

Case Studies

This review details the background and experience of six organisations with representation arrangements from Chapter Five.¹ These organisations include: Sainsbury's plc; John Lewis Partnership; HP Bulmer Limited; Grosvenor Casinos; Ciba Specialty Chemicals and Panasonic (Matsushita) UK. The six organisations were selected to provide information on the strategies of management in establishing NER structures and to review the establishment, processes and practice of such arrangements in the lead up to the introduction of the Employment Relations Act 1999 and the formal agreement on the European Directive establishing a general framework for information and consultation which was agreed in March 2002.²

Sainsbury's plc

Sainsbury's was founded in 1869 as one of the first grocery stores in Drury Lane, London. The company is largely controlled and owned by the family and is one of the largest food retailers in Britain. As of 2000 the group consists of Sainsbury's, Savacentre, Homebase³ and Shaws in the USA. UK sales account for almost 90 per cent of total group sales.

At the time of the research, the group has 140,000 full- and part-time employees in over 380 Sainsbury's, Savacentre and Homebase stores nationwide. Sainsbury's employs 115,000 people in around 363 supermarkets and four depots (two-thirds are part-timers). In addition, there were 12,500 administrative staff. Homebase employs 17,000 staff in 332 stores. Savacentre has 10,000 staff in 12 hypermarkets. About 66 per cent of the workforce are part-time and are mainly women. Annual labour turnover was around 20 per cent, resulting in over 20,000 job placements per year.

The T&GWU and USDAW represent the depot, warehouse and transport employees. On the retail side, approximately 500 employees were members of USDAW or the T&GWU. While no collective bargaining over wages exists, both unions are recognised for other employment issues. The rest of the workforce were non-unionised and had no formal negotiating or bargaining rights. However, there is an alternative non-binding consultative mechanism to discuss wages and other issues with employees,⁴ and some union officers are part of this process.

A number of consultative committees have been established in the company since the late 1950s (all continue to exist). The most notable of these was the JCC, established in 1959 to enable the company to consult with employees or their representatives on a regular basis. The aims of the JCC were to provide information on policies and plans, exchange ideas and to seek the views of employees on decisions likely to affect their interests and future company policy. However, the JCC only covered 2,500 staff working within the Central Services departments at two

¹ Information contained in this section is at the time of the study in 2001.

² Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for information and consulting employees in the European Community. *Official Journal* (2002). L080, 23/03: 29-34.

³ In December 2000 Sainsbury's sold Homebase for £750 million to Schroder Ventures. A further 28 sites which were intended to be Homebase sites were sold to Kingfisher, the owner of the rival company B&Q, for £219 million.

⁴ This is separate from the staff council structure.

locations in London (Blackfriars and Streatham). In total the main committee consisted of 20 elected representatives and met on a quarterly basis. The main JCC also split into two local JCCs representing each location.

Other committees have included the Job Evaluation Committee introduced in 1990 to address issues raised in the 1988 Equal Pay for Equal Value claim by a retail employee. The role of this committee was to involve employees as far as possible in the processes of the job grading system and to find an objective and analytical measure of job size and value. The Pensions Consultative Committee was set up in 1985 with the aim of representing the interests of pension members and to help members understand company policy. It was also driven by the events leading to the Maxwell Mirror pensions scandal. However, this committee is purely consultative and has no decision-making powers. The Committee meets every six months and representatives are drawn from all departments.

Three main factors drove the establishment of the staff councils at Sainsbury's. The first occurred in late 1996, when in response to a company-wide employee attitude survey conducted in February that year managers began to explore the possibility of establishing a company-wide representative structure. The first survey to cover all 115,000 of Sainsbury's staff, it achieved a high response rate of 80 per cent. The 'Talkback' survey indicated that many employees were dissatisfied with the level and quality of communication and consultation at Sainsbury's and suggested that they lacked 'effective' voice in the workplace. According to the senior manager for HR policy, the survey indicated that existing channels of communication which included the JS Journal (an internal newsletter), videos and ad hoc team meetings, did not give sufficient employee voice and representation (interview, 15 October 1998). The survey suggested there was little two-way consultation, providing limited opportunity for employee feedback.

For example, although some 68 per cent of respondents agreed with the statement, 'I know exactly what my department is trying to achieve', the figures fell below 50 per cent on other questions relating to communication. For example: 43 per cent of staff stated that communications where they worked were open, honest and direct; only 14 per cent of respondents indicated that company directors listened to staff suggestions; 36 per cent felt encouraged to make suggestions to improve the way things were done; 34 per cent said that their manager valued employees who made suggestions to improve the way things were done; and 25 per cent stated that their manager acted on their ideas to improve the way things were done.

In addition, the questionnaire provided an opportunity for employees to ask questions and state their views. These comments also identified serious problems with the level of understanding and consultation at the workplace. About 25 per cent of the 24,000 individual comments related to communication (Sainsbury's, 1998). Summaries of the individual statements are below:

- Statement 1 'I feel that communication on all levels is very bad. It has led to people feeling despondent. This in turn has affected the way employees treat customers'.
- Statement 2 'There is a general lack of communication between management and staff, noticeboards are not enough, nor are mass group meetings (ie STAR - Supporting Teams Achieve Results). There needs to be more open one-to-

one communication, an open door policy. By improving morale, Sainsbury's can become a better place to work with more enthusiasm to do things properly ...'

- Statement 3 'Senior management should be more approachable, maybe setting aside one day a month on a timetable basis to see staff and hear their suggestions/problems ...'
- Statement 4 'Managers should listen to their staff more often and learn to treat them with respect as we do them. Staff meetings should be regular - a way of communicating and getting feedback to better the standards at Sainsbury for staff and customers'.

In an interview in 1997, the Senior Manager for HR policy stated, 'These comments made it very clear that there was a huge gap in internal consultation and communication channels which needed to be filled quickly – the business and HR arguments were indisputable. In summary, it could be said that people had the feeling that we were not always listening to their ideas and that they did not really have a way of making their voices heard' (Gray, 1997). She suggested that while these figures were not out of line with other company surveys they nevertheless had serious business implications of poor frontline morale and commitment. A senior HR manager stated, 'Some of the questions were very simple ones, like "Why can't they leave the lights on when the staff on the evening shift go to their cars?" This was obviously causing a huge amount of frustration among staff and is actually terribly easy to address ... but we had no way to know'(IRS, 1996).

At the same time as the Talkback survey, a review was underway of the existing JCC for the 2,500 head office staff. This review was the second major driver in the establishment of the staff council. The review found that the JCC meetings focused on minor matters and were too limited, concentrating on 'tea, towels and toilets' issues rather than on the more substantive issues which employees required. Most of these discussions were limited to parking arrangements and canteen facilities. The representatives on the JCC suggested that a separate forum be set up to deal with more substantive issues.

The third major driver was the introduction of the European Works Council Directive in September 1996 and the Directive's influence on internal collective consultation within European companies. As the senior manager for HR policy suggested 'Synergy did exist between the demands of the EWC Directive and the needs of our company' (Interview, 15 October 1998). In addition, while Sainsbury's only had one store outside the UK (Calais in France) this was not directly brought into the remit of the Directive because they had under 150 staff at the Calais site.⁵ However it was considered possible in the future that stores could be established in other European countries, thus bringing these into the Directive's provisions.

During the setting up of the staff council, a wide range of employees was consulted over the possible type and processes of such a structure. Lessons drawn from a staff council in the Durham Sainsbury's store were also reviewed. In addition,

⁵ The Directive requires the establishment of a European Works Council (EWC) if an company has 1,000 employees in the EU and more than 150 in each of two EU states.

consultation with and benchmarking of other companies (including Marks and Spencer, HP Bulmers, NatWest and John Lewis Partnership – see below for details) were undertaken to review other representative structures. Organisations such as the Industrial Society and the Involvement and Participation Association (IPA) were also consulted to establish possible options. In April 1996 a proposal went to the executive board and to other management committees. The trade unions were informed and consulted in June and July following further changes. The in-house JS Journal outlined the proposal and invited comments and views from employees.

Aims and objectives

According to the management ‘The (Staff councils) are a communication tool for employees to communicate upwards to the Chairman, and also a process for the business to communicate information to all employees’ (Sainsbury’s, 1998: 14). In reference to the group council (part of the two-tier model – see below for details), the same information guide states, ‘A group company council enables representatives from all areas of the business to hear from the Chairman on key issues and changes that affect them. It will also provide an opportunity for ideas from employees to be communicated to Directors’ (Sainsbury’s, 1998: 14).

Structure, composition and elections

From the discussions over the consultation process a two-tier model was established. This was considered desirable because discussions identified a need for a channel in the branches for dealing with local issues and at the same time for a group representative structure. This model covers all of the 140,000 employees. Each supermarket and Savacentre store has a separate staff council elected locally. Regional offices and departments also have their own council.

Local councils

In total, there are some 400 local councils. Each council consists of a maximum of 15 people (excluding the chair and secretary), representing the constituency of those working in the area, with a limit placed on management representatives. In fact, after discussions with the trade unions the maximum number of managers on a local council was dropped from six to three to reduce the likelihood that they would be dominated by senior employees. The local council is chaired by the relevant store or depot manager (or department director in the offices) with the local personnel manager acting as secretary. While it is up to the local councils to decide the number of representatives (up to a limit of 15), in supermarkets there are requirements that the councils must be truly representative with delegates from all major departments and shifts (such as checkouts, grocery, meat/fish, nightshift and personnel, etc). The council secretary is responsible for producing the agenda, circulating minutes and following up matters arising from previous meetings with managers.

On local councils, any permanent staff member with more than six months’ service can be nominated by a colleague. They must serve for a period of three years and communicate the results from meetings to their area or section. However, while staff are requested to nominate people these delegates are then assessed by local managers under the group’s operational skills programme to identify training needs and skill gaps (these may include presentation and listening skills). Where deficiencies are identified, training is given by local HR staff. Some managers have

also been given training in chairing meetings and on the latest statutory requirements. Most elected and union representatives undertake a three-day induction programme consisting of communication, interviewing, time management skills and business awareness (IRS, 1996).

Trade union recognition is decided on a local site basis when union membership is 10 per cent.⁶ The guidelines require that where a trade union is recognised at a site and a delegate is not elected on to the council through the open ballot process, then a shop steward or trade union representative can be a member of the council.

Group council

Each section and division at Sainsbury's have representatives drawn from the local councils on the 30-member company-wide group council. The group council is a central forum where issues affecting the company as a whole are discussed. These issues may include matters relating to the structure, activities and performance of the group where these affect staff (Sainsbury's, 1998). Other issues identified by management include the group's financial situation and prospects and the consequent effect on budgets, sales, training and equal employment opportunities policy. As with local staff councils, individual issues are not discussed. The group council consists of board members, 28 elected employee representatives and two union appointees from the two main trade unions (USDAW and the T&GWU). Three seats were reserved for each of Sainsbury's six UK regions, covering stores and regional offices, four places were reserved for Homebase employees and two for Savacentre stores. The group chair and group personnel director are also in attendance. It is acknowledged by management that the size of certain areas or constituencies makes it difficult for representatives to reflect the views of their electors and encourages employees to get in contact with their representatives over any issues of concern.

All elections for the group council are conducted on a single transferable vote system. This is decided by a ballot of local council members in each constituency. Nominees must have at least 12 months' service and submit a 150-word biography which is published in a booklet produced for Sainsbury's by the Electoral Reform Ballot Services (ERBS).

Local council meetings and issues discussed

Local council meetings take place at least once every three months (or more frequently by agreement) for up to two hours. The group council meets every six months (the first was held on 20 November 1996 and chaired by group chairman David Sainsbury). Significantly, no personal or individual issues may be discussed (such as matters concerning individual remuneration, promotion, disciplinary actions or grievances) although representatives can attend hearings in support of individual employees. Issues which the councils can address include: store performance; local competition; equal opportunities; changes to working practices; changes to roles; business initiatives; new technology; company performance; and suggestions for improvements. The councils can also fulfil the statutory obligation requiring

⁶ It is estimated that union membership is approximately 13 per cent overall. The director of HR had indicated that this had grown since the establishment of the staff council.

employers to consult and inform employees about redundancies. Importantly, management has explicitly stated that the council is not a negotiating body (Sainsbury's, 1998).

While the agenda is broad in scope (except for negotiation) and the councils can make decisions on improving efficiency or morale, these must not change the way the store or office operates substantially and may not involve capital expenditure. Any such proposals must be referred to head office or to the district manager (IRS, 1996). Area managers are warned not to let the council structure act as a substitute for effective communication with their staff (IRS, 1996).

All local council representatives are given time off (half or one day a month) for briefings with employees and also to carry out any other duties associated with council business. For group council representatives, as well as time off they are paid full travelling expenses for the twice-yearly group council meetings. They are also paid for at least one day following each council meeting to communicate with their constituents, and given time off on other occasions to fulfil their council duties following agreement with their departmental director.

John Lewis Partnership

The company was founded in 1864 when John Lewis established a draper's shop in Oxford Street, London. Later he developed the shop into a full-scale department store and in 1905 acquired the Peter Jones department store in Chelsea. His son, Spedan Lewis, who was put in charge of the store, experimented with the partnership model (a model based on all permanent employees owning a share of the business – see below for details), first establishing a staff council, then a Committee for Communication and a house journal. These were introduced as a means to attract good workers and encourage them to work well (Flanders et al. 1968: 31). From the 1920s, Spedan Lewis started to implement an inclusive participation model (later known as the Partnership) by sharing the profits with employees. The company expanded in 1937 when the Waitrose grocery business was acquired and again in 1940 when the Partnership purchased department stores from Selfridges Provincial Stores.

At the start of 1999, John Lewis ran 23 department stores in Britain and 117 Waitrose supermarkets in the South and the Midlands. It also owned a furniture factory in Surrey and three fabric mills in Lancashire and Cumbria. Partnership growth has increased three-fold since 1950, from 11,629 Partners (excluding temporary employees) in 1950 to 37,539 at the end of 1998. More recently, in April 2000 John Lewis employed approximately 50,000 staff of which 40,000 were considered Partners in the company.⁷

History of employee representation

⁷ At the end of April 2000 John Lewis Partnership celebrated over fifty years since the signing of the Second Trust Settlement by John Spedan Lewis, which set up the industrial democracy structure and Partnership principles. At this time, John Lewis had 50,000 staff with 40,000 Partners covering 25 department stores, 130 Waitrose food shops, five manufacturing units, distribution centres and warehouses. Turnover was nearly £4 billion and Partners received a bonus equivalent to 15 per cent of their annual pay.

In 1950 Spedan Lewis established a written constitution for the business and transferred his rights of ownership to trustees⁸. As an internal document states, ‘Every member of staff who works for John Lewis is one of the owners, with a say in how the company is run and a share in the profits’ (*John Lewis Fact Sheet*, 1 April 1998). In addition one of the core principles was to recognise the importance of participation in community life. However, this sharing of power, which is part of the Partnership’s underlying ideology, in no way implies that Partners have the right to appoint or to elect their own managers (Flanders et al., 1968: 35). ‘It is felt that the requirements of industrial democracy are met through acceptance of the idea that managers should be completely accountable to all Partners’ (Flanders et al. 1968: 35). It was also considered that giving employees that right would have prejudiced the economic viability of the enterprise and thus the interests of all its members, or in the words of a former chairman ‘the results are unfortunate and often disastrous’ (Flanders et al., 1968: 182-3).

Sir Bernard Miller (former chairman of the John Lewis Partnership) has argued:

The Partnership believes that the fruits of their common work, after all outgoings, including the cost of borrowed capital which should be fixed and moderate, should belong to managed and management alike and that the interests that are common to both and should be pursued in partnership together are therefore far greater than those which divide them. Dividing influences cannot, of course, be eliminated entirely since the individual worker’s interest, which is frequently short term, will often conflict with the interest of the whole which is generally long term. But they can be very greatly reduced by the fairer sharing of gain, knowledge and power. The Partnership’s democracy aims to resolve such differences by keeping the general body of the Partnership fully and properly informed on what is being done and why, by consultation and by sharing in decisions to the greatest extent that seems practicable.

(Flanders et al. , 1968: 16)

Employees versus Partners

Partners are defined as permanent employees, whether permanent part-time or full-time (casuals and temporary employees are excluded). Partners are essentially co-owners under the John Lewis constitution and have input into company policy and strategy, as well as a share of the profits. They cannot elect or appoint managers or interfere in day-to-day operational decisions or issues. They may question decisions through the Central Council or state their views through the company newspaper *The Gazette*.

Union relations

The Chief Registrar suggested that the Partnership’s network of consultative and communication mechanisms should take the place of trade union representation.

⁸ John Lewis is not the only employee-owned business in the UK. Similar trusts have been set up by Baxi-Boilers in Preston when Philip Baxendale passed over his shareholding. Tullis Russell, the Scottish paper milling company, also has similar features. Shares in Tullis Russell were bought from family owners in a complex purchase scheme designed to transfer ownership to employees (Donkin, 1998:35).

However, Partners may join a trade union if they wish. Rule 51 of the Partnership's constitution states: 'Every member of the Partnership has complete freedom to belong to a trade union, though in the case of conflict between a trade union and the Partnership those concerned must remember the special obligations which they have to their Partners'. In the organisation's textile printing plants, management consults with union representatives. However they are not recognised in any other part of the company.

In 1995 the then Chairman, Stuart Hampson, argued 'Our belief and our objective is that the efficient running of the Partnership should bring benefits to all those who have an interest in the company – the employees, the suppliers, the customers and the community. We do not accept the inevitability of the adversarial approach' (IPA, 1995: 627).

Central council - structure, composition and elections

The Central Council is the main consultative body made up of some 135 representatives elected and appointed by Partners in the company. Eighty per cent of representatives are elected from all parts of the business and the remaining 20 per cent are appointed by management. The Central Council is one of the three principle authorities of the Partnership (the others are the Central Board and the Chairman) and meets six times a year in London. The Central Council also has the ultimate authority to remove the Partnership's chairman from office if it decides he or she is no longer fit to hold office. The articles and rules cannot be altered without the agreement of the Council. The chairman cannot reject a Central Council recommendation without consulting the Central Board. The Central Board is a unitary executive board which enables elected directors to be involved in top level decision-making.

The Council elects five of the 12 representatives on the Central Board, as well as the three Trustees of the Constitution. Issues discussed by the Central Council are published in *The Gazette*, which acts as a journal of record, carrying the minutes of the meetings. Other matters discussed at the meetings and published in *The Gazette* are detailed financial performance information, including weekly sales figures for each store, and profit projections for the coming year. The Central Council has its own income, amounting to at least 1 per cent of the payroll (including the Partners' bonus). It also funds leisure activities and makes charitable donations.

Council meetings and issues discussed

Issues discussed at the Central Council have included: new appraisal arrangements; corporate governance (adequacy of controls and developing corporate risk responsibilities and 'risk awareness cultures'); impact of the Euro; debt management; new pension scheme; New Deal initiatives; Fairness at Work legislation; shop closing hours (especially in extended weekend and holiday periods); holiday entitlements and Sunday trading. The company's chief registrar, Ken Temple, has stated that the Council's influence on the strategy and policy of the company is growing.

Branch councils

As stated in *The Gazette* (14 September 1996) 'Branch Councils are what might be termed the Partnership's local government ... providing councils with the opportunity

to discuss proposals brought by their colleagues or by ex-officio members such as the head of branch, accountant and registrar’.

As well as electing representatives to the Central Council, Partners also vote for representatives to the Branch councils, the managing director and senior management. Branch councils function alongside the Central Council and are considered local versions of the Central Council in that they have similar election procedures and constitutions and draw upon the Central Council for their revenue. Some central councillors are also members of their local branch councils, thus providing a strong link between the local and the central institutions. The branch councils meet six times a year and review management decisions at local level. These meetings are often held shortly before Central Council meetings, where branch councils discuss the Central Council agenda, including items originating from the branch councils themselves (John Lewis Partnership, 1998b: 17). Training for all new branch representatives is provided by the staff training departments, giving new members advice on holding constituency meetings and speaking at branch councils as well as information on the links between the branch and Central Councils (*The Gazette*, 14 September, 1996: 824).

Branch Council issues

In addition, these representatives are also obliged to be involved in smaller committees that influence all aspects of branch life, ranging from dining rooms to relationships with retired Partners. The role and function of these committees are similar to European works councils as they deal with local issues. Similar to the German works councils, no changes to working conditions can be made without the Branch Council’s authorisation and agreement and its recommendations cannot be rejected by the head of branch without the agreement of the relevant central principal director. Once a year, the head of branch or director concerned discusses the annual trading profit and the local pay, staffing and training position with the Branch Council. In addition, each month the head of branch attends the general purposes committee to exchange information.

Local committees

In addition to these forums, partners have the opportunity to voice their opinions through local Committees for Communication. These are the oldest of the Partnership’s representative bodies (Personnel Management Plus, April, 1994:22). The aim of these committees ‘is to give rank-and-file Partners a regular forum to express views, make suggestions for improving the business, ask questions and resolve worries’ (*The Gazette*, 23 May 1998: 404). It is said that these meetings are informal round-the-table discussions rather than more formal debate. There is at least one committee in every branch. These forums are only open to non-management partners and meet five or six times a year under a roving chairman from head office. The chairman also acts as the Partners’ counsellor or ombudsman. All comments and suggestions made at these meetings are minuted and published within 20 days of the meeting in local branch publications known as ‘chronicles’, together with replies from the managers concerned (Personnel Management Plus, April, 1994: 22). At Waitrose stores these are also posted on branch noticeboards. No names are published and questions for the head of branch are relayed by the committee chairman to ensure

anonymity. Suggestions that are adopted by management may qualify staff for a bonus.

HP Bulmers Limited

Bulmers was founded after Percival Bulmer began making cider at Credenhill in Herefordshire in 1887. In autumn of that year, he began operations in Hereford. In 1888, his brother Fred Bulmer joined him to establish HP Bulmer and Company. While it became a public company in 1970, the Bulmer family still owns about 50 per cent of the shares. At the time of the research, subsidiary companies include Symonds (Herefordshire), Inch's (Devon) and businesses in Belgium, Australia and New Zealand. Bulmers had around 60 per cent market share in the UK⁹ and accounts for 80 per cent of the UK's cider exports. The main cider brand is Strongbow cider which is eleventh in the long alcoholic drinks market.¹⁰ Fifty per cent of sales were in the public-house market and the rest in off-licence trade.

At the time of the research, HP Bulmer was the UK's and the world's leading cidemaker and had a market capitalisation of around £200 million and annual results (to the end of April 2000) were up 15 per cent to £27.8 million.¹¹ This was on top of the 25 per cent increase in pre-tax profits in 1999.¹² Bulmers has 57 per cent of the cider market and trades in over 50 countries worldwide, also accounting for 80 per cent of UK cider exports.

Between 1995 and 1998, the company invested significantly in capital equipment, marketing and training and development. These initiatives included a £40 million site development, the establishment of a learning centre and the creation of an innovation centre to explore new products and production methods in a participative atmosphere. However, these developments were also associated with a 25 per cent reduction of staff at the Hereford site over a five-year period.

History of employee representation

It appears that Bulmers was always a proponent of social harmony, establishing a long history of paternalistic partnership practices. For example, in 1920 a Life Assurance and Pension Scheme was first introduced, a policy for providing housing for employees was also in operation, and in 1938 the Welfare Trust was established that provided family allowances, non-contributory sick pay and holiday pay to all employees. To reinforce this philosophy, on winning his election as mayor of Hereford in 1925, Fred Bulmer argued, 'We must eliminate class distinctions which are the root of our troubles. Close the social gap between employer and employed, as in America, which enables them to keep in touch more easily' (Hardwick 1997). In 1931 Bulmers became one of the largest employers at Hereford with a workforce of

⁹ As of 2000, cider has around 8 per cent of the long alcoholic drinks market (which includes lager and beer).

¹⁰ Other brands include Scrumpy Jack and Woodpecker. The group is aiming to push Strongbow from eleventh to fifth in the league of best selling long alcoholic drink brands over the next five years.

¹¹ According to the *Guardian* newspaper this was around £1 million above predictions (*The Guardian*, 11 July 2000: 23).

¹² While recent financial performance has been less impressive, it nevertheless raised operating profits from £12 million in 1990 to nearly £28 million in 2000, an average growth rate of around 12 per cent.

431. As of 2000, Bulmers had around 800 employees at the Hereford plant and a worldwide workforce of 1,250 employees.¹³

According to Bulmer's management, from the late 1960s there was a determined effort to diminish 'class distinction' in the firm. Initiatives included abolishing clocking on and off for all employees, directors undertaking a stint on the shop floor or on the lorries once a month, reports being written in plain English and the implementation of an Employees Annual General Meeting. In his book *'Leadership is not a Bowler Hat'*, Fred Bulmer stated that participation was about team building and noted that while there were extreme advocates of authoritarian management, they were unfortunately matched on the union side by an equally vociferous minority of left wing extremists, advocates of antagonism rather than co-operation. In addition, he argued that: 'Participation was not just about power, but about achievement through co-operation'.

Until the 1960s, there had been no strong union push for unionisation at Bulmers. However, as part of its paternalistic attitude to its workforce the company established a works advisory committee in the late 1950s. This consisted of about 15 representatives elected by departments, the personnel manager, a departmental manager and the works manager as chair. It met once a month and its scope was limited, covering only factory employees. In addition since Bulmers at that time was a private company, it was not required to publish its accounts. Thus information was restricted and discussion over wage rates was excluded from its remit. According to the T&GWU convenor, in theory the scope of discussions was unlimited but in practice 'it tended to concentrate on internal factory administration covering such topics as the provision of a car park for employees' (Hardwick 1997). Although the T&GWU convenor suggested that these initiatives might seem minimal representation by modern standards, they were the first real steps towards employee/management negotiations.

In the mid-1960s, the distribution drivers formed a separate works committee and began concluding their own agreements separate from the rest of the factory. These agreements established between 1965 and the early 1970s were the first to be jointly agreed between management and employees at Bulmers.

Bulmers is one organisation in which 'collective' participation (albeit through two channels, the Employee Council and the union) has outstripped direct participation methods. However, in production areas a team-working system was introduced with four joint union and management working groups given the task of assessing the introduction and effectiveness of the new programme. Its aims were to 'enable' employees to take decisions about their own work and to allow them as far as possible to plan and vary the way they carried out their work. However, management suggested that the danger of servicing these representatives so well was possibly 'off-siding' the employees. According to management, asking the engineering group and the quality group to identify and involve themselves in teams was an issue. There were also other forms of direct employee participation through regular team briefings, performance-related pay, the profit and share ownership scheme, six-monthly appraisals and individual role profiles (where employees set their own objectives and measured them against the competencies and qualifications required).

¹³ From 1995 to 2000 there was a reduction of about 25 per cent.

Union relations

The union movement at Bulmers was created out of the necessity for delivery drivers in the 1960s to be union members. Bulmers drivers found it increasingly difficult to enter closed shop workplaces without a union membership card. By 1975, the T&GWU and the MSF gained recognition at Bulmers, as did the Association of Clerical, Technical and Supervisory Staff (the T&GWU clerical trade group) in 1976. The company's partnership approach with the unions started with the establishment of a Joint Working Party (JWP) with representatives from management and the T&GWU. It was set up to examine and review the structure of shift pay, sick pay anomalies and the harmonisation of conditions of employment for all workers. In total, three senior managers and four senior shop stewards negotiated and debated the issues over the following three years. An agreement was eventually signed in 1994 entitled the 'Joint Statement on Employee Relations Development'. In 1995, the MSF was de-recognised to help provide a more coherent representation approach, thus leaving the T&GWU as the only recognised union. According to the T&GWU convenor, the partnership deal was based on: 'Trust – You can take them to the brink but don't shove them over. When you have to take industrial action, you have failed' (Interview, 29 July 1999).

The T&GWU represents employees through the JWP arrangement on the lower grades 6 to 9 (around 340 employees). According to the T&GWU convenor, about 96 per cent of the shopfloor were union members (although office staff membership was very low at around 5 per cent).¹⁴

As well as the four ex-officio shop stewards on the council, many of the representatives were also T&GWU shop stewards,¹⁵ and thus involved in the negotiating forum (union representatives only). However, most issues discussed in union negotiations have been previously discussed in the council.

The T&GWU convenor suggested that he was comfortable with the council's present role and argued that it should not be given negotiating powers. From a union point of view, the council provides an opportunity for discussion and enhanced understanding of all sides of the business, as well as a forum for formulating important policies. In addition, he argued that shop stewards already had considerable input into the revision of the company's vision, mission and strategic goals statement and that their participation was strongly supported by the chief executive.

Aims and objectives

The rationale for establishing the employee council is stated in the first paragraph of its constitution: 'The company understands and welcomes the desire of employees to become more deeply involved in decisions which affect their future as it recognises and encourages the important part which employees play in ensuring the continuing success of Bulmers for the ultimate benefit of customers, employees and shareholders' (Employee Council Constitution, 1977a).

¹⁴ The Employee Council is the only representative channel for the higher grades from 1 to 5.

¹⁵ The T&GWU convenor stated there were eight shop stewards in 2000 on the employee council, representing all employees and not just union members.

The constitution of the employee council also states: the ‘objective of the Employee Council is to provide a platform where discussions can take place on those matters which affect all employees and hence, their future and the success of the company; these matters would not include particular areas which are subject to negotiations with the recognised trade union’ (Employee Council Constitution, 1977a).

The company and the T&GWU agreed to form the employee council in 1977. At the first meeting on 10 October 1977, the managing director explained that at meetings all delegates were equal regardless of rank or seniority. At that time the council consisted of ten managers and ten shop stewards with the original objective being to eventually elect its own chairman.¹⁶ The council was also to become the main participatory bridge between the board and the employees. The managing director later added that he hoped that the council would eventually represent the views of workers at board level and that in the event of the appointment of worker directors, they would be elected from the employee council. It was also agreed at the first meeting that the employee council should discuss capital investment policy, although the chairman highlighted that the commitment of investment ‘must remain a management prerogative’ (Employee Council Minutes, 1977b). In addition, there would also be nominations to the Profit Sharing Committee and Pensions Advisory Committee from the council, which would eventually provide recommendations for the positions of Trustees of the Company Pension Fund (Employee Council Minutes, 1977b).

Structure, composition and elections

The council’s structure is now somewhat different from that of the 1970s. According to the T&GWU convenor the change was initiated by the T&GWU as a response to concerns expressed by employees, knowing that most free elections would be contested and won by union members. The employee council is the only representative channel for the higher grades 1 to 5. It is chaired by the group chief executive (or managing director), and consists of four shop stewards (ex-officio) and 17 elected representatives from across the group’s UK operations. The elected representatives are voted in for a four-year period. The four union representatives are appointed for an indefinite period.¹⁷ In addition to these 22 voting members, there are three ex-officio non-voting members. These ex-officio members are the Holdings Board director, the district official of the T&GWU, and the personnel director, who acts as secretary to the council.

The council elects an employee representative as the deputy chair for a two-year period, who acts as chair in the absence of the group chief executive. At least once a year, the deputy chair addresses the board of directors to communicate employees’ views.

The council meets five times a year, with additional meetings as necessary (originally this was four times a year). In addition, the board meets the council on an

¹⁶ However, the chair was either the company’s managing director or chief executive (see Structure, Composition and Elections in this section).

¹⁷ According to the deputy chair of the employee council, there is a perception that union representatives are at council meetings to check that the Council does not impinge on union issues which need negotiation. It is also felt that union representatives have little active involvement in council business.

informal basis, normally once a year for lunch and once prior to the Employees' Annual General Meeting which is held on the same day as the Shareholders' AGM. This gives directors (and non-executive directors) the opportunity to clarify and reconfirm issues raised by the management and allows a direct line of communication to representatives. Observers are welcome to attend council meetings.

Since restructuring, the council's constituencies are now based on teams in a functional or departmental area, rather than drawn from a traditional craft or professional basis. The council has considerable autonomy in organising elections and the voting and nomination procedures.

Training for representatives is focused on issues, such as the operation of the business, financial matters, long-term business strategy, marketing, etc. Each half year when the latest financial results are announced, an external trainer facilitates a discussion on financial issues. In addition, twice a year there is a development programme focusing on the operation of the City, how it works and the importance of maintaining shareholder value.

Council meetings and issues discussed

The constitution specifies that 'The Council is empowered to discuss matters connected with company policy and decisions that affect the employees' future, but not the day-to-day management of the business. The latter area is the responsibility of managers who must retain the fullest authority to achieve group objectives – subject to the already established routines of consultation' (Employee Council Constitution, HP Bulmer, 1996). There is no provision in the constitution for employee-only meetings to discuss agenda items or issues.

The constitution further states that 'The Council, being concerned with policy, will be consulted and discuss matters at an early stage relating to: company objectives; company productivity; rules of conduct and discipline; amenities; training and development of the individual; recruitment; the company's investment policy; company communications; human relations; trading activities; and company financial position' (Employee Council Constitution, HP Bulmer, 1996).¹⁸

While a wide range of topics is discussed, pay negotiations, other matters involving union negotiations or matters which may affect share price are specifically ruled out. At the time of the research, work by the council included developing a policy on drugs awareness and, the opening of a staffed health and fitness centre and innovation learning centre. Other issues discussed had included health and fitness facilities, a new dress code for casual wear and a private health scheme. In addition, the council also monitored a wide range of activities through sub-committees, including: training; policies; suggestions; catering; new technology; health and safety; the sports club; and charitable activities. The employee council's constitution states that these committees serve formally as sub-committees of the council and, while their membership is not restricted to employee councillors, a minimum of one member of each sub-committee must be a serving councillor.

¹⁸ This constitution of the Council may be amended with the agreement of 80 per cent of voting Council members and the Board. Any suggested amendment needs to be signed by at least four members of the Council or proposed by the Board.

The council was also pivotal in a major restructuring exercise. In 1995 after the axing of several hundred jobs, a joint employee council Code of Practice statement on job losses was agreed. This 19-point plan stated the main responsibilities of the company and the procedures required if there was a need for job losses in the future. It set out the principles for redundancy and early retirement programmes and the requirement for management to inform the employee council of the number and type of job losses and the need for compulsory redundancy. It also stated that during periods of enforced job losses a sub-committee would be established from the employee council, which would monitor the code of practice and issue regular reports to the employee council (Employee Council Code of Practice on Job Losses, HP Bulmer, 1995).

To diffuse information from the council, a summary of council issues is published in a monthly company magazine *Newsbrief*, which is given to all employees and shareholders. In addition, major issues from the council are displayed on all company notice boards and on the company intranet. Individual councillors also hold employee briefings when major issues are raised.

Grosvenor Casinos

Grosvenor Casinos is one of the largest entertainment operations in the UK, with interests covering casinos, bingo, bowling alleys, and nightclubs.¹⁹ The company forms part of the leisure division of the Rank Organisation plc. Grosvenor opened its first casino in 1970 and has been developing its portfolio ever since. By 2000 it operated over 33 clubs throughout England and Wales (providing over 300 gaming tables). In addition, two clubs in Belgium were bought in 1998. On average, there are 120 employees per club, although one London club employs some 500 people. Overall, Grosvenor Casinos in 2000 employed approximately 3,500 staff (including part-time and casual employees)²⁰ and is divided into four geographic regions. Some sites operate 14 hours a day, seven days a week, 365 days a year.

History of employee representation

Before the introduction of the employee councils, Grosvenor Casinos introduced staff forums and general manager surgeries. Although these initiatives seemed to have had limited success in some divisions and units, management recognised that there was a need to replace them with a more effective and open form of staff representation. The employee council's co-ordinator suggested that there was a 'general feeling [that] employees were the poor partners in the business, while sister companies had works councils. A change in senior management three years ago came to recognise this and something needed to be done to address these concerns. As such, an employee survey was conducted which acted as a catalyst for these concerns. The survey highlighted the perception of the business, which was very hierarchical with dictatorial management. Employees wanted a more career approach in the company' (Interview, 13 May 1999).

¹⁹ In 2000 it was the largest operator of casinos in the UK.

²⁰ At the time of the research there were few casual and part-time staff, who accounted for just 5 per cent of the workforce. The employee council co-ordinator suggested that large numbers of part-time and casual workers can reduce flexibility rather than increase it, because most employees who wish to work part-time normally have other obligations (i.e. family responsibilities and so on) and cannot work at particular peak times (i.e. weekends and so on).

Consequently, a random sample of staff representing a cross section of departments and casinos were invited to attend a meeting in February 1998 to discuss ways of developing a workable concept of employee representation. According to management, the consensus among the representatives was that the existing employee forums had no clearly defined role, lacked structure and purpose, and rarely achieved the actions promised, thus creating mistrust between staff and management.

The employee council's co-ordinator went further, '... Staff forums had no structure and were ad hoc; they required and depended on local management support for their effectiveness. Generally, they did not live up to expectations and people went away from meetings disappointed with the experience. [There was] Also a feeling among employees that they feared to raise issues due to comeback from management. In training this was identified and it was emphasised that this was not going to happen in the new structure'.

Bearing in mind the concerns and issues raised, the company undertook a review of the existing structure with the objective of creating a new structure. This process was finalised at a second meeting in April 1998 with the establishment of final terms of reference for the new employee councils in a 'policy document'.

Pilot schemes

After further discussion following the second meeting, representatives decided that the most effective way of introducing the councils to the company would be to run two pilot schemes. The rationale for this was that it would allow those involved to identify any flaws in the process, and to learn any lessons without aggravating or impacting on the whole company. It was also considered that monitoring two clubs was obviously easier than monitoring all of them, and it also ensured a degree of initial consistency.

The Luton and the Gloucester (Edgware) clubs were chosen as the pilot schemes. There were two main reasons for this. Firstly, the units were easily accessible to an external consultant assisting with the rollout of the process and also to the person responsible for introducing the council structure to Grosvenor. The employee council's co-ordinator also indicated that this particular site was not managed as well as it could or should have been (Interview, 13 May 1999). Secondly, the employee council's co-ordinator (at the time a management trainee) was based in Luton. The fact that he attended both of the initial meetings and was part of the process from the beginning, meant he was considered by management as a resource who was keen to help to introduce the councils to the pilot sites (Grosvenor Casinos, 1998: 7).

Luton was the first of the two pilot schemes. The initial impact of the councils in the pilot was summed up by Luton's General Manager: 'I was a little sceptical of the initial idea of a staff council, bearing in mind the experience both of staff and management when forums were first introduced. However, the concept is very different, backed up by excellent training for the representatives. The council members have approached their duties diligently. They are an effective way of communicating with staff and their input in terms of problem solving has been invaluable. I believe that they have also gained personally from the experience and

have acquired marketable skills' (Briefing Paper – Introduction of Employee Councils, 1998: 8).²¹

'As a means to achieve this, we went away from traditional minutes into "action notes". These were simple to read and emphasised what is the action to be taken, by whom and by when. They would go out to regional managers, the HR department, unions, general managers, and operations. They allowed feedback and an opportunity to review action notes the next month. [Where] Any had not been addressed, there would be accountability' (Interview, 13 May 1999).

The pilot schemes also highlighted a number of issues, which were considered necessary for the successful operation of the councils. These included: maintaining a focus on core issues; being consultative not dictatorial; providing a consistency of message; making sure regional managers and senior management supported its implementation; providing direction in relation to a change of culture; giving staff and management the necessary skills and training; keeping within a timescale; stating clearly the difference from previous communication initiatives; and forming new proposals to address a 'seen it all before' syndrome.

Union relations

The introduction of the employee councils coincided with heavy trade union action against their establishment within the London region (picketing outside casinos, posters and so on). The response from staff was that it looked like management were introducing the employee councils as a means to circumvent the unions (in particular the T&GWU). According to the employee council co-ordinator, 'It wasn't, since we had our original meeting at the beginning of 1998 and by the time we started to roll out the council process the union at the London sites [had already] started their campaign. Before the campaign there was very little trade union activity and [few] members. Now [these have] greatly increased. However, while the T&GWU does have union members [mainly in the London region], management does not recognise them. Management wanted the councils to be an effective alternative to unions. Management wanted a body that knew about the business and that they could trust rather than a third body, which could have its own agenda. The T&GWU action had little effect outside London' (Interview, 13 May 1999). Overall, in 2000 the T&GWU membership was between 5 to 10 per cent of the workforce.

Aims and objectives

A briefing paper for the introduction of the employee councils states their aim and purpose: 'To work in partnership to improve the working environment and morale of all staff in Grosvenor Casinos through Employee Councils by effective open communication and problem solving to enhance future prospects and employability'. In addition, it states: 'The model has a clear structure and purpose, and identifiable roles. Accountability is built into the structure, along with an ethos of working on a team basis, with open two-way communication in order to solve issues' (Grosvenor Casinos 1998: 4).

²¹ Training of representatives is split into two half-day sessions with groups of no more than 20 people. Training consists of: listening skills, making a positive point, enhancing relationships, teamwork and creating options and solutions to problems.

Structure, composition and elections

There are three levels of employee council structure consisting of the Casino Council, Regional Council, and National Council.

Casino Council

Every casino has an elected representative from each department of their business who meet with the general manager and manager each month. An agenda is then produced and action notes taken. A departmental representative chairs the meeting by rotation. These meetings normally last two hours. Action notes are produced and circulated within three days of the meeting. There are a minimum of three and a maximum of ten representatives, depending on the size of the casino.

Regional Council

Every region also has an elected representative from each casino site who meets with the regional manager, regional human resources adviser, and one general manager from the region, once every three months. There are three regions in the company: London/Essex with three sites; South East with seven sites; and the North and South West, which have 13 sites between them. An elected casino representative collates and agrees the agenda with the regional manager and chairs the meeting. Action notes are then produced and circulated within one week of the meeting.

National Council

A national meeting is held twice a year attended by regional representatives (one from gaming, one from another department) from each region (a total of six), the national operations director, the director of human resources, and one regional manager (on a revolving basis). The meetings are chaired by the national operations director.

Elections and term of office

Prior to casino council elections employees are briefed by the employee council co-ordinator. All representatives are elected for a period of 12 months. Nominations are put forward from each department of the casino, which are posted on the staff notice board. An election by secret ballot takes place for each department. Voting forms are handed out and returned by placing them in a box at the cash desk. To be eligible to stand for election, the candidate must have completed three months of continuous service with the company. Departmental representatives vote for their casino representatives to attend the regional council.

Each representative stands for re-election after twelve months. Long-term sickness would preclude anyone from standing. During a term of office, a representative may resign prompting an election. Where more than 50 per cent of a departmental team are dissatisfied with a representative in their role, the issue is tabled at the next casino meeting and the representative could be asked to stand down.

The regional councils elect two representatives for the national councils. These representatives are also elected for a year but are not rotated in order to maintain greater consistency. According to the employee council co-ordinator, training identified a greater 'comfort' of consistency among representatives and senior management, if the same representatives were retained on the council.

Council meetings and issues discussed

The aim of the casino council meetings is to discuss issues, exchange views and solve problems through open, two-way communication. An elected department representative collates and agrees the agenda with the general manager and chairs the meeting. Another department representative is nominated to take action notes.

The regional council meeting provides the opportunity to discuss issues arising at the casino council meetings, to debate wider regional issues and to share best practice. The national council meeting discusses company strategy and major issues in the business, and invites input from the regional representatives. It also provides the chairperson with the opportunity to float some of the issues that have arisen from the casino meetings, review their progress and to examine whether changes are required.

According to the employee council co-ordinator, there were a number of major issues raised in the first year. First, wages and benefits were raised as a major issue with many employees believing that they were not paid as well as they should be. The employee council co-ordinator said that basically ‘the council has very little influence over basic salary’. He conceded that a union would see this as a core function and the company was examining ways to address these concerns. Second was the issue of security of employment. This was of great concern due to rumours started by ‘word of mouth’ of particular site closures. The employee council co-ordinator suggested that while more sites have opened than have closed, employees can be greatly affected due to the nature of the workforce being very regionally-based. Other issues included health and safety, matters concerning performance improvement, roster systems and hours of work, the company bonus scheme, working time requirements, multi-skilling, and performance appraisals. Although council representatives can represent employees in disciplinary cases and grievance issues, this is not one of their specified duties. However, they are better placed to do this because of their training.

Resources and training

The employee council representatives have access to basic facilities including telephone, fax, e-mail, computers, photocopiers and meeting rooms. They also attend a one-day training course (normally taken over two half-days) focusing on how to run meetings, making a point and presenting an argument, body language, how to prepare a meeting, and note taking. In addition, national council representatives have access to training in health and safety issues and employment law.²²

Ciba Specialty Chemicals (UK)

Ciba Specialty Chemicals (UK) is the UK division of the Swiss-based Ciba Specialty Chemicals group.²³ Worldwide, the group had around 25,000 employees in 2000. The Bradford site employed around 1,800 staff. It is a leading specialty chemicals and associated chemicals producer, with a focus on chemicals for water treatment.

²² Such training is not given to local representatives.

²³ Previously, the UK division was an independent UK company under the name of Allied Colloids. It was sold to the Ciba group in 1998.

In May 1999, Ciba announced that there would be 220 redundancies from the workforce and that it had begun the 90-day consultation period with the company council and GMB. Issues for consultation included outsourcing certain activities, stopping other activities and reviewing critically the numbers employed throughout the operations in the UK. In addition, the company restricted the amount of overtime worked and suspended a recently introduced flexitime system.

History of employee representation

The site has had a company council since May 1973. In the absence of any recognised trade union, its role at that time was to act as the sole communications and representation channel for employees and managers. According to its early constitution, the company recognised that its success depended on ‘teamwork, the co-operation of people, both individually and collectively by departments, to achieve the collaboration necessary to translate ideas through to sales’ (Ciba, 1998a).

Aims and objectives

The company council constitution states: ‘The company council acts as a forum for discussion of matters of common interest to the employees of the company. The council acts as a means of communicating ideas and opinions to the board, and allows the board to meet and consult with the employee representatives. The council aims to increase the understanding of the company’s affairs by all employees. All sections of the company’s employees should be represented on the council’ (Ciba, 1998a).

The company council mission statement states that ‘the role of the company council is to ensure all employees are treated fairly and that matters are dealt with appropriately. Our goals are to: promote effective two-way consultation between the workforce and management; support employees by providing a confidential service for those who request our assistance; improve working conditions in line with the chemical manufacturing sector; and promote a culture of harmonious teamwork throughout the Company that improves production and safeguards jobs’ (Ciba, 1998b).

Structure, composition and elections

Elections are held every March. Half of the representatives are re-elected each year for a two-year term. Constituencies are based on working units defined primarily by location and function. All representatives must have been employed by the company for at least 12 months. Elections are by secret paper ballot and are counted by the personnel manager, council leader and the company secretary. Turnout is normally low, between 25 and 35 per cent. Previously, elections were contested only half of the time. Management suggested that the difficulty in attracting volunteers could have contributed to the perception that the company council lacked influence and was ineffective because it was excluded from pay negotiations.

In 2000, there were a total of 32 employee representatives²⁴ and an additional 12 deputies to provide assistance to the representative and to represent the constituency when the representative is unavailable for meetings.²⁵ Each representative covers on average 70 to 80 employees. The representatives elect a full-

²⁴ This figure has increased by seven since the establishment of the company council.

²⁵ In production areas there are usually two representatives to cover all shifts.

time council leader from among the members on council for a period of three years.²⁶ In addition there are three to four management appointments including the managing director, safety manager and one or two senior managers and directors. The chairperson is nominated from among the management representatives and holds office for a period of one year.

Council meetings and issues discussed

With the exception of annual pay adjustments and individual grievances, at company council meetings the company discusses and consults over a wide range of issues which concern all employees or a large number of employees. These matters include: company financial results and other items from the board; health and safety; the performance-related pay system, holiday entitlements; transport to and from the site; car parking; medical services, and so on.²⁷ Annual pay adjustments (namely wages, salaries and other financial benefits) are negotiated in a separate committee drawn from six company council representatives (including the company council leader and union site representative), six managers, and the GMB Regional Organiser.²⁸

Council meetings take place once every two months in work time and normally last two to three hours. Representatives are paid for their time if they are shift workers and if a meeting is taking place during their time off, although no additional travel costs are paid.²⁹ At present there is no provision for representatives to spend further time on council business, although most council business is done in normal company time.³⁰ Agenda meetings for employee representatives alone are held every two months in between the full company council meetings.³¹ The company council also operates several sub-committees, for example a canteen sub-committee. Representatives may offer support and advice for employees in any grievance or disciplinary procedure, although they do not have any formal role. All representatives have access to e-mail and, when required, secretarial assistance through the human resources department and function.

At company council meetings, the company secretary's personal assistant takes the minutes. These are checked by the company secretary, council leader and the chairperson. Minutes are normally posted on the noticeboards within one to two weeks. All representatives are entitled to one vote except for the council leader, who cannot vote on any issues unless there is an equal number of votes for and against the motion when the leader has the casting vote. The chairman may call an emergency or

²⁶ The full-time company council leader had been in place for 12 months. Previously, the position was part-time and elected for a two-year term. Managers are pleased with the current full-time company council leader since this has helped to 'defuse situations' and allowed full communication of issues. The company council leader and the union representative said that the company has guaranteed that if he is not re-elected, it will find a similar position at the same level of pay. It would also fund any training that would be required for the new position (Interview, 18 June 1999).

²⁷ Matters involving one or a small number of employees and departmental matters not previously brought to the attention of the management are not considered company council business.

²⁸ The GMB Regional Organiser stated, 'I see bargaining [in] the same [way] as negotiation, but do see a difference in regard to negotiation and consultation' (Interview, 18 June 1999).

²⁹ In these circumstances, a minimum of six hour's overtime pay will be paid (which includes any travelling expenses).

³⁰ According to the company council leader and the union representative, for most representatives this can be up to six hours a week.

³¹ Following the Agenda meeting, agenda items are given to the secretary who then circulates the agenda to each representative and management member prior to the meeting.

extraordinary meeting, as can a majority of elected members if they submit a written request to the secretary.

At two company council meetings in March and April 1999 a number of issues were discussed: tax allowances for laundering personal clothing, the Millennium bank holiday, monthly pay dates, overtime payments, new shift patterns, consideration of an annualised hours package and the early retirement fund (Ciba, 1999a).

Union relations

Since 1999, the GMB has had sole union recognition and a partnership agreement at the Bradford plant. Before recognition was granted, the GMB had approximately 500 members. It was estimated that by 2000 there were 800 members at the site.

The partnership agreement signed in March 1999 highlights a number of issues. For example: both parties ‘work together for the mutual benefit of the business and all those that it employs’; ‘the company recognises the right of the GMB to recruit, organise and give guidance and assistance to its members at the Bradford site and agrees to give reasonable facilities for that purpose; the ‘GMB agrees to work in tandem with the company council in improving two way communications and understanding of common objectives’; the company recognises the GMB as the sole trade union for collective bargaining and the GMB promises to train all its site representatives with the company giving ‘reasonable time off with pay for the purpose’; the company will encourage membership of the GMB and for ‘new employees the company will arrange for the company council leader to meet with them and advise of the benefits of GMB membership’; union contributions will be deducted from salaries for those employees requiring this to be done; and the company and GMB have ‘a common objective in using the process of negotiation to achieve results beneficial to the company and the employee’ (Ciba, 1999b). Notably, the agreement does not have a ‘No Strike’ clause. The GMB Regional Organiser argued, ‘I would never sign one because I see strike action as the ultimate [sanction] – I see it as a failure’ (Interview, 18 June 1999).

The rationale for Ciba to finally accept and give union recognition was summarised by the GMB Regional Organiser,

At one time, management had a more paternalistic type approach to industrial relations. They thought they knew best. We were outside the gates for 11 years – a long and slow struggle. People were paid for the type of job they did, they had stability of employment and generally they were not badly treated – they had share options, nice staff restaurant, social clubs etc. The problem was that some managers were not particularly well trained which meant that some industrial relations issues, which could have been handled easily, were handled very badly. There were some horror stories. We still managed to gain 500 members over a ten-year period with no union recognition. The harder we knocked outside the gates, the more the company gave representatives inside training and power. There was no doubt the company council was used as a union avoidance mechanism. I either come in and work with the company council or hold onto the legislation and go

through the process and demand recognition. I would rather work by consensus. Also the HR director had a more modern approach to industrial relations – everything had changed. I also introduced other companies, which had worked with us [GMB], to build their confidence (Interview, 18 June 1999).

Unions must go through the company council for recognition purposes. However, the majority of the representatives on the company council are union representatives. The GMB Regional Organiser argued that while ‘the council is a complication in the partnership process due to the non-union representatives on the council, over time with the hard sell, we will have all representatives on the council trade union members. In this current redundancy situation, the union experience has been helpful. I am sure consultation through us [GMB] took the heat out of the situation’ (Interview, 18 June 1999). He went on to say: ‘The problem when you are an employee is that it is like a collar around your neck when it gets hot. They don’t employ me and that makes a hell of a difference. In training we told them what their rights were, where they could go and what they could do. They had never been told that before’ (Interview, 18 June 1999).

By 2000 most of the production-based representatives union members (with around 20 representatives). In contrast, few office-based representatives were unionised. While previously this had not caused any conflicts on the council, since union recognition it highlighted a higher standard of training provided by the GMB for its union representatives. Non-union office staff consequently requested a higher standard of training for non-union representatives to address this imbalance.

The company council leader and the union representative stated that union recognition allowed the company council access to more information and given greater legal protection for employees in disciplinary procedures by giving representation to those employees who were dismissed due to disciplinary action (Interview, 18 June 1999). For example, the redundancy programme required the company council to call on the assistance of the GMB. The company council leader and the union representative suggested that the ‘unions are there as an extension and tool for the company council to use and it’s my responsibility to get the union in for help and guidance. The company has a dual channel of representation’ (Interview, 18 June 1999).

Panasonic (Matsushita) (UK)

Panasonic (UK) is the trading name of the Matsushita Electric Group based in Japan. In 2000 it was estimated to have 11,000 employees in Europe and a workforce of 260,000 worldwide. At the time of the research there were around 4,000 employees in the UK where its European head office is based.

The company has two main consultative forums which cover its UK employees. First, is the Panasonic European Congress (PEC) which was set up in 1996 under a voluntary agreement under Section 13 of the European Works Council (EWC) Directive. The second forum is the nationally-based Panasonic UK Consultative Committee (PUCC) which was established in 1996 to cover mainly the non-unionised part of the company (sales and administration and in theory also

managers).³² It was established after consultations with ACAS and the setting up of an internal working party in 1995, which considered the best way to introduce the system and to formulate the rules and constitution. After extensive communication with all staff (about 800), employees were encouraged to nominate representatives for their own area.

The personnel manager indicated that while European legislation provided one of the main drivers, other drivers were the adoption of an EWC at the UK European Headquarters and the strong push from other European companies in the group to improve communication in non-union areas of the company. She also indicated that there were: 'Some people thinking about joining a union because they saw their rights were not being represented, and this would discourage them from doing so' (Interview, 10 May 1999). It was also suggested that the Japanese parent company philosophy based on group decision-making was also a factor in the process to improve communications. Other communication methods are also used such as bulletin boards, the Intranet, workshops and team briefings, if major changes are taking place.³³

Aims and objectives

As stated in the PUCC constitution, 'The objective of the PUCC is to provide a means of communication and consultation between the management and the staff of Panasonic UK on all matters of mutual interest including: company performance and efficiency; physical conditions of work, health and safety; training and further education; and plans for technological or organisational change; and other matters which management or employee representatives may wish to raise which cannot be covered elsewhere' (PUCC, 1996). The constitution also states that 'consultation' means the exchange of views and the establishment of dialogue between an employee representative and senior management.

The personnel manager stated, 'The PUCC is used as a means of communication between management and staff and acts as a sounding board for new ideas. It is also used to monitor suggestions or management ideas' (Interview 10 May 1999).

Structure, composition and elections

The PUCC consists of ten employee representatives drawn from the different internal divisions and locations of Panasonic UK. The managing director and two other senior management representatives also attend. Meetings are held every two months and last for approximately three to four hours. At its first meeting in early 1996, employee representatives to the Panasonic European Congress (PEC) were elected.

There are no union-appointed positions on the PUCC although representatives are free to join a union if they wish. The personnel manager acts as secretary to the PUCC. The election of employee representatives is by a 'free ballot' (field technical staff are also eligible to vote) and all candidates must be permanent employees with a

³² According to management, there was only one employee who was a member of a trade union in the administration and sales division (out of a total of 850 employees). The AEEU has a single union agreement with Panasonic (UK) covering the six UK manufacturing plants.

³³ The personnel manager emphasised strongly that the company would rather deal directly with employees rather than unions or the PUCC (Interview, 10 May 1999).

minimum of one year's service.³⁴ Initially, employee representatives served three-year terms, although all subsequent employee representatives serve two-year terms. It is stated in the PUCG constitution that the primary duty of all representatives is to contribute in good faith and in a constructive manner to the aims of the PUCG and the company undertakes a commitment that representatives' working relationships will not be prejudiced by any views expressed in good faith in the discharge of their duties (PUCG, 1996).

Employee representatives are given reasonable time off to attend meetings (this is not stated formally in the PUCG constitution but it is accepted practice) and where necessary, for pre-meetings or any other task required by the PUCG, as well as time off to discuss and report back to colleagues on issues discussed. The company also provides access to ACAS training programmes and equipment (for example, email, meeting rooms and so on).

The PUCG also has the power and authority to appoint an independent chair to facilitate the smooth running of the meetings, although s/he does not have the authority to contribute to discussions. All agenda items are forwarded to the chair at least seven days before the meeting and the full agenda is circulated three days before the meeting. To assist in drawing up the agenda, the chair convenes a previously-nominated group comprising one management (normally the HR manager) and one employee representative (this rotates between all employee representatives) to produce the final agenda from the items submitted. Minutes are circulated to representatives for comment three days before general circulation. Representatives circulate minutes throughout their own divisions. These are then discussed at departmental and/or divisional meetings.

Council meetings and issues discussed

The matters discussed at meetings include: company performance information; sales figures; health and safety issues (although there is a H&S committee, many issues are also discussed at the PUCG); canteen and sports facilities; technological and structural changes; employment issues (including staffing issues); government legislation (including new employment legislation); future company strategy; the salary review process (not to negotiate actual salaries but to discuss the methods and processes); and training and education. Individual grievances are not discussed unless it is considered by the PUCG to be a company issue.³⁵ PUCG representatives can also represent individuals on grievance and discipline reviews. In relation to general pay and conditions of employment (including performance appraisal, systems of payment and staff planning) and organisational restructuring proposals, the PUCG is informed but has no input through negotiation towards the final outcome.

Other issues debated at meetings in 1999 included: adjusted working hours; an ACAS questionnaire regarding equal employment opportunities; customer care workshops (including the reluctance of Japanese staff to attend); closure of a

³⁴ In an interesting development, 70 per cent of the workforce in the administration and sales areas were male, while some 80 per cent of the representatives on the PUCG were female. The personnel manager said that this could reflect the fact that most of the office-based staff are female, while many sales staff are 'on the road' and so out of the office most of the time.

³⁵ For example, individual issues of bullying and harassment have been raised due to their company-wide implications and the formulation of company policy towards such issues.

warehouse at Wakefield; demand for parking places; outsourcing of certain administration services; staff purchase procedures; the provision of a lunch-time rest area for non-smokers in the staff restaurant; a management development programme; health and safety training; the selling of company flats; and a report from the Panasonic European Congress.

To focus in more depth on particular issues, a number of sub-committees were set up (each consists of an HR manager and one or two employee representatives). These included the possible introduction of flexitime working and the position of women at the workplace. In the case of the flexitime sub-committee, two managers and three employee representatives formed a joint committee to put some proposals together. They presented their proposals and then went back again until agreement over a final proposal was reached with all parties.

At the time of the study, the PUCC had no formal or informal bargaining or negotiating power over wages. However, management indicated that the PUCC could possibly evolve into a formal negotiation forum in light of the new legislative requirements.

Summary of strategy, structure and processes of non-union employee representation

| | Sainsbury's | John Lewis Partnership | Panasonic (Matsushita) UK | HP Bulmers Ltd | Grosvenor Casinos | Ciba Specialty Chemicals (UK) |
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| Industry | Retail (grocery) | Retail (department store) | Sales (electrical appliances) | Food and Drink (alcoholic – cider) | Entertainment (casinos and clubs) | Chemicals |
| Drivers for implementation and continued operation | <p>Three main factors drove the establishment of the staff councils at Sainsbury's. The first occurred in late 1996; when in response to a company-wide employee attitude survey conducted in February that year, managers began to explore the possibility of establishing a company-wide representative structure. The first survey to cover all 115,000 of Sainsbury's staff, it achieved a high response rate of 80 per cent. The 'Talkback' survey indicated that many employees were dissatisfied with the level and quality of communication and consultation in Sainsbury's and suggested that they lacked 'effective' voice in the workplace. At the same time as the Talkback survey, a review was underway of the existing JCC for the 2,500 head office staff. This review was the second major driver in the establishment of the staff council. The review found that the JCC meetings focused on minor matters and were too limited, concentrating on 'tea, towels and toilets' issues rather than on more substantive issues which employees required. The third major</p> | <p>The company was founded in 1864 when John Lewis established a draper's shop in Oxford Street, London. In 1905 a full department store was established in Chelsea. At that time Spedan Lewis was put in charge of the store and experimented with the partnership model (a model based on all permanent employees owning a share of the business), first establishing a staff council, a Committee for Communication and a house journal. These were introduced as a means to attract good workers and encourage them to work well. From the 1920s, Spedan Lewis started to implement an inclusive participation model (later known as the Partnership) by sharing the profits with employees. In 1950 Spedan Lewis established a written constitution for the business and transferred his rights of ownership to trustees.</p> | <p>The Personnel Manager indicated that while European legislation provided one of the main drivers, other drivers were the adoption of an EWC at the UK European Headquarters and the strong push from other European companies in the group to improve communication in non-union areas of the company. She also indicated that there were: 'some people thinking about joining a union because they saw their rights were not being represented, and this would discourage them from doing so'. It was also suggested that the Japanese parent company philosophy based on group decision-making has also been a factor in the process to improve communications.</p> | <p>After a long history of paternalistic partnership practices and to diminish 'class distinction', or as Fred Bulmer stated 'Leadership is not a Bowler Hat', the company set up a works advisory committee in the late 1950s. The 'Fairness at Work' initiatives under the Employment Relations Act 1999 legislation have provided a further rationale for the employee council.</p> | <p>According to management, previously the company introduced staff forums with limited success. Management recognised there was a need to replace them with a more effective and open form of staff representation. This was supported by a new leadership team, which saw other sister companies introducing works councils. Concerns over the existing culture at the company were also identified by the results of a company employee survey.</p> | <p>The site has had a company council since May 1973. At that time, in the absence of any recognised trade union, its role was to act as the sole communications and representation channel for employees and managers. According to its early constitution, the company recognised that its success depended on 'teamwork, the co-operation of people, both individually and collectively by departments, to achieve the collaboration necessary to translate ideas through to sales'.</p> |

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| | <p>driver was the introduction of the European Works Council Directive in September 1996 and the Directive's influence on internal collective consultation within European companies. As the Manager of HR Policy suggested 'Synergy did exist between the demands of the EWC Directive and the needs of our company'.</p> | | | | | |
| Stated objectives and aims | <p>Staff Councils – 'are a communication tool for employees to communicate upwards to the Chairman, and also a process for the business to communicate information to all employees'. The Group Council 'enables representatives from all areas of the business to hear from the Chair on key issues and changes that affect them. It also provides an opportunity for ideas from employees to be communicated to Directors'.</p> | <p>'The Partnership's democracy aims to resolve differences by keeping the general body of the Partnership fully and properly informed on what is being done and why, by consultation and by sharing in decisions to the greatest extent that seems practicable'.</p> <p>In addition, an internal document states, 'Every member of staff who works for John Lewis is one of the owners, with a say in how the company is run and a share in the profits'. In addition one of the core principles was to recognise the importance of participation in community life.</p> | <p>As stated in the Panasonic UK Consultative Committee (PUCC) Constitution, 'The objective of the PUCC is to provide a means of communication and consultation between the Management and the Staff of Panasonic UK on all matters of mutual interest including: company performance and efficiency; physical conditions of work, health and safety; training and further education; and plans for technological or organisational change; and other matters which management or employee representatives may wish to raise which cannot be covered elsewhere' (PUCC, 1996). The constitution also states that 'consultation' means the exchange of views and the establishment of dialogue between employee representative and senior management. Management also stated, 'The PUCC is used as a means of communication between management and staff and acts as a sounding board for new ideas. It is also used to monitor suggestions or management ideas'.</p> | <p>The rationale for establishing the Employee Council is stated in the first paragraph of its constitution: 'The company understands and welcomes the desire of employees to become more deeply involved in decisions which affect their future as it recognises and encourages the important part which employees play in ensuring the continuing success of Bulmers for the ultimate benefit of customers, employees and shareholders'. The constitution of the Employee Council also states: the 'objective of the Employee Council is to provide a platform where discussions can take place on those matters which affect all employees and hence, their future and the success of the company; these matters would not include particular areas which are subject to negotiations with the recognised trade union'.</p> | <p>A briefing paper states their aim and purpose of the Employee Council is 'To work in partnership to improve the working environment and morale of all staff in Grosvenor Casinos through Employee Councils by effective open communication and problem solving to enhance future prospects and employability'. In addition, it states 'The model has a clear structure and purpose, and identifiable roles. Accountability is built into the structure, along with an ethos of working on a team basis, with open two-way communication in order to solve issues'.</p> | <p>The company council constitution states: 'The company council acts as a forum for discussion of matters of common interest to the employees of the company. The council acts as a means of communicating ideas and opinions to the board, and allows the board to meet and consult with the employee representatives. The council aims to increase the understanding of the company's affairs by all employees. All sections of the company's employees should be represented on the council'. The company council mission statement states that 'the role of the company council is to ensure all employees are treated fairly and that matters are dealt with appropriately. Our goals are to: promote effective two-way consultation between the workforce and management; support employees by providing a confidential service for those who request our assistance; improve working conditions in line with the chemical manufacturing sector; and promote a culture of</p> |

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| | | | | | | harmonious teamwork throughout the Company that improves production and safeguards jobs’. |
| Coverage | All 140,000 employees. | All permanent employees (Partners). | The PUCC covers mainly the non-unionised part of the company (sales and administration and in theory also managers). | All 800 employees at the Hereford plants. | All permanent employees (95 per cent of all staff). | All non-management employees (including union members). |
| Level of operation | Two-tier model (organisational and local) - a 30-member company-wide Group Council - 400 local councils based on a local area/store or function. | Three-tier model (organisational, branch and local) - 135 member Central Council - Branch Council (a form of local government) - Local committees (informal forum to express views). | One-tier model covering all nationally-based administration and sales sections and in theory also managers of Panasonic (UK). The company has a European Works Council at European level. | One-tier model of non-union employee representation through the employee council. However, there is a second tier representation through the T&GWU. | Three-tier model of the employee council structure consisting of the Casino Council, Regional Council, and National Council. | One-tier model covering all sections at Ciba. |
| Constituency size | Between 50 and 100 employees at store level. | Between 50 and 100 employees at store/branch level. | Between 80 to 100 employees at each division or location. | Between 30-50 employees based on teams at a functional or departmental area. | Varies considerably depending on size of casino and club which can be between 120 to 500 employees. | Each representative covers on average 70 to 80 employees. |
| Composition and representativeness | Seats on group council divided by six UK regions, plus two union representatives. The Group Council is made up of board members, 26 elected employee representatives, two union appointees, and group chair (also chairs council) and group personnel director. Local Council – maximum of 15 people (excluding the chair – relevant store/depot manager, and secretary – local personnel manager). | Elected employee representatives, regularly brief on progress of company (all employees are shareholders). The 135 member Central Council provides the electoral college to appoint five directors to the Partnership’s Central Board of 12 representatives. Eighty per cent are elected from branches and 20 per cent appointed by management. Chairman cannot reject a Central Council recommendation without consulting the Central Board Branch Councils local government. Local committees all employees in open discussion. | The PUCC consists of ten employee representatives drawn from the different internal divisions and locations of Panasonic UK. The Managing Director and two other senior management representatives also attend. Meetings are held every two months and last for approximately three to four hours. At its first meeting in early 1996, employee representatives to the Panasonic European Congress (PEC) were elected. There are no union-appointed positions on the PUCC although representatives are free to join a union if they wish. The Personnel Manager acts as secretary to the PUCC. The election of employee representatives is by a ‘free ballot’ (field technical staff are also eligible to vote) and all candidates must be permanent | The Employee Council is the only representative channel for the higher grades 1 to 5. It is chaired by the Group Chief Executive (or Managing Director), and consists of four shop stewards (ex-officio) and 17 elected representatives from across the group’s UK operations. The elected representatives are voted in for a four-year period. The four union representatives are appointed for an indefinite period. In addition to these 22 voting members, there are three ex-officio, non-voting members. These ex-officio members are the Holdings Board Director, the District Official of the T&GWU, and the Personnel Director, who acts as Secretary to the | Every casino has an elected representative from each department of their business who meet with the general manager and manager each month. An agenda is then produced and action notes taken. A departmental representative will chair the meeting by rotation. These meetings normally last two hours. There are a minimum of three and a maximum of ten representatives, depending on the size of the casino. Regional Council - Every region also has an elected representative from each Casino site who meet with the regional manager, regional human resources adviser, and one general manager from the region, once every three months. There are three regions in the company: | At present, there are a total of 32 employee representatives and an additional twelve deputies to provide assistance to the representative and to represent the constituency when the representative is unavailable for meetings. In production areas there are usually two representatives to cover all shifts. The representatives elect a full-time council leader from among the members on council for a period of three years. In addition there are three to four management appointments including the managing director, safety manager and one or two senior managers and directors. The chairperson is nominated from among the management representatives and holds office for a period of one year. Elections are held every March. Half |

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| | | | <p>employees with a minimum of one year's service. Initially, employee representatives served three-year terms, although all subsequent employee representatives will serve two-year terms. The PUCC also has the power and authority to appoint an independent chair to facilitate the smooth running of the meetings, although s/he does not have the authority to contribute to discussions. All agenda items are forwarded to the Chair at least seven days before the meeting and the full agenda is circulated three days before the meeting. To assist in drawing up the agenda, the Chair convenes a previously nominated group comprising one management (normally the HR manager) and one employee representative (this rotates between all employee representatives) to produce the final agenda from the items submitted.</p> | <p>Council. The Council elects an employee representative as the Deputy Chair for a two-year period, who acts as Chair in the absence of the Group Chief Executive. At least once a year, the Deputy Chair addresses the Board of Directors to communicate employees' views. Since restructuring, the Council constituencies are now based on teams based in a functional or departmental area, rather than on a tradition craft or professional basis. The Council has considerable autonomy in organising elections and the voting and nomination procedures.</p> | <p>London/Essex with three sites; South East with seven sites; and the North and South West, which have 13 sites between them. An elected casino representative collates and agrees the agenda with the regional manager and chairs the meeting. National Council - A national meeting is held twice a year attended by regional representatives (one from gaming, one from another department) from each region (a total of six), the national operations director, director of human resources, and one regional manager (on a revolving basis). The meetings are chaired by the national operations director.</p> | <p>of the representatives are re-elected each year for a two-year term. Constituencies are based on working units defined primarily by location and function. All representatives must have been employed by the company for at least 12 months. Elections are by secret paper ballot and are counted by the personnel manager, council leader and the company secretary. Turnout is normally low, between 25 and 35 per cent. Previously, elections were contested only half of the time. Management suggested that the difficulty in attracting volunteers could have been contributed to the perception that the Company Council lacked influence and was ineffective because it was excluded from pay negotiations.</p> |
| <p>Resources and training</p> | <p>Where deficiencies are identified, training is given by local HR staff. Some managers have also been given training in chairing meetings and on the latest statutory requirements. Most elected and union representatives undertake a three-day induction programme consisting of communication, interviewing, time management skills and business awareness. All local council representatives are given time off for</p> | <p>The Central Council has its own income, amounting to at least 1 per cent of the payroll (including the Partners' bonus). It also funds leisure activities and makes charitable donations. Training is provided to all representatives.</p> | <p>Employee representatives are given reasonable time off to attend meetings (this is not stated formally in the PUCC constitution but is an accepted practice) and where necessary, for pre-meetings or any other task required by PUCC, as well as time off to discuss and report back to colleagues on issues discussed. The company also provides access to ACAS training programmes and equipment (for example email and meeting rooms etc).</p> | <p>Training for representatives consists of issues, such as operation of the business, financial matters, long-term business strategy, marketing etc. Each half year when the latest financial results are announced, an external trainer facilitates a discussion on financial issues. In addition, twice a year there is a development programme focusing on the operation of the City, how it works and the importance of maintaining</p> | <p>The employee council representatives have access to basic facilities including telephone, fax, e-mail, computers, photocopiers and meeting rooms. They also attend a one-day training course (normally taken over two half-days) focusing on how to run meetings, making a point and presenting an argument, body language, how to prepare a meeting, and note taking. In addition, National Council representatives have access to</p> | <p>Company Council Leader is provided with an office, secretary and computer. The company also pays his yearly salary equal to his previous position in the company. Representatives are paid for their time if they are shift workers and if a meeting is taking place on their time off, although no additional travel costs are paid. In these circumstances, a minimum of six hour's overtime pay will be paid (which includes any travelling expenses). At present there is no provision for</p> |

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| | <p>briefings (half or one day a month) with employees and also to carry out any other duties associated with council business. For group council representatives, as well as time off they are paid full travelling expenses for the twice yearly group council meetings. They are also paid for at least one day following each council meeting to communicate with their constituents, and given time off on other occasions to fulfil their council duties following agreement with their departmental director. Local and group council representatives are given time off to brief their constituents and to carry out any other work associated with council, plus paid any travelling time.</p> | | | <p>shareholder value. However, one Councillor did indicate that a key challenge for representatives to is overturn the perception that it is a talking shop. This is due to employees having little understanding of the time and resources required when Councillors are not attending meetings.</p> | <p>health and safety issues and employment law training. Such training is not given to local representatives.</p> | <p>representatives to spend further time on council business, although most council business is done in normal company time. According to the Company Council Leader, for most representatives this can be up to six hours a week. Agenda meetings for employee representatives alone are held every two months in between the full company council meetings. All representatives have access to e-mail and, when required, secretarial assistance through the human resources department and function.</p> |
| <p>Negotiating and bargaining</p> | <p>None</p> | <p>All issues including pay and conditions, redundancy. In practice agreement must be obtained. Chair can veto capital expenditure proposed if he/she regards as 'too dangerous' to Partnership's business interests. Local 'Branch Council' may deal with local grievances and issues.</p> | <p>The PUCC does not have formal negotiation or bargaining powers. As an example, in relation to general pay and conditions of employment (including performance appraisal, systems of payment and staff planning) and organisational restructuring proposals, the PUCC is informed but has no input through negotiation into the final outcome.</p> | <p>None.</p> | <p>None. The senior Employee Council Co-ordinator suggested that 'the council has very little influence over basic salary'.</p> | <p>None. The GMB has sole representation on collective bargaining issues (ie pay and basic employment conditions).</p> |
| <p>Union involvement</p> | <p>Group Council - two union appointees Local Council - decided on a local site basis (open ballot)</p> | <p>No formal representation although can contest open elections as Council Representatives.</p> | <p>There are no union appointed positions on the PUCC although representatives are free to join a union if they wish. Management emphasised strongly that the company would rather deal directly with</p> | <p>Currently the T&GWU represents employees through the Joint Working Party arrangement involving management and union representatives on the lower grades 6</p> | <p>Management does not recognise any union. However, the T&GWU does have union members (mainly in the London region). T&GWU membership is between 5 to 10 per cent of the workforce.</p> | <p>Since 1999, the GMB has had sole union recognition, and a partnership agreement at the Bradford plant. Before recognition was granted, the GMB had approximately 500 members; at the time of the study</p> |

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| | | | <p>employees rather than unions or the P.U.C.C. The A.E.E.U has a single union agreement with Panasonic (UK) covering the six UK manufacturing plants.</p> | <p>to 9 (around 340 employees). According to the trade union organiser, about 96 per cent of the shopfloor are union members (although office staff membership is very low at around 5 per cent). As well as the four ex-officio shop stewards on the Council, many of the representatives are also T&GWU shop stewards, and thus involved in the negotiating forum (union representatives only). However, most issues discussed in union negotiations have been previously discussed in the Council.</p> | <p>According to the senior Employee Council Co-ordinator 'Management wanted the councils to be an alternative to unions. Management wanted a body that knew about the business and that they could trust rather than a third body, which could have its own agenda. The T&GWU action had little effect outside London'.</p> | <p>there were to be 800 members at the site. The partnership agreement signed in March 1999 highlights a number of issues. For example: both parties 'work together for the mutual benefit of the business and all those that it employs'; 'the company recognises the right of the GMB to recruit, organise and give guidance and assistance to its members at the Bradford site and agrees to give reasonable facilities for that purpose; the GMB agrees to work in tandem with the company council in improving two way communications and understanding of common objectives'; the company recognises the GMB as the sole trade union for collective bargaining and the GMB promises to train all its site representatives with the company giving 'reasonable time off with pay for the purpose'; the company encourages membership of the GMB and for 'new employees the company will arrange for the company council leader to meet with them and advise of the benefits of GMB membership'; union contributions will be deducted from salaries for those employees requiring this to be done; and that the company and GMB have 'a common objective in using the process of negotiation to achieve results beneficial to the company and the employee'. Notably, the agreement does not have a 'No Strike' clause. The majority of the representatives on the company council</p> |
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| | | | | | | are union representatives, including the Company Council Leader. |
| Issues for consultation | Discuss matters relating to the structure, activities and performance of the group where these affect staff including financial results and general trading and operational issues. Does not discuss individual issues such as pay, promotion or grievances. | All issues including financial information and performance, investment and company strategy. | The matters discussed at meetings include: company performance information; sales figures; health and safety issues (although there is a H&S committee, many issues are also discussed at the PUCC); canteen and sports facilities; technological and structural changes; employment issues (including staffing issues); government legislation (including new employment legislation); future company strategy; the salary review process (not to negotiate actual salaries but to discuss the methods and processes); and training and education. Individual grievances are not discussed unless it is considered by the PUCC as a company issue. | The constitution specifies that ‘The Council is empowered to discuss matters connected with company policy and decisions that affect the employees’ future, but not the day-to-day management of the business. The latter area is the responsibility of managers who must retain the fullest authority to achieve group objectives – subject to the already established routines of consultation’. There is no provision in the Constitution for employee-only meetings to discuss agenda items or issues. The constitution further states that ‘The Council, being concerned with policy, will be consulted and discuss matters at an early stage relating to: company objectives; company productivity; rules of conduct and discipline; amenities; training and development of the individual; recruitment; the company’s investment policy; company communications; human relations; trading activities; and company financial position’. Pay negotiations, other matters involving union negotiations or matters which may affect share price are | Any matter. The Regional Council meeting provides the opportunity to discuss issues arising at the Casino Council meetings, wider regional issues and to share information. The National Council meeting discusses company strategy and major issues in the business, and invites input from the regional representatives. It also provides the chairperson with the opportunity to float some of the issues that have arisen from the casino meetings, review their progress and to examine whether changes are required. Recent issues have included: wages, job security, health and safety issues, matters concerning performance improvement, roster systems and hours of work, the company bonus scheme, working time requirements, multi-skilling, and performance appraisals. | With the exception of annual pay adjustments and individual grievances, at company council meetings the company discusses and consults over a wide range of issues which concern all employees or a large number of employees. These matters include: company financial results and other items from the board; health and safety; the performance-related pay system, holiday entitlements; transport to and from the site; car parking; and medical services etc. ³⁶ Annual pay adjustments (ie wages, salaries and other financial benefits) are negotiated in a separate committee drawn from six company council representatives (including the company council leader and union site representative), six managers, and the GMB Regional Organiser. |

³⁶ Matters involving one or a small number of employees and departmental matters not previously brought to the attention of the management are not considered company council business.

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| | | | | specifically ruled out. | | |
| Frequency of meetings | Group Council meets twice-yearly; Local council meets once a quarter. | Central Council meets six times a year. Branch Councils meet six times a year. Local committees meet at store level five or six times a year. | Meetings are held every two months and last for approximately three to four hours. | The Council meets five times a year, with additional meetings as necessary (originally this was four times a year). In addition, the Board meets the Council on an informal basis, normally once a year for lunch and once prior to the Employees' Annual General Meeting which is held on the same day as the Shareholders' AGM. This gives Directors (and non-executive Directors) the opportunity to clarify and reconfirm issues raised by the management and allows a direct line of communication to representatives. | The Casino Council meets every month. The Regional Council meets once every three months and the National Council meeting is held twice a year. | Council meetings take place once every two months in work time and normally last two to three hours. |
| Dispute and conflict resolution | Outstanding matters are resolved within four weeks either by chair of committee or district/senior manager. | None specified. | None specified. However, PUCC representatives can represent individuals on grievance and discipline reviews. | None specified. However, in a recent restructuring exercise it was decided to establish a sub-committee to monitor and resolve disputes resulting from the subsequent compulsory redundancy programme. Individual representatives may represent employees on individual issues or grievances. | None specified. Although council representatives can represent employees in disciplinary cases and grievance issues, this is not one of their specified duties. | None specified. Representatives may offer support and advice for employees in any grievance or disciplinary procedure, although they do not have any formal role. |

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