

IES 40th Anniversary seminar: Employment Relations

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the institute for employment studies

early 1990s

ER & EU and the Labour opt-in

- EU social and employment policy ‘over there’
- Change imminent
- ‘Social Chapter’ arrivals eg EWCs
- Objectives? outcomes?
- Measures of success?
- Lessons learnt ...

**‘the existence of workplace
rights is not enough’**

(John Hutton MP, 2007)

from 2000 on

IES research on anti-discrimination - 4 strands

- **Monitoring the Disability Discrimination Act**
Hurstfield et al. for DRC, DWP, Equality Commission
- **The experience of claimants in race discrimination
Employment Tribunal cases**
Aston et al. for BERR (DTI), Employment Relations
Research Series 55
- **The experiences of sexual orientation and religion
or belief discrimination employment tribunal
claimants**
Denvir et al. for Acas, funded by BERR (DTI)

Experiences of employment tribunal claimants ...

- Intense experiences
- The desire for ‘sorry’
- Poor, or poorly followed, G&D procedures
- Early resolution opportunities missed & narrowing of possible outcomes
- Inequality of arms
- Zero-sum, but what is the prize?
- Costs, costs, costs, some benefits
- Yet, no regrets; moral aims & symbolic importance

Reflections

- The need for a victim
- Burden on individual litigant
- Implementation gaps and spill-over
- Relationship between the individual and the collective
- Compliance/best practice (no litigation risk; no demand)
- Shadow of the law and the ER context

Looking ahead – a new era?

- Labour law in UK – ‘a lot more of it’ – employment tribunal as last resort
- Gibbons review & Employment Bill 2007-2008 – do all that can to resolve in the workplace
 - Acas – enhanced helpline and pre-claim conciliation
 - G&D end of 2004 3-step procedures & Acas code of practice
- Challenges

40 years ago

Looking back — a different era?

- IES ‘born’ as IMS with research accommodation at ‘modest rental’ at the LSE and Sussex to carry out research and be a centre of excellence
- Before the UK joined the EEC
- Before ‘rights climate’ / ‘compensation culture’

‘respect for the legal rights of others and insistence on one’s own could become a habit’

(Grunfeld, BJIR Nov. 1968)

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- Before rights climate/‘compensation culture’
- Many notable IMS members and supporters – Victor Feather
- Turbulent ER context – IR Act 1971, *In place of Strife*, Donovan ...

Continuity *and* change

The (Donovan) Commission calls ...

1. to develop ... joint procedures for the rapid and equitable settlement of grievances ...
2. to adopt effective rules and procedures governing disciplinary matters, including dismissal, with provision for appeals

... thank you



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