

Forming Effective Employee Information and Consultation: A Five-Stage Trust and Justice Process

Abstract

In this paper we show how trust and justice influences the efficacy of employee Information and Consultation (I&C) bodies. Evidence is drawn from a two-year qualitative study of I&C participants in two organizations in the UK. The research builds on Dietz and Fortin's (2007) conceptual five-stage model of the I&C process to provide a more nuanced understanding of I&C trust and justice outcomes. In particular, we point to crucial stages in the process, and how these influence the effectiveness of I&C mechanisms. Implications for theory and practice are discussed.

Keywords: Information and consultation; trust; justice; non-union employee representation; employee voice.

Introduction

Information and Consultation (I&C) bodies are one of the most common forms of representative participation in non-union firms (Van Wanrooy et al., 2013; Gollan et al., 2015). A key debate concerns trust relations between principal actors within I&C bodies (Dietz and Fortin, 2007; Kougiannou et al., 2015). Several attempts have been made to assess the effectiveness of I&C processes (Adam et al., 2014; Cullinane et al., 2014; Holland et al., 2009), however, research on the critical issues of trust and justice between the parties is limited despite their centrality to the process (Kougiannou et al., 2015).

Broad (1994) found that a mismatch in participant expectations led to a fragile voice arrangement and Kessler and Purcell (1996) expressed concern about the limited attention paid to the factors that make joint consultative processes effective. However, there is no widely accepted criteria of what constitutes I&C effectiveness. In relation to evaluating effective participation, Pateman (1970, p. 69) talks of ‘feelings when subordinates exercise greater choice over their work responsibilities’; or when leaders adopt a certain ‘style to facilitate enhanced social dialogue’. Other studies have examined a range of potential factors concerning the operational efficacy of I&C mechanisms, such as the expertise of employee representatives (Holland et al., 2009); processes to share decision-making power (Dundon et al., 2014); informal social dialogue (Marchington and Suter, 2013); perceptions of mutuality between I&C respondents (Cullinane et al., 2014); and mandatory regulations to widen the opportunity for employees’ voice (Hall et al., 2015). While acknowledging that efficacy may be interpreted differently by different actors, these studies say very little about the role, or impact, of trust and justice relationships within the voice process itself and how such perceptions affect the efficacy of I&C for the actors involved (Kougiannou et al., 2015). Principally, research shows that I&C is more effective when the parties are active in the arrangement (Koukiadaki, 2010). Hall et al. (2013) point to degrees of effectiveness

regarding the scope of decision-making between ‘active consulters’ (with consultation on strategic organisational issues), ‘communicators’ (that is I&C limited to communications about minor or housekeeping matters), and ‘defunct committees’ (where meetings are infrequent and have a short lifecycle). Importantly, they argue that effective consultation requires management to use the I&C body as a consultative forum for strategic organisational issues, which implies a central role for trust by sharing power.

Using evidence from two UK organisations that introduced formal Non-union Employee Representation (NER) as a result of the European Information and Consultation for Employees Regulations (ICE), this article builds-on and extends Dietz and Fortin's (2007) five-stage process model of trust and justice and possible links to I&C efficacy. The research addresses three questions:

1. How important are trust and justice perceptions in understanding I&C processes?
2. How important are justice judgements in affecting the trust among the parties to I&C arrangements?
3. How do trust and justice perceptions shape the different stages of the I&C process in terms of its effectiveness?

The article makes a number of distinctive contributions. Empirically, we show that specific stages in the model of trust and justice have an impact on the effectiveness of consultation. Furthermore, we engage in several conceptual debates, including labour-management cooperation (Dobbins and Dundon, 2017; Johnstone and Wilkinson, 2018), business model practices (Lange et al., 2015) and the value of case study context and theory (Wood and Budhwar, 2014).

The paper is structured as follows: we first discuss the literature on NER, employee voice regulation, trust, power and justice perceptions for I&C efficacy. We then report the

methodology employed and the research setting, before presenting the findings. Finally, the implications of the findings for theory development and I&C practice are discussed.

NER and ICE Regulations

Managerial fears about unionism can generate an ideological bias that shapes non-union voice (Gall and Dundon, 2013). Similarly, unions may fear that NER can undermine union recognition (Gollan and Wilkinson, 2007). Of significance is the power interplay between management and employees, which shapes I&C in non-union contexts. In this regard, there is the *a priori* rationale employers will dominate power relations in the absence of a union. However, power is not necessarily a zero-sum game (Dundon et al., 2018). First, managers may choose to share some decision-making authority with non-union representatives: this is the notion of '*power to*' leverage positive change, for example through joint problem-solving forums. In contrast is the idea of '*power over*', where one party (management) coerce another party (workers) to accept change they would otherwise not consider in their interests. Pateman's (1970, p.69) classic text explains managers can create the 'feeling that participation has taken place' when, in reality, decision-making remains the preserve of management: what she describes as 'pseudo-participation'.

A key issue is NER voice tends to be set against an assumed ideal type of strong effective union voice, rather than seeing I&C as covering a range of positions. Equally, what is regarded as effective to one group (e.g. employers) may be less relevant to another agency (e.g. unorganised workers). 'Managerially-sponsored' NER tends to be treated sceptically by scholars (Cullinane et al., 2014, p.812), identifying limitations in power and autonomy for employees (Butler, 2005) and being seen as focusing more on information provision with minimal employee influence (Upchurch et al., 2006). While involvement or consultation are weaker forms of voice than collective bargaining or co-determination, bargaining does not always suggest the parties have equal power, so outcomes can be imposed or unilaterally

determined (Inversi et al., 2017). As Gollan et al. (2015, p.7), comment “the fact that NER is in the relative middle of the voice continuum provides insight on why it is controversial and relatively fragile. As viewed by employers, NER is a significant delegation of authority, control, and influence to employees, and many shy away from it for this reason. Employees, conversely, often see NER as bestowing too little authority, control and influence and find it disappointing viz. other more independent voice options. Hence, by being in the middle, NER can seem ‘too much’ for employers but ‘too little’ for employees”.

Thus, it is important to consider I&C in its specific form and not simply in comparison to union ideal types but also, and in relation, to ICE regulatory contexts. Especially so with regard to the variable interpretations across different actors as to how effectiveness is operationalised. In short, while acknowledging that owners and management have the organisational power to determine the set-up of NER, it would be unwise to assume that what managers want they always get. Thus, in this paper we are not comparing NER as either inferior or superior to union bargaining, but assessing it on its own terms and in relation to a very specific regulatory trajectory. Following Hall et al. (2013, p.358), we are operationalising effectiveness in comparison to the minimum ICE regulations’ default provisions for I&C (see ‘Key Aspects’ of ICE in Appendix I).

The requirement in the ICE Regulations obligates employers to inform and consult employees on a range of business and employment contract changes (Appendix I for an overview). The right to voice must be triggered by either a formal employee request for a new I&C arrangement, or by management choosing to start the process. The regulation is an example of ‘neo-voluntarism’ imposing a rather modest set of minimum standards (Dobbins and Dundon, 2015, p.389; Waddington, 2011). Detailed issues such as methods, subject-matter, frequency and timing of I&C arrangements are left for the parties to agree. In the absence of clear guidelines on design and process, it is in the hands of the participants to

design the I&C arrangement as they see fit. For effective I&C to materialise, this requires cooperation and trust between the participants (Dietz and Fortin, 2007), which in turn will be dependent on the nature of the relationship between the protagonists. According to ICE, an idea of effective dialogue means giving enough time and information to allow representatives to consider the matter and form a view, with genuine consideration of that view by the employer. Research has shown that management are the ‘dominant player’ in setting the agenda and scope of I&C arrangements (Dundon et al., 2015, p.6). In practice, it appears the legal framework is mostly a peripheral conduit shaping I&C with much depending on how trust and justice can impact the design of I&C mechanisms. Nevertheless, while trust has been identified as important, it does not figure centrally in most of these analyses.

The premise is that the parties determine for themselves how the process will work in a largely ‘voluntarist’ manner, theoretically providing flexibility and choice of design of the I&C arrangement. The notion that power is unbalanced so that negotiation may be rather one-sided is not considered. Thus, the complex relationships affecting trust, justice and social dialogue need investigating. Our focus therefore is to build upon and extend Dietz and Fortin's (2007) five-stage process model of trust and justice to apply it to I&C effectiveness, as this allows us to peer inside the box itself and look at the relationship dynamics among the protagonists.

Trust and Justice in I&C

Social exchange (Blau, 1964) and justice (Colquitt, 2001) theories propose that exchange relationships evolve through time and trust occurs because individuals are interested in maintaining a positive balance in their transactions. The introduction of an I&C arrangement creates a re-configuration of the exchange relationship between managers and employee representatives. Through an increase of information flow, and rendering decision-

making processes more transparent, ‘voice’ can partially adjust the distribution of power in this relationship (Dietz and Fortin, 2007). This entails risks for all parties. Trust literature argues that cooperation is an observable manifestation of trust (Gambetta, 1988). The behavioural tradition portrays trust as positively developing over time when individuals decide to reciprocate cooperation, and drastically declining if the other party does not reciprocate (Axelrod, 1984; Lewicki et al., 2006). Thus, it is expected that in high trust environments there will be a higher chance of success for I&C arrangements.

For management, surrendering power requires a level of risk to be taken. Spreitzer and Mishra talk about managers’ paradox of how to ‘give up control without losing control’ (1999, p.156) – echoing Flanders’ (1970, p.172) remark that to regain control managers must share it or ‘making a show of appearing to share it’ (Ramsay, 1976, p.137). For employee representatives, there is the risk of ‘retribution’ or marking oneself as a ‘troublemaker’ when requesting to trigger I&C rights (Cullinane et al., 2017). Trust and justice perceptions are key influences on how parties manage risk; trust helps people to decide how to respond, and people draw on justice judgements in the absence of clear information on trustworthiness (Lind, 2001).

Most definitions of trustworthiness entail a three-stage process of ‘belief’, ‘decision’ and ‘action’ (McEvily et al., 2003), where trust as a decision is where one party, based on its previous beliefs, has ‘the intention to accept vulnerability based upon positive expectations of the intentions or behaviour of another’ (Rousseau et al., 1998, p.395). Mayer et al. (1995) suggest three factors affecting trustworthiness: *ability*, skills and competencies that enable a party to perform reliably; *benevolence*, an attachment to the other party; and *integrity*, which involves the trustee’s adherence to certain principles acceptable by the trustor. The trustor will assess the risk involved in deciding to trust the other party; if the

trust level is bigger than that of perceived risk, then the trustor will engage in an action of trust, in other words, ‘risk taking in the relationship’ (p.726).

In the above definition positive expectations, vulnerability and risk are central. Involvement in I&C entails a certain amount of risk for both managers and employees (e.g. sometimes communicating highly confidential information). Therefore, trust is required for involvement to happen in the first place and the reciprocal relationship to begin. For more developed and fruitful employee voice, high levels of trust between management and employee representatives is often deemed necessary (Wilkinson et al., 2010). McKnight et al., (1998) show that an individual will assess a situation as trustworthy if they believe there are safeguards built-in. An I&C arrangement guided by the ICE Regulations can provide such safeguards, as they detail the areas where consultation is necessary, restricting the opportunity for capricious managerial behaviour, thus creating a better environment for building trust. Dietz and Fortin (2007) suggest that justice perceptions can influence employee behaviours and trust. Justice theory advances four distinct forms, which have potential resonance to I&C efficacy, namely ‘distributive’, ‘procedural’, ‘interpersonal’ and ‘informational’ justice (Colquitt, 2001).

Distributive justice concerns perceptions of justice about organisational allocations and outcomes. These perceptions are based on subjective assessments made previously (Saunders and Thornhill, 2004) and are judged with respect to some referent standard (Greenberg, 1990). Within an I&C context, a comparison of inputs and outputs might be made relative to other I&C bodies or based on the participants’ expectations of decision-making outcomes.

Procedural justice concerns whether the decision-making processes that lead to an outcome are perceived as fair. Perceptions of procedural justice can be fostered by giving individuals two forms of control; decision-control and process-control (Thibaut and Walker,

1975). Decision-control gives the individual the ability to influence the outcome by making the allocation decision, and process-control gives the individual the opportunity to voice their opinions during the procedure. Process-control has been shown to increase perceived justice and acceptance of decisions in a variety of contexts, even when the outcome could not be influenced (Lind and Tyler, 1988). Consequently, it is expected that both forms of control will be important in an I&C context; with the voice effect being more salient (i.e. employee representatives being able to voice their opinions during the consultation process). As Tyler and Blader (2003) show, people still rated a procedure to be fairer if they had voice, even if they knew that what they said had little or no influence on the decisions made.

Informational justice is concerned with the quality and amount of information provided, truthfulness and justification concerning procedures, decision-making and outcomes (Colquitt, 2001). In an I&C context, we anticipate explanations about decisions in which the I&C body was not consulted but had no influence, will affect participants' justice judgement and consequently their attitudes and behaviours in the I&C body.

Interpersonal justice is concerned with the quality of personal treatment, respect, sensitivity and propriety (Colquitt et al., 2001). Research shows that work units develop interpersonal homogeneity when respectful treatment is extended across all group members (Schneider, 1987). For I&C efficacy, if management representatives for example are disrespectful to an employee representative, it is possible that the behaviour will be perceived as unfair not just by that employee representative but also by other members of the I&C forum.

A sense of fair treatment leads to a commitment to reciprocate, with an assumption that cooperation and beneficial interaction will ensue between the parties (Blau, 1964; Emerson, 1976; Leventhal and Anderson, 1970). Justice-related information can be used to cope with and remove sources of uncertainty. When people do not have information about another

party's trustworthiness, they will rely on justice heuristics to decide whether to cooperate or not (Lind, 2001). Thus, justice judgements serve as a proxy for interpersonal dynamics guiding decisions.

Dietz and Fortin (2007) propose a five-stage process model to better understand trust, justice and I&C relationships over time: 1) Pre-voice history, 2) Design, 3) Preparations, 4) First meeting and 5) Subsequent meetings. An account of each stage follows, with a discussion of how trust and justice may affect each stage.

Pre-voice history (S1): I&C arrangements do not emerge in a vacuum, but in the context of previous relations between the main participants (Kessler and Purcell, 1996) i.e. the 'pre-voice history'. Previously formed trustworthiness and justice judgements will be extremely influential in the early stages (Lind, 2001), where it is expected that participants will have accumulated evidence about the other parties' trustworthiness and fairness, which will inform their initial expectations about the likely levels of fair treatment, trust and outcome expectations (Shapiro and Kirkman, 2001) in the I&C.

Design (S2): As direct observation of the other party within an I&C context has not yet started, participants will look for indicators of trustworthiness and justice in terms of I&C design. The way the system is being designed will serve as important cues to participants about what to expect (Dietz and Fortin, 2007). A well-defined design will make clear actor roles and expectations for I&C, which may limit the possibility for inconsistencies that could damage trust and justice perceptions. This is also the stage where factors identified as necessary for developing meaningful I&C (Hall and Purcell, 2012) can be defined and introduced. Here procedural and informational justice can be developed with the creation of clear procedures and information sharing protocols (Dietz and Fortin, 2007).

Preparations prior to the first meeting (S3): This stage includes training, support facilities and efforts to create positive relations before the first official meeting that can

‘prove beneficial by neutralizing negative predispositions and cementing confident positive expectations’ (Dietz and Fortin, 2007, p.1170). Here expectations about the operation of I&C and levels of trust and justice will be formed. For example, the provision of training may support delegates’ abilities and persuasion skills. Training can also be seen as a demonstration of organisational support, and thus as an act of managerial benevolence, another factor of trustworthiness (Dietz and Fortin, 2007).

The first meeting (S4): Here representatives will have their first direct experiences of the I&C’s operations and delegates’ conduct. According to Dietz and Fortin (2007, p.1172), the first meeting is a pivotal event that can shape longer-term participant expectations about emergent trust and justice, such as the scope of issues available for consultation and the quality of on-going dialogue. Delegates will rely on their view of the first meeting to form expectations about the future of I&C. Procedural justice cues have been found to be especially important in the initial sense-making stage of a relationship (Cropanzano et al., 2001), with procedural justice judgements dominating the first meeting (Dietz and Fortin, 2007).

Subsequent meetings (S5): It is at this final stage that participants will see their expectations being realised or disappointed. If expectations are not followed through with positive outcomes for both parties, participants will perceive I&C as ineffective (Broad, 1994). Dietz and Fortin (2007, p.1174) expect that I&C ‘will become institutionalised as a feature of the organisation if participants’ positive expectations are sustained, but will suffer from atrophy and wither into obscurity if these are repeatedly undermined or left unrealised’.

Thus, the key points arising from our review relate to the voluntary nature of NER and ICE, and consequently the need for trust and justice to underpin I&C. We use Dietz and Fortin’s (2007) five-stage model to structure our findings so we can follow through the assumptions of their model on a systematic basis.

Methodology and the research setting

To address the research questions, data was derived from a project investigating I&C effectiveness and the role of trust and justice of two UK-based organisations; a Housing Association (HA) (the Employee Consultative Committee: ECC) and a Multi-national Professional Services firm (PSF) (the National Information and Consultation Forum: NICF). As the primary research aim involved I&C bodies based on a time-stages model (i.e. the five-stage model), it was important to find I&C bodies that had been recently introduced. For this reason, the selection of suitable case-study organisations was not entirely random, which according to Eisenhardt (1989) focuses the effort on cases that can replicate theory. One criterion was no more than one year had elapsed since the introduction of the I&C scheme. In this way, substantial memory errors or retrospective biases were minimised. The second criterion was that suitable case study organisations had recently introduced or revamped their I&C body¹.

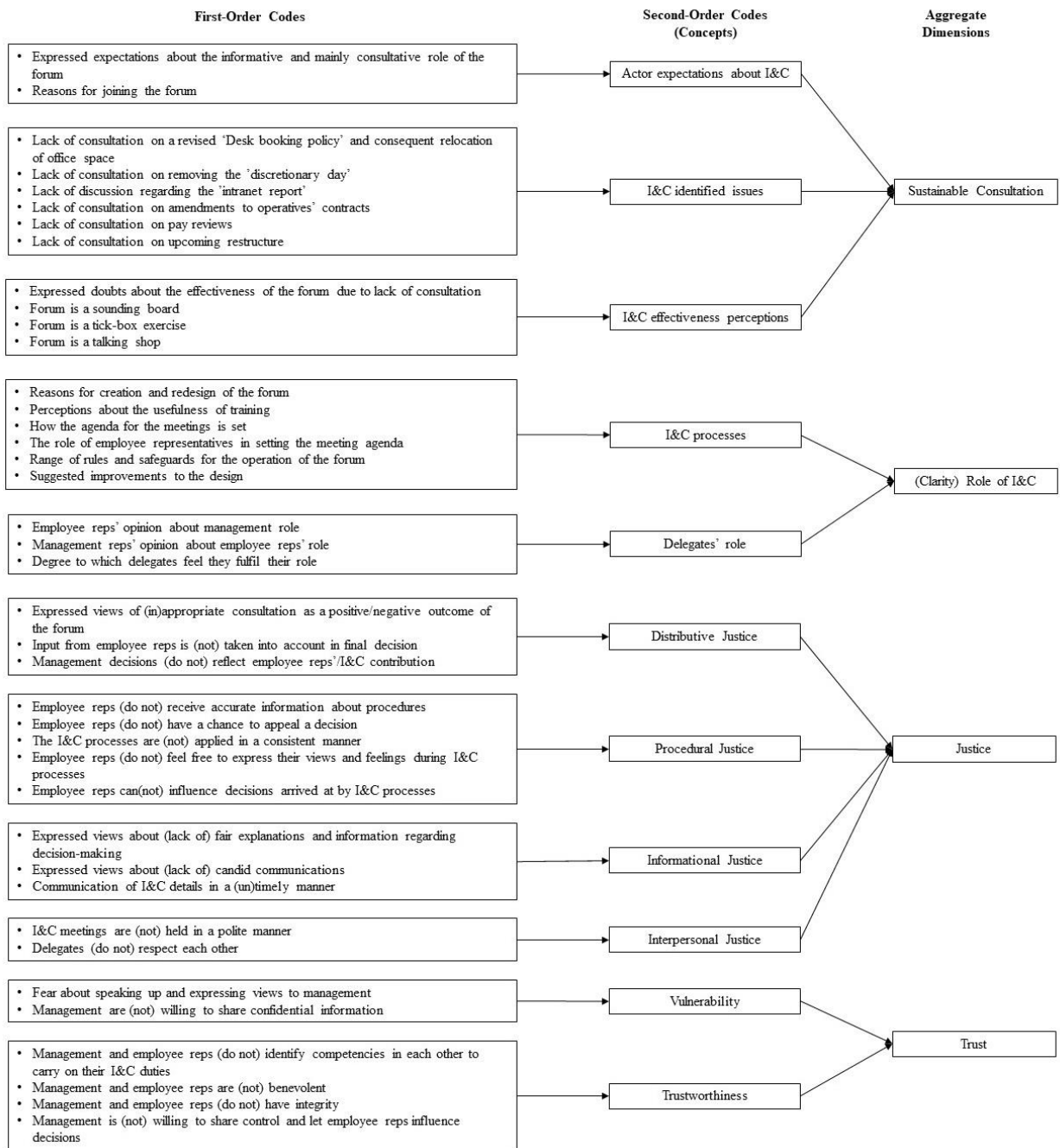
Data triangulation protocols were followed (Creswell and Miller, 2000), with four main sources of data: (1) the forums' official documents; (2) interviews with forum delegates; (3) non-participant observation of forum meetings; and (4) ICE regulation guidelines (Appendix II presents details on these sources and how they were used in our data analysis).

NVivo was used as a tool to code the qualitative data. In addition to codes for trust and justice, we did not want to exclude any other themes that might emerge from the data. We also coded data according to the different stages of the model, in terms of trust and justice and to issues related to scope, depth, level, form and delegate capacity to leverage change using I&C fora. Following the Gioia Methodology (Gioia et al., 2013), through multiple rounds of open coding, we identified concepts, moving from *in-vivo* (e.g. simple descriptive

¹ Assistance was provided by the Involvement and Participation Association (IPA) who had a significant network of I&C bodies across a diverse range of organisational settings.

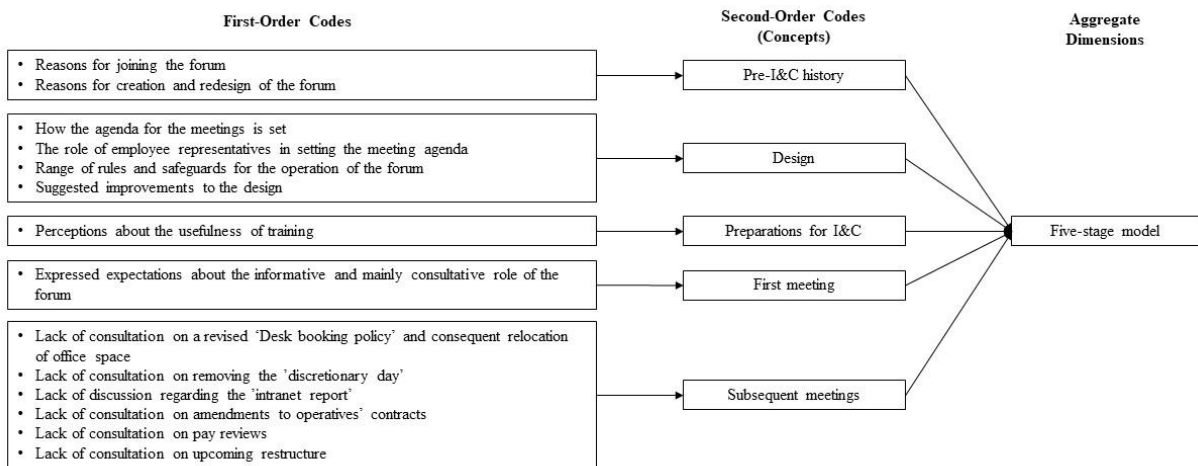
phase) to second order codes (e.g. thematic coding of delegate role or trust concepts) (Maanen, 1979; Strauss and Corbin, 1990). Throughout the process, triangulation with other sources and comparisons of interviewees helped us refine and strengthen our interpretations (Yin, 1994). Minutes of meetings and observation notes were particularly important for confirming interviewees' recollections of events. Observations complemented interviews, by giving a rich insight into how delegates experienced the meetings. The data structure derived from this analysis is presented in Figure 1.

Figure 1: Data structure



Additionally, certain first order codes, describing I&C events, were categorised in relation to the five-stage model, presented in Figure 2.

Figure 2: Data structure for five-stage process model



For trust, the major coding categories were drawn from three factors of trustworthiness by Mayer et al. (1995), along with a further indicator, 'sharing and delegation of control', from Whitener et al., (1998). An extra code for trust 'risk taking' was added, to identify any such activities; this trusting action is an important outcome of the trust process with implications for the effectiveness of I&C. For justice, Colquitt (2001) was used to provide the coding definitions for the four justice dimensions. Appendix III provides evidence of concepts derived from our analysis.

Research setting

The NICF: PSF created the NICF in 2005 and re-vamped it in 2009 because of ICE Regulations. The firm is a global management consultancy company with operations in 120 countries, including the UK. The National Leadership Team (NLT) runs the UK division of the company; its members are the UK Managing Director (UKMD) and all the department heads. The team meets regularly and are responsible for decisions and implementation of decisions relating to the UK.

Concerning NICF participation, employee representation was based on statutory provisions with a maximum of 20 elected delegates for a three-year term. The role of the Employee Representative was "to tune in to the 'pulse' of their constituency, give constructive feedback, sign up to, and respect confidentiality rules and participate in

meetings and agree what outputs may be further communicated and why” (Official NICF documents). Additionally, the employee representatives prepared a code of conduct, which was then incorporated as an official document in the NICF’s constitution. This code of conduct was intended to provide a baseline as to what constitutes acceptable behaviour during the operation of the NICF and encouraged an understanding of respectful, positive and constructive behaviours from all NICF members.

PSF created the NICF in 2005, shortly after the ICE Regulations were introduced into UK law. NICF is an exclusively NER forum. Following the ICE guidelines, topics for ‘information-only’ were business and sales updates, while topics for ‘information and consultation’ were rewards, changes to workforce and career models, internal reorganisations, and Health and Safety (NICF constitution). Our study examines the events that happened after the revamp of the forum. Specialised training was introduced for elected employee representatives and a revised constitution came into effect after elections for new representatives. From the employees’ perspective, this created a positive climate during the first stages of the I&C process. However, when matters arose on which the representatives expected consultation (e.g. removing a discretionary holiday, performance management changes), management exercised power and failed to consult with the NICF, and perceptions became more negative.

The ECC: The HA is a not-for-profit Registered Social Landlord providing housing for people in a large metropolitan area. It was formed in July 2006 following the transfer of domestic and commercial properties from the local District Council, employing some 160 people.

The new HA structure saw some insecurity and worker frustration regarding I&C, in particular management’s unilateral decision not to recognise a union (UNISON). Prior to the transfer, Unison represented the employees on the Council. With the creation of HA, there

was no formal I&C mechanism in place. The ECC was created, following the ICE regulations, to address this representation gap. HA's Executive Management Team (EMT) decided to have elected representatives, with a two-year term, proportionally represented from each of the organisation's departments. According to a management interviewee (MR6 – ECC Chair) the role of the employee representatives at that point was *'to come and represent and cascade information down to their colleagues'*. None of the company documents and Terms of Reference (ToR) explicitly gave any more information about role expectations for employee representatives. It appeared that management were unwilling to dilute any of their prerogative and exercised a degree of 'power over', insofar as they regulated the rules and parameters of the employee representatives' role within the forum.

Perhaps unsurprisingly, when faced with union de-recognition, a positive climate for I&C was not sustained. There were five major issues that employee respondents raised that affected representatives' perceptions of trust, justice and ECC efficacy: pay reviews, an intranet report, operatives' new contracts, the caretakers' salary, and a restructuring decision affecting one department.

Findings and discussion

I&C: a five-stage process

Pre-voice history (S1): Whether employees or management trigger the I&C process is significant to trust development. For instance, an I&C body triggered by employees following ICE Regulations will presumably enjoy greater legitimacy from these employees and consequently be perceived as trustworthy (Dietz and Fortin, 2007). Conversely, management-initiated forms of I&C increase the chances that employees will be expected to adopt the interests of the enterprise (e.g. quality enhancement, efficiency) as their own. Similarly, industrial relations climate formed from past relationships and experiences can

affect trust-building relationships and justice judgements about the new I&C mechanism (Kougiannou et al., 2015). This is observable in our two cases.

The initial trigger for the creation of NICF was management-driven and related to the imminent ICE Regulations rather than an actual desire for consultation. This is illustrated by MR2 (NICF Chair): *'We knew the legislation was coming, so some of it was about just trying to pre-empt the legislation and make sure we did the right thing'*. Equally, as MR4 (IR Manager) noted: *'It fulfils a potential legislative obligation in that if we didn't have one somebody could ask for one to be set up'*. Management did recruit the IR manager to re-design the NICF, which provided some observable commitment to the forum and enhanced trustworthiness. However, from a management perspective, the initial decision to create the NICF was more a defensive tactic to pre-empt new regulations, and perhaps protect decision-making discretion, rather than a benevolent disposition to employees. Management remained hesitant in relation to how much information they would share with employees, which signalled a lack of trust:

Senior management had been quite startled and sometimes I have to cope with a negative reaction, starting to criticise me saying 'oh, why are we talking about this' and 'why are we talking about that', 'oh we must be careful of what we say'...obsessive secrecy issues. (MR4 – IR Manager)

Similarly, the decision to create the ECC at HA was made by management in order to have a formal and explicit non-union voice mechanism in a new organisation. In managements' view:

Because we were quite clear that we didn't want to recognise the union. But I think in the absence of anything else those staff that really supported being members of the union, kept bringing that in to the organisation. So it was really important at that

time that we did find some other way of reaching the staff and getting some consultative process going on. (MR8 – HR Manager)

The view that the creation of the ECC was an anti-union decision rather than a benevolent act was one echoed by most employee representatives (n=6). They interpreted the decision not as a genuine desire to provide employees with a voice, but instead a defensive response to the employees' request for I&C without having to concede union recognition:

There was always that group [Trade Union] in between that could do the talking on behalf of the staff to the management and from the management down to the staff so there was that tool there and I think that they felt, 'we got to continue with something, we can't have nothing'. (ER17)

The above indicates that these arrangements, rather than being formally initiated by management, were technically created in the 'shadow of the law' to regulate and shape employees' rights to 'voice'. At this stage of the process, I&C participants searched for evidence of the other party's benevolence, or lack thereof, to evaluate their trustworthiness which helped define expectations about the future effectiveness of I&C. Overall, such benevolence was found wanting with consequential diminution in trust expectations among employee representatives. One exception was a redundancy consultation exercise at PSF, which had some positive effects on the formation of justice perceptions. In terms of the *depth* and *scope* of I&C, it was seen as being based on accurate information and employee representatives had the opportunity to influence the outcome, that was reached with a degree of consensus:

We helped with the round of redundancies, voluntary redundancy that leadership didn't want to have initially but we managed to say that it would be a good option and it worked really successfully. (ER12)

Information was available to the employee representatives in a timely manner, explanations about the process were given and were communicated to the rest of the workforce throughout the process, demonstrating high levels of informational justice. What was also important in terms of justice was the outcome of the overall process, which provided evidence of distributive justice. Both employee and management representatives expressed satisfaction with the pre-historical *form* and *capacity* dimensions of I&C. However, it is important to note that consultation on large scale redundancies is legally required regardless of the status of the broader I&C arrangements. This may explain why consultation, in this instance, was of a higher order than for other issues, highlighting that legal regulations serve as a conduit for justice and are more likely to prepare the ground for trust development.

From the above, one can notice that at this stage, I&C participants relied more on a mix of distributive, procedural and informational justice to form judgements to cope with uncertainty. These judgements were also used to define participants' expectations about the future effectiveness of the I&C. While employee representatives were not naive about their ability to change management decisions, they were prepared to give management an opportunity to display an interest in hearing their voices. Simultaneously, management did underpin structural channels for social dialogue and support features of trust building among the parties. Arguably, therefore, justice perceptions illustrate that power dynamics are not absolute or all one-way: the characteristic of both '*power to*' support positive change, and '*power over*' as a coercive feature, coexisted at different I&C spaces.

Design (S2): A forum needs to be seen as capable of delivering outcomes that are considered fair and if not beneficial, at least non-detrimental for trust and justice to develop. One step to achieving this is by building trust and justice 'safeguards' in the design of the I&C arrangement (Dietz and Fortin, 2007). Evidence of potential trust indicators were

collected and analysed from the Constitution of each form (the Constitution and Code of Conduct for NICF and the ToR for ECC), summarised in Table 1.

Table 1: NICF’s constitution and ECC’s ToR extracts on the role and focus of their I&C arrangement.

Source	Role	Focus
NICF constitution	‘The Company established the NICF to strengthen the process of information and consultation between the Company and its employees at a national and strategic level, to improve the mutual understanding of the Company’s business, its performance and the challenges and opportunities that face the business in the future and to promote communication, co-operation and employee participation at all levels of the workforce, in the interests of both the Company and its employees.’	<ol style="list-style-type: none"> 1. Give information about strategic decisions and issues of importance to staff at a national level; 2. Promote an exchange of views between management and staff about those issues; 3. Test ideas and approaches with staff; and 4. Give staff an opportunity to influence the implementation of decisions, which will impact on all Company employees.
ECC ToR	<p>The formal mechanism for consultation between employees and management of HT.</p> <p>A forum for partnership working and information sharing, through which matters affecting HT staff can be discussed and jointly resolved.</p>	<p>‘The remit of the committee will include:</p> <ol style="list-style-type: none"> 1. The development of Human Resources (HR) policies and procedures. 2. Changes to organisational structures, roles or working practices where these relate to the majority of staff. 3. Consultation on pay, terms and conditions of employment. 4. Other changes, developments or matters of policy where these affect the majority of staff. 5. Health and safety.’

It is evident from both documents that while management apparently supported joint consultative structures, they had a distinctive unitary view about what constituted joint decision-making. This was evidenced by the way management sidestepped consultation at various stages and consciously shaped the rules about employee representative roles and expected behaviours. Nonetheless, the depth of detail of the NICF’s constitution provides representatives with some degree of support and information, with a general scope of I&C issues the NICF can discuss, but lacks clarity for both employees and management about what could and could not be shared (Appendix III, NICF constitution, quote 23). Similarly,

in the ECC, the imprecise ToR led to misaligned expectations between management and employee representatives concerning the role and purpose of the committee. ER21 explained:

I suppose consultation should be ideally where you can influence the outcome. That can be interpreted loosely. Because it can be translated so loosely in so many different ways, it can be anything they [management] want it to be.

Another weakness of the design in terms of the ECC's trustworthiness and integrity was the lack of clear confidentiality rules. As MR3 describes:

We're not clear about whether we should share it or not. I think some of the committee members don't quite know where that line is and what they can and can't say. So they tend to hang back and not say anything but that means it's not getting communicated out there to the staff.

With regard to justice perceptions about the role of representatives on NICF, some positive endorsement concerning procedural and informational justice was found (Appendix III, NICF constitution quote 26). For example, the number of meetings held a year were consistent, the chairing of meetings fair, and agenda-setting viewed as transparent. Employee representatives felt they had input into the content and agenda, which gave reassurance about the scope of items they could influence.

There was a lack of clarity about the role and purpose of the ECC committee at HA, in particular a narrow scope to what issues are 'consultative' or 'informative' was problematic for trust and procedural justice perceptions. One delegate commented:

There's still confusion as to what we're meant to be covering. I still don't think our role is very clear, I'm certainly not clear of it if I'm being honest. (ER22)

Overall, employee representatives perceived the NICF as a 'talking shop' and the ECC as a 'tick-box exercise'. The approach taken to NER by management tended to consolidate

managerial power and at the same time avoided trade union input. For management, these I&C fora dealt appropriately with legal ICE requirements. To this end the data points towards the ‘design stage’ as being critical in constraining trust-building relationships and a lack of justice from the I&C arrangement.

Formulating I&C actors’ role expectations at S2

One emerging theme from both forums’ formal constitution was its role in forming initial expectations about actors’ role in I&C and a lack of clarity about the purpose and role of the forum. Both forums did not sufficiently create the necessary protocols/safeguards to help I&C members, especially those new to the role of employee representative, to perceive the environment as trustworthy. In both forums, but more so in the ECC, not providing clarity about the *scope of issues* that representatives would deal with, led to doubts which negatively affected trustworthiness and distributive justice perceptions. This finding in particular extends the argument advanced by Hall and Purcell (2012), in connecting the scope of decisions to trust and distributive justice outcomes at an earlier stage in the formation of I&C. It also led to low expectations of procedural and informational justice, given management’s limited interest in giving employee representatives the opportunity to influence outcomes.

Preparations (S3): Dietz and Fortin (2007) predict that providing training can afford evidence of trustworthiness – especially employee ability and managerial benevolence – and enhance justice perceptions and expectations of I&C effectiveness. The NICF and the ECC provided training to employee representatives, which demonstrated a degree of benevolence in both companies, giving management confidence about the ability of the employee representatives. Employee representatives recognised this training equipped them with better skills commenting positively about it. While training may come with a managerial agenda, representatives understood this and were willing to evaluate it in terms of what it provided

them in terms of gaining some skills to be deployed in ways that they saw fit. Our cases suggest that the actors are not naïve; they are acutely aware of conflicting interests but also recognise potentially positive opportunities to input into managerial decisions. In this regard training supported informational and procedural justice perceptions to some extent. ER3 commented:

Well actually this is what we should be doing, we should be challenging and understanding the rationale of things and understanding the different options that management came up with so that we ourselves can have a better understanding.

First meeting (S4): While history, design and preparation serve as sources of trustworthiness and justice judgments, mainly about building expectations regarding I&C effectiveness, it is the first meeting that will set the climate for what is to follow (Ambrose and Cropanzano, 2003; Dietz and Fortin, 2007). In both committees, the first meeting left some positive impressions on participants and created further spill-over effects on trust and justice expectations. For example, examining the minutes of the NICF's first meeting, highly confidential information items shared in the NICF (current business situation and growth, strategic changes worldwide, financial challenges, forecasts, etc.) were well received by the employee representatives:

The way in which the UKMD interacted with us was interesting, because he seemed much chattier, open, and friendly than I was expecting and he took questions and he was very open, which was positive. I didn't expect it. (ER10)

Similarly, in the ECC most of the employee representatives expressed their satisfaction about the information that was shared. This was interpreted as signals of managerial integrity, a degree of openness and honesty:

We got to know what was going on. It didn't feel like we're going to be left in the dark. Really good, really positive and everybody felt that things would move on.

(ER19)

Since this stage is the first real interaction between the delegates, and direct information about the other party's trustworthiness is rather limited, participants, in an effort to decide to cooperate or not, will rely on their justice perceptions and seek justice evidence of the other party (Greenberg, 2001). Theory suggests that participants will also look for interpersonal (Colquitt et al., 2001), informational and procedural aspects of justice to promote cooperative behaviour (Cropanzano and Ambrose, 2001). On that evidence, the interviewees expressed a degree of satisfaction with the first meeting:

But because the challenges are raised in a non-combative way, I think managers are finding it easier, senior executives are finding it easier to be honest and open and so there was a degree to which that openness is increasing, it started from that first meeting because the delegates behaved so well. (MR4 – IR Manager)

Concerning interpersonal justice, all representatives (employees and management) reported that they had been treated with respect and the climate was professional and friendly. In terms of procedural justice, representatives had the chance to express their views and provide feedback on items discussed during the first meeting. It is also at the meeting stage where, for the first time, the design is put to the test and first signs of procedural and informational justice appear:

It was a good meeting, and there was a chance for questions and some good questions were raised so hopefully it had an influence. (ER22)

Giving people a sense of place; understanding what this committee was; what its powers are; what's its terms of reference are; what their role is going to be. (MR6 – Operations Manager)

Similar to trust perceptions the cycle of interaction generated in the first meeting informs future interactions in subsequent meetings. Positive impressions, shaping positive justice perceptions created confidence that these interactions will follow in subsequent meetings.

Established actors' role expectations

The impact of expectations on trust and justice perceptions has been examined extensively in literature (e.g. Blau, 1964; Folger, 1986). Theoretically, satisfaction within complex exchange relationships depends in part on the benefits received, relative to the expectations held by the parties. In our cases, these experiences included the pre-voice history, training and the first meeting. Unmet expectations are likely to lead to negative trust and justice judgements. Our case evidence further suggests that changes in levels of trust and justice perceptions can change and evolve between the pre-voice history and subsequent first meeting stages. This occurred due to high expectations formed by employee representatives, in terms of the degree and scope of I&C given by management.

Subsequent meetings (S5): This is the stage where expectations can change, due to processes that occur between meetings, and lead to either mature consultation, or result in a defunct I&C process. Regarding trust, the NICF's subsequent meetings sustained a degree of confidential exchanges, demonstrating managerial benevolence and integrity. Management acknowledged that there were no information leaks from employee representatives. However, employee representatives were concerned about the absence of consultation regarding issues that affected the workforce. Interview transcripts, observation notes from meetings and relevant meeting minutes revealed inconsistent consultation. There was on-going consultation about paternity leave (NICF observed meeting 2), a legal requirement, but off the table was a revised desk-booking scheme, decisions to relocate office space (Appendix III: quotes 3-7), changes in performance management policy (NICF observed meeting 2) and a discretionary holiday scheme (Appendix III: quotes 8-9), which

collectively led employee representative respondents to express doubts about the depth of decision-making and the scope of issues presented to the I&C forum for consultation. For example:

They want to use us where it feels right, the question is where does it feel right to management as opposed to where it feels right to for us, and we'd probably think there are more things that feel right for us whereas management may think there's some things they still wouldn't want us to necessarily be involved with. (ER1)

Employee representatives could no longer predict which items would come to the forum for consultation, thus lowering their degree of trust in management, and negatively affecting perceptions of management integrity. Consequently, an 'expectation mismatch' that was created in the early stages of the process was accentuated once NICF met more regularly, as observed during a discussion between employee representatives just before an NICF meeting:

ER11: what value are we adding? Are we being consulted enough?

ER4: any example where we should have been consulted earlier?

ER1: desk-booking, office move.

Likewise, in the ECC, there were four issues, i.e. an intranet report (Appendix III: quotes 10-11), operatives' contracts (Appendix III: quote 12), restructuring (Appendix III: quotes 15-16), and pay reviews (Appendix III: quotes 15-16) that employee representatives identified as areas where they were excluded from decision-making, which they linked to issues of trust. For example:

If you take for example the operatives and their pay rise; if that pay rise wasn't acceptable when they were given it, there was no sort of 'well hold on let's negotiate, let's take this offer to the operatives and then review it'. I just felt that it was just

done and dusted as quickly as that. I think the committee is just there as a PR stand.

(ER19)

From an employee perspective, an emerging issue from both committees was managerial dominance, which limited employees' capacity to influence decision making, and led to a lack of consistency in terms of consultation (see Appendix III: quote 38). This appeared to have the strongest impact on employee representatives' diminished perceptions about managerial integrity and I&C effectiveness. Illustrating the above, the following is an extract from a conversation observed between two employee representatives during a break in one of the meetings:

ER7: the business culture is secrecy.

ER11: things are being planned but we don't find out about them. It is about respect.

Other concerns that reflected employee representative doubts about managements' sincerity for voice was observed between other meetings. For example, ahead of one NICF meeting and just before management came in the room, all employee representatives (n=14) nodded in agreement to comments from others in the room that consultation was not happening. One of the representatives saying that 'leadership are not comfortable with us yet' and another remarking 'are we a communication forum or a consultation forum?' A third employee representative captured power imbalances within I&C when commenting: 'how can we actually follow the training about option-based consultation when we are not aware of the options?' (ER1).

From a management perspective, importance was placed on the employee representatives' competence and their need to add value to the organisation (Barry and Wilkinson, 2016). Thus, management was looking for evidence that validated some performance utility in allowing employees to have a voice:

I do doubt that we're not as effective as we could be because I don't believe the representatives are effective in their role with the people that they represent. (MR6 – Operations Manager)

Furthermore, employee representative expectations about procedural and distributive justice were not realised, on both committees. Prior research from Brockner et al. (2000) also points out that people who have experienced fair treatment – this happened in the first meeting of both committees – might react more negatively and strongly to a perceived injustice than others who did not encounter the initial fair treatment. Negative perceptions of procedural justice were created when a decision was made which excluded employee representative input or the opportunity to appeal a decision:

I can't wait to get out of it and someone else has a go at it because to be brutally honest, anything I brought up they just sort of said "no". (ER18).

During earlier stages management demonstrated benevolence when they decided to revamp the NICF/create the ECC, and provided representatives with training, but this benevolence waned when it was time to consult on strategic or more substantive contractual employment issues with the I&C forums. The disillusionment created an 'expectation mismatch' about the I&C role, which diminished longevity of consultation, had a negative impact on trust and justice perceptions, and consequently employee representative views of I&C efficacy. Moreover, items that were identified in the constitution/ToR as being 'consultative' were, in reality, confined to information-sharing. When employee representatives were bringing issues to the committees for consultation, they were, at times, informed that management had already made their decision, which negatively affected perceptions of distributive justice.

Dietz and Fortin (2007) posit that perceptions of trust and justice formed at each stage of the model will contribute to the participants' evaluation of I&C effectiveness, with this contribution equally important at all stages. In the case evidence, however, it was found that

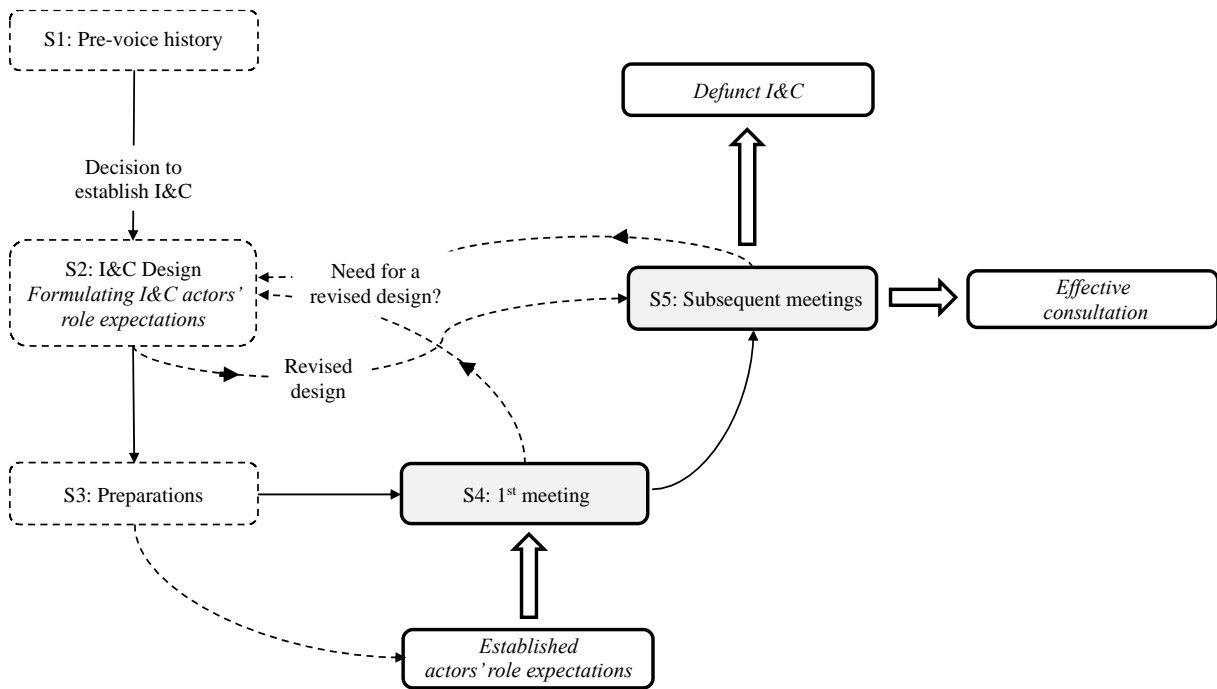
in the ‘first meeting’ and ‘subsequent meetings’ stage, where participants relied on their own direct experiences of complex social dialogue interactions they started forming stronger and alternative expectations and perceptions of efficacy and I&C utility.

Fragile consultation vs Defunct I&C

A specific contribution from the findings is how trust and justice evolve throughout the I&C stages. The data shows the failure of consultation and involvement in decision-making, which in part signalled defunct I&C where employee representatives characterised their respective committees as shallow: a ‘talking shop’ (NICF) and a ‘tick-box exercise’ (ECC). A key drawback to consultation was management’s unwillingness to take risk and share control, exercising ‘power over’, which in turn begot mistrust. This shows how managerial action shapes employees’ trust and mistrust judgements. The evident lack of genuine consultation in both forums confirms that reflexive (voluntary) I&C regulations, especially in a NER context, make it difficult for employee representatives to leverage change without employer goodwill and management commitment to social reciprocity. In other words, with a minimalist regulatory backdrop, I&C efficacy is dependent on management offering employees the opportunity to voice their concerns.

The general fragility of consultation had a significant effect on employee representatives’ justice perceptions, mainly procedural and distributive, particularly for the ECC. The findings from both cases suggest that enduring consultation requires fair design systems, with ‘power to’ influence change, that offer positive perceptions of I&C efficacy. Negative perceptions of procedural justice were created when management reached decisions without consultation with their respective employee representatives. Further, when consultation items did not reach the agenda, negative perceptions of distributive justice were created. These findings extend the five-stage process model by incorporating these reported factors for I&C process effectiveness, presented in Figure 3.

Figure 3: Amended five-stage process model, including major influential factors.



Conclusion

We contribute theoretically to a process-driven model of trust and voice, as updated in Figure 3 above, first developed by Dietz and Fortin (2007). Importantly, findings from our two cases illustrate that employee and management representatives rely on their own evaluative judgements of trustworthiness, to assess each other during a five-stage process. Theoretically, different dimensions of justice are shown to be more salient at different stages of the I&C process. Specifically, during the early stages, employee representatives relied on evidence of trustworthiness, and procedural and interactional justice, which formed expectations about I&C (Shapiro and Kirkman, 2001). This finding in particular extends the argument advanced by Hall and Purcell (2012), in connecting the scope of decisions to trust and justice outcomes at an earlier stage in the formation of I&C.

In S4 of the I&C process, these actor role expectations became established and more embedded. These established expectations influenced S5 where they shaped outcomes, i.e.

level and consistency of consultation, arising from the representatives' evaluation of their counterparts integrity. For employees this included the managerial representatives' willingness to share information and control (Whitener et al., 1998), and thus power. In contrast, management relied on employee representatives' capacity to act competently, rather than their integrity or benevolence. Our data also shows that management were much less concerned with notions of justice.

The findings presented in this study provide a contribution to the potential effectiveness of I&C. Theoretically, the research extends the model of trust and justice for I&C, within a reflexive (voluntary) regulative framework, especially in a NER context. First, we specify crucial stages in the model where trust and justice levels can signal subsequent I&C effectiveness, or point to defunct voice outcomes. Specifically, the initial processes of role formation during the design stage (S2), as shown in our cases, can have a spill-over effect on actor expectations and behaviours. Likewise, the first meeting (S4) can embed or fundamentally alter actor role expectations during subsequent meetings (S5) that can help sustain consultation, or result in defunct voice, when expectations are misaligned (Broad, 1994) and, consequently, perceptions of trust and justice are found wanting.

Having evaluated the role of trust and justice perceptions of I&C bodies' representatives, the data offered insights about the different stages where key factors link to I&C efficacy. For example, the evident lack of genuine consultation in both forums confirms that the voluntary nature of I&C regulations for NER voice, make it difficult for employee representatives to leverage change without employer goodwill and management commitment to social reciprocity and cooperation (Dobbins and Dundon, 2017; Johnstone and Wilkinson, 2018). In other words, with a minimalist regulatory backdrop, I&C efficacy is dependent on management demonstrating mutual trust by offering employees the opportunity to voice their concerns, which reinforces a '*power over*' relationship associated with I&C. However, at the

same time, other important trust features were evident. For example, the redundancy exercise showed that consultation, in this instance, was of a higher order, highlighting that legal regulations serve as a conduit for procedural and distributive justice (Dietz and Fortin, 2007), preparing the ground for trust (McKnight et al., 1998) and may engender support deeper social dialogue choices from managers. Our cases contribute to NER literature by demonstrating that NER can be fragile and much rests on how management interpret the rules of the game, and how trustworthy they find employee representatives, and I&C itself in adding business value. It is also worth pointing out that efficacy is not itself a single outcome. Our findings demonstrate that it relates to depth and scope of voice issues and decision-making capacity, and to perceptions of trust and justice by one party (e.g. employee representatives) in the actions and behaviours of the other party (e.g. management). In turn, these factors and actor perceptions shape the efficacy of I&C fora, or lead to defunct voice arrangements when justice and trust is found wanting.

In practical terms, by embedding trust and justice into system design, managers may be able to set commonly agreed expectations about the role of I&C and how it will play out in future scenarios. From an employee perspective, one of the most salient factors that influence effectiveness views is genuine consultation *before* a decision is reached rather than after the event, which makes the representatives party to a rubber-stamping exercise. Managers can address this issue as a design feature, by setting clear consultation guidelines that are accepted by employee representatives and by adhering to them during the subsequent meetings and on-going stages of an I&C arrangement. Of course, in a voluntarist context where managers are less concerned with notions of justice, the weaknesses of the ICE Regulations are exposed with easy 'escape' options for management under light-touch provisions leading to omissions in procedural and informational justice, and negating trust.

Our data also showed that by assessing I&C arrangements in its contextual space and in its own right, and being aware of constraints and power dynamics, there remains agency on both sides. Moreover, while there are conflicts of interests, there are also zones of collaboration, where cooperation is facilitated by incidences of positive ‘*power to*’ when working towards a defined goal, rather than coercive ‘*power over*’ antagonisms. As shown, the exercise of power is not simply a zero-sum game but is a dynamic shaped by context choices, regulatory forces, and the assumption that the employment relationship is akin to a tug of war and the main issue is to balance both sides to get a fair(er) fight. The employment relationship is an uneven dynamic combining both cooperative and conflictual elements that managers must grapple with and, at times, I&C can facilitate how these elements become enacted. NER I&C bodies are far from ideal, as Hall and Purcell (2012, p.26) comment: “*Management nearly always dominate the consultative process in determining what is to be discussed, what form the discussion takes, and what notice is to be taken of points raised by discussion*”. Yet concurrently, trust and justice can moderate the ‘frontier of control’ with managers potentially less inclined to (ab)use their power prerogative and see the value of engaging with employee representatives and the I&C process. Moreover, the various I&C options are not pre-determined and employee and management representatives can re-configure justice, trust and efficacy if given sufficient resources with a more robust legal platform to do so.

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To be included

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Appendix I: Summary of ICE

Source: UK Department for Business, Enterprise and Regulatory Reform

About ICE

- The Information and Consultation of Employees Regulations give employees in larger firms (50 or more employees) rights to be informed and consulted on a regular basis about issues in the business for which they work.
- Applies to public and private undertakings that carry out an economic activity whether or not operating for gain – covering companies, partnerships, co-operatives, mutual, building societies, friendly societies, associations, trade unions, charities and individuals who are employers, if they carry out an economic activity.

Overview

- The requirement to inform and consult employees does not operate automatically. It is triggered by a formal request from employees for I&C agreement, or by employers choosing to start the process themselves. An agreement must set out how the employer will inform and consult employees or their representatives on an on-going basis, but the legislation lets the parties agree arrangements and structures tailored to their individual circumstances.
- The Regulations also provide for the retention of pre-existing agreements which have workforce support. To be valid, a pre-existing agreement must:
 1. Be in writing;
 2. Cover all the employees in the undertaking
 3. Set out how the employer will inform and consult the employees or their representatives. The legislation does not impose any requirements or set any restrictions, on the method, frequency, timing or subject-matter of the information and consultation arrangements set-up under pre-existing agreements; and
 4. Be approved by the employees.

Key-aspects

The Directive sets out the broad areas of ‘information’, ‘information and consultation’ and ‘information and consultation with a view to reaching agreement’ in which employers must involve employees or their representatives.

Information on:

- The recent and probable development of the organisation’s activities and economic situation, with the purpose of helping representatives understand the context in which decisions affecting work organisation, employment and employees’ contractual relations are made.

Information and consultation on:

- The structure, situation and development of employment within the organisation and on any anticipatory measures envisaged where there is a threat to employment within the organisation.

Information and consultation with a view to reaching agreement:

- Decisions likely to lead to substantial changes in work organisations or in contractual relations. These decisions include collective redundancies and business transfers.

In certain circumstances, employers may restrict information provided to representatives. This restriction can be based on confidentiality requirements, the legitimate interests of the organisation or when the disclosure of information would be prejudicial to, or seriously harm the functioning of the organisation

Appendix II: Data sources and use

Source	Type of data	Use in the analysis
Forums' official documents	<ol style="list-style-type: none"> 1. NICF's constitutions 2. ECC's Terms of Reference (ToR) 3. NICF agenda items and meeting minutes (February '09 – March '11) 4. ECC agenda items and meeting minutes (January 09' – September '10) 	<p>Gather information regarding design and potential level of consultation.</p> <p>Background details and further clarification of meetings held before the start of fieldwork.</p> <p>Understand the history of the creation of the forums.</p> <p>Cross-check truthfulness of interview statements and observation notes.</p>
Interviews	<p>First round – Summer 2009 26 interviews with <i>all</i> current management (MR) and employee representatives (ER). NICF: Four MRs and 12 ERs. ECC: Three MRs and seven ERs. All audio recorded and transcribed for a total of 309 pages.</p> <p>Second round – Autumn 2010 22 interviews with <i>all</i> current management (MR) and employee representatives (ER) NICF: Four MRs and 10 ERs ECC: Three MRs and five ERs</p> <p>Note 1: All management representatives were senior managers. For NICF this consisted of the IR manager, and HR manager, Legal, and two senior executive members, one being the Chair. For ECC this consisted of the Managing Director (also the Chair of ECC), the HR and the Operations Manager.</p> <p>Note 2: Interviews lasted between 45 minutes and 2 hours, with an average duration of 1 hour.</p>	<p>Gather data about the relationship history and expectations during the five stages of the Dietz and Fortin (2007) model; delegates' expectations about the future of the forums; delegates' perceptions about the forums' processes; the role of trust and justice in shaping these perceptions and relationships.</p> <p>Gather more detailed data about the aforementioned themes and any links with trust and justice; examine in more depth how the relationships between delegates have developed since the first round. Some questions from the first round were repeated to allow for comparisons and examination of changes in perceptions at the beginning and end of research.</p> <p>Gather data on relationship dynamics, participants' opinions about their counterparts, whether their expectations were met and their perceptions of I&C effectiveness.</p>
Non-participant observation	<p>Five NICF meetings: <i>August '09, November '09, April '10, September '10, March '11</i> Researcher's handwritten notes, then transferred to a word document for a total of 13 pages.</p> <p>Six ECC meetings: <i>July '09, December '09, February '10, (x2) (second ad-hoc), April '10, September '10 (ad-hoc)</i> Researcher's handwritten notes, then transferred to a word document for a total of 14 pages.</p>	<p>Gather data regarding operation of meetings, procedures, practices and behaviours during meetings.</p> <p>Contextualise first round interview narratives.</p> <p>Triangulate facts.</p>
Other documents	ICE Regulations guidelines	Check for compliance between guidelines and forums' design.

Appendix III: Evidence of Concepts

Data source: *I* – interview; *C* – constitution/ToR; *M* – meeting minutes; *O* – Non-participant observation

Concepts (2 nd order codes)	Representative quotations in the data (1 st order codes)
Actor expectations	<p>Expressed expectations about the informative and mainly consultative role of the forum</p> <ol style="list-style-type: none">1. “My expectation was that we would be given information that we would be asked to offer views about the appropriate and various courses of action that the company is considering and those views would be taken into account but we wouldn’t necessarily have to agree” - ER7 (I) <p>Reasons for joining the forum</p> <ol style="list-style-type: none">2. “When the opportunity came up and they had election for the NICF I said, it’s definitely something I want to be involved in because I’m quite interested with the way decisions are made within the organisation and how us as employees can sort of influence that” - ER3 (I)
I&C identified issues	<p>Desk booking policy and relocation of office space</p> <ol style="list-style-type: none">3. “We were told about this desk booking thing that preceded the office move. That was sort of, right we’re going to go to desk booking, and I spoke to people about it and thought this doesn’t sound great. I spoke to people about it and they said yeah that sounds like a really strange idea, why is that happening, and I in turn asked the question, why are we doing this and I was told, oh it’s a pilot and we’ll just see how things are going and the real answer is because we’re going to be closing down one of our offices but we can’t tell you that yet” - ER4 (I)4. “It shouldn’t be a case of a rather stamping exercise at the end to say well we showed it to the UK forum, job done, we should be asked and involved from the beginning, so it should be a case of let’s say for example, we’re getting rid of an office, we feel like we should be involved in that process from the point when that is being discussed as an option, so we are part of the options analyses not just a validation of the end decision” - ER1 (I)5. “There are rumours going around that spaces are closing down and reps think they weren’t consulted about it.” - NICF (O)6. “In reference to item 4, NE observed that the desk booking issue had been overtaken by events, and therefore representatives agreed that the action could be discharged. Representatives asked if projects would be charged for people using office space more than one day per week.” - NICF (M)7. “ER11: what value are we adding? Are we being consulted enough? ER4: any example where we should have been consulted earlier? ER1: desk-booking, office moving.” - NICF (O) <p>Discretionary day</p>

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8. "The big one at the minute is that discretionary day thing where they're looking to scrap the Christmas discretionary day. In fact I've just sent of an email to the rest of the guys because we had a call set originally for yesterday, it got cancelled and then one of our I&C reps has been on an 'enterprises' meeting where it was announced that they will definitely be dropping the discretionary day. So consultation? No" - ER11 (I)
 9. "Representatives said that they felt that they were not always being treated as a recognised consultative body; for example, they had not been consulted over some key issues such as the performance management changes, the removal of the Discretionary Day and email monitoring etc. and therefore not given the opportunity to add value." - NICF (M)

Intranet report

10. "TL enquired what had happened to the Intranet. JM advised that it was in the process of being revamped. New version is now up and running." - HA (M)
11. "The first few meetings were ok. I found it quite enjoyable, I felt I was contributing, I wanted to contribute and I was asking questions here and there and everywhere. I think it all changed for me with that report that I was telling you about. I felt less than willing to contribute and I could see it wasn't just me, I think that the whole ECC was starting to lose motivation anyway and with that it all started to go downhill" - ER21 (I)

Operatives' contracts

12. "The problem is we don't do anything I would say of a substantial basis...I got operatives at work under my directorate, they thought they were vastly underpaid, and they felt they weren't getting anywhere with their managers so they came to me. So I brought it up in an ECC meeting. Literally, after that we were informed a few weeks later that they would be given a pay rise. But I felt that we never discussed it with the group. So literally it was taken off you, it was never really then the idea this is what we're going to offer the operatives, what do you think? So it was just like thank you decision dealt with and not informed until it'd been decided so I just thought even though it was a result for them, they got the pay rise, I just thought I might as well not been in the committee" - ER 20 (I)

Pay reviews

13. "The Chair detailed the background to the pay award report that went to the Remuneration Committee." - HA (M)
 14. "It was raised by us and it was discussed and it went up to director level, went to the board and came back. It was like if we can't change it, there wasn't even a glimmer of hope with anything being changed it was completely cut and dried. 'You're lucky to get it, if you moan you're not going to get anything' kind of way. So it was oh well we're supposed to raise these things, now we've raised it, we're getting told at" - ER16 (I)
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	<p>Restructure</p> <p>15. “DG did a presentation to the ECC, explaining the background that related to the proposed structure of Property and Development Services Department.” - HA (M)</p> <p>16. “I think yesterday’s meeting was a tick box exercise. The employees of property and development were called in prior to the ECC. The ECC were called in after the event, when it all was communicated, no information was given to the ECC to look at it, to actually look at the impact on the employees and the staff welfare. There was no opportunity for the management team to actually discuss with the ECC why this was going forward, why they were doing it, so it was literally just to say, on paper, it was presented to the ECC when actually nothing was really done” - ER20 (I)</p>
<p>I&C effectiveness perceptions</p>	<p>Expressed doubts about the effectiveness of the forum due to lack of consultation</p> <p>17. “I constantly do have doubts about the effectiveness of the forum. That comes back to consultation in advance and the doubts around effectiveness that stem from the inability to communicate effectively” - ER10 (I)</p> <p>Forum is a sounding board</p> <p>18. “I do believe we are becoming more of a sounding board, well not necessarily a sounding board but more a communications channel and I don’t think the company needs another communication channel” - ER11 (I)</p> <p>Forum is a tick-box exercise</p> <p>19. “It’s a box that they’ve ticked to say here we’ve got an ECC committee” - ER18 (I)</p> <p>Forum is a talking shop</p> <p>20. “I know some people don’t think that their opinions are being taken seriously; some people feel it’s a talking shop” - ER21 (I)</p>
<p>I&C processes</p>	<p>Reasons for creation and redesign of the forum</p> <p>21. “We wanted to have a forum in which we could be certain that the views that were being expressed to us were the views of the organisation not necessarily individuals. So it was really to have an organisation where collected views could be brought together and we could understand on a wider basis how staff is feeling and some of the issues that we needed to address rather than just pick it up in the tea room or pick it up on an ad hoc basis” - MR6 (I)</p> <p>22. “There was a recognition through a lot of the dialogue that had happened beforehand, that there was a desire to boost and clarify what the forum’s role was. So part of those changes were more for clarification and based on expression that, or desires that the employee representative members had voiced in terms of, actually we want to have scope to do x,y and z” - MR1 (I)</p> <p>23. “The Company established the NICF to strengthen the process of information and consultation between the Company and its employees at a national and strategic level, to improve the mutual understanding</p>

of the Company's business, its performance and the challenges and opportunities that face the business in the future and to promote communication, co-operation and employee participation at all levels of the workforce, in the interests of both the Company and its employees. In addition the Company continues to maintain local arrangements for information and consultation between management and employees.” - (C)

Perceptions about the usefulness of training

24. “It was a useful training in skill basis and what you should think about, the what, whens, ifs and hows, don’t just take the message as it comes across but actually look into it harder and deeper and even ask again if you’re not happy with it” - ER6 (I)

How the agenda for the meeting is set

25. “So employee relations send out a draft agenda, we dial in, we discuss the draft agenda. When the draft agenda is sent out then people can, you know, if there's anything else we are aware of, they can add that to the agenda. We then discuss the agenda and I suppose we prioritise the items on the agenda, because obviously there's limited time, and it’s what we can achieve in the time and what are the priorities from the agenda items” - ER9 (I)
26. “The final agenda for each NICF Meeting will be forwarded to the relevant Employee Representatives 7 days before the meeting. This agenda shall not preclude any item being raised at the meeting by either an Employee Representative or by a Company management representative, including for the avoidance of doubt, the chairperson.” - (C)

The role of employee representatives in setting the meeting agenda

27. “We have these monthly calls, we can talk about things, propose things for the agenda and see what kind of things that should be on, are of priority, whether they can be dropped, that works pretty well” - ER12 (I)
28. “The same procedure for setting and agreeing agenda items shall apply to all Regular and Extraordinary NICF Meetings (“NICF Meetings”). Each chairperson and vice-chairperson as appropriate shall jointly agree an agenda for each NICF Meeting. A proposed draft agenda will be circulated to the Forum members 4 weeks prior to the meeting. The Employee Representatives then review the draft agenda and may request additional items to be included by submitting details of the item to the relevant chairperson not less than 14 days prior to the date of the next meeting (10 days in the case of an Extraordinary NICF Meeting).” - (C)

Range of rules and safeguards for the operation of the forum

29. “We’ve got this code of conduct that we’ve come up with and to be honest it’s all sensible stuff. It’s the kind of stuff you would implement if you were on a client site working as a consultant. Things around, you know, making sure that you are sticking to the subject at hand, being respectful to others or challenging things but challenging
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things in a respectful manner. You know, all of these, sort of sensible rules that you basically adopt in your day to day life” - ER3 (I)

30. “Employee Representatives shall be given sufficient time off from their normal duties, with pay, in order to attend relevant NICF Meetings and preparatory or follow-up meetings of the Employee Representatives.” - (C)

Suggested improvements to the design

31. “A truer model of consultation. Early involvement in, participating in making the right decision to achieve whatever the sought business objective is” - ER7 (I)

Distributive Justice

Expressed views of (in)appropriate consultation as a positive/negative outcome of the forum

32. “I think for the most part it’s, when it comes to us it’s almost a done deal, it’s a rubber and stamp exercise. They put out a long list of things that we achieved and I looked at it objectively and, maybe one or two things. The rest of them were things that yeah we said, they told us about it, and we said ok yeah and that was it” - ER5 (I)

Input from employee reps is (not) taken into account in final decision

33. “I’ve had some quite stern responses and I’m not going to be pursuing this any longer because it took a hell of a lot of my time and I’m really busy and I didn’t feel like I got any support except from one other member on the forum that PSF’s response was outrageous but he kind of got shut down in flames as well” - ER13 (I)

Management decisions (do not) reflect employee reps’/I&C contribution

34. “I think the reaction of the ECC after that was that you felt quite despondent about the whole meeting. Because although we all gave an opinion and it was discussed, it came back and nothing could be done about it. So no matter how strongly any of us felt about it, there was nothing changed about it” - ER16 (I)

Procedural Justice

Employee reps (do not) receive accurate information about procedures

35. “I just don’t think we fully understand the role and I don’t think we fully not exploit the role but go into the role and do what’s needed” - ER20 (I)

Employee reps (do not) have a chance to appeal a decision

36. “I think a lot of this is, we haven’t got any control on truthfully what happens so if a decision is made by leadership, even if we went absolutely berserk they probably wouldn’t come back from that decision” - ER12 (I)

The I&C processes are (not) applied in a consistent manner

37. “We haven’t got consistency of stuff coming to the forum with opportunities to provide options so some we get to talk about options for doing things, some things we really only get to talk about how it’s going to be communicated to employees because they’re coming to us just before they’re going to communicate it so it varies” - ER9 (I)
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38. “We believe that the debate around the removal of the discretionary holiday provided a perfect opportunity for Leadership to effectively consult with the Forum to achieve the most positive outcome for our employees (even if this had still finally meant the removal of the benefit) – this has patently not been the case. Due to this lack of engagement and open dialogue with the Forum on this issue, many of us are beginning to question the validity of the Forum as a ‘value-add’ group that is used to consult on important issues affecting the UK workforce. We believe we can be more effectively incorporated into the Company’s decision-making process rather than purely fulfilling a legislative requirement for the Company as a large-scale employer and ‘rubber-stamping’ decisions that are already made, or communications that have already been written.” - NICF employee reps letter sent to the forum’s chair.

Employee reps (do not) feel free to express their views and feelings during I&C processes

39. “I think it does give us a voice, and I do like that. The fact that it does give the people voice” - ER2 (I)

Employee reps can(not) influence decisions arrived at by I&C processes

40. “If something has been decided I don’t think we can influence that, I think we can influence how it might be implemented or how it can be communicated” - ER8 (I)

Informational Justice

Expressed views about (or lack of) fair explanations and information regarding decision-making

41. “If they’re giving us an answer, it always feels like it’s a thought out one which is for the right reasons. I think one of the things we get as a UK forum is a lot more information about options. So what options they’ve considered, which I think takes us straight to that understanding stage. So again, we may not agree with things but we can understand it, we know the process they’ve been through” - ER1 (I)

Expressed views about (lack of) candid communications

42. “I understand that probably the leadership team need to be able to not tell us some things at some points although we have all signed confidentiality agreements. So why we wouldn’t have been able to know that it was an office move that was happening, I’m not sure, that almost felt like a little bit cloak and dagger” - ER4 (I)

43. “ER7: the business culture is secrecy.

ER11: things are being planned but we don’t find out about them. It is about respect.” - dialogue between NICF employee reps (O)

Communication of I&C details in a (un)timely manner

44. “We would have information attached to that that we need to read before the ECC and then it would come at 5 o’clock the night before so you’d have an hour in the morning to read it and I did mention that once and again glossed over, you know, blind shutters come down” - ER21 (I)

	45. "ER4: last 4 months there have been issues that we were informed at the last minute." - NICF (O)
Interpersonal Justice	<p>I&C meetings are (not) held in a polite manner</p> <p>46. "I think we actually all get along in a very constructive and business-like manner. I don't think there's any personal animosities or certainly no, erm, I don't think there's any issues between people" - ER10 (I)</p> <p>Delegates (do not) respect each other</p> <p>47. "Everyone's respected" - ER22 (I)</p>
Vulnerability	<p>Fear about speaking up and expressing views to management</p> <p>48. "I think there's also an issue I perceive that they could be singled out by management as being troublemakers and so there's an element of fear in terms of actually saying something" - MR6 (I)</p> <p>Management are (not) willing to share confidential information</p> <p>49. "They've told us things maybe you think, ok should they be telling us that, but the whole point is you get the impression that they're being open and honest with you and it's not just management speak" - ER3 (I)</p>
Trustworthiness	<p>Ability</p> <p>50. "Having the right people in the committee, credible people. When I'm talking about business acumen, someone who can put a point forward that's believable, considered, it's a considered point and I think that's where the ECC doesn't do themselves any favours sometimes" - MR7 (I)</p> <p>Benevolence</p> <p>51. "I feel like you know the management does a lot for us in the organisation and I trust that when they're having a discussion, they have our interest in the right place" - ER8 (I)</p> <p>Integrity</p> <p>52. "The representatives are very very trustworthy and they're really good on the confidentiality thing, really good" - MR4 (I)</p> <p>(Not) Sharing control</p> <p>53. "If leadership had trust in an employee representative committee they wouldn't have left it till the last minute to announce the restructure. So they either didn't think that the employee representatives had anything they wanted to hear or they didn't trust to involve them in that process at an earlier stage" - MR7 (I)</p>