

# Continuity and change in collective workplace conflict in Britain a classification of contemporary actors issues and channels

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## Executive summary

This research looks at perceptions of continuity and change in collective workplace conflict in Britain. Given the role of Acas, their staff are uniquely well placed for an initial overview of the principal issues involved in collective conflict, and consequently they form the majority of respondents in this study. Between March and August 2023, we carried out 39 interviews (14 Acas conciliators, 10 Acas staff, 6 union officials, 3 representatives of employers' organisations and 6 industrial relations and labour law scholars). Based on a preliminary literature review, we structured the interviews around 3 categories: 1) actors involved in collective workplace conflict; 2) issues causing collective conflict, and; 3) channels through which it manifests. Across all 3 categories we looked for evidence of both continuity and change, and these tensions are at the heart of the analysis that follows.

Two central themes recurred during data collection and capture the trends identified in this overview of actors, issues, and channels of conflict:

1. The first concerns what we call 'the knowledge gap'; namely, a general decrease in knowledge about collective conflict, on how to manage it and the role Acas can play in its resolution.
2. The second relates to pressures of the current economic context, which has contributed to polarising the positions of those involved in collective bargaining, making agreements increasingly difficult to reach.

## Actors

Trade unions remain the core representatives of workers in collective conflict. But a distinction has emerged between long-established unions and newer, so-called 'indie' unions, for example smaller, grassroots unions that distinguish themselves from traditional models of unionism in both approach and aims and typically represent workers in precarious and atypical forms of employment:

- Established unions seem to have grown more willing to mobilise compared to the pre-pandemic period, despite restrictive legislation; and traditionally 'strike-averse' unions are now more willing to seek industrial action mandates.
- For 'indie' unions, generally the 'fight' extends beyond the workplace, with collective negotiations framed around broader social justice themes. Acas is less involved with such disputes, as they are typically out of scope of its remit. Acas collective conciliators mentioned employment lawyers as increasingly visible in collective conflicts. These include trade union lawyers, no-win no-fee lawyers and employers' lawyers.

Over years of declining union density, private sector employers consolidated a unitarist approach to workplace relations, characterised by preference for individual approaches to conflict resolution. However, interviewees, including employers, believed that HR professionals are now less skilled in dealing with collective conflict and with unions. This is corroborated by a growing demand for training on conflict from employers' representatives.

For public sector employers, collective disputes are linked to government spending often around constrained public budgets, giving little scope for significant pay awards in the context of high inflation. Examples cited in the interviews point to greater scope for dialogue and dispute resolution involving the administrations in Scotland and Wales than in England.

Employer and trade union stakeholders associated the role of Acas, at times, with failure to solve a problem independently.

## Issues

While the tone and context of presentation of key issues have changed, sometimes causing greater resolution challenges, the broad issues are recognisable to industrial relations specialists. In order of prominence, these include pay, union recognition and working from home.

Pay, and sometimes working conditions, remain central elements of most collective conflicts and are particularly salient in the context of decades-long wage stagnation and current cost-of-living pressures. What is 'new' is the widening distance between the initial positions of parties at the start point of pay disputes – this contributes to a more highly charged negotiating atmosphere and is deleterious for previously good relationships. The collective bargaining agenda is primarily limited to pay in many organisations and tends to dominate the negotiations. This reflects an increasingly reduced scope of the bargaining agenda observed in the literature.

Union recognition is a key issue with which Acas conciliators are involved: interviewees noted a general lack of knowledge on the employers' side of what this entails, with the risk that this results in attempts to stall the process. In this context, the Acas role is fundamental in guiding actors through the formal procedure of recognition.

Working from home requests increased after the pandemic and form the basis of a number of workplace disputes, both individual and collective. These are often considered on the basis of individual rights to request reasonable adjustments. There is little evidence of new, formal company policies with application to larger groups.

## Channels

Despite expectations about the effects of legal requirements increasing the constraints on industrial action, strike action remains the main, most visible form of expression of formal collective conflict in organisations – but 3 qualitative changes about strikes emerged:

- There seems to be earlier recourse to the strike threat in negotiations, compared to a 'last-resort' approach to the tactic pre-pandemic. This is potentially related to a range of factors, including effects of legislative requirements and timing of employer actions around contractual changes.

- Recent strikes are prolonged in duration in the public sector and formerly public sector organisations. Respondents noted increased capacity of unions to engage members via indicative online ballots to gauge likelihood of achieving required turnout and ongoing discussion of the dispute issues. Since the Trade Union Act 2016, minimum ballot thresholds are key, which can lead to greater focus on constructing the dispute, perhaps at the expense of planning for its resolution.
- Collective conciliators pointed to government financial involvement, for example in public transport and the NHS, as a key element influencing length and effectiveness of negotiations during public sector pay disputes.

Respondents observed increasing use of employment law (and lawyers as actors) as a channel in collective conflict. There is increased use of litigation by both established and indie unions and indications of unions making some 'strategic' use of individual cases, to establish precedent to change collective conditions.

The use of social media is a relatively new addition to the processes of collective conflict. This can have both negative and positive implications:

- Interviewees mentioned the use of social media during key steps of conflict resolution to inform wider stakeholders of progress in negotiations, leading to breaches of confidentiality and ultimately compromising the achievement of agreed resolutions.
- Interviewees also noted that social media has had a positive effect, on the other hand, in disseminating information regarding, for example both individual and collective employment rights in the workplace.

## Implications for Acas

If unions remain the main representatives of workers in formal collective conflict, the overall decline in union density of the past four decades means fewer organisations will experience collective conflict through formal channels. This has implications for Acas:

- The most effective intervention by Acas to resolve formal collective disputes is associated with early involvement in dialogue between workplace actors, as opposed to entering negotiations at a later stage when positions are already entrenched. Given the trend to escalate more quickly to strike threat or strike itself, timely intervention seems key.
- A lack of knowledge about the role of Acas amongst key actors including HR specialists, combined with more general lack of knowledge of collective conflict, all in a more charged negotiating environment, will likely continue to present real challenges to promotion of orderly industrial relations in Great Britain;
- 'Horizon scanning' of the employment landscape around a wide range of issues including individual disputes, changes to working conditions and sectoral developments, among others, is key to effective future involvement of Acas in helping to resolve collective conflict, whether or not there are recognised unions in organisations experiencing disputes. Acas could consider how it can most effectively leverage knowledge about individual problems to monitor and promote collective solutions, and pre-empt consequences such as higher turnover and absence rates.
- As part of 'horizon scanning', cultivating relationships and building trust with key actors over time and within defined remits, are key investments for Acas's future role in collective conflict resolution.
- Overall, Acas promotion of an even wider strategic education and training scheme on its role in collective conflict to unions and employers in both unionised and non-unionised workplaces is recommended as a key element in addressing the 'knowledge gap' on collective conflict. The relative lack of employer organisation engagement in this study indicates an important focus for strategy development.

In considering these research implications, we note that the study draws on a range of contemporary literature relevant to the issues, while its original empirical basis is the perceptions of informed actors, principally Acas staff. Developing this initial review, research could seek to develop a multi-layered picture in capturing perspectives of a range of other actors.

## 1. Introduction and context

Forms of workplace conflict are understood as those 'between a group or an individual and their employer or between individuals themselves' (Hann and Nash 2020, page 1). In this report we focus on collective conflict, understood as expressions of grievance and dissatisfaction by workers aimed at their employer expressed in group forms (here the term 'employer' is used as a simplification to indicate the counterpart of workers and employees no matter the specifics of the legal contract in place). The characterisation of conflict being either individual or collective is over-simplistic, particularly when applied to the UK context, and we highlight the relationship between individual and collective forms of conflict.

In addition to the individual-collective dichotomy, the conventional conflict typology differentiates between formal and informal kinds. The former are often organised or coordinated by collective groups, usually trade unions and commonly in the form of a strike, and the latter include collective but informal expressions of conflict such as protests, social media campaigns or coordinated forms of unofficial action (for example the collective 'sickie' or 'go slow'). These dimensions are summarised in the following table.

Table 1: Summary of classification of conflict in the workplace with illustrative examples

	<b>Formal</b>	<b>Informal</b>
<b>Individual</b>	Examples: grievances, use of disciplinary procedures	Examples: 'quiet quitting', sabotage, shirking
<b>Collective</b>	Examples: strikes, action short of strike, union grievance	Examples: walk out, social media campaigns, 'collective sickie', 'go slow'

This report investigates formal collective conflict at work in response to Acas's interest in its contemporary developments and the role of conciliators.

Three areas of investigation emerged from the brief for this report, our preliminary literature review and the interview data:

1. Who are the actors involved in collective conflict at work?
2. What are the issues causing collective conflict?
3. What are the channels and expressions through which collective conflict manifests?

We use these to structure the report. Each of the 3 sections opens with a brief overview of relevant literature, before moving on to summarise the findings from our interviews, with a focus on change in these dimensions. In each of the areas of actors, issues and channels of collective conflict we see both continuity and change and these tensions are at the heart of the analysis.

Two main themes emerge as shaping contemporary collective conflict: one is what we call a 'knowledge gap' around the practices and rules of collective employment relations, and the other relates to pressures of the current economic context. The interactions between these are summarised as follows.

## **Emerging themes from the analysis of actors, issues and channels of conflict**

### **Knowledge about collective conflict**

Actors:

- Unions: old and new.
- Private sector employers: less collectivised, consolidation of unitarist approach.
- Public sector employers: usually collectivised, history of partnership working with unions, influence of governments.
- Human resource specialists: reduction in profession's collective conflict resolution skills and capacity.
- Acas: role often misunderstood by actors (associated with failure to solve a problem independently or to inevitable compromise).

Issues:

- Core issues familiar in debates about employment: control, consent, resistance, misbehaviour. Although may be less understood by practitioners.
- Recognition of unions: lack of knowledge of what this entails, particularly amongst employers.

Channels:

- Strikes: collective understanding and knowledge lost as rare and infrequent.
- 'Strike first, negotiate later.'
- Litigation (individual and collective): more commonly linked to weaker union presence, for example for platform workers.
- Developing use of social media by all parties. Can be problematic, for example undermining confidentiality of negotiations. Or can help spread information, such as about employment rights.

## Pressures of the current economic and social context

Actors:

- New unions: conflict extends beyond the workplace – broader social justice.
- Established unions: more willing to mobilise; evidence of 'strike averse' older unions more willing to seek industrial action mandates.
- Non-unionised workplaces: more individual grievances.
- Public employers: link to government spending; devolved administrations show varying degrees of partnership approach.
- Acas: timing of interventions and effectiveness.

Issues:

- Pay in context of cost of living crisis and effects of pay stagnation.
- Flexibility: working from home requests but little evidence of new formal policies.

Channels:

- Prolonged strikes in public sector and formerly public sector.

The significant uptick in formal manifestations of collective conflict at work since 2021 shows no immediate signs of subsiding (the numbers of days lost in strikes reached a peak of 829,000 in December 2022, compared to 23,000 in January 2022 and 553,000 in March 2023 to reduce again to 69,000 in November 2023). UK inflation rose dramatically from spring 2021 and precipitated much public debate about a cost-of-living crisis. Writing in summer 2024, inflationary pressures appear to be easing, but continue to create a context of combativeness around wages which is at least partly driving formal expressions of collective conflict. Strikes are happening against a background of trade union membership and collective agreement coverage remaining a minority phenomenon after more than 40 years of decreasing union density in the workforce. Union representation is now largely concentrated in the public sector and formerly publicly owned areas of the private sector such as Royal Mail and rail transportation. This pattern of union representation shapes much of the analysis below and contributes to an emerging 'resolution gap' produced by a decline in previous knowledge and relationships between traditional collective actors. We examine the relationship between these to consider whether new and distinctive collective conflicts are emerging at work.

## Note on methods

We carried out a preliminary literature search to identify trends for the 3 themes of 1) the actors involved in collective conflict, 2) the issues over which collective conflict emerged and 3) the channels through which collective conflict is manifest. Starting from key contributions to the debates on collective conflict, we then searched "collective conflict" and "workplace", "conflict management at work", via the library databases of industrial relations and related journals, reviewing a total of approximately 100 journal articles and

books. Data collection took place between March and August 2023. 39 interviews of around 1 hour each were undertaken: 24 with members of Acas staff, and 15 with other stakeholders including academics, unions, employers' organisations and other industrial relations specialists. Employers' organisations proved more difficult to recruit and those who did participate were exclusively from the public sector.

Table 2: Breakdown of interviewees

Total number of interviewees	Acas conciliators	Acas [others]	Union officials	Employer organisations	Academics
39	14	10	6	3	6

## 2. Who are the actors involved in collective conflict at work?

Four broad groups of actors involved in collective conflict emerge as most important in the literature. Despite extensive literature outlining the decline of established unions (for example Dundon et al. 2020) and efforts at renewal (for example Frege and Kelly 2004), the strike wave of 2021 onwards has strongly featured established unions. However, there is also increasing involvement of 'indie' unions (Però 2020) emerging in the past decade, often in outsourced services and the platform economy, frequently led by precarious migrant workers and sitting outside established structures such as the Trades Union Congress (TUC). These are not simply new trade unions; although they may collaborate with established unions, they are organisations that see themselves as distinct in approach and aims. They broaden the reach of their actions beyond the workplace to connect usually precarious working conditions to wider societal issues, such as migration or access to welfare. Però (2020) for example talks of "communities of struggle" and Jiang and Korczynski (2023) of "organising the unorganisable".

Regarding employers, key changes include the emergence of a 'resolution gap' where networks of relations supporting resolution of collective conflict have weakened (Sweeney and Saundry 2003). Reflecting decline of overt collective conflict and collective bargaining institutions, employer organisations – associations of companies at sector or national level – continue to be a relevant interest group actor (Gooberman et al., 2018). However, their focus is now not so much on collective bargaining as on lobbying, provision of services, legal support, and training.

The expertise of human resource specialists has also changed. Kirk (2021: page 604) argues that many HR professionals now see unions as being "out of step with market realities." Relatedly, she notes (2021, 2017) that as collective industrial relations has become less commonly part of the HR role, not only have HR professionals often taken an increasingly "quasi-legal role" in shaping employers' behaviours, policies and practices, but that there is greater involvement of other 'legal actors' such as employment lawyers, law clinics, Citizens Advice Bureaux and law centres often with a focus on individual conflicts and issues. This is an under-studied area of employment relations but speaks to a decline of experience and expertise around collective conflict and negotiation. More broadly, managerial expertise in employment relations has declined too (CIPD 2022). Hann and Nash (2019) point out that both human resource specialists and general managers often see conflict from a unitarist perspective and caused by misunderstandings, misbehaviour or poor performance. Pluralist perspectives on employment relations emphasise that both individual and collective conflict are inherent and expected and that unions have important, legitimate roles in mediating and negotiating ways through (potential) conflicts.

It is well established that recent decades have seen "a shift in the State's orientation away from a collective rights-based framework" reshaping manifestations of collective conflict (Dundon et al 2020), for example through reduced support for collective bargaining. More recently, new legislation shapes the consequences of collective action, notably through the Strikes (Minimum Service Levels) Act 2023. Particularly relevant in the strike waves of 2021 onwards is the role of the State as a funder of public services and its policies for reducing expenditure, leaving less scope for negotiation especially around pay. Devolution means that the State in Scotland, Wales and Northern Ireland can diverge significantly from UK-level policies and approaches to employment, public sector funding and the resolution of collective conflict. The Scottish Government has developed a strong commitment to 'fair work' which shapes some

responses to collective disputes, especially in the public sector. Similarly, the Welsh Government has recently legislated to promote social partnership. While such initiatives are less evident in Northern Ireland, where there are different mechanisms of dispute resolution. Taken together, these mean that the devolved administrations have taken very different approaches to seeking to resolve collective conflict, especially when manifested in the public sector.

## Established unions

Consistent with the literature described above, the enduring importance of established unions as a key actor was confirmed in the interviews conducted – indeed, when asked about collective conflict, nearly all respondents spontaneously began by talking about established trade union-based collective conflict, where prescribed steps have to be followed for a legal trade dispute which proceeds to industrial action. Unions have been able to proceed with industrial action in several sectors despite changes to the contemporary legal framework. Respondents talked about improved capacity of unions to engage members. Representatives have become better prepared to run indicative online ballots of members to gauge likelihood of achieving required turnout and there has been a general increase in engagement with members around collective conflict issues. Legal changes mean that minimum ballot thresholds and timing constraints take on far greater importance than in the past, which can lead to greater focus on constructing the dispute, perhaps at the expense of planning for its resolution. Some unions have invested in training representatives in legal frameworks, enhancing negotiating skills, and support for members. As a result, lay representatives sometimes now have more access to legal support and some cases are likely to be passed on to legal teams at an earlier stage. In general, there is evidence of greater union investment of resources in capacity to pursue and formalise collective action.

## New unions and new approaches

The Acas conciliators interviewed had less experience of direct contact with indie unions, but there was a perception that these unions may be less interested in seeking resolution of disputes, with perhaps less focus on concluding collective agreements. But interviews also identified a different sense in which certain established unions and professional associations have begun engaging in collective conflict despite little previous history of doing so. Recent strikes by workers in the National Health Service (NHS) were often cited; for example, the British Medical Association and the Royal College of Nursing taking steps to and achieving ballot mandates for industrial action. Recent activity of the Criminal Bar Association in dispute with the Ministry of Justice, concluded in 2022, was also noted as new. (Barristers are largely self-employed and the Criminal Bar Association exists to represent members' 'views and interests' and is not a trade union, but the case drew substantial attention in the context of escalating expressions of collective conflict.)

A third interpretation of 'new' actors was also identified, with examples of workplaces which have little or no history of unionisation or works councils, such as Amazon, where employees are trying to organise for the first time, often linked to falling living standards (see, for instance, [The Guardian: 'Amazon could be forced to recognise a union'](#)).

As we see further in the Issues and Channels sections below, both continuity and change can be observed in that 'new' actors such as nurses and barristers are involved in collective conflict, but over familiar issues such as pay and the disputes are being often advanced via traditional channels of industrial action.

## Employers

The small number of employers' representatives interviewed echoed themes and issues raised by other participants, noting both continuity and change in employers' involvement in collective conflict. Public sector employers noted the novel activity of some unions previously considered to be 'moderate' both balloting for formal collective action and winning those ballots, for example in the health sector and local government. For all involved this was seen as a steep learning curve in managing collective conflict.

Other respondents perceived that some employers were not as concerned about strikes as they once were. Various, non-exclusive, reasons were suggested:

- a 'normalisation' effect resulting from increased levels of industrial action

- increasing experience of dealing with the disruption caused by industrial action in some sectors
- a sense that as industrial action became more common, employers may be less
- greater opportunity to work from home diluting the disruptive power of strikes, as workers who do not want to cross picket lines now find it easier not to
- employers may be more inclined to 'wait out' any industrial action, knowing that ballot mandates are time-limited, opening opportunities to run down the mandate clock rather than engage in constructive dialogue about resolution

A recurrent and strong theme was that, in common with other key actors, many employers were considered less skilled than they had been previously (compared to, say, the late 1990s) or as knowledgeable in conducting negotiations and resolving collective conflict. Some employers even pointed to their own lack of experience. This reflects the literature above, further corroborated by organisations such as the CIPD increasingly focusing on providing training on how to deal with industrial action. Respondents advanced various explanations as to why employers might have gaps in knowledge and experience including:

- contemporary managers often take a unitarist approach to employment relations which sees conflict as illegitimate
- some professional bodies have largely accepted this interpretation and there are fewer resources provided for training in conflict management and negotiation
- this has resulted in changed perceptions of what HR professionals do, with few specialising in conflict resolution
- weaker trade unions and shrinking collective bargaining coverage has resulted in fewer HR professionals having employment relations experience

Respondents also suggested increased negotiation complexities around who is actually involved on the employers' side. The employer can be represented in a conciliation meeting, but their terms of operation might be set or heavily influenced by another party absent from the process. For example, this might occur where organisations are dependent on State funding or subsidies, or where employers' major stakeholders constrain ability to settle. Conciliators referred to difficulties in gathering full information about the economic affordability of a wage agreement. It has also been very clear in recent disputes where wage settlements might have required an increase in government spending. However, conciliators based in the devolved nations considered relationships, especially with the State, were generally better in their areas and noted examples where, in contrast to England, these sorts of disputes had been resolved.

## Legal and quasi-legal actors

Employment lawyers were mentioned as increasingly visible to conciliators in collective conflicts. Three different groups of legal actors were noted as important here; trade union lawyers, no-win-no-fee lawyers, and employers' lawyers.

Some interviewees discussed the challenges of collective conflict resolution, for example in large equal pay cases, when some workers were represented by lawyers and others represented by a union. Increasing the number of parties to a dispute increased the complexity of potential resolution. Acas conciliators were generally aware of more use of lawyers by unions, noting a greater tendency of unions (established and indie) to seek legal recourse, and also that cases tended to be passed to lawyers at an earlier stage. The general shift of HR practitioners towards being understood, at least in part, as quasi-legal actors (Kirk 2021) was also widely corroborated by participants. The ways in which the law is used, and the relationship with negotiation is discussed in greater detail below, in Section 3, on manifestations of conflict.

## Acas as an actor

Acas interviewees also highlighted change to their own roles over time. (Here, it should be noted that interviews took place in spring 2023, whereas Acas has since reformed some aspects of service delivery).

Some conciliators commented on ways Acas has adapted practices to technological advances, and others identified ways in which relationships with other actors have changed. For example, reflecting a change in approach to disputes with more work going through union legal teams rather than negotiating officers, relationships between Acas and some actors are more distant. Some conciliators

suggested that involvement of Acas in dispute resolution could be seen by some union officers as a failure on their part to be able to conclude negotiations successfully or that any involvement with Acas necessarily suggested inevitable compromise.

Nevertheless, conciliators also provided other examples where both unions and employers were more willing to have earlier Acas involvement. Conciliators believed that cultivating relationships and building trust, over time and within defined geographical remits, were key factors in being able to help parties reach an agreement. They considered that it is now more challenging to build relationships with and between parties, and long-serving collective conciliators felt that there had been more obvious opportunities in the past to host events which brought parties together. They believed that in these settings, parties were more likely to discuss issues in confidence, but such opportunities had reduced due to factors cutting across all the various actors involved, including working remotely, large geographical remits, and time pressures.

In addition to the relationship between the actors and Acas, the formats in which conciliation sessions are held have also evolved. There was a perception that parties were less readily available for in-person meetings and collective conciliation was more challenging when meetings were conducted online. (Since the pandemic, Acas collective conciliation has been operating a hybrid model, with a flexible mix of online or telephone and in-person delivery. As of 2022 to 2023, most initial conversations between conciliators and individual parties in a dispute were happening online or by phone, with most conversations involving both parties and the conciliator having now returned to taking place in person. See [Acas collective conciliation evaluation 2023](#) for details).

Acas conciliators pointed to the benefits of being more proactive, for example by intervening at early stages of a problem or conflict, by receiving and sharing regular employment law updates and demonstrating to people the value of their role more often. Some talked about having done more 'horizon scanning' in the past, and having previously undertaken more planned interventions in some organisations heading towards potential conflict. They felt that it was now more challenging to undertake this type of activity, as a result of the complex ways in which their work – and the wider operating environment – has changed in recent years. Some also identified lack of awareness of Acas in general, and especially among small private-sector employers.

### Collective conflict in non-union workplaces

Acas conciliators deal with collective conflict issues much less frequently in non-unionised workplaces. They typically have an advice and guidance role here and felt Acas could do more to promote the Information and Consultation of Employees (ICE) Regulations, especially where these workplaces are unlikely to become unionised. In these settings, conflict is usually manifest individually, most visibly through grievances. A union organiser reported common issues ranging from unpaid wages or overtime, holidays due, bullying and poor working conditions, such as long hours or unclear contractual terms and conditions. These were potential sources of collective conflict, but the most readily available channels were for individual expression. Union interviewees did not mention 'escalation' to group employment tribunal claims or collective disputes as common. One Acas interviewee talked about their team dealing with individual workers but being able to flag situations where multiple individual cases could become a matter of collective dispute within a company. Furthermore, where collective issues are manifest in individual group employment tribunal claims, these can be referred to collective conciliators to explore opportunities for collective conciliation – thereby illustrating the blurred lines between definitions of individual and collective conflicts. Similarly, a group employment tribunal claim within a non-unionised workplace might be the most realistic path towards formalisation of a collective conflict for employees in that setting.

In summary, much of what we see in relation to collective conflict would be recognisable to previous generations. While there are new unions launching collective conflicts, many involved in the current uptick of action are long-established. The role of employers' organisations is still visible, especially in sectors where collective bargaining persists. And while devolution has added complexity to the roles of the State, State actors remaining incredibly important in how a collective conflict develops and resolves. Novelty is evident in the breadth of unions that have pursued formal manifestations of collective conflict, and in the complexity of the role of the law (and therefore legal and quasi-legal actors) in conflicts. Perhaps most strikingly, there does seem to be some evidence that there is at least a perception of a skills and knowledge gap among all parties which is a theme returned to later.

## 3. What are the issues causing collective conflict?

There seems little change in overt causes of collective conflict identified in the literature. The background of decline in collective disputes over recent decades (Saundry and Urwin 2022; Lyddon 2015) and the narrowing of the collective bargaining agenda (Waddington 2019) mean most disputes are organised by established unions with declared primary issues as pay and working conditions or protests against public policy changes with implications for pay and working conditions (Bailey 2023b).

Expressing collective conflict can start at a distance from what is eventually formally declared as the primary issue and can begin as individual and covert forms of workplace conflict (Hebdon and Noh, 2013). These authors propose a theory of workplace conflict development based on an 'escalation hypothesis that individual expressions of conflict are precursors for soft collective actions' (2013). While this theory has been criticised for a linear approach – whereby strike action is almost invariably a function of escalation starting from individual grievances (Saundry and Urwin, 2022, page 9) – a particular element resonates in the current UK context. The 'build-up of pressure' Hebdon and Noh identify is evident in contemporary dynamics such as the effects of long-term pay decline, the pandemic, and surge in inflation.

The effects of the changed industrial relations context in terms of relationships and experience of key actors have been highlighted and exacerbated by recent events. These include the Russia-Ukraine war, the pandemic and Brexit (CIPD 2022), following on from the global financial crisis of 2007 to 2008, subsequent UK austerity measures and the longest period of decline in real wages since the early 19th century (Burn-Murdoch 2022; TUC 2018). Broadly, over the past 2 years UK private sector pay has risen (sometimes in response to collective action: Soutar 2022), while public sector pay continues to lag significantly behind in terms of percentage increases (Whiteley 2023). This is associated with responses to tight labour markets produced by skill shortages and significantly reduced labour market participation after covid lockdowns (Office for National Statistics 2022; Institute for Employment Studies 2023). Along with deterioration of working conditions in the public sector and related industries and occupations – attributed to lack of investment in infrastructure, recruitment and retention (Chick and Pettifor with Tily, 2016; Resolution Foundation 2022) – these factors have contributed to the overall rise in formal collective conflict.

We also note that there is a wide literature on the ways that forms of control at work can create formal and informal, individual and collective conflicts. Burawoy's work (1985) is perhaps most widely read and informed a whole field of study around the organisation of consent at work, highlighting a myriad of opportunities for conflict, resistance and misbehaviour (Ackroyd and Thompson 1999). How far we understand the contemporary sources of conflict to be 'change' depends on the length of our historical analysis. There are many periods where high inflation has shaped collective conflict in the UK and elsewhere. So, while these dynamics feel new for those with more recent experience of collective employment relations, they are less novel when we take a longer perspective.

## Pay

Not surprisingly, pay also emerged in the interviews as a principal issue driving current collective conflict. Interviewees observed that parties' starting points for pay disputes are now much further apart than was previously the case, due to high inflation levels and the cost-of-living crisis. Some conciliators made the point that certain sectors have had wage restraint policies for many years and hence claims here are being framed on the basis of pay lost over some considerable time. The large gap between initial positions of what unions were asking for – often benchmarked to inflation – and what employers say they are able to afford, was seen as one of the reasons for what was described as being a highly charged atmosphere around negotiations currently. This can make relations between the parties difficult and has sometimes proven damaging to previously good relationships. Acas staff also pointed to a recent trend for fewer issues beyond pay to be included in the scope of negotiations, which makes it harder to reach resolution, possibly because of, as research makes clear, having fewer other issues around which concessions could be made (Waddington 2019; Marginson 2015).

## 'Newer' issues

Newer issues identified by participants included 'the return to the office' post-pandemic as a source of conflict in several organisations, with increasing issues around requests for work adjustments and formalising working from home arrangements. This fuels scope for both individual and collective conflict. Cases of union recognition were another source of conflict which can be lengthy. Interviewees noted a general lack of knowledge on the employers' side of what recognition entails, often resulting in attempts to stall the process. In

this context, Acas's role is to guide parties to ensure rules are followed.

So, while the tone and context of presentation of key issues have changed, sometimes causing greater resolution challenges, the broad issues are recognisable to industrial relations specialists. Issues such as working from home flexibility may be framed as new but are often related to familiar issues, such as control and surveillance, which are ever-present underpinnings of employment conflict (Ackroyd and Thompson 1999).

## 4. What are the channels and expressions through which collective conflict manifests?

It is clear from the literature that manifestations of collective conflict exhibit strong aspects of continuity as well as some evidence of change. Strikes and other forms of legally defined action short of a strike remain the principal channel of escalation of collective workplace conflict (Gall 2013). While official strikes have generally been in decline for at least four decades in the UK as elsewhere (Kelly 2015) and certainly evidence of other forms of collective protests have increased (Bailey 2023a), organised collective conflict currently mainly still manifests in the form of strike action.

The decline in strike action has taken place since the 1980s and has been shaped by legislation passed throughout the 1980s and 1990s to constrain lawful withdrawal of labour. So while the 3.9 million working days lost to strike action in the 12 months to May 2023 was exceptional and more than at any point since 1989, strike action remains at a very low level compared to the 1970s and 1980s (see [Resolution Foundation 2023 for details](#)).

There is clear evidence that the law shapes collective conflict in new ways. Dias-Abey (2021, page 2) discusses the 'sophisticated litigation strategies' of Unison, Unite and the GMB, for example in successfully challenging the imposition of application fees to employment tribunals (Unison v Lord Chancellor [2017] UK Supreme Court 51), producing collective outcomes for individualised issues. Dias-Abey also draws attention to litigation that has played an 'outsize role...in the strategic inventory' of indie unions (such as arguing that foster carers are local council employees – see [Glasgow City Council v James Johnston and Christine Johnston](#)), in particular drawing on pro bono advice from employment law barristers (Oldham 2020). Broadening the perspective, Guillaume's (2015) consideration of British trade unions and litigation strategies around equal pay claims notes that although litigation is an uneven, often contested, strategy within British unions (Adams, 2023b), it is increasingly deployed. The recent equal pay case at Tesco supermarket ([reported on by Personnel Today](#)) is a good example. The rise of litigation can also be seen, for example, in cases around worker status at Deliveroo and Uber (Bertolini and Dukes 2021).

Looking beyond strikes and litigation, Kelly (2015, page 729) argues that given the decline in strike action, researchers should focus on other issues, including "what forms of action, in conjunction with, or instead of strikes, are being used by unions to pursue worker interests? Such actions might include demonstrations, petitions, campaigns, both actual and online and lobbying." Bailey's (2023a) data on worker-led dissent gives some insight as he lists 'type of action' against each entry, including for example the use of demonstrations to raise awareness and disseminate information about employer behaviour, seen in the GMB's protests outside Amazon warehouses in 2018 to 2019.

Other, less visible forms of collective conflict can include those not necessarily intended as such. Walker (2021, page 792) studied Australian Uber drivers' use of WhatsApp, Facebook and an online forum specifically for Uber drivers. He found that:

"Peer-to-peer forum discussions can, unintentionally, amount to collective action. The closest analogy in traditional workplace relations may be a 'go-slow'. The difference here is that software and, sometimes, human moderators play the role of orchestrator, by determining which discussion topics are 'hot' and which search results are relevant, thereby facilitating the spread of subversive ideas." (pages 791-2)

There is a lack of research on non-unionised workers' use of social media in this context in the UK. In relation to UK unions and their members, Houghton and Hodder (2021) found that social media use in this context followed longstanding research on internal union divisions between active minorities and passive majorities and that 'union engagement on social media does not begin to match the realities of union membership numbers' (page 17). Wood and Lehdonvirta (2021, page 1371) acknowledge the importance of resources to organising more visible forms of collective action and identify research (Margetts et al. 2015) suggesting that workers' individual internet-based activity has potential to 'scale up' as workers embed internet communications in their daily work and leisure practices. They locate this 'inter-worker communication via digital media' in literature drawing on Putnam's (2000) work on fostering solidarities among workers whose shift patterns or location mean they rarely work side by side (citing Saundry et al., 2016; Wood, 2015; Cant, 2020; Maffie, 2020; Tassinari and Maccarrone, 2020). Thus, new information and communication technologies potentially alter channels of collective conflict, especially within newer forms of technology-enabled employment.

In short, while literature addressing changing manifestations of collective conflict is growing there is not currently sufficient evidence to speak to whether these newer manifestations are becoming more common. The literature includes studies focusing on determinants of outcomes of specific manifestations, identification of ways the growing presence of indie unions shapes collective action in the UK, analyses of strategies and outcomes of unions' use of strategic litigation, and ways contemporary communication channels shape manifestations of collective conflict. Undoubtedly there is evidence of change, but questions remain as to how widespread these developments are and whether they change the fundamental understanding of how conflict is constructed.

### Strikes and other well-known forms of collective action

Interestingly, in interviews, when asked about collective conflict almost all respondents started with a discussion of strike action. Strikes certainly remain the most visible and widespread form of collective grievance. This is somewhat counterintuitive given the decline of trade union membership and the increasing legal constraints on lawful industrial action. What has changed is the way unions seek to undertake action was now appreciably different, probably reflecting that changed context. Participants noted that the threat of industrial action tends to come earlier in negotiations. Strike action has been moved up the agenda and is being seen less as an option of last resort, but something 'on the table' sooner in the process. One conciliator suggested that sometimes a union might call a strike before any real negotiation had taken place – what might be termed a 'strike first, negotiate later' position.

Acas conciliators also stressed that conflict can have distinct stages. Opportunities to meet employers and unions in less formal settings, before disputes became entrenched, often make for swifter resolution. In an informal setting, parties were felt to be more likely to have a quiet, confidential conversation about their issues rather than make a more formal approach to Acas. There were new, perceived impediments to building these relationships and Acas's ability to have these early-stage conversations, including the more adversarial approach taken by some traditional unions, a lack of engagement with Acas from the newer unions and changes to working practices meaning face-to-face meetings are less common than they were.

Of course, whether the challenges to resolving some of the long-running strikes that emerged in the early 2020s remain, and whether this extended period of increased strike action continues, is impossible to know at this point. But it does seem that where unions represent workers, legal hurdles to taking lawful industrial action are not entirely suppressing this form of collective conflict.

### Litigation

Conciliators noted the tendency for a greater use of the law in disputes and greater legal knowledge in trade unions. However, conciliators pointed out that many issues which might result in dispute would not be justiciable, for example pay levels and workload, unless there were particular infringements of statute (for example minimum wage or working time legislation). One conciliator talked about this in terms of a distinction between "matters of fact" and "matters of bargaining". This distinction is useful; however, legal judgments may be based on notions of 'reasonableness' or 'fairness' rather than strict matters of fact.

Conciliators spoke about unions having choices as to whether they approached potentially justiciable disputes from a bargaining or a legal standpoint, and it was noted that many unions have always scanned for opportunities to use the law to achieve outcomes for their members. There was some evidence that unions were using the law in the more strategic sense of using individual cases to establish

precedent to change collective conditions. One conciliator recalled a union official stating it was a deliberate tactic to leverage the employer by submitting multiple tribunal claims with the option of submitting further claims if the employer's position remained unchanged. The tactic was intended to signal to employers that unless they responded, the employer would be facing multiple individual claims which it would need to defend. Ultimately though, respondents observed that choices about how unions approached a dispute were practical considerations. For example, if a union felt that strike thresholds could not be met, then the legal route might be preferred. If members signalled that they wanted a speedier resolution, then the union would be more inclined to pursue bargaining. The point here is that unions often do not set out with a pre-determined strategy, rather that this emerges through a series of choices made as disputes evolve.

## Social media

Echoing the literature outlined above, our respondents also thought that the development of social media had changed the context within which parties undertook collective disputes. Social media can operate as either public-facing (for example, Twitter, Facebook) or private communications between groups of individuals (for example WhatsApp). Conciliators tended to discuss social media in negative terms, focusing on how it has been used to leak information from ongoing negotiations, compromising the achievement of agreed resolutions. Notably, union members want to hear news of what offers employers are making, sometimes leading to challenges around confidentiality. Some conciliators have come to impose a 'no mobiles and no social media' rule during negotiations in which they were involved, taking it upon themselves to 'educate' the parties involved about how this might compromise delicate negotiation sessions.

Some participants noted more positively that social media can be used to provide information about employment and equality issues. This can be helpful for a union seeking to, for example, explain a proposed agreement or to share information about legal rights. There were observations that employers showed increasing awareness about the effects social media campaigns could have on their reputation, but employers also lacked formal policies on use of social media by their workers, sometimes wrongly assuming legislation exists to protect them from bad publicity. Some union respondents noted that more private forms of communication can contribute to changing conflict manifestation. Colleagues who already shared WhatsApp discussion groups (for example to arrange cover for shift working) could quickly use those networks to share information, organise protests and so on.

Overall, the channels and manifestations of collective conflict at work have changed to some extent. While well-established manifestations such as strikes are clearly still evident, there is evidence that their use is changing (for example with earlier deployment). And unions have been more willing to involve the law to express collective conflict. Social media bring more levers to unions to publicise employer behaviour and opportunities for colleagues to work closely together. Pressures to increase the speed of information-sharing can also bring new challenges to conflict resolution.

## 5. Conclusions

In each of the areas of actors, issues and channels of collective conflict we find evidence across the literature and in interviews of both continuity and change, and these tensions are at the heart of our analysis of collective workplace conflict in Britain. We conclude in this section by considering the emerging themes that capture these tensions, and the balance of change across our three areas of investigation.

We note here that this research draws on a range of contemporary literature relevant to the issues, while its original empirical basis is the perceptions of informed actors, principally Acas staff. Given Acas's role in collective conflict resolution their staff are uniquely well placed to inform this initial review. Further research could seek to develop a multi-layered picture in capturing perspectives of a range of other actors.

### Emerging themes from the analysis of actors, issues and channels of conflict

The sense that resolution to disputes is becoming more difficult was widespread among respondents. Principal causes identified were the pay-focused bargaining agenda as well as the perceived diminishment in parties' interest in reaching agreement. This was all within an adverse economic context alongside longer-term decline in knowledge of collective conflict issues mainly among employers and the HR profession, and to a lesser extent among unions too.

Acas conciliators considered parties had lost what might be called the 'ritual' element to dispute resolution processes and that parties on both sides were "not playing the game". There seemed to be less understanding, or willingness to understand, that negotiated settlements require both parties to move from original positions. This links to the emphasis conciliators put on the informal element of getting to know the parties; it was often noted that relationships of trust between Acas and parties in dispute had a noticeable effect on achieving successful outcomes.

Based on our findings, reasons why resolution of collective conflict is more challenging than in the past include:

- knowledge and skills gaps among many actors
- the ways initial claims are presented with greater distance between employer and employee positions. Two aspects are important here:
  - large gaps between employers and unions in the initial tabling of positions and
  - less of an understanding of compromise needed to secure agreements, so a view that a dispute must be 'won' rather than simply 'settled'
- loss of confidence that collective conflict can be effectively resolved effectively as parties' positions are more entrenched
- less opportunity to build long-term relationships within and between parties
- pressure to disseminate information immediately and in often unfiltered ways
- changing use of the law around collective conflict
- very challenging economic and political contexts

Two clear, central themes emerged that capture the trends identified in this overview of actors, issues, and channels of manifestation of conflict:

1. Knowledge, skills and experience around collective conflict.
2. The pressures of the current economic context.

### The knowledge gap

As noted throughout the report, respondents commented on declining levels of skills and experience among actors in the processes of industrial relations, particularly around negotiation in resolving collective workplace conflict.

On the employer side, respondents attributed weaker negotiation skills to managers having developed their professional practice in a period of declining union membership and low levels of expressions of collective conflict. The perceived lack of knowledge and experience of key actors relates to what academic and practitioner discussions identify as an increasingly 'unitarist' view; that workplace conflict is undesirable and that it should, and can, be designed out of the employment relationship. This perspective implies little need to invest in skills around negotiation and conciliation, as conflict must largely result from misunderstandings or lack of information, rather than legitimately differing interests.

Conciliators observed increasing unwillingness to involve Acas early in disputes – that is, when positions are less entrenched – and thought this resulted from fewer opportunities to build ongoing relationships. They felt that for some unions and employers, the idea of involving Acas was associated with failure of the parties to reach agreement by themselves. If involving Acas is seen as compromising parties' positions, this can buttress lack of flexibility, particularly as in unions' cases it becomes more difficult to 'sell' an agreed settlement to members if markedly different from the initial position, undermining claims to be effective in securing outcomes for members.

Simultaneously, some conciliators suggested that there could be a misconception among actors not previously exposed to Acas services that it is not an impartial body. More widely, in non-unionised workplaces simple lack of knowledge about the role of Acas and its statutory function was perceived as an obstacle to greater engagement in sectors needing that involvement. This is a point emphasised by a recent study of Acas itself, which notes 'the importance of educating the end users of Acas services' (Hann et al, 2023, page 18).

Declining knowledge of the processes of collective negotiations and the role of Acas needs to be read alongside the other theme that was prominent during the interviews.

### Pressures of the current economic context

Many respondents referred to the financial crisis and continuous economic uncertainty that has followed, exacerbated by the more recent factors noted above (Section 3) with effects on labour felt more negatively within uncoordinated, voluntaristic systems of employment relations such as the UK. This is likely to feed into increased manifestations of conflict. Widely felt increases in the cost of living have informed what interviewees described as more highly charged and politicised atmospheres in workplace negotiations. What they also described as less willingness to negotiate must be read in association with two key factors mentioned:

1. Larger gaps between workers' demands and employers' initial offers.
2. Fewer options and alternative negotiable elements of the employment relationship in the process of collective bargaining.

The increased recourse to litigation noted by some interviewees is an important development and, in line with the literature (for example Bertolini and Dukes 2021), the choice between litigation and collective bargaining was described by interviewees as shaped by practical considerations in their specific context. That is, clear moves to policies of 'strategic litigation' were not widely evident from our interview data; although the themes of increased antagonism and more distanced relationships between parties suggest this area may grow. Increasing preference for the law instead of negotiated solutions to conflict leads to 2 observations for Acas: first, that there may be fewer opportunities to build relations with and between social partners and second, that possibilities for a negotiated solution may be reduced.

In relation to legal regulation more broadly, a possibly unintended outcome of increasingly restrictive contemporary legislation is that unions seem to have been driven towards efforts to build greater engagement with members around disputes, possibly contributing to increased expectations. This can result in constrained room for negotiation and may make collective industrial action more likely. Another potentially unintended, and related, outcome is that union focus is increasingly on constructing and 'managing', rather than resolution of, the dispute.

### Continuity and change in collective workplace conflict

Overall, our respondents identified aspects of both continuity and change in collective conflict at work.

#### Actors

The key actors are broadly similar: established unions remain by far the most common representatives of workers' collective interests, although organisations such as the Living Wage Campaign are evident around some issues, informing the context for mobilisation. However, so-called indie unions are challenging some established representation models by focusing on more 'communicative unionism' (aimed at resonating with the public and mainstream media) and on litigation, which we noted in the literature above as a differing tactical focus (Però and Downey, 2022; Petrini and Wettergren, 2022). What is perhaps most notable is that there has been a raft of established, previously moderate unions now willing to engage in formal collective action. This chimes with the 'build-up of pressure' contributing to escalation to collective action that we noted above (Hebdon and Noh, 2013).

Employers have changed in the sense that the unitarist perspective is strongly embedded in norms of the HR profession, which can make it difficult for managers and professionals to know how to understand and respond to collective conflict. Employers' organisations

now engage far less in advising their members about collective aspects of work and employment (as noted in the literature: Goberman et al, 2018). This is also in the context of the State responding to collective conflict by introducing direct and indirect legislation to reduce the amount and impact of strike action, while more broadly shaping the terrain in imposing policies of austerity and pay restraint, although with varying practices in devolved administrations in response to issues around collective conflict.

## Issues

With regard to key issues in collective conflict, pay remains a primary focus, unsurprisingly in a period of high inflation. But this masks complexities in whether unions link pay claims to other issues; for example, newly-widespread working from home arrangements could bring other dimensions to discussions about monitoring and control.

## Channels

Channels and manifestations of collective conflict have largely remained familiar but changed in the sense of an unexpected cross-sectoral resurgence in collective conflict resulting from the current economic context, somewhat confounding expectations about effects of increasing constraints on lawful industrial action. Contemporary communication channels have increased the speed of, and multiplied the avenues for, information cascaded during attempted conflict resolution, presenting challenges to all parties.

Negotiating resolution has been consistently noted as more challenging in the contemporary context. A lack of knowledge about the role of Acas, combined with more general lack of knowledge of collective conflict, all in a more charged negotiating environment, will likely continue to present real challenges to promotion of orderly industrial relations in the UK.

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