

Human Resource Practice

Eighth Edition

Human Resource Practice

Malcom Martin
Fiona Whiting

CIPD



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Walkthrough of textbook features and online resources

Learning outcomes

At the beginning of each chapter a bulleted set of key learning outcomes summarises what you expect to learn from the chapter, helping you to track your progress.

LEARNING OUTCOMES

After reading this chapter you will:

- Understand the changing nature and continuing importance of employee relations.
- Be able to define the differences in the purposes, content and operation of disciplinary, capability and grievance procedures.
- Understand the good practice steps and statutory requirements that ensure the effective handling of conduct or capability cases.
- Be able to assess the suitability of a range of tools for managing long- and short-term absences.
- Appreciate the importance of responding appropriately and quickly to employee grievances, including consideration of alternative and collaborative approaches to resolving conflict.
- Understand the growing importance of and interest in employee engagement.

Case studies

A range of case studies from different countries illustrate how key ideas and theories are operating in practice around the globe, with accompanying questions or activities.



Case study 8.1

Is it possible to get it right? One organisation – a charity – did. The organisation found that pornographic images were stored on the computer of a member of the IT team and there was evidence to suggest that such material had been passed between the members of the department. There was a concern among the managers that if they were not seen to take decisive action, they might be viewed as condoning similar behaviour in the future as well as running the risk of receiving harassment claims and, possibly, a criminal conviction. After an investigation, the IT manager was unable to identify the guilty party or parties, and so reluctantly decided to dismiss all four employees in the department. One employee appealed, but the appeal was turned down and subsequently the same employee submitted an unfair dismissal claim.

In summarising the reasons for the finding of fair dismissal, the tribunal chair pointed out that:

- The organisation did have an established internet and e-mail policy that clearly specified what was 'acceptable use' and which actions were prohibited.
- Infringement of this policy was listed as an example of gross misconduct in the organisation's disciplinary procedure.
- A thorough investigation had taken place, but the employer had not been able to discover which employee(s) were to blame, and so had dismissed all four employees on the grounds of a reasonable suspicion.
- It was noted that the employees had been unhelpful during the investigations and there were no mitigating factors to be taken account of.

Reflective activity

In each chapter, a number of questions and activities will get you to reflect on what you have just read and encourage you to explore important concepts and issues in greater depth.



Reflective activity 8.3

If you are inexperienced in handling disciplinary situations, ask if you could sit in on a disciplinary interview as an observer only. Try to identify good and bad practices (diplomatically, of course). Did

you agree with the decision reached? If not, seek to discuss the reasons for the decision with the manager concerned.

Explore Further and Useful Resources

Explore further boxes provide references and contain suggestions for further reading and useful websites, encouraging you to delve further into areas of particular interest.



Explore Further

REFERENCES AND FURTHER READING

Acas (2014) *Bullying and Harassment at Work: A guide for managers and employers*, advisory booklet
 Acas (2014) *Employee Communications and Consultation*, advisory booklet
 Acas (2014) *Managing Attendance and Employee Turnover*, advisory booklet
 Acas (2015) *Code of Practice 1: Disciplinary and Grievance Procedures*, statutory code, available at [acas.org.uk/aca-code-of-practice-for-disciplinary-and-grievance-procedures/html](https://www.acas.org.uk/aca-code-of-practice-for-disciplinary-and-grievance-procedures/html) [archived at <https://perma.cc/Y4YX-YZ25>]
 Acas (2015) *Formal Grievance Procedure/Formal Disciplinary Procedure: Step by Step*, available at [acas.org.uk/disciplinary-and-grievance-procedures](https://www.acas.org.uk/disciplinary-and-grievance-procedures) [archived at <https://perma.cc/6Q4P-BLMB>]

The above are available on the Acas archive website (archive.acas.org.uk) as well as the new Acas website, [acas.org.uk](https://www.acas.org.uk), which offers more recent advice.

Alles, K. Truss, C. Soane, E. Rees, C. and Gatenby, M. (2010) *Creating an Engaged Workforce: Findings from the Kingston Employee Engagement Consortium Project*, Research report, CIPD
 Aylott, E. (2018) *Employee Relations: A practical introduction*, 2nd edn, Kogan Page, London
 BBC News (2017) 'Half of women' sexually harassed at work, says BBC survey, [bbc.com/news/uk-41741615](https://www.bbc.com/news/uk-41741615) [archived at <https://perma.cc/TM8G-748B>]
 Bennett, T. Saunders, R. and Fisher, V. (2020) *Managing Employment Relations*, 7th edn, CIPD/Kogan Page, London
 Bridge, E. (2018) *Employee Engagement: A practical introduction*, 2nd edn, Kogan Page, London
 Briner, R. (2014) *What is Employee Engagement and Does it Matter? An evidence-based approach*, University of Bath, School of Management, Bath
 CIPD (2018) *Health and well-being at work*, Survey report, CIPD

Cooper, C. and Hesketh, I. (2019) *Wellbeing at Work*, 1st edn, CIPD/Kogan Page, London
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 Office for National Statistics (2019) *Labour Disputes in the UK 2018*
 Purcell, J. (2012) *The Limits and Possibilities of Employee Engagement*, Industrial Relations Unit, University of Warwick
 Purcell, J. (2014) *The Future of Engagement: Thought Piece Collection – Time to focus on employee voice as a prime antecedent of engagement: Rediscovering the black box*, Institute of Employment Studies/CIPD
 The Open University (2018) *Employment relations and employee engagement*, free course, available on OU website or as Kindle edition
 Thompson, N. (2019) *Sexing Bullying and Harassment in the Workplace: A learning and development manual*, 2nd edn, Pavilion Publishing and Media, Brighton
 TUC (2016) *Still just a bit of banter? Sexual harassment in the workplace in 2016*, [tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf](https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf) [archived at <https://perma.cc/8L7K-3D6J>]
 YouGov/CIPD (2020) *Managing conflict in the modern workplace*, January, [cipd.co.uk/images/managing-conflict-in-the-workplace-1_jan19-2065.pdf](https://www.cipd.co.uk/images/managing-conflict-in-the-workplace-1_jan19-2065.pdf) [archived at <https://perma.cc/GB3J-DV9V>]



Useful Resources

CIPD RESOURCES

The following are available at [cipd.co.uk/knowledge](https://www.cipd.co.uk/knowledge) :

Reports

Managing conflict in the modern workplace (2020) Research report
Conflict Management: a shift in direction? (2015) Report

Factsheets

Absence management and measurement (2019)
 Discipline and grievance at work (2019)
 Dismissal procedures (2019)
 Employee engagement and motivation (2019)
 Employee relations: An Introduction (2019)
 Employee voice (2019)
 Harassment and bullying at work (2019)
 The psychological contract (2019)
 Well-being at work (2019)
 Acts of Parliament Employment Act 2008
 Employment Rights Act 1996
 Equality Act 2010
 Public Interest Disclosure Act 1998

Trade Union and Labour Relations (Consolidation) Act 1992

WEBSITES

Arbitration, Conciliation and Advisory Service: [acas.org.uk](https://www.acas.org.uk) [archived at <https://perma.cc/A58J-T2F4>]
 Department for Business, Energy & Industrial Strategy (Employment Relations): [gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy](https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy) [archived at <https://perma.cc/P77W-YFSA>]
 Legislation: [legislation.gov.uk](https://www.legislation.gov.uk) [archived at <https://perma.cc/EP6U-322S>]

PODCASTS

Handling harassment: are you getting it right (2019)
 Episode 145, CIPD podcasts
 The engagement myth (2018) Episode 135, CIPD podcasts
 Organisational culture and engagement (2019) Episode E031, The World of Work podcast
 Various episodes: Employment Law Matters podcast by Daniel Barnett, employment lawyer

Reflective activities feedback

At the end of each chapter, feedback on a selection of activities allows you to reflect on your understanding, highlighting any areas of development.



Reflective activities feedback

REFLECTIVE ACTIVITY 8.5

Before reaching a decision, the supervisor needed to answer the following questions:

- Do the written particulars contain a clause referring to out-of-hours training?
- Which legislative Acts are relevant – for example, the Equality Act 2010 (regarding indirect sex discrimination)?
- What has happened in the past in similar circumstances (that is, custom and practice)?
- Has the employee been willing to attend previous training events?
- What is known about the employee's domestic circumstances (taking into account the employee's right to privacy)?
- Can the company provide any help and assistance regarding childcare?
- Can alternative arrangements be made to accommodate this training. for example, rescheduling the event to weekdays, changing the attendance requirements?
- What are the likely repercussions of all the possible solutions?

Other resources

Online resources for tutors

- PowerPoint slides – design your programme around these ready-made lectures.
- Lecturer's guide – including guidance on the activities and questions in the text.

Online resources for students

- Annotated web links – access a wealth of useful sources of information in order to develop your understanding of the issues in the text.
- Author blog – keep up to date with the latest developments in HR through our author's blog.

