evaluation conducted in 2007 examined the behaviours and techniques that lead to successful outcomes and customer satisfaction, producing a wide range of data on the service¹. In contrast, this research uses a more exploratory approach to look at specific evidence gaps in more depth. In particular it explores: barriers to using collective conciliation; differences in awareness and perception of Acas collective conciliation among trade union officials; and differences in their views regarding collective dispute resolution and third party intervention more generally.

1.2 Method

In November 2009, Acas commissioned the Labour Research Department (LRD) to conduct a full, structured survey to map the views, strategies and behaviours of trade union full-time officers – focussing particularly on their use and non-use of its collective conciliation function.

1.2.1 Building a sample-frame of officials

Since there was no comprehensive database of union negotiating officials in existence, a major part of the project entailed constructing one for the express purposes of carrying out the most representative survey possible of paid union officials in England, Wales or Scotland.

LRD enlarged its existing 'Payline' database (of some 349 officials) by contacting individual unions for contact information and using a range of other union resources to get as close as possible to the full complement of union officials as defined by the project. In the event a database of 1,719 names and email and

¹ See *Acas conciliation in collective employment disputes* (Ref: 05/08) – available to download from www.acas.org.uk/researchpapers

postal addresses was created. So that an estimate could be made as to what proportion this represents of the whole population of paid union officials, individual comparisons were made with larger unions' own estimates of the numbers of negotiating officials they employ. Unfortunately, union figures themselves are inaccurate as they do not necessarily differentiate between *negotiating* officials and others (e.g. union back office staff such as researchers). However, on the basis of information provided by 18 unions the final database can be estimated to contain approximately 80 per cent of the full population. As such, the sample frame can be considered to be highly representative of the likely population of paid union officials.

The sample frame was subject to a number of 'cleaning' operations before the survey was sent out, to limit the number of responses from non-valid officials. A set of screening questions was also included in the questionnaire to ensure that only 'valid negotiators' were included in the analysis.

1.2.2 Development of hypotheses

The initial project design phase took a very much top-down 'deductive' approach to the research – that is to say it was fundamentally concerned with testing and confirming/rejecting a number of hypotheses. Our starting-point theory for the research was as follows: given that industrial action balloting has been increasing in recent years and that the long running trend of decline in stoppages has levelled out somewhat since 2000; it follows that the continuing decline in collective conciliation cases in the last decade *might* not be attributable to external economic/political factors outside Acas' control. During discussions between LRD researchers, Acas' Research and Evaluation Section (RES) and senior Acas collective conciliators, this theory was narrowed down into a series of more specific hypotheses to explain why there might have been a decline in use of Acas collective conciliation in the last decade. Building partly on views expressed by Acas conciliators in previous evaluations, it was hypothesised that:

- Fewer officials have actually experienced disputes/had occasion to use Acas conciliation (perhaps because disputes have become more concentrated in certain sectors);
- There is a lack of awareness/understanding about Acas among the 'new generation' of (younger) trade union full-time officers, who are less likely to use conciliation as a result;
- Officials have come to favour other strategies for resolving disputes, e.g. industrial action ballots;
- London-based officials are less likely to use Acas (the feeling being that there are fewer conciliation cases in the south of England than the north and Scotland);
- Certain large unions are perhaps less inclined to use Acas collective conciliation;
- Collective bargaining agreements no longer have a reference to Acas;
- Negotiators in the public sector do not like using Acas;
- There is a group of militant officials, coming from an organising background, who do not use Acas;
- Officials might have been given the misimpression that Acas charges for collective conciliation.

1.2.3 Interviews with officials to further explore hypotheses

These working hypotheses were formulated into a set of questions for a series of semi-structured qualitative interviews with 12 trade union officials. Interviewees were sampled from LRD's pre-existing 'Payline' database of officials; the dual selection criteria being that they had experienced industrial disputes in the past 10 years but had not previously made use of the Acas collective conciliation service. The aim here was to start to loosely test some of those hypotheses that had been advanced with a view to eliciting further ideas as to why the service had not been used. Above all, interviews were designed to feed into and help inform the design of the main part of the research: a questionnaire that would subsequently be circulated among a large sample of union negotiating officials. This subsequent quantitative survey – the focal point of the research – was to be conducted among both users and non-users of the service to enable a larger field to be covered and to enable comparisons to be made between users and non-users.

The qualitative work resulted in some clarity about what could and could not be achieved with the quantitative stage. For example, most of the officials interviewed reported that they negotiated in a range of industries, with a wide range of sizes of bargaining units and types of worker covered. This meant that the questionnaire would not be able to examine a simple relationship between these factors and attitudes to collective conciliation.

Interviews with trade union officials seemed to confirm that there is a degree of confusion among officials - however long they had been in the job – as to what the term 'collective conciliation' actually means. The interviews also indicated that officials may rarely or never reach a complete impasse during their negotiations, whereas there was a suggestion from some that Acas collective conciliation was most likely to be considered in such a 'deadlock' situation.

Negative feelings about the general use of a third party or Acas specifically were not forthcoming during the interviews, there being a sense among interviewees that they would use collective conciliation if the appropriate circumstances arose. However, some interviewees were hard-pressed to cite what these 'appropriate circumstances' might be.

Some officials described the role they envisaged for Acas as being one which they could generally carry out themselves – lateral thinking, finding points of agreement, re-packaging the money that is available (especially in the civil service). Similarly there was a shared sense among officials - either explicit or indirect – that going to Acas could be seen to undermine their professional position, since finding ways through a dispute is what the members pay them for.

Some of the preliminary hypotheses about Acas non-use from the project design phase were not confirmed in the interviews as significant reasons for non-use of Acas. For example, interviewees did not support the idea that any of the unions were institutionally opposed to using Acas in disputes. On the other hand, there was a feeling that there might be objections from the employers with whom they negotiated. However, other hypotheses seemed to have greater purchase and a number of new hypotheses were advanced by the interviewees themselves – all of which were included in the questionnaire for further testing.

Based on these qualitative findings, it was therefore additionally hypothesised that:

- Officials only see Acas as being appropriate when communications have completely broken down, rather than in less 'severe' situations;
- Officials do not understand what Acas collective conciliation entails; they are worried that it results in solutions being chosen/forced upon them by Acas;
- Officials are deterred from using collective conciliation by their belief that Acas cannot offer any solutions that they cannot find for themselves;
- Some employers are reluctant to involve third parties in disputes generally, or even specifically oppose use of Acas.

1.2.4 Development of question sets

After further discussion between LRD, Acas RES and collective conciliators, a questionnaire was constructed that centred on the following areas:

- the setting in which the negotiator carried out their job (for example, their sector, the number of bargaining units they were responsible for and their region);
- their experience of different dispute situations over the past 10 years and the strategies used to resolve them;
- their history of and attitudes to use of Acas;
- their knowledge of Acas and its services; and
- their personal characteristics.

In particular, our hypotheses (see above) were translated into questions designed to map the views, strategies and behaviours of officials – centring on three major areas of interest:

1. Official's experiences of the different main **dispute situations** – ranging in severity from outright impasses, through to a simple inability to agree on the facts of a dispute
2. Officials' different **dispute handling approaches** - that is to say, are they as negotiators fundamentally concerned with seeking compromise or pressing for members (via industrial action if required)
3. Officials' preferred **strategies for resolving disputes** – one strategy being help from Acas; others including consultative ballots; full industrial action ballots etc.

1.2.5 Structured survey of officials

The questionnaire was piloted to 30 contacts by email. Following some amendments made as a result of the pilot, a final questionnaire was drawn up and set up as both a web-based and hard-copy questionnaire in February 2010 (see technical appendix for further details).

The questionnaire was sent as a web and PDF link to all on the database, and after two reminders it was sent out as hard copy by post to any who had not responded. In all, of the 1,719 officials surveyed, 1,024 returned questionnaires – giving a response rate of 60%.

Full methodological details for the survey are provided in the Technical Appendix and all research tools including the survey questionnaire and qualitative topic guides are available in the final appendix to this report.

1.3 Reporting conventions

Item non-respondents (those not answering a given question) are excluded from all summary analysis and cross tabulations in this report. Percentages are rounded to zero decimal places (whole numbers) in the main body text of the report, and are presented to one decimal place in tables.

2. SUMMARY OF RESPONDENTS, THEIR WORK ENVIRONMENT AND THEIR PREFERRED DISPUTE HANDLING APPROACHES

Of the 1,024 officials who responded, only 950 can be classified as 'valid negotiators' – that is to say officials paid by their union who are involved in collective bargaining or industrial disputes with employers in England, Scotland or Wales. 'Valid negotiators' defined in this way are those who could potentially use Acas collective conciliation should the circumstances arise, and hence are the target group for this research. A summary of these respondents' personal and work characteristics and disputes experiences appears below – further details on all these areas are presented in Appendix A.

2.1 Summary of respondents' personal characteristics and work background

- Respondents are employed by 60 different unions, the largest numbers coming from the biggest four unions – Unite the Union, UNISON: The Public Service Union, the GMB and the Royal College of Nursing.
- 71% are male and 29% female, and almost three-quarters (72%) are aged 46 or over.
- More than three quarters (77%) have previously been a lay union negotiator and 84% have previously been a lay union activist of some other sort. Half have undertaken a degree course and 13% have been through the TUC Organising Academy trainee scheme.
- The negotiators are split roughly fifty-fifty between those who looked after 10 or fewer bargaining units and those who looked after 11 or more, with one third responsible for more than 20 bargaining units.
- Every region of Great Britain is represented among the respondents, but one quarter is based in London – the seat of most of the unions' head offices.
- The most populated industrial sector is health, with over one third of respondents negotiating in that sector. However, over half of the respondents negotiate in more than one industrial sector. This means it is not possible to analyse responses in this survey by the respondent's industrial sector.
- More respondents (44%) negotiated predominantly in the public sector than in the private sector (34%), with 21% working in a fairly even mix of the two.

2.2 Summary of respondents' experience of disputes

Almost nine-in-ten negotiators (834 in total) confirmed that they had actually dealt with industrial disputes over the past 10 years or so. Those negotiating with a mix of public and private sector organisations were twice as likely to have had disputes as those in either the public or private sector². Other groups significantly more likely to have experienced disputes are officials responsible for more bargaining units, those with prior lay experience and male respondents.

² This could be for a number of reasons, e.g. the officials who negotiate in both sectors could be more likely to have more bargaining units or to be more likely to come from large general unions who are more likely to have experience of disputes.

The most common subject of disputes, not surprisingly, was pay (90% nominating this), followed by job losses/redundancy terms (66%) and working hours or holidays (52%).

The majority of respondents had experienced disputes on more than one topic so it was not seen as appropriate to analyse other responses in this survey by the subject of disputes that they had experienced. For example, while 753 respondents had experienced pay disputes in the past 10 years, only 63 had dealt *solely* with pay disputes.

Of those respondents with disputes experience, well over half indicated that one particular industrial sector had dominated the industrial disputes they had dealt with in the past 10 years. The sector most often picked out as generating the largest number of disputes is health (22% citing this sector). However, this is partly because of the large number (124) of officials amongst survey respondents who negotiated at least *partly* in the health sector. Analysis of responses from the officials who negotiated in more than one sector indicates that the sector described in the survey as 'local government excluding education' may in fact be the main source of disputes.

Unfortunately, there is no pre-existing detailed or comprehensive information about British union negotiating officials against which to compare either the sample frame used for this research or the survey respondents. It is therefore not possible to precisely verify how representative the sample is of the total population. However, given the 60 per cent response rate, coupled with the fact that the sample-frame was estimated to contain approximately 80 per cent of the full population of paid union officials, the likelihood is that the sample is sufficiently representative to draw useful conclusions from the survey results.

2.3 Respondents' preferred dispute handling approaches: 'compromisers', 'pressers' and 'partners'

During the qualitative stage of the research, officials responded to questions about how they settled disputes in a number of different ways. Rather than cite *tools* they had used to resolve matters, they effectively described a series of negotiating *attitudes and behaviours*, the aim of which was to ensure that there was no breakdown in negotiations. These approaches were said to include good research, seeing things from employer's point of view and use of negotiating techniques learned from their own training (such as how to calm things down in a meeting, knowing when to adjourn a meeting etc). One negotiator described herself as 'a bit of a mediator' while another said:

"I've always tried to put myself in the shoes of the other side. I always try to find common ground, something I think they would want to agree with, and my first negotiating stance is to not be threatening but say: 'We're both in this to try to find a resolution'."

A different approach was indicated by a health union negotiator, who said: "You have more power than Acas because you have the support of your members if you have high union density and the membership is willing to take action to fight."

Building on this for the purposes of the survey, three broad types of approach to handling disputes were distinguished:

1. To seek a compromise that suits both sides without confrontation or disruption;
2. To press for as much as possible for the members, even if that means industrial action;
3. To see the employers' point of view and try to work with them.

This working typology was presented in the questionnaire, with officials being asked to what extent they agreed that each approach was effective for a union negotiator. (It should be noted that this question was asked only of the 834 negotiators who had dealt with dispute over the last 10 years).

Responses were given on a five-point scale ranging from 'agree' strongly to 'disagree strongly'. The aim here was to classify and quantify the different stances adopted by officials. The three approaches are not mutually exclusive, but it is proposed that a respondent giving only one approach a 'strongly agree' rating might suggest a specific 'leaning' for that official. It is then possible to explore whether this 'leaning' has any impact on attitudes towards other questions in the survey, particularly those about use of Acas. This approach was used to test the respondent's views on negotiating approaches rather than to identify their own approach *per se*, although in any case the former is likely to be a proxy for the latter. Note that responses to this question might be expected to suffer from some degree of social desirability response bias, given that there are likely to be strong social norms among union officials about how negotiators *ought* to behave in relation to dispute handling.

The summary results – presented in table 1 – show that the dispute handling approach most commonly given the highest agreement rating is "to seek a compromise that suits both sides without confrontation or disruption". Half of all respondents 'agreed strongly' that this was an effective approach for a union negotiator. However, only 331 respondents agreed strongly with this statement and also did not strongly agree with either of the other two statements. For the purposes of this report, these 331 individuals will be classified as '**Compromisers**'.

Table 1: Agreement on effective approaches for a union negotiator (row percentages)

	Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly	Base
To seek a compromise that suits both sides without confrontation or disruption	50.1%	41.2%	6.4%	1.7%	0.6%	834
To press for as much as possible for the members, even if that means industrial action	15.0%	34.7%	29.3%	17.7%	3.3%	808
To see the employers' point of view and try to work with them	7.6%	40.5%	35.8%	13.0%	3.1%	807

Note: Respondents stated their level of agreement for each of the three statements (hence each row sums to 100%)

Far fewer respondents (15%) agreed strongly that 'to press for as much as possible for the members, even if that means industrial action' was an effective approach for a union negotiator. The 71 respondents who did so but at the same time did not strongly agree with the other two statements are classified as '**Pressers**' in this report.

Least likely to elicit a high agreement rating is what might be described as a '**partnership**' approach, i.e. 'to see the employers' point of view and try to work with them'. Only 8% of respondents agreed strongly that this was an effective union negotiation approach. Furthermore just four respondents both strongly agreed with this statement and failed to strongly agree with either of the other two statements. So, this group is too small to support sub-group analysis.

Female officials are slightly more likely than men to be 'compromisers' and slightly less likely to be 'pressers' – though the differences are not marked: 87% of women and 80% of men were compromisers, while 13% of women and 19% of men were pressers.

While between 97% and 100% of negotiators asked this question (i.e. those who had experienced disputes in the last 10 years) gave a response in relation to each of the approaches, only 406 (49%) of the sample could be categorised in the way attempted, suggesting that more than half took different approaches in different situations.

3. OFFICIALS' EXPERIENCE OF DEALING WITH DISPUTES

During the qualitative phase of the project some interviewees had suggested that part of the reason for not having used Acas in the past 10 years was that none of their disputes had reached crisis point. Indeed, reaching a complete impasse in negotiations was said to be fairly rare. As one interviewee said: "I haven't got any employers where communications would break down". Similarly a transport union official said: "We have thrashed something out – we have not got to the point where we don't speak at all."

3.1 Officials' experience of the three kinds of dispute situation

Stemming from this, for the purposes of the survey and following detailed discussions with senior Acas conciliators, a typology of situations describing the stage of talks in stalled negotiations around a dispute was devised. Three broad situations, ranging in severity, were identified. The research sought to identify the frequency of occurrence of each situation, as well as examining whether officials were more likely to bring Acas in to certain kinds of stalled negotiations over others.

In each case a majority of officials reported having dealt with disputes where talks had reached one of the three stages over the past decade:

1. where the sides have reach a complete impasse – 499 respondents (60%)
2. where the sides are talking, but can't find a solution – 645 (77%)
3. where the sides cannot agree on the facts of the dispute – 458 (55%)

These situations are not mutually exclusive, hence respondents could confirm having encountered one, two or all three of them, The most commonly experienced situation is where the sides are talking but are unable to find a solution, this having been experienced by more than three-quarters of officials. Almost 60% had been involved in a dispute in which the sides had reached a complete impasse. The block to continuing negotiation which was least likely to be experienced is where the sides cannot agree on the facts, or the interpretation of the facts. However this had still been encountered by 55% of respondents.

3.1.1 Variations in experience of different dispute situations

Certain groups of respondents were more likely than others to have experienced the different obstacles to continued negotiations.

Negotiators from the 'big three' TUC unions – Unite, UNISON and the GMB - were significantly more likely than average to have reached impasse or situations where the sides are talking but can't find a solution over the past 10 years, whereas those from the RCN, which has a virtual no-strike rule, were much less likely to than average to have been in this position³. The same pattern, but much less marked, was the case for disputes where the sides could not agree on the facts.

Private sector negotiators were slightly more likely than their public sector counterparts to have reached impasse in a dispute in the past 10 years and to have been in a situation where the sides were talking but there was no solution –

³ On the other hand, having a 'no-strike' rule does not preclude a trade union from experiencing points of major disagreement and impasse situations.

but there was no difference in likelihood for situations where the sides cannot agree on the facts. Those with more than 10 bargaining units were also more likely to have encountered all three situations, but particularly more likely to have reached an impasse.

The older the respondent, the more likely they were to have reached impasse in their negotiations in the past 10 years. However, this difference did not apply to disputes where the sides are talking but can't find a solution, nor with situations where the sides cannot agree on the facts (there was no clear relationship with age in these instances). There was a similar pattern with increasing time as a union official. The higher likelihood for older and/or longer-serving officials to have reached impasse in the last decade might in part have structural reasons. For example, it could be speculated that in some cases more experienced officials have responsibility for conducting tougher negotiations that are more inclined to end in deadlock.

Differences between TUC Organising Academy graduates and those who had not attended the Academy were very small, as were those between officials with and without a university degree – both sets of graduates being slightly likelier to have been involved in disputes which had reached impasse in during the past decade. In contrast, having prior lay union experience seemed to be much more of a factor – those with lay union experience being significantly more likely than those without to have experienced all three situations. This difference was more marked the more 'severe' the situation: 62% of former lay reps had dealt with impasse situations (compared to 43% of those without lay experience); 79% had reached the point of talking but being unable to find a solution (compared to 63%); and 56% had been in a situation where the sides could not agree on the facts (compared to 48%).

There is a significant difference between the two 'types' of negotiator identified in this research as to whether or not they had reached an impasse in the last 10 years - 83% of 'pressers' said they had done so compared with just 56% of 'compromisers'. (Differences were less marked for the other situations.)

The region in which respondents were based appeared to have little influence on the findings.

3.2 Dispute resolution strategies used by officials in different dispute situations

The qualitative part of the project had indicated that the main strategies used for resolving disputes were: consultative and indicative ballots; full industrial action ballots; and informal routes, such as one-to-one chats with a senior person, or a different person on the same level. Some interviewees also recounted having used the media or other public measures to embarrass the employer and some said they would sometimes go to a higher level of the union or of the organisation management to attempt to reach a resolution. Some officials interviewed reported having used third parties other than Acas from time to time. These included the relevant industry body (EEF) and local government officials/politicians (for schools). A teaching union official said:

"If we feel we're getting nowhere with local authority staff we sometimes call on local councillors. Most local authorities have a cabinet member for children's services or education and we can call upon them at times."

The qualitative information was used to draw up a list of eight possible strategies for resolving disputes for use in the survey questionnaire. Respondents who confirmed having dealt with each of the situations outlined above – impasse, talking but no solution and facts disputed – were asked to specify which of these eight strategies they had used to resolve each of the three dispute situations (they were able to select as many as applied). Results are presented in table 2 (below). *Note that for each dispute scenario the questionnaire asked respondents to select however many of the eight strategies they had used in that particular situation.*

Table 2: Strategies favoured by officials for resolving each dispute situation (column percentages)

	Complete impasse	Talking but no solution	Facts disputed
full legal industrial action ballots	81.7%	71.5%	57.0%
help from Acas	77.4%	70.3%	60.9%
threat of legal action by the union	70.8%	58.2%	62.7%
other means of testing members' opinion	70.6%	65.6%	55.8%
use of the media	61.9%	50.5%	43.7%
issue referred to a higher level within the employer or union	51.0%	49.4%	46.8%
protest action not requiring a ballot	41.5%	40.6%	38.4%
help from a third party other than Acas	11.3%	11.1%	15.0%
Base	504	646	453

Note: Respondents could tick all that applied hence responses will not sum to 100%.

As evident from table 2, officials use a wide range of strategies to resolve disputes, particularly in impasse situations, where respondents cited on average five different strategies from the possible list of eight. Six of the strategies for impasse situations were each selected by more than half of respondents.

The least favoured option in all dispute situations was 'help from a third party other than Acas' – used by just 11% of officials in both impasse situations and 'talking but no solution' disputes, and by slightly more – 15% - in cases where the facts were disputed. While the questionnaire did not ask *who* the third party was, the qualitative phase of the project had produced the examples of an industry body (the Engineering Employers Federation) and politicians or senior personnel in a local authority where the dispute was in a school. Clearly these options are only available in certain situations.

The most commonly cited strategy used to resolve matters in the cases of impasse situations and where the sides were talking but couldn't find a solution was *full legal industrial action ballots* – 82% and 72% of officials respectively having used this strategy. Even in what could be seen to be the least severe dispute situation - where the sides cannot agree on the facts - more than half (57%) had used full industrial action ballots to resolve matters, making it the third most commonly used tactic even here. The most common strategy deployed in 'facts disputed' situations was *the threat of legal action* – mentioned by 63% officials.

Another commonly cited strategy – popular in each dispute situation but particularly for a complete impasse – was ‘other means of testing members’ opinion’. Again respondents were not asked to specify what form these ‘other means’ took. However, the qualitative part of the project had indicated that two types of consultative ballot were reasonably common – those asking about members’ views on an employer offer and those asking if they would be willing in principle to take industrial action over an issue without being a determining legal industrial action ballot.

Finally it should be highlighted that in all three situations ‘help from Acas’ was the second most commonly cited strategy used – suggesting that concern about officials’ non-use of Acas should not be overstated.

3.2.1 Use of Acas in different dispute situations

Despite the fact that ‘help from Acas’ was cited across the board, the propensity to use Acas is higher for complete impasse situations (77% using it) than in cases where both sides were talking (70%). Propensity to use Acas is lower in situations where the facts are disputed, when just 61% have used it. In other words, the lower the dispute fell on the spectrum of severity, the less likely it is that officials had used Acas to resolve matters.

It should be noted here that the actual *number* of respondents who reported having used Acas in an impasse (390) is lower than in ‘talking but no solution’ situations (454) – simply because impasse situations were less common generally. The proportion and number using Acas in ‘facts disputed’ situations are lower still, again in part because the incidence of these situations is lower to begin with.

There were some variations between different groups in the propensity to use Acas in particular dispute situations. (Variations in overall use of Acas will be examined in a later section.)

While Unite, the GMB and to a certain extent UNISON were slightly more likely to use Acas in all three types of situation, the difference was more evident in the two ‘less severe’ kinds of stalled negotiation. Meanwhile the lower-than-average use of Acas by RCN respondents generally was much more marked in these cases. Similarly, while private and mixed sector negotiators were more likely than were public sector negotiators to have used help from Acas in all three types of deadlock, the difference was more obvious in the two less severe types than for impasse situations.

Those with lay experience were generally more likely to have used Acas than those without, but the difference was more marked when it came to the least severe (facts disputed) situations.

Men were more likely than women to use Acas in all dispute situations, but again this was more markedly the case in the less severe situations. Similar proportions of male and female officials used Acas in cases where there was an impasse.

Finally, while respondents classified as ‘pressers’ were slightly more likely than were ‘compromisers’ to have used Acas in impasse situations (88% having done so compared with 83%) and in ‘talking but no solution’ situations (77% of ‘pressers’ to 74% of ‘compromisers’), they were *much* more likely to have done so in situations where the facts had been disputed, with 76% of ‘pressers’ having used Acas in this situation compared with 60% of ‘compromisers’. This might

suggest that to appeal to 'compromisers' Acas needs to promote the conciliation service as an everyday low-key strategy for resolving disputes before they have escalated to more serious confrontations. The popular image of conciliation as the preserve of severe disputes might deter compromisers from using Acas generally.

By way of conclusion, there seems to be some evidence that groups who are lower-than-average users of Acas generally are also more likely to only use Acas for situations where negotiations have reached a complete impasse, while higher-than-average users are more likely to use Acas at any point at which negotiations have stalled.

3.3 Effectiveness of strategies

During the qualitative phase of the project, some interviewees – all of whom had experienced disputes but had not used Acas over the past 10 years – mentioned routinely having used industrial action ballots. They had found this to be an effective strategy for resolving matters in that a vote in favour of action was likely to bring the employer back to the table. One transport union official said his employers had come to expect collective bargaining to be done this way:

“Even where we agree to have a ballot, before the result is announced, I always encourage the company to hold talks. No matter how much industrial action you take the problem is only solved round the negotiating table. However, usually the company waits to see the outcome of the ballot. We are more likely to get another meeting after the result, particularly if we get good result.”

As another official put it: “We deal with a fairly intractable company ... we normally have to go a bit further than winning the ballot and have to give notice [of action].”

Use of the media was said by some officials to be effective in very particular situations. For instance, as one negotiator in the NHS observed:

“If you threaten to put things out to the media, they don't want their dirty linen aired in public especially when it affects patient care. As soon as you threaten anything like that, they are straight back. You can use that to your advantage.”

Applying these findings to the survey, officials who had encountered any disputes over the past 10 years were asked to rate the overall effectiveness in resolving disputes of the aforesaid eight strategies over this period. Those who said they had not used any of the listed strategies, who did not reply to this question or who answered 'not sure' were excluded from the rating analysis – findings from which are presented in table 3 (below).

The strategy most commonly seen by respondents as 'always or usually effective' was full legal industrial action ballots (42% said this). 20% of those responding said that 'help from Acas' was always or usually effective – the second most likely strategy to receive this top rating. It should be noted that these two are strategies not mutually exclusive: Acas may conciliate where there is a ballot about to be run, or after an actual ballot result.

Table 3: Effectiveness ratings for strategies used for resolving disputes (row percentages)

	Always or usually effective	Sometimes effective	Rarely effective	Never effective	Base
full legal industrial action ballots	41.6%	53.4%	4.4%	0.6%	680
help from Acas	19.5%	66.0%	13.0%	1.6%	632
threat of legal action by the union	16.9%	72.8%	9.7%	0.6%	591
other means of testing members' opinion	12.7%	74.9%	11.9%	0.6%	700
issue referred to a higher level within the employer or union	13.9%	69.3%	14.9%	1.9%	590
use of the media	11.7%	61.9%	23.5%	2.9%	591
protest action not requiring a ballot	6.8%	63.7%	26.2%	3.4%	531
help from a third party other than Acas	7.2%	51.9%	33.2%	7.7%	208

Note: percentages excluded those answering 'never used/not sure' or failing to answer

When the two positive responses – 'always or usually effective' and 'sometimes effective' – are summed, use of full legal industrial action ballots still achieves the highest effectiveness rating – ranked as always or usually/sometimes effective by 95% of officials.

Differences in the effectiveness ratings for the other strategies were small, with 'help from a third party other than Acas' being rated the least effective strategy – described as 'rarely effective' by a third of respondents (33%).

Table 4: Combined effectiveness ratings for strategies used for resolving disputes

	Always, usually or sometimes effective	Base
full legal industrial action ballots	95.0%	680
threat of legal action by the union	89.7%	591
other means of testing members' opinion	87.6%	700
help from Acas	85.5%	632
issue referred to a higher level within the employer/union	83.2%	590
use of the media	73.6%	591
protest action not requiring a ballot	70.5%	531
help from a third party other than Acas	59.1%	208

Note: percentages excluded those answering 'never used/not sure' or failing to answer

3.3.1 Variations in views on effectiveness of use of Acas as a strategy for resolving disputes

Looking just at those respondents who had used Acas over the past 10 years – there seems to be a relationship between these officials' employment characteristics and how effective they felt Acas had been in helping resolve disputes during that period. For instance, while there was very little difference between private and public sector negotiators on this, there were noticeable differences depending on which union officials worked for. Those from RCN and Unite tended to rate the effectiveness of Acas highly, with 30% of Acas-using RCN officials and 25% of Unite officials saying that Acas had 'always or usually' been effective. But only 15% of UNISON officials and 11% of GMB officials said the same.

Age was also a factor: those aged 35 or younger were much less likely to rate Acas' effectiveness highly than those aged over 35. This finding appears to be a function of age rather than experience because 'time as an official' was found *not* to have a major bearing on views on Acas' effectiveness.

Perceptions of Acas effectiveness also seemed to be related to the number of bargaining units for which officials conduct negotiations. Specifically, officials responsible for more than 10 units were more likely to say that Acas had been effective than those with 10 or fewer. This might suggest that officials who – due to the range of their responsibilities - have a less intimate relationship with employers are more likely to get 'added value' out of Acas.

Finally, TUC Organising Academy graduates – who might be thought of as a 'new breed' of official, adopting organising techniques in their approach to collective bargaining – had sharp opinions on the effectiveness of Acas. A much larger proportion of them (28%) said Acas was 'rarely effective' compared with non-Academy graduates (10%), but at the same time a slightly larger proportion of them said Acas was 'always or usually effective' (25% compared to 19% of those who did not attend the Academy).

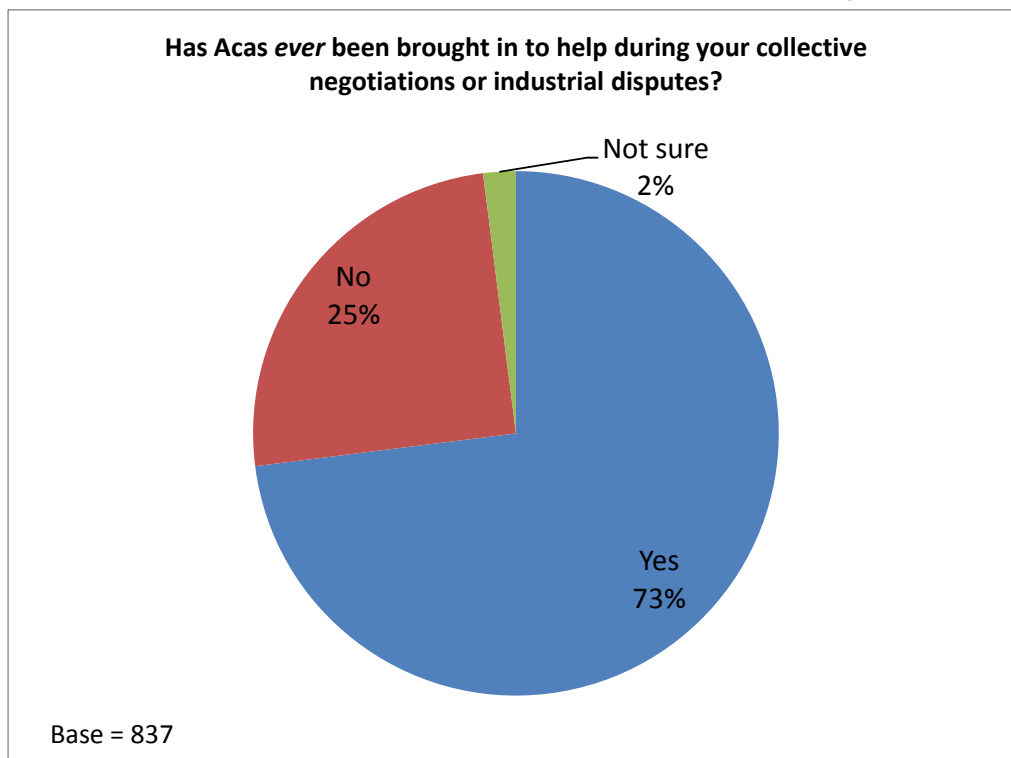
4. USE OF ACAS IN DISPUTES

4.1 Historic and more recent usage of Acas

Those 834 officials who confirmed having actually experienced industrial disputes in the last decade were asked two complementary questions designed to address one of the major hypotheses emanating from the initial project design phase – namely that there might be large numbers of officials who never use Acas or who have not done so in the past decade.

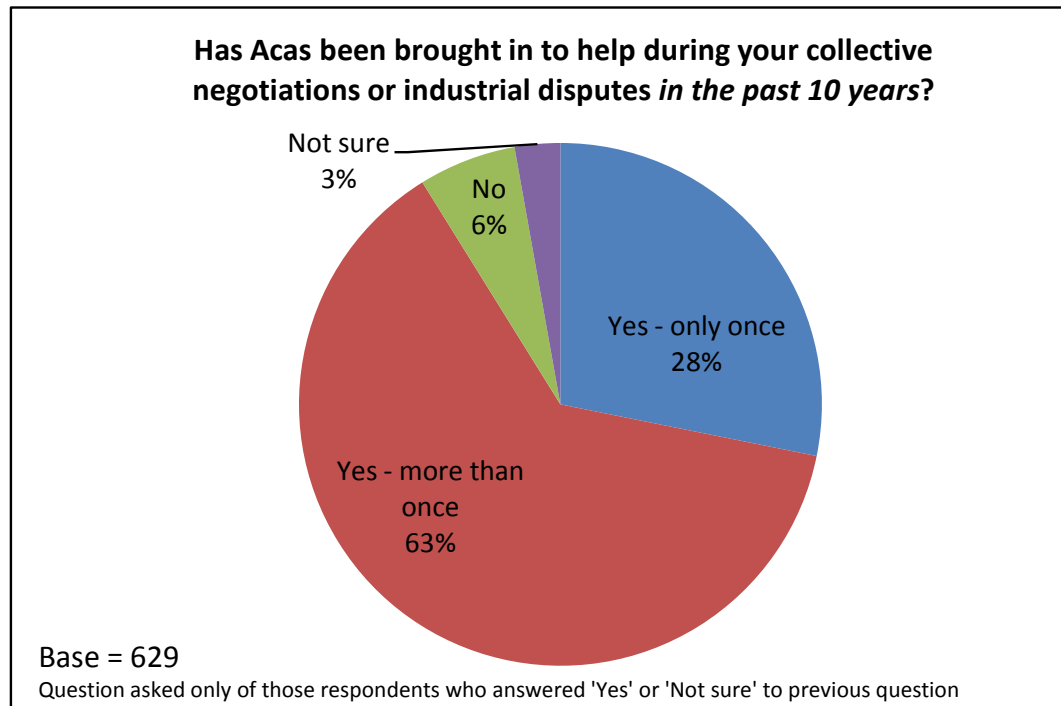
First, these negotiators were asked whether Acas had *ever* been brought in to help during their collective negotiations or industrial disputes (see fig.1). Overall, 611 respondents confirmed that Acas had at some point been brought in. This represents 73% of all question respondents and 64% of all 'valid negotiators' in the survey (i.e. including those not having experienced a dispute in the past decade).

Figure 1: Historic use of Acas in industrial disputes *at any point*



Those officials confirming having at some point used Acas were next asked specifically whether Acas had been brought in to help during their collective negotiations or industrial disputes *in the past ten years* (see fig.2).

Figure 2: Use of Acas in industrial disputes *in the past decade*



In all, 573 negotiators said that Acas had been brought in *at least once* (see fig.2) – i.e. 91% of all question respondents. That is to say, nine-in-ten officials who have *ever* brought in Acas have done so as recently as the year 2000. Moreover this constitutes 69% of all respondents who have encountered any industrial disputes in the last 10 years. And even if we broaden our scope further still, to take in *all valid negotiators in the entire survey* – i.e. even those who have not actually experienced a dispute in the last decade – it remains the case that a majority of negotiating officials (60%) have used Acas in the past 10 years.

In other words, the concern that there are large numbers of negotiating officials who never involve Acas is misplaced. Nonetheless, a minority of officials do fall into this group. Assuming that the sample of negotiating officials responding to the survey reflects the actual population of officials at large, around a quarter who have encountered disputes have failed ever to involve Acas.

A number of factors can be seen to be related to the likelihood of officials using Acas or using Acas more than once:

Gender

Men were more prolific users of Acas than women – they were more likely to have brought in Acas to help with collective negotiations at some point and much more likely to have brought them in more than once *in the past 10 years* (68% saying they had compared with 48% of women). This might partly be because women seemed to be more inclined than men to see conciliation as appropriate for resolving impasse situations rather than other types of dispute. And impasse situations are rarer than disputes where the sides are not talking, particularly for female negotiators.

Age/experience

There is also some difference when age is considered – the older their age band, the more likely was the official to have *ever* brought Acas in and to have used them more than once in the past 10 years. Longer time spent as a negotiating

official had a similar impact. (However older officials and those longer in post are not more likely to have used Acas *at least once* in the past 10 years). This may not just be attributable to personal inclination: older/more experienced officials have had more time, on average, to encounter situations where help from Acas is appropriate, as some younger/less experienced respondents will not have been an official for the full 10 years specified in the question. However, as we shall see, older and more experienced officials are also more likely to have used Acas in their *latest* negotiation/dispute (see Section 6.2). As already speculated, it is possible that such officials may be given responsibility for conducting tougher negotiations that are more inclined to end in deadlock and therefore are seen as most suitable for Acas involvement.

Negotiating context

Respondents who had previously been a lay activist/negotiator were significantly more likely to have brought in Acas at some point (76% compared to 53% of those without lay experience) and to have brought them in more than once in the past 10 years (64% compared to 52%). This finding suggests a possibility that officials have gained a positive view of the use of Acas collective conciliation during their previous experience as a lay union activist. This might have implications for the way Acas promotes its collective conciliation function (i.e. not solely among paid officials).

Officials negotiating in the private and mixed sectors were more likely to have brought in Acas than those negotiating in the public sector. They were also significantly more likely to have used them more than once in the past 10 years (mixed: 74%; private: 66%; public: 54%). Higher use of Acas among the mixed and private sector negotiators cannot necessarily be attributed to a higher propensity to use Acas but may reflect the higher incidence of disputes in these two cases, meaning there may be a higher number of occasions when help with disputes would be considered.

Union/geography

Officials from the GMB and particularly Unite were relatively prolific users of Acas (67% of GMB officials and 73% of Unite officials had used Acas more than once in the last 10 years compared with an average across all respondents of 63%). UNISON officials (58%) were slightly less likely than average to have used Acas more than once in the last 10 years, while officials from the RCN (which has a virtual no-strike rule) were even less frequent users, just 36% of them having used it more than once.

Again, these variations in use of Acas may reflect differences in the frequency with which disputes are experienced. Officials from Unite, UNISON and the GMB were more likely than average to have reached impasse or situations where the sides are talking but cannot find a solution over the past 10 years, while those from the RCN were much less likely to.

Although it was hypothesised at the start of the project that London-based officials might be *under-users* of Acas, they were in fact slightly *less likely* than average to have never or only once used Acas over the past 10 years. Across the country, an average of 47% of officials in the survey had never or had only once used Acas, while in London the figure was 45%. Higher-than-average levels of non/low-usage (i.e. those using Acas least) were found in the East Midlands (59%), West Midlands (58%), the South West (56%), the South East (50%) and Scotland (50%).

These variations could not be explained by differences in frequency with which disputes are experienced, which are not pronounced.

Dispute handling approach

Not surprisingly, negotiators characterised in the survey as 'pressers' – i.e. those who seek as much as possible for their members even if that means industrial action – are more prolific users of Acas than are 'compromisers' (who seek solutions that avoid confrontation or disruption). Overall, 89% of pressers and 75% of compromisers had ever used Acas, while 78% of pressers had done so in the last 10 years compared with 65% of compromisers. However, there are far fewer pressers in the survey than compromisers. This finding is all the more interesting given that 'pressers' tend to be younger than 'compromisers'. 'Pressers' are almost twice as likely as 'compromisers' to be aged 45 or under (42% compared with 22%).

There are a number of possible explanations for the fact that 'pressers' are more prolific users of Acas than 'compromisers'. One is that 'pressers' are more determined, or are under more pressure from members, to get maximum results, however tough the employer's stance. They perhaps see Acas collective conciliation as one more means to get the best result possible. 'Compromisers' may be less determined, or have members with lower expectations of the collective bargaining process, and thus feel that their own best efforts are all that are required. Another possible explanation is that 'compromisers' feel that the use of Acas itself is likely to cause a level of confrontation which the official feels is not the best way to work with the employers.

5. REASONS FOR NON-USE OF ACAS

5.1 Qualitative research findings

The qualitative stage of the project had brought to light some of the main reasons for officials *not* having used Acas in collective employment disputes in the past decade. These can be summarised as follows:

- Some simply pointed to no or few real breakdowns in communications;
- There was a shared feeling that Acas “can’t do anything the union official can’t do ourselves” – one interviewee stating that the Acas conciliator may be in an inferior position as they would not be familiar with complexities/nuances of the situation;
- The logic that, where the official is in a strong position (because members will take action) they would not feel the *need* to go to Acas; and where the official is in a weak position (i.e. lack of willingness to take action) the employer would not *want* to go to Acas. This relative strength is usually tested by membership ballots of one sort or another;
- Some negotiators took the view that most employers want to reach a solution – they are not out to ‘smash’ the relevant union;
- There was some uncertainty about what the conciliation process would involve, in terms of time spent and outcome to be expected;
- There was some confusion about the amount of control the parties would have over the process: there was some nervousness on the part of officials – and assumed to be also on the part of management – about anything that might be binding; the worry being that what might sound reasonable inside the conciliation process might seem very different outside to members. This view seems to be encouraged by media coverage of Acas in high-profile disputes;
- In some cases the Acas conciliation service simply does not come to mind (this was a main reason for some officials) – attributed to a lack of promotion/general visibility of this service;
- Some interviewees felt that it was *their* job to sort out problems without bringing in outsiders. One official explained that she would:

“be worried the members would be thinking ‘Well why are you bringing them in, why aren’t you doing it yourself?’ They would expect me to do the negotiating; they would expect me to do my job without using Acas. That’s what I’m paid for.”

The questionnaire survey attempted to deconstruct these and other potential barriers to using Acas, and so to identify what were the main reasons Acas was not or was rarely used by some trade union officials.

Two questions were used to identify a subset of survey respondents who, although they had encountered disputes in the last 10 years, had rarely or never used Acas – ‘low/non users’. The group comprised those saying they had *never* used Acas in disputes (210), those saying they had not done so in the last 10 years (38), those saying they had only used them once in the last 10 years (177), and those who were ‘not sure’ (18).

Those having used Acas once only in the last decade (177) were included in this subset of officials in order to widen the field of respondents who could be asked questions about low usage. This was because the pilot survey had indicated that the number of officials who had not used Acas *at all* might be too small to support meaningful analysis.

In order to explore the underlying factors behind this group's non-usage of Acas, these low/non-users were presented with a list of 20 possible reasons why Acas had not, or had only once, been brought into help in their disputes. Officials were invited to select all the reasons which had actually applied over the past 10 years in their case. Secondly, they were asked to select the *single most important reason* for their own low or non-use of Acas. Findings are explored in turn.

5.2 Survey findings: All reasons for officials' low/non-use of Acas

When prompted to select *all* the reasons which explained their low/non-use of Acas, respondents ticked an average 2.4 reasons each.

As can be seen in Table 5, the most commonly cited reason for not bringing Acas in – selected by almost half the group (49%) – was simply that they had 'not reached a total impasse with any employer in that period'. (Here it should be borne in mind that these respondents had all previously confirmed having been involved in some industrial dispute in the period). Second most frequently mentioned as a reason for low/non-use of Acas, by just over one third of the group (35%), was that they 'didn't see what solutions Acas could find that they couldn't have found themselves'.

Almost one-in-four low/non-users (23%) confirmed their employers did not like to involve a third party. And nearly one-in-five (19%) explained their non-use of Acas by indicating that they end disputes through a vote for industrial action. Finally, although only a small proportion (5%) said directly that they personally do not like to involve a third party, fairly high proportions said that they see their job as to find solutions without using outsiders (18%), or that their members see their role in this way (16%).

It is also interesting to note which reasons are least cited as factors for low/non-use of Acas. Of the nine least-commonly cited reasons – each mentioned by 5% or fewer respondents – it is worth highlighting that very few officials (2.5%) have been dissuaded from ever using Acas under the misapprehension that this incurs a cost. This dispels one of the working hypotheses at the start of this research project. Similarly there would not seem to be a case to support the notion that certain unions are positioned against using Acas – less than 1% of FTOs indicating this to be the case. And only 2% were deterred from using Acas by their lack of knowledge about 'how Acas works/what the process would involve' (although some officials might not like admitting to not knowing about Acas' role – hence possibly an underestimate). Finally, officials' concerns about ceding control to Acas do not emerge as a major barrier to use of conciliation: only 5% of respondents indicated that they had declined to use Acas because of concern that it would "to take away the members' control over the outcome".

Table 5: All reasons cited why Acas has not, or has only once been brought in to help in officials' collective negotiations/industrial disputes in the past 10 years

I have not reached a total impasse with any employer in that period	49.3%
I didn't see what solutions Acas could find that we couldn't have found ourselves	34.6%
The employers did not like to involve a third party	22.8%
We end disputes by members voting either for or against industrial action	19.1%
I see my job/my union's job as to find solutions without using outsiders	18.1%
My members see my job/my union's job as to find solutions without using outsiders	16.4%
We didn't have established procedures to involve Acas	11.8%
The employers did not like to involve Acas in particular	10.5%
Acas couldn't get us more money as there was no more to be had	9.8%
I have not thought of using Acas	7.8%
My experience of Acas has put me off	7.6%
I was concerned that Acas would take away the members' control over the outcome	5.4%
I didn't want to get involved in more bureaucracy/delays	5.4%
I personally do not like to involve a third party	5.1%
I have not been in dispute with any employer in that period	4.4%
I was concerned about the cost to the union of bringing in Acas	2.5%
The union does not like using a third party	2.0%
I didn't know how Acas works/what the process would involve	2.0%
I do not like to involve Acas in particular	1.7%
The union does not like using Acas in particular	0.7%

Base=408

Note: Respondents could tick all that applied hence responses will not sum to 100%.

5.2.1 Characteristics of officials' reporting reasons for low/non-use

Not having 'reached a total impasse' was the most common reason for low/non-use of Acas *among all sub-groups analysed bar one*. However, the degree to which this reason stood out as most apparent varied between respondents. Groups where not having reach impasse was markedly the most common reason for not using Acas include: younger negotiators; those with no prior lay experience; those with large numbers of bargaining units; women; and those with less experience as an official. However, there was no difference between public and private sector negotiators on this.

Private sector negotiators were more likely than public and mixed sector negotiators to say that they did not see what solutions Acas could offer; men were more likely to than women; more experienced officials more than their less experienced colleagues; and sole-bargaining-unit negotiators were more likely to than multi-unit negotiators to take this view.

Private sector negotiators were more likely than those in the public sector to cite the following as reasons for non-use of Acas: that they end disputes through industrial action votes; that they see their job/their union's job as to find solutions without using outsiders; and that their members see things this way.

Respondents in the youngest age band were much more likely than the older non-users to say that their employer did not like to involve a third party, or to involve Acas in particular. They were also much more likely to explain their non-

use of Acas with reference to the fact that they did not have established procedures to involve Acas.

There seems to be a loose relationship at work here, in which certain reasons for low/non-use of Acas are more significant depending on whether the sub-group *as a whole* is a relative low or high-user of Acas: Within groups which *overall* have a *lower* than average tendency to bring in Acas (such as women, those with no lay experience and officials with less time in post), the low/non users overwhelmingly cite the fact that they have not reached impasse as a reason for not using Acas. But within categories which overall have a *higher* than average tendency to bring in Acas (such as Unite officials, older age groups and men), certain other reasons compete to be as important. These are that a) the official feels that Acas has no solutions that they can't find themselves, or b) that they see their/their union's job as to find solutions without using outsiders.

5.3 Single most important reason for low/non-use of Acas

The low/non-user group was next prompted to select from the list of 20 options *the single most important reason* for their own low or non-use of Acas in their negotiations or disputes in the last 10 years.

Here, as can be seen in Table 6, the fact that respondents had 'not reached a total impasse' was even more dominant at the top of the list of reasons for not using Acas (picked out by 150 respondents, compared with 66 for the next most-cited main reason). These conclusive 'no impasse' responses lend weight to the earlier suggestion – made in Section 3.2.1 – that involving Acas is more likely to be seen as appropriate for impasse situations than for other – read: less severe – occasions where discussions have stalled.

The second most commonly singled-out 'most important reason' for not using Acas is – in line with the earlier finding on reasons in general - not seeing what solutions Acas could find that officials could not have found themselves. This was an even more dominant factor when respondents could select just one answer, with twice as many respondents (66) selecting this as the main cause of their non-usage than selected the next one. Here, third in the 'single most important' list, was that 'the employers did not like to involve a third party', selected by 32 (8%) of the group (with another 16 [4%] saying the employers did not want to involve *Acas in particular*).

Approaching disputes by seeking to end them through votes on industrial action would not seem to be a major explanatory factor in the low/non use of Acas: although almost a fifth of respondents who had dealt with disputes had put the reason 'we end disputes by members voting either for or against industrial action' as one reason for low/non usage, it was only seen as the *key* factor by 5% of the group.

It is worth highlighting that nineteen (5%) low/non users said the most important factor was previous (i.e. bad) experience of Acas. Meanwhile, just a single respondent cited the supposed financial cost of conciliation, and one other pointed to union antipathy towards Acas, as being the main reasons for them not using Acas – reaffirming that these are not factors behind non-use of the service. Finally, the survey evidence would again suggest that concerns about ceding control to Acas are *not* a major barrier to officials using conciliation: just 1% of respondents justified their non-use on the grounds that they had not wanted for Acas "to take away the members' control over the outcome".

Table 6: Single most important reason cited why Acas has not, or has only once been brought in to help in officials' collective negotiations/industrial disputes in the past 10 years

I have not reached a total impasse with any employer in that period	36.9%
I didn't see what solutions Acas could find that we couldn't find ourselves	16.3%
The employers did not like to involve a third party	7.9%
I see as my job/my union's job as to find solutions without using outsiders	7.1%
We end disputes by members voting either for or against industrial action	4.9%
My experience of Acas has put me off	4.7%
I have not been in dispute with any employer in that period	3.9%
The employers did not like to involve Acas in particular	3.9%
I have not thought of using Acas	3.4%
No single most important reason/not sure	3.4%
My members see my job/my union's job as to find solutions without using outsiders	2.0%
We didn't have established procedures to involve Acas	1.7%
Acas couldn't get us more money as there is no more to be had	1.5%
I was concerned that Acas would take away the members' control over the outcome	1.0%
I personally do not like to involve a third party	-
The union does not like using Acas in particular	-
I didn't want to get involved in more bureaucracy/delays	-
I didn't know how Acas works/what the process would involve	-
I was concerned about the cost to the union of bringing in Acas	-
I do not like to involve Acas in particular	-
The union does not like using a third party	-

Base=406

5.3.1 Characteristics affecting the most important reason for low/non-use

Differences between sub-groups in terms of the *most important reason* for not using Acas were similar to those differences already reported on above, where officials had selected all the reasons that applied, with one exception. In this case sector of ownership did make a difference – negotiators in the public sector were more likely than those private and mixed sector to say that the most important reason for low/non use of Acas was that they had not reached impasse (41% public sector; 36% mixed sectors and 31% private sector negotiators).

Two factors which appear to be particularly strongly related to this question are age and experience: the older the respondent, the more likely they were to single out the fact that they could not see what solutions Acas could offer that they could not find themselves. Just 3% of those aged 35 or under selected this reason compared with 27% of those aged over 55. Meanwhile 24% of officials in post for more than 20 years singled this reason out compared with just 8% of those with less than five years' experience. It is perhaps not surprising that older and more experienced officials should be much more likely see this as a fundamental reason for rarely or never using Acas.⁴

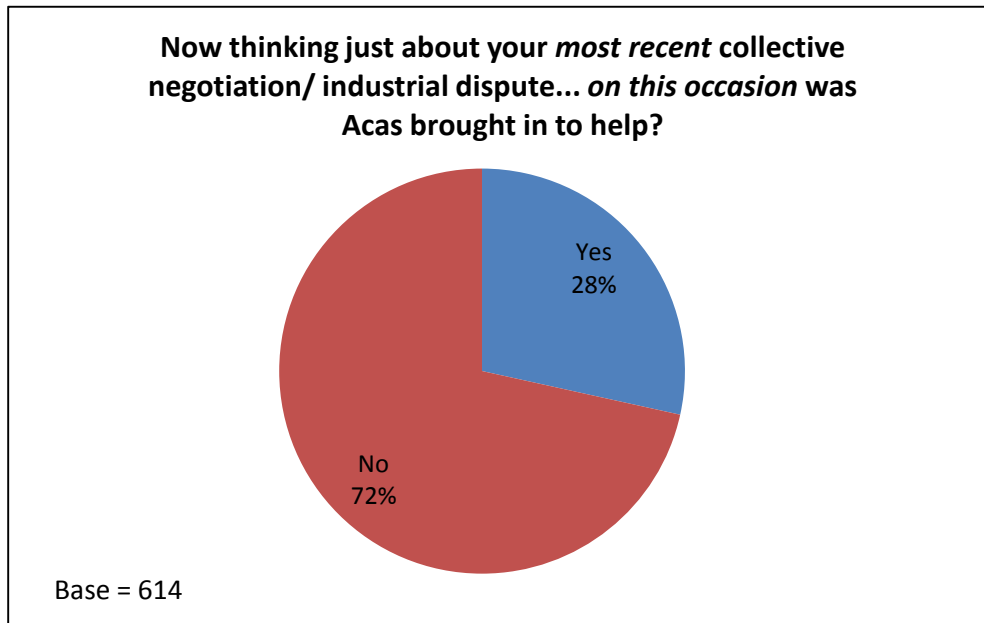
⁴ There is a complicated set of relationships here. Older FTOs are more likely to have used Acas (possibly because they are also more likely to have reached impasse) but, *of those who do not bring in Acas*, the older officials are more likely than others to say they can cope without Acas.

6. EXAMINING THE OFFICIAL'S MOST RECENT DISPUTE

Another way of examining low/non use of Acas was by asking officials specifically about their most recent collective negotiation/dispute. The aim here was to obtain a snapshot across the low/non user group of actions taken in a particular instance – rather than the more general perception of several experiences gained over a period time (as explored in previous sections).

When asked about their most recent collective negotiation/industrial dispute, well over a quarter (235 respondents - 28%) said that Acas had been brought in to help, whereas 591 respondents (72%) said that Acas had not been brought in on this most recent occasion (see fig.3).

Figure 3: Use of Acas in *most recent* industrial dispute



6.1 Factors associated with non use of Acas in officials' most recent dispute

The characteristics associated with use/non-use of Acas in the official's most recent negotiation/dispute followed the same patterns as the earlier, more generalised measures of their use of Acas over a period of time. This consistency of responses *may* suggest that respondents' previous answers regarding the past 10 years were influenced by the immediate recall of their most recent dispute. Respondents from the private and mixed sectors were more likely than those from the public sector to have brought Acas in during their most recent disputes, and a very large proportion (46%) of Unite officials had done so (compared, for example, with 7% of RCN officials). Similarly, a higher proportion of the male officials than the female ones brought in Acas and more 'pressers' than 'compromisers' did so.

The older the respondent and the more time spent as an official, the more likely the respondent was to have used Acas in their latest negotiation/dispute. Those without a degree, with prior lay experience and with more bargaining units were also more likely to have called on Acas.

6.2 Reasons for non-use of Acas in officials' most recent dispute

Those respondents who indicated that Acas had *not* been brought into their latest negotiation/dispute were re-presented with a list of possible reasons for this and were invited to select all those which applied on this occasion.

The ordering of reasons for not having used Acas on this most recent occasion broadly matched the ordering with regard to the past 10 years generally. Moreover, the fact that total impasse had not been reached was even more commonly mentioned as a driving factor behind the non-use of Acas in the official's most recent negotiations/dispute. In this specific case, 61% (349) of respondents cited this as a reason - compared with 49% when asked more generally about the past 10 years.

Not seeing what solutions Acas could find is the second most commonly cited reason in respect of the official's most recent dispute - with 26% selecting that option (compared with 35% reporting non-use over a 10 year period). Although the third-placed reason also remained unchanged- i.e. that the employer did not like to involve a third party - the proportion selecting this was much smaller - at 12% compared with 23% citing this as a reason over a 10 year period. The same is true for those confirming that their disputes are ended by a vote on industrial action. While 19% said that this had been a factor in the past ten years, just 10% indicated that this had been a reason for not using Acas in their most recent dispute.

Table 9: Why Acas was not brought in during latest negotiations/dispute

I did not reach total impasse with the employer on this occasion	60.7%
I didn't see what solutions Acas could find that we couldn't find ourselves	26.3%
The employer did not like to involve a third party	12.0%
We end disputes by members voting either for or against industrial action	9.7%
I see as my job/my union's job as to find solutions without using outsiders	7.7%
The employer did not like to involve Acas in particular	7.1%
My members see my job/my union's job as to find solutions without using outsiders	5.6%
Acas couldn't get us more money as there was no more to be had	4.9%
I did not think of using Acas	4.9%
We didn't have established procedures to involve Acas	4.0%
My experience of Acas put me off	3.1%
I didn't want to get involved in more bureaucracy/delays	2.1%
I personally do not like to involve a third party	1.0%
The union does not like using a third party	1.0%
I do not like to involve Acas in particular	-
I didn't know how Acas works/what the process would involve	-
I was concerned that Acas would take away the members' control over the outcome	-
The union does not like using Acas in particular	-
I was concerned about the cost to the union of bringing in Acas	-

Base=575

Note: Respondents could tick all that applied hence responses will not sum to 100%.

Broadly, then, the responses for this specific occasion match those for the questions covering a 10-year period. They reinforce the suggestion that officials may tend to subconsciously reserve Acas collective conciliation for impasse situations. Apart from that, union officials' main reason for not using the service in industrial disputes is their inability to see what solutions Acas could offer that they could not find for themselves.

7. KNOWLEDGE OF ACAS

The qualitative stage of the project had indicated that, while the interviewees tended to *think* that they knew about Acas services, there was in fact much confusion – for instance between the terms ‘facilitation’, ‘conciliation’, ‘mediation’, ‘arbitration’ and ‘binding arbitration’. In turn this confusion was thought in some cases to influence officials’ decision not to involve Acas in any of their disputes. This idea was tested in a number of ways in the questionnaire, but most directly in a final section that posed questions about specific areas of knowledge.

First, respondents were asked whether they had even heard of Acas before receiving the questionnaire for the current survey. Of the 950 valid negotiators, 942 (99%) answered ‘yes’ and none answered ‘no’. Similarly, when asked how much they felt they knew about what Acas can offer in industrial disputes, 95% of those responding to the question said either ‘a reasonable amount’ or ‘a lot’. Fewer than 5% answered ‘nothing or very little’.

However, this self-declared knowledge of Acas was not borne out by respondents’ answers to a subsequent set of questions asking about specific areas of Acas practice.

For example, when asked to say which, if any, from ‘arbitration’, ‘conciliation’ and ‘mediation’ results in a solution being chosen for the parties by Acas, almost half (49%) of respondents selected ‘mediation’ and 58% said the same of conciliation. In fact, neither service results in an Acas-chosen solution – this very fact being a defining feature of collective conciliation. Only 56% of respondents correctly indicated that arbitration involves an arbitrator appointed by Acas choosing a solution. Of course, it is not clear whether respondents’ confusion here is simply semantic, or if they fundamentally misunderstand the services.

Table 11: Which, if any, of the following Acas services results in a solution being chosen for the parties by Acas?

Arbitration	56.1%
Conciliation	57.6%
Mediation	49.0%
None of these	3.8%
Not sure	6.5%

Base=938

Note: Respondents could tick all that applied hence responses will not sum to 100%.

Next, respondents were asked to say which of these Acas services is most commonly used in industrial disputes. Here, only a minority (44%) correctly picked out conciliation. Well over a third (37%) wrongly chose mediation and 13% selected arbitration – both services are actually used in only a very small number of industrial disputes⁵. Again, this confusion might be merely semantic or more deeply-rooted.

Certain groups were more likely to say that they knew ‘a lot’ about Acas. These groups were also more likely than average to correctly identify the fact that conciliation is the most commonly used Acas service used in industrial disputes -

⁵ For example, in 2009/10 Acas was called on to arbitrate in 39 disputes and to mediate in just three. There were 905 requests for Acas conciliation over the same period. See *Acas Annual Report and Accounts 2009-2010* – available to download from <http://www.acas.org.uk/index.aspx?articleid=1473>

although these groups was also more likely to – erroneously – indicate that conciliation involves Acas choosing a solution for the parties.

The groups who felt more knowledgeable were Unite and GMB officials, older negotiators, more experienced negotiators and those with prior lay experience. There was no identifiable difference in terms of knowledge – as defined here – between ‘compromisers’ and ‘pressers’.

Table 12: Which, if any, of the following Acas services is most commonly used in industrial disputes?

Arbitration	13.3%
Conciliation	44.0%
Mediation	36.9%
None of these	0.4%
Not sure	5.3%

Base=902

Respondents were also asked to state to what extent they agreed with a number of (true) statements about Acas’ status as an organisation. Responses are shown in table 13 .

Majorities agreed that Acas is publicly funded (90%) and independent of government (77%), of employers (94%) and of unions (97%). But almost one quarter (23%) of officials either disagreed that Acas was independent of government or were not sure even though Acas’ independence from government is enshrined in statute and through its governance via an independent council.

There was no significant public/private divide on agreement with these statements.

Table 13: Agreement with statements on Acas (row percentages)

	Agree	Disagree	Not sure	Base
Acas is a publicly funded organisation	90.4%	3.0%	6.6%	928
Acas is independent of government	76.8%	14.4%	8.8%	911
Acas is independent of all employers	93.6%	3.7%	2.7%	926
Acas is independent of all unions	96.9%	1.8%	1.3%	926

Finally, respondents were asked if they had previously used any of a number of other Acas services outside the area of collective disputes. The vast majority (899 or 95%) had used at least one of the services in their role as a paid union official, most commonly reading an Acas advisory booklet.

Table 14: In your role as a paid union official, have you ever used any of the following Acas services?

read an Acas advisory booklet	87.3%
visited the Acas website	76.6%
Acas conciliation in an employment tribunal case	66.3%
attended an Acas training course	48.7%
telephoned the Acas helpline	31.4%
Acas pre-claim conciliation (PCC) service for settling an individual dispute before ET claim is submitted	28.4%
Acas mediation in a dispute between individual workers	19.2%

Base=899

It seems implausible that 28% of respondents have actually used PCC given what is known about uptake for a service that only went live in April 2009. On the other hand, it may be that officials selected this option with reference to the predecessor of PCC, the non-ET1 (used to settle an individual rights dispute where no tribunal claim has been made).

7.1 Effect of knowledge on use of Acas

Not surprisingly, there is an apparent association between an official's professed lack of knowledge about Acas and his/her usage of it. The less they felt they knew about what Acas could offer in industrial disputes, the less likely respondents were to have actually used it: just 22% of low/non-users said they knew "a lot" about Acas compared with more than half (52%) of those who had used Acas more than once in the past 10 years.

Low/non-users were also much less likely than those having used Acas more than once to correctly identify 'conciliation' as being the Acas service most commonly used in industrial disputes. Just 31% of non-users did so, compared with 59% of users. Conversely, Acas users were *more likely* than low/non-users to hold the mistaken view that Acas conciliation involves a solution being chosen for the parties, 38% of them indicating this compared with 29% of low/non-users.

Finally, the view held by some respondents that Acas is not independent of government does not seem to be a driving factor against its use: 18% of Acas users disagreed that the organisation is independent of government, compared with 12% of low/non-users.

8. CONCLUSIONS

A number of untested hypotheses were put forward, either in advance of this project – during the initial design phase involving Acas staff – or else by TU officials themselves during the qualitative stage of the research, concerning the factors that might influence officials' usage (or lack of usage) of Acas collective conciliation. These hypotheses are represented in **bold** below, alongside the relevant conclusions from the survey in each case.

'Fewer officials have experienced disputes in the past 10 years'

The survey does *not* support the notion that a large number of officials are no longer dealing with industrial disputes. Indeed, most officials *do* still deal with disputes from time to time. Almost nine-in-ten 'valid' negotiators responding to the survey (834, or 88%) had dealt with disputes over the last 10 years. However, the survey cannot indicate the frequency of disputes during this period.

There was little difference between the public and private sectors on this, but officials operating in a mix of the two sectors were twice as likely to have experienced disputes as those operating solely in the public or private sectors. Perhaps unsurprisingly, the more bargaining units the negotiator was responsible for, the more likely he or she was to have experienced disputes. Officials from the three largest unions (Unite, UNISON and the GMB – the 'big three') are also more likely than average to have had them and the non-TUC RCN was less likely. Certain personal characteristics can also be seen to increase the likelihood of the official having experienced disputes: men, former lay negotiators/activists and graduates of the TUC Organising Academy were most likely to have experienced a dispute.

The types of stalled negotiation experienced by officials is particularly important given that dispute type may affect frequency of use of Acas collective conciliation. While a majority of respondents had experienced each of three different dispute situations set out in the questionnaire – i.e. 'complete impasse', 'talking but no solution' and 'facts disputed' – fewer officials reported having reached an impasse in talks (60%) than said they had experienced disputes in which 'the sides are talking but can't find a solution' (77%). Certain personal characteristics were found to increase the likelihood of the official having experienced impasse situations: older officials, those with most experience, negotiators from the 'big three' unions and officials responsible for more than 10 bargaining units are all more likely than average to have reached an impasse in the past decade. This is of particular interest given that there is a clear tendency for officials to be more likely to bring in Acas in impasse situations (see below).

'Officials are decreasingly likely to use Acas in collective negotiations/industrial disputes'

The survey does *not* suggest that there has been a sharp decline in the *likelihood* of officials using Acas in negotiations/disputes. Overall, 611 respondents said Acas had at some point been brought in to help with their collective negotiations or industrial disputes – this represents 64% of all 'valid negotiators' in the entire survey. Even in the past 10 years, 573 negotiators said Acas had been brought in at least once – 69% of all respondents having encountered industrial disputes in the last 10 years and 60% of all valid negotiators in the whole survey.

Assuming that the sample of negotiating officials responding to the survey reflects the actual population of officials at large, fewer than one-in-three officials who have encountered disputes have failed ever to involve Acas. Furthermore, 396 (42%) officials had used Acas in collective negotiations/disputes *more than once* in the past 10 years.

Although it cannot be said from this survey whether officials are using Acas less *frequently* than in previous decades, the figures do not suggest a sharp decline in the *number of officials* who use Acas in negotiations/disputes. It does indicate that most officials still use Acas from time to time. In fact, 29% of respondents said that Acas was brought in to help during their most recent collective negotiation/dispute.

Private sector and mixed sector negotiators were more likely than those in the public sector to have ever brought in Acas and more than once in the past 10 years, as were negotiators from the 'big three' TUC unions compared with average (and the RCN less). London-based negotiators and those with more bargaining units were also more prolific than average users of Acas. Certain personal characteristics were also found to increase the likelihood of the official having used Acas: older officials, non-graduates, ex-lay activists, men, more experienced negotiators (except those with over 20 years' experience) and 'pressers' rather than 'compromisers' were the likeliest users of Acas.

'Officials only see Acas as appropriate when communications have completely broken down'

There *is* evidence to suggest that officials are more likely to seek help from Acas where a complete impasse has been reached than in less 'severe' situations. While help from Acas was the second most commonly cited strategy used by officials to resolve matters in each of the three dispute situations, there was a higher propensity to use Acas in impasse situations (77% had done so) than in 'talking but no solution' disputes (70%) and in scenarios where the two sides could not agree on the facts (61%).

Although use of Acas is not restricted to one variety of dispute, then, conciliation would seem to be more likely to be used in some varieties of dispute than others. Furthermore, this has implications for the frequency with which conciliation is used: the actual *number* – rather than *proportion* – of officials using Acas in an impasse (390) is necessarily lower than in 'talking but no solution' situations (454) simply because impasse situations themselves are less common. The number using Acas in 'facts disputed' situations is lower still (276) – both because the incidence of these situations is lower and the propensity to use Acas is lower in disputes of this type.

In addition, the most commonly cited reason by low/non-users of collective conciliation for not having brought Acas in to their negotiations/disputes in the past decade was that they had 'not reached a total impasse with any employer in that period'. And this reason emerged as an even more dominant driver of non-use when officials were asked to specify the single *most important* reason for not having used Acas. Meanwhile, 61% of those who had not used Acas specifically in their most recent dispute gave the same reason.

Looking at different groups of negotiators, there seems to be some evidence that groups who are lower-than-average users of Acas *generally* – such as women and those negotiating in the public sector – are also more likely to only use Acas for the more 'severe' dispute situations, while higher-than-average users are more likely to use Acas in the full range of dispute situations.

'Officials find other strategies more effective in resolving disputes'

Overall, officials *are* more likely to find industrial action ballots effective as a means of resolving their disputes than help from Acas. Around one-in-five officials who had used Acas in the past 10 years said that it had been 'always or usually effective' as a strategy for resolving their disputes – much less than the proportion saying this of full legal industrial action ballots (42%); but still higher than the proportions rating any of the other strategies mentioned (such as threat of legal action by the union) as 'always or usually effective'.

When both the positive response options on offer – 'always or usually effective' and 'sometimes effective' - are pooled, similar proportions see use of Acas as effective as rate legal action threats or other means of testing members opinions as at least sometimes effective strategies.

Sub-group analysis revealed officials from UNISON and the GMB to be much less likely than average to give Acas the top effectiveness rating – 'always or usually effective' - but when the two positive ratings are summed they are about average. Those from the RCN, meanwhile, are very likely to give Acas the top rating. Elsewhere, the more bargaining units for which the official is responsible, the more positive is their view on Acas' effectiveness. Older officials and women are also more likely to say Acas had been effective, whereas TUC Organising Academy graduates and 'pressers' are less likely to do so.

'Officials do not understand what Acas collective conciliation entails'

The survey provides some evidence to suggest that officials do not necessarily know what Acas collective conciliation provides – but crucially, this did not seem to be a major barrier to its use.

It had been clear from the qualitative stage of the project that some officials were unclear of the differences between terms such as 'arbitration', 'binding arbitration', 'conciliation', 'mediation' and even 'facilitation', as mentioned by one interviewee. Related to this, there was a shared sense of potential nervousness among some interviewees that bringing in Acas might diminish their own control of the dispute. There was certainly a degree of confusion among survey respondents, more of whom mistakenly thought that Acas conciliation involved Acas choosing a solution for the parties (58%) than said the same of arbitration (56%) or mediation (49%). Furthermore, when asked to select the Acas service most commonly used in industrial disputes, fewer than half (44%) correctly picked out conciliation – with 37% saying mediation and 13% selecting arbitration.

However, the survey evidence does *not* suggest that concerns about ceding control to Acas was a major barrier to its use: only 5% of low/non users selected 'I was concerned that Acas would take away the members' control over the outcome' as a reason for their low/non-use over the past 10 years and just 1% indicated that this was the single most important reason. When asked specifically about not using Acas in their latest dispute, the figure picking this out as a reason was even lower, at 0.5%.

‘Certain large unions are less inclined to use Acas’

It was suggested at the outset that certain large trade unions seemed less inclined towards using Acas collective conciliation. However, the survey provides evidence that these unions are more likely than average to use Acas.

While it was impossible to test this for all unions (numbers being too small), it was possible for the four largest. And the evidence showed clearly that respondents from Unite and the GMB were higher-than-average users of Acas during collective negotiations/disputes of all types, whereas the (non-TUC and non-strike) RCN emerged as a lower than average user of Acas. Unite and the GMB are also more likely than average to report having used Acas more than once in the last ten years. Furthermore, in their latest dispute 46% of Unite officials and 36% of GMB officials had used Acas. UNISON’s usage profile, meanwhile, was about average overall.

These variations may not be attributable to different attitudes towards using Acas; rather they may largely be the result of greater opportunities to use Acas, since dispute levels tend to be higher for officials from the big three TUC unions. But there was also no evidence from the survey to suggest that any of these officials perceived their union as set against using Acas or third parties generally.

‘London-based officials are less likely to use Acas’

There is no evidence of a London under-use effect from the survey. London-based officials were slightly more likely than average to have dealt with disputes in the past 10 years and among those who have experienced disputes there is a slightly higher-than-average use of Acas. However, the survey cannot indicate how frequently officials bring in Acas (other than to say once, more than once or not at all).

‘Younger officials or those becoming officials more recently are less likely to use Acas’

There is some evidence that younger officials and those who have spent less time in post are lower users of Acas in negotiations/disputes. Older officials and those longer in post are more likely to say they had brought in Acas ever, more than once in the past 10 years and in their most recent dispute⁶. However, this may not be solely attributable to different attitudes towards conciliation – it might also be caused by other factors, such as more experienced staff being given responsibility for more difficult negotiations (that are in turn seen as most appropriate for Acas involvement).

‘A new breed of ‘organising official’ is less likely to use Acas’

The evidence is mixed on this. More than 100 respondents had been through the TUC Organising Academy and they were no more or less likely to have used Acas in their negotiations/disputes than those who had not had Academy training. However, those who had studied for a university degree had a lower propensity to use Acas than non-university graduates. Furthermore those who had previously been a lay union activist or negotiator were more likely to have used Acas than

⁶ There was a slight variation on this trend in that those with more than 20 years’ experience are slightly *less* likely than those with 10-20 years’ to use Acas.

those who had not. In other words, there is no evidence that an *organising* approach to industrial relations reduces the use of Acas, but there is some evidence that there are small numbers of “professional” union officials with no lay union experience who are less likely to use Acas.

‘Acas cannot offer any solutions that we cannot find for ourselves’

This was found to be a common attitude among low/non users of Acas in the survey. Indeed, this was the second most commonly cited reason – from a possible list of 20 – for low/non use of Acas in the past decade, selected by just over one third of the low/non user group (second only to not having reached an impasse). It was also the second most commonly selected *single most important reason*.

‘Some employers do not like involving Acas’

There is some truth in the notion that employers may be reluctant to involve third parties in disputes generally, although it is less the case that they specifically oppose use of Acas. The third most important reason for low/non use of Acas among officials was that their employers did not like to involve a third party, cited by almost one-in-four of the low/non user group vis-à-vis the last 10 years’ of disputes and one-in-eight regarding their most recent dispute. But only one-in-ten low/non users said that the employer did not like to involve Acas in particular.

There was little difference between the public and private sectors on this response.

‘Collective bargaining agreements no longer have a reference to Acas’

Lack of a mechanism to refer disputes to Acas was not a major barrier to use: only 12% of the low/non user group ticked ‘we didn’t have established procedures to involve Acas’ and just 2% cited this as the most important reason for low/non use of conciliation.

‘Negotiators in the public sector are less likely to use Acas’

The survey found that private sector negotiators and officials who negotiate in mixed sectors are more likely to have used Acas in disputes than officials who negotiate predominantly in the public sector. This may at least in part be the result of different perceptions of *when* help from Acas becomes appropriate: the low/non users of Acas in the public sector are more likely than the others to explain their low/non use with reference to the fact that they have not reached an impasse.

‘There is a group of militant officials who do not use Acas’

The evidence from the survey suggests the opposite: respondents classified as ‘pressers’ – i.e. those who seek as much as possible for the members even if that means industrial action – were actually more likely than those labelled as ‘compromisers’ to have used Acas, especially when it comes to the least severe dispute situation, i.e. where the sides simply cannot agree on the facts.

'Officials are worried about the cost of using Acas'

This was not a concern, fewer than 3% selecting this as a reason for low/non use.

'Previous experience of using Acas has put some off'

This was not a concern, only 3% choosing this as a reason for low/non use.

'Gender differences?'

Although there had been no prior suggestion that men and women might have a different propensity for using Acas, a gender question was included in the survey. Sub-group analysis showed that men are definitely more likely than women to use Acas on all the measures given. That is to say men are more likely to have ever used Acas collective conciliation, to have used it more than once in the past 10 years, and to have used in their most recent dispute. Women seem more likely to reserve use of Acas for outright impasse situations, and they are less likely than men to have experienced these. In terms of their dispute handling approach, women are slightly more likely than men to be classifiable as 'compromisers' (87% of women are and 80% of men), but this is unlikely to account significantly for gender differences in use of Acas.

APPENDIX A: DETAILED PROFILE OF FULL-TIME NEGOTIATING OFFICIALS IN BRITAIN

Who they are

There were 1,024 respondents to the survey in total. Of these 950 were deemed 'valid negotiators' in that they were officials employed by their union and were at least sometimes directly involved in collective bargaining negotiations or industrial disputes with employers in England, Scotland or Wales. Those falling outside this category were excluded from all survey analysis. All references to 'respondents' in this report are restricted to the 950 valid negotiators.

Union

The survey's 950 respondents were employed by 60 different British trade unions (both TUC affiliated and non-affiliated). The numbers responding from each union are detailed fully in Appendix B; those from unions with over 100,000 members are listed below, together with their percentage share of all respondents. The final column shows each union's response rate.

Table 15: Survey respondents from trade unions with >100,000 members

	No. respondents	% of all respondents	% response rate
Unite the Union	168	18.0%	54.5%
UNISON: The Public Service Union	173	18.5%	56.9%
GMB	91	9.8%	45.0%
Royal College of Nursing of the United Kingdom	82	8.8%	64.6%
National Union of Teachers	25	2.7%	71.4%
Union of Shop Distributive and Allied Workers	54	5.8%	55.7%
NASUWT	3	0.3%	37.5%
Public and Commercial Services Union	36	3.9%	60.0%
Communication Workers Union	14	1.5%	42.4%
Association of Teachers and Lecturers	5	0.5%	26.3%
British Medical Association	30	3.2%	71.4%
Union of Construction, Allied Trades and Technicians	11	1.2%	37.9%
University and College Union	16	1.7%	61.5%
Prospect	26	2.8%	66.7%

Base=933

Personal characteristics and work background

Of the 944 respondents answering on sex, 71% were male and 29% were female.

Almost half (442, or 47%) were aged between 46 and 55, with just 56 (6%) aged 35 or under.

Table 16: Age band

Under 26	0.2%
26-35	5.7%
36-45	22.1%
46-55	46.7%
56-65	25.1%
Over 65	0.2%

Base=947

Just over half of respondents (56%) had been paid negotiating officials for more than 10 years. A sixth had been so for fewer than five years.

Table 17: Total time as a paid negotiating official

less than 5 years	15.3%
5 to 10 years	28.7%
10-plus to 20 years	34.2%
more than 20 years	21.8%

Base=941

More than three-quarters (731) had previously been a lay union negotiator in a union and 84% (752) had previously been a lay union activist of some other sort.

A slim majority (51%) had undertaken a degree course and 13% had been through a TUC Organising Academy trainee scheme.

Table 18: Education and training undertaken

TUC Organising Academy trainee scheme	13.4%
TUC or union training for full-time officials	81.1%
Industrial relations professional qualification	21.6%
Degree course in any subject	50.7%

Base=814

Number of bargaining units

It is quite rare for paid officials to conduct negotiations on behalf of a sole bargaining unit, fewer than 6% saying this was the case. Over half of officials look after more than 10 units and one third of the total look after more than 20.

While there is no historical comparison in the current survey, it is highly likely that this picture reflects the continuing disaggregation of collective bargaining in recent decades, particularly in the public sector.

Table 19: Number of bargaining units responsible for

Number of units	Respondents to question
one	5.6%
2-10	43.1%
11-20	17.8%
more than 20	33.5%

Base=934

Regional spread

Respondents were asked "In which UK region is your office based?" and were given a list of 11 government office regions to choose from. The question was phrased this way as it is known that many officials conduct negotiations in more than one region. In addition, union-defined regions do not generally correspond fully to government office regions.

There was a spread of responses from every region of Great Britain, with one quarter from London. Because there are no comparative data available, it is not possible to measure whether the geographical spread of respondents is representative of the actual spread of the target population of union full-time officials. However, official regional data⁷ on union *membership* are available, from which regional shares of the total have been calculated for this report. If this – admittedly, fairly crude – measure is used to suggest a likely share of union negotiating officials, it would indicate that London is very over-represented in our responses: London has a 10% share of union *membership* but a 25% share of *officials* in the survey (excluding those who did not specify a region). However, a disproportionate number of responses from London-based officials on this measure is likely to be largely accounted for by the fact that the majority of union head offices are based in the capital. Scotland has a small over-representation of survey respondents if union *membership* is taken as a measure: the nation accounts for only a 11% share of membership but a 12% share of survey respondents. Most other regions are under-represented using the same measure, except for Yorkshire & Humber and Wales, which have fair representation.

Table 20: Region of base

	Respondents (% of all in survey)	Union <i>members</i> (% of all in country)
	Base=933	
North East	4.9%	5.6%
North West	10.9%	13.4%
Yorkshire & Humber	9.5%	9.1%
East Midlands	4.1%	7.6%
West Midlands	5.3%	9.1%
East of England	4.4%	8.2%
London	25.3%	10.1%
South East	10.3%	11.8%
South West	6.8%	8.4%
Scotland	12.3%	10.7%
Wales	6.2%	6.0%

⁷ Trade union membership 2009, James Achur, Department for Business Innovation and Skills and National Statistics.

Industrial sectors

While it would clearly be useful to be able to analyse survey respondents' attitudes and actions by industrial sector, it was made clear during the qualitative phase of this project that many officials negotiate in multiple sectors, and therefore could not be neatly categorised by their sector for the purposes of the survey.

Nevertheless, respondents were asked to say in which of 13 industrial sectors they did conduct negotiations. The most populated sector was health, with over one third of all respondents (37%) negotiating in this sector; 30% negotiated in education, 28% in local government (excluding education) and 27% in manufacturing.

Table 21: Industrial sectors

manufacturing	26.9%
central government and its agencies	16.0%
local government excluding education	27.9%
education	29.7%
health	37.2%
voluntary sector	25.0%
retail and distribution	21.7%
finance and business services	6.5%
construction	9.4%
passenger transport	14.3%
communications	7.5%
energy and water	12.8%
media and entertainment	8.2%

Base=943

Respondents could select more than one sector hence percentages will not sum to 100%

Public/private sector

Conversely, it *was* possible to precisely classify respondents by broad industrial sector. Officials were asked to specify whether they conducted most of their negotiations with:

- a) predominantly or wholly employers in the private or privatised sector;
- b) predominantly or wholly employers in the public sector, or;
- c) a fairly even mixture of employers in both public and private sectors

Other sectors, including the voluntary sector, were not included as response categories, since this might have created undue complexity that could hinder potential analysis by broad sector. In the event, 939 of the survey's 950 respondents were able to select one of these response categories, suggesting that the majority of respondents could be fitted into the three broad definitions of the sector within which they negotiate.

There were more responses from officials working predominantly or wholly in the public sector (422, 44% of all respondents) than in the private sector (320, 34%). One in five (197 or 21%) said they negotiated with 'a fairly even mixture' of public and private sector employers.

Experience of disputes

The qualitative phase of the project had indicated that one reason why Acas had not been used was that disputes were not common for some officials. A teaching union official said of Acas:

'It doesn't spring to mind but it's always in the back of my mind. There is that alternative option. But because everything tends to be a fairly smooth running ship, it's very, very rare that we would call upon Acas.'

The survey set out to find whether large numbers of officials had not experienced disputes in the last decade.

In the event, the majority of respondents to the survey (813 - 86%) indicated that they *had* dealt with industrial disputes in the past 10 years, with just 107 (11%) saying they had not and 21 (2%) saying they were not sure. The 'not sure' respondents were counted in with those who had dealt with disputes for the purposes of the rest of this survey, making a total of 834 negotiators encountering disputes in the past decade.

Disputes by sector

Of those who had dealt with disputes, well over half (59%) confirmed that one particular industrial sector had 'dominated' their disputes in the past 10 years. When subsequently asked which industrial sector had generated the largest number of disputes they had dealt with, the sector most often picked out was health (22% citing this sector), followed by local government (17%) and education (14%).

Table 22: Industrial sector generating the largest number of disputes

manufacturing	9.6%
central government	8.7%
local government excluding education	17.4%
education	13.5%
health	22.4%
voluntary sector	0.9%
retail and distribution	6.0%
finance and business services	1.8%
construction	2.5%
passenger transport	8.2%
communications	2.0%
energy and water	1.2%
media and entertainment	5.7%

Base = 562

However, this is partly because of the high number of respondents operating *exclusively* in health, who by default are more likely to say that this sector 'dominates' their disputes. 124 respondents said they negotiated in health - the most commonly cited area for respondents to negotiate in. A closer look reveals that local government (excluding education) may in fact be the main source of disputes for negotiators.

Looking just at those respondents who negotiate in more than one sector ('multi-sector negotiators', or MSNs), 39% of those negotiating in health *as well other sectors* singled out the health sector as dominating their disputes. But an even higher proportion of that group - 43% - selected local government (excluding education) as dominating their disputes. Of all MSNs who negotiate in local government (excluding education), 62% said that this sector dominated their disputes. This is the highest proportion of all sectors covered by MSNs. Other sectors singled out by high proportions of MSNs are passenger transport (45% of MSNs who negotiate in passenger transport said that this sector dominated their disputes) and manufacturing (38% of MSNs negotiating in that sector among others said manufacturing dominated their disputes).

Subject of disputes

Respondents who had dealt with industrial disputes over the past 10 years were asked to specify the subjects of any disputes they had been involved in as a union official during that time. They were asked to tick as many as applied from a list of 10 possible subjects. Not surprisingly, the most common subject of dispute was pay, cited by nine in ten officials (90%), followed by job losses/redundancy terms (66%).

Table 23: Subject of industrial disputes in the past 10 years

pay	90.3%
pensions	49.0%
working hours or holidays	51.9%
job losses/redundancy terms	65.9%
attendance/sickness absence	26.9%
privatisation/contracting out	38.7%
health and safety/bullying/harassment	32.7%
trade union recognition disputes	27.1%
organisational change/relocation	46.9%
equality/discrimination	23.0%

Base=834

Respondents could select more than one subject hence percentages will not sum to 100%

Further sub-group analysis by dispute subject was not possible because the vast majority of officials have been involved in disputes covering a wide range of subjects. For example, only 63 respondents had dealt solely with pay disputes in the past 10 years.

APPENDIX B: NUMBER OF RESPONDENTS BY TRADE UNION

Accord	6	PCS	36
ACM	4	PFA	2
Advance	-	POA	8
Aegis	-	Prospect (inc. Connect)	26
AEP	2	RCM	10
ASLEF	4	RCN	82
Aspect	6	RMT	5
ATL	5	SCP	3
BACM-TEAM	1	SoR	9
BALPA	7	TSSA	14
BDA	1	UCAC	1
BECTU	8	UCATT	11
BFAWU	8	UCU	16
BMA	30	UNISON	173
BOS TU	-	UNITE	168
BSU	-	Unity	2
CDNA	1	URTU	9
CGSU	-	USDAW	54
Community	4	Voice	4
CSP	3	WGGB	1
CWU	14	YISA	-
DGSU	-	No reply	17
EIS	10		
EQUITY	10	Total	950
FBU	6		
FDA	8		
GMB	91		
HCSA	1		
LTU	3		
MU	12		
NACO	1		
NACODS	-		
NAHT	4		
Napo	3		
NASS	-		
NASUWT	3		
NAUTILUS	3		
NGSU	1		
NUJ	10		
NUM	4		
NUT	25		

TECHNICAL APPENDIX

Qualitative element

Construction of the database of union officials (see below) began at the start of the project. This meant that several hundred officials could be contacted by email at an early stage, in a process to identify 12 officials for the qualitative part of the project. From this exercise, 12 interviewees were selected who had experienced disputes but who confirmed that they had not used Acas collective conciliation in the past 10 years. Attempts were made to ensure a mix of unions, public and private sector bargaining and sex.

During the design phase, discussions between LRD researchers, Acas' Research and Evaluation Section (RES) and senior Acas collective conciliators gave rise to a range of ideas as to why there had been a decline in use of collective conciliation in recent years. Ideas were formulated into a set of questions for semi-structured face-to-face interviews (or, in two cases telephone, interviews) with 12 union officials who had experienced industrial disputes in the past 10 years but had not made use of the Acas collective conciliation service.

The database

The Labour Research Department has a 'Payline' database of some 349 full-time union officials. This formed the starting point for the construction of a comprehensive sample-frame of negotiating officials in Great Britain. In some cases, union senior personnel were contacted and provided contact information (email and postal addresses) on their own officials, but in most cases the building of the sample-frame was carried out via a systematic process of scouring union national and local websites and union diaries and contacting telephoning local offices.

None of these methods could ensure that the resulting database met the main sample criteria, which were:

- a) that the contact was an official paid by the union, and;
- b) that they were involved for at least part of their job in negotiations (or disputes) with employers in England, Scotland or Wales.

Therefore, once the database was near completion, a 'cleaning operation' was carried out. This entailed emailing each contact, asking them to inform LRD if they did not fit the above criteria and, if so, to instead pass on contact details for a relevant colleague. The resulting amendments and deletions were then made before the questionnaire was emailed out for the survey proper. In addition, the email containing the questionnaire generated a limited number of further amendments to the database which were made before the issuing of reminders.

Pilot survey

A pilot questionnaire was compiled (in SNAP). This was founded on the results of the qualitative phase of the project and further discussions between LRD researchers, Acas RES and Acas conciliators. The pilot was sent to 30 randomly selected contacts on the database (excluding those who had been interviewed) on 16 February 2010, with a reminder a week later. Pilot respondents were encouraged to comment on how the questionnaire was drawn up to ensure that any difficulties with questions were ironed out in advance of the full survey.

Distribution of the questionnaire

Following some further amendments made as a result of the pilot and brief discussions with Acas, a final questionnaire was drawn up and set up as both a web-based (SNAP) and hard-copy questionnaire. On 15 March 2010 this was sent out to all database contacts by via an email which contained both a direct web link to the SNAP questionnaire and also a link to a pdf of the questionnaire which could be printed out and posted back via a Freepost address if the respondent preferred.

A number of unions had offered to send the questionnaire out to their own officials on LRD/Acas' behalf. However, these offers were politely declined on two grounds:

- 1) This could influence the recipient's perception of the survey and so affect their answers
- 2) There would be no control over the issuing of reminders for these unions, which might reduce the response rate.

One week after being sent out (on 22 March 2010), 435 online responses had been received and three paper ones. A first reminder was sent out to non-respondents by the same method on 29 March. A second reminder with a full paper copy of the questionnaire and a Freepost return envelope was sent out by post on 6 April. The survey was closed on 7 May, at which point 1,024 officials had responded, giving a response rate of 60%. Of these, 74% responded online and 26% by post.

Reflection of union negotiator population

In order that an estimate could be made as to what proportion the achieved sample represented of the whole population of paid union officials, larger unions were asked for their own estimates of the numbers of negotiating officials they employ. In the event, information was obtained for 18 unions (UNITE, GMB, UNISON, Prospect, UCATT, RCM, TSSA, RMT, Voice, NASUWT, BECTU, EQUITY, Lloyds TSB, FDA, Connect, NAUTILUS, Napo, SCP).

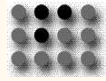
Unfortunately, union figures themselves are inaccurate, as they do not necessarily differentiate between *negotiating* officials and other staff. However, on the basis of the information they supplied it was estimated that the final database contained approximately 80% of the full population of all officials (and therefore more than 80% of those who are involved in negotiations and/or disputes).

Analysis

To ensure that officials not meeting the full criteria for the survey as set out above were not mistakenly included in the sample, three screening questions were inserted at the start of the questionnaire. Once 'invalid' respondents had been screened out, this left 950 'valid negotiators' whose responses were analysed in SNAP. Note that item-non-respondents are excluded from all summary analysis and cross tabulations in the report.

Questionnaire

A copy of the questionnaire used for paper version of the survey is presented below.



The role and experiences of paid union negotiating officials

The Labour Research Department is carrying out important research on behalf of Acas into the role and experiences of paid union officials who are involved in collective bargaining or industrial disputes as part of their job. The aim is to get a picture of how such professionals approach their role, especially at times when negotiations with employers get particularly difficult. We would be very grateful if you could help us with this research by completing this brief questionnaire, which is designed to take a maximum of 10 minutes. The information will be used statistically only and your response will be treated with absolute anonymity and confidentiality.

Questions A1-A3 are to check that this questionnaire is appropriate to you. Please take care to answer these correctly

A1. Are you a union official *employed* by your union?

- yes
 no

A2. In your current union job, are you sometimes directly involved in collective bargaining negotiations or industrial disputes?

- yes
 no

A3. Does your role include negotiations or dealing with industrial disputes with any employers based in England, Scotland or Wales?

- yes
 no

If you have answered "yes" to questions A1, A2 and A3, please go to the next section.

If you have answered "no" to any of them, you do not need complete any more boxes but please now return this questionnaire to the Freepost address at the end so we do not send you a reminder. Thanks very much for your help.

Your job as a negotiating official

The questions in this section relate to your current job

B1. In your current job, for approximately how many bargaining units do you conduct collective negotiations? *(Please tick one box only)*

- one
- 2-10
- 11-20
- more than 20

B2. In which UK region is your office based? *(Please tick one box only)*

- North East
- North West
- Yorkshire & Humber
- East Midlands
- West Midlands
- East of England
- London
- South East
- South West
- Scotland
- Wales

B3. In your current job, do you conduct most of your negotiations with...? *(Please tick one box only)*

- predominantly or wholly employers in the private or privatised sector
- predominantly or wholly employers in the public sector
- a fairly even mixture of employers in both public and private sectors

B4. In your current job, do you conduct negotiations in any of the following broad industrial sectors? *(Please tick all that apply)*

- manufacturing
- central government and its agencies
- local government excluding education
- education
- health
- voluntary sector
- retail and distribution
- finance and business services
- construction
- passenger transport
- communications
- energy and water
- media and entertainment

Your experience of disputes

The questions in this section relate to your experiences, as an official, of industrial disputes over approximately the past 10 years (or less if you have not been an official for that length of time)

C1. Thinking about the industrial disputes you have dealt with in the past 10 years...has one particular industrial sector dominated, or have the disputes been spread among different sectors? (*Please also tick "yes" if you only deal with disputes in one industrial sector*)

- yes - one particular sector has dominated my industrial disputes* Go to C2.
- no - my industrial disputes have been spread among a number of sectors* Go to C3.
- not sure* Go to C3.
- I have not dealt with any industrial disputes at all in the last 10 years or so* Go to E1.

C2. Which industrial sector has generated the largest number of disputes you have dealt with?

- manufacturing*
- central government*
- local government excluding education*
- education*
- health*
- voluntary sector*
- retail and distribution*
- finance and business services*
- construction*
- passenger transport*
- communications*
- energy and water*
- media and entertainment*

C3. Moving on to think of *all* the sectors you work in...which of the following issues has been the subject of an industrial dispute that you been involved in as a union official in the past 10 years? (*Please tick all that apply*)

- pay*
- pensions*
- working hours or holidays*
- job losses/redundancy terms*
- attendance/sickness absence*
- privatisation/contracting out*
- health and safety/bullying/harassment*
- trade union recognition disputes*
- organisational change/relocation*
- equality/discrimination*

Questions C4-C9 ask about three types of dispute:

- 1) where the sides have reached a complete impasse
- 2) where the sides are talking, but can't find a solution
- 3) where the sides cannot agree on the facts of the dispute

C4. Have your collective negotiations in the past 10 years or so ever reached an impasse, where communications have completely broken down?

- yes* Go to C5.
- no* Go to C6.

C5. In any of those impasse situations, have you ever used any of the following methods to resolve matters? *(Please tick any that apply)*

- full legal industrial action ballots*
- other means of testing members' opinion*
- protest action not requiring a ballot*
- issue referred to a higher level within the employer or union*
- help from Acas*
- help from a third party other than Acas*
- use of the media*
- threat of legal action by the union*

C6. Have your collective negotiations in the past 10 years or so ever reached a point where both sides are talking but can't find a mutually acceptable solution?

- yes* Go to C7.
- no* Go to C8.

C7. In any of those cases where a solution could not be found, have you ever used any of the following methods to resolve matters? *(Please tick any that apply)*

- full legal industrial action ballots*
- other means of testing members' opinion*
- protest action not requiring a ballot*
- issue referred to a higher level within the employer or union*
- help from Acas*
- help from a third party other than Acas*
- use of the media*
- threat of legal action by the union*

C8. Have your collective negotiations in the past 10 years or so ever reached a point where the two sides cannot agree on the facts or interpretation of the facts of the dispute?

- yes* Go to C9.
- no* Go to C10.

C9. In any of those cases where the sides could not agree on the facts, have you ever used any of the following methods to resolve matters? (Please tick any that apply)

- full legal industrial action ballots
- other means of testing members' opinion
- protest action not requiring a ballot
- issue referred to a higher level within the employer or union
- help from Acas
- help from a third party other than Acas
- use of the media
- threat of legal action by the union

C10. Overall, how effective would you say the following tools have been for resolving disputes over the past 10 years? (Please tick one box on each row)

	<i>always or usually effective</i>	<i>sometimes effective</i>	<i>rarely effective</i>	<i>never effective</i>	<i>never used/not sure</i>
full legal industrial action ballots	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
other means of testing members' opinion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
protest action not requiring a ballot	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
issue referred to a higher level within the employer or union	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
help from Acas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
help from a third party other than Acas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
use of the media	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
threat of legal action by the union	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

C11. Generally speaking, to what extent do you agree that the following are effective approaches for a union negotiator? (Please tick one box on each row)

	<i>agree strongly</i>	<i>agree</i>	<i>neither agree nor disagree</i>	<i>disagree</i>	<i>disagree strongly</i>
To seek a compromise that suits both sides without confrontation or disruption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To press for as much as possible for the members, even if that means industrial action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To see the employers' point of view and try to work with them	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Use of a third party in industrial disputes

This section of the questionnaire consists of questions about third party involvement in industrial disputes you have dealt with, in particular the use or non-use of Acas (the Advisory, Conciliation and Arbitration Service)

D1. Has Acas ever been brought in to help during your collective negotiations or industrial disputes?

- yes Go to D2.
- no Go to D3.
- not sure Go to D2.

D2. Has Acas been brought in to help during your collective negotiations or industrial disputes *in the past 10 years*?

- yes, only once Go to D3.
- yes, more than once Go to D5.
- no Go to D3.
- not sure Go to D3.

D3. Thinking about your collective negotiations/industrial disputes in the past 10 years... which of the following have ever been reasons why Acas has *not* or *has rarely* been brought in to help? (Please tick as many as apply)

- a) I have not been in dispute with any employer in that period
- b) I have not reached a total impasse with any employer in that period
- c) I have not thought of using Acas
- d) My experience of Acas has put me off
- e) I didn't see what solutions Acas could find that we couldn't have found ourselves
- f) Acas couldn't get us more money as there was no more to be had
- g) We end disputes by members voting either for or against industrial action
- h) I was concerned that Acas would take away the members' control over the outcome
- i) I see as my job/my union's job as to find solutions without using outsiders
- j) My members see my job/my union's job as to find solutions without using outsiders
- k) I personally do not like to involve a third party
- l) I do not like to involve Acas in particular
- m) The employer did not like to involve a third party
- n) The employer did not like to involve Acas in particular
- o) The union does not like using a third party
- p) The union does not like using Acas in particular
- q) I didn't want to get involved in more bureaucracy/delays
- r) I didn't know how Acas works/what the process would involve
- s) We didn't have established procedures to involve Acas
- t) I was concerned about the cost to the union of bringing in Acas

D4. Overall, which *one* of the factors lettered a-t in question D3 has been the single most important reason for you not or rarely bringing Acas into your collective negotiations/industrial disputes in the last 10 years? (Please select *ONE* only and insert letter in box below)

D5. Now thinking just about your *most recent* collective negotiation/industrial dispute... on *this particular occasion* was Acas brought in to help?

- yes Go to E1.
- no Go to D6.

D6. Why was Acas not brought in to help on this occasion? (Please tick as many as apply)

- I did not think of using Acas
- I did not reach total impasse on this occasion
- My experience of Acas put me off
- I didn't see what solutions Acas could find that we couldn't have found ourselves
- Acas couldn't get us more money as there was no more to be had
- We end disputes by members voting either for or against industrial action
- I was concerned that Acas would take away the members' control over the outcome
- I see as my job/my union's job as to find solutions without using outsiders
- My members see my job/my union's job as to find solutions without using outsiders
- I personally do not like to involve a third party
- I do not like to involve Acas in particular
- The employer did not like to involve a third party
- The employer did not like to involve Acas in particular
- The union does not like using a third party
- The union does not like using Acas in particular
- I didn't want to get involved in more bureaucracy/delays
- I didn't know how Acas works/what the process would involve
- We didn't have established procedures to involve Acas
- I was concerned about the cost to the union of bringing in Acas

About Acas

E1. Had you heard about Acas before you received this questionnaire?

- yes
- no

E2. How much do you feel you know about what Acas can offer in industrial disputes? (Please tick one box only)

- nothing or very little
- a reasonable amount
- a lot

E3. Which, if any, of the following Acas services that are used in industrial disputes do you think results in a solution being chosen for the parties by Acas? (Please tick as many as apply)

- arbitration
- conciliation
- mediation
- none of these
- not sure

E4. Which, if any, of the following Acas services do you think is most commonly used in industrial disputes? (Please tick one box only)

- arbitration
- conciliation
- mediation
- none of them
- not sure

E5. To what extent do you think the following statements about Acas are true? (Please tick one box on each row)

- | | agree | disagree | not sure |
|--|-----------------------|-----------------------|-----------------------|
| Acas is a publicly funded organisation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Acas is independent of government | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Acas is independent of all employers | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Acas is independent of all unions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

E6. In your role as a paid union official, have you ever used any of the following Acas services not covered elsewhere in this questionnaire? *(Please tick any that apply)*

- Acas conciliation in an employment tribunal case*
- Acas pre-claim conciliation (PCC) service for settling an individual dispute before ET claim is submitted*
- Acas mediation in a dispute between individual workers*
- telephoned the Acas helpline*
- attended an Acas training course*
- visited the Acas website*
- read an Acas advisory booklet*

About you

F1. For how long in total have you been a paid negotiating official (including in other unions, if applicable)?

- less than 5 years*
- 5 to 10 years*
- 10-plus to 20 years*
- more than 20 years*

F2. For which union are you currently an official?

F3. Have you previously been a lay union negotiator in any union?

- yes*
- no*

F4. Have you previously been a lay activist of some other sort in any union?

- yes*
- no*

F5. Have you ever undertaken any of the following forms of education/training? *(Please tick as many as apply)*

- TUC Organising Academy trainee scheme*
- TUC or union training for full-time officials*
- industrial relations professional qualification*
- degree course in any subject*

F6. Are you...?

- male*
- female*

F7. In which age band are you?

- under 26*
- 26-35*
- 36-45*
- 46-55*
- 56-65*
- over 65*

**Thank you very much for taking the time to complete this questionnaire. Now please return it to:
LRD/Acas Survey, Labour Research Department, FREEPOST, 78 Blackfriars Road, London SE1 8YX**

PLEASE ENTER THE REFERENCE NUMBER
AT THE BOTTOM OF THE EMAIL WE SENT
YOU TO AVOID RECEIVING A REMINDER

