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Dispute Resolution and Arbitration in Britain: Current Trends and Prospects

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Dispute Resolution and Arbitration in Britain: Current Trends and Prospects

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I. Introduction

This discussion of dispute resolution and arbitration in Britain is divided into three sections. The first provides a brief historical perspective on the position and role of arbitration in the traditional system of industrial relations in Britain. The second addresses the arbitral trends during the 1970's, following the establishment of the Advisory Conciliation and Arbitration Service and the Central Arbitration Committee. The concluding section focuses on the likely future of arbitration in the British system of industrial relations.

II. The Historical Position of Arbitration

When considering the historical position of arbitration in the British system of industrial relations before 1970, it should be emphasised that *compulsory* arbitration has been a relatively rare phenomenon, confined largely to wartime years.[1] During the First World War, the Munitions of War Acts provided for legally binding arbitration where disputes could not be settled by the parties. The conditions of Employment and National Arbitration Order No. 1305 of 1940, contained even more extensive provisions,[2] which were utilized throughout World War II. One should not overestimate the impact of these compulsory arbitration arrangements. Order 1305, for example, did not prevent strikes from occurring and there were relatively few attempts to enforce the law against striking.[3] Of the 4,510 cases reported under Order 1305, only 2,092 were referred to the Nation Arbitration Tribunal; and as many as 1,745 cases were either

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† I am grateful to officers of the ACAS Regional Office in Scotland for the provision of data and comments on the nature of the analysis undertaken here. The comments of my academic colleagues Laurie Hunter and Andrew Thomson are also gratefully acknowledged.

[1] Hepple, *Compulsory Arbitration in Great Britain in* Compulsory Arbitration: An International Comparison 83, 109 (J. Loewenberg ed. 1976).

[2] *Id.*

[3] A. Flanders, Trade Unions 97 (1968).

withdrawn or settled following conciliation by officers of the Ministry of Labour.[4]

Order 1305 remained in force until August, 1951, when it was replaced by the Industrial Disputes Order No. 1376.[5] While the latter Order did not prohibit industrial action, it continued to provide for compulsory arbitration arrangements until February, 1959. Between 1951 and 1959 there were 1,277 awards made by the Industrial Disputes Tribunal under the terms of this Order.[6] The most detailed assessment of the history of compulsory arbitration in British industrial relations concluded that "the heydey of compulsory arbitration has passed, and is unlikely to return except in time of national emergency."[7] This conclusion is less certain if viewed in light of recent requests for the introduction of compulsory arbitration as a substitute for the right to strike by certain groups of "essential service" employees in the public sector.[8] These requests followed sizable public sector strikes and appear to have gone relatively unheeded in policymaking circles.

In contrast, Britain has a relatively long history of using *voluntary* arbitration to settle the industrial disputes. The formal basis for employing such a tool was the Industrial Courts Act of 1919.[9] This Act created a permanent arbitration tribunal, the Industrial Court, which arbitrated disputes at the reuest of the concerned parties. It also permitted the Minister of Labour to refer any matter to an *ad hoc* Court of Inquiry,[10] and provided for the appointment of *ad hoc* arbitrators and boards of arbitration.[11] A voluntary arbitration award by the Industrial Court (which changed its name to the Industrial Arbitration Board in 1971),[12] was not enforceable in ordinary courts.[13] In practice, however, the participants usually complied with the award and once the award had been acted upon, it became an implied term in the employment contracts of the individuals concerned. There were some situations in which the jurisdiction of the Industrial Court extended beyond that of a voluntary arbitral body. This was where an administrative or legal sanction existed as a "back-up" to the arbitration award;[14] one such example was the Fair

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[4] *Id.* at 100 (1968).

[5] *See* Hepple, *supra* note 1, at 87.

[6] *See* Hepple, *supra* note 1, at 100.

[7] *See* Hepple, *supra* note 1, at 109.

[8] *See generally* THE ECONOMIST Nov. 19, 1977 at 19.

[9] *See* Hepple, *supra* note 1, at 85.

[10] *See* Hepple, *supra* note 1, at 85.

[11] *See* Hepple, *supra* note 1, at 85.

[12] *See* Hepple, *supra* note 1, at 85.

[13] *See* Hepple, *supra* note 1, at 85.

[14] For a discussion of its role in these situations see, K.W. WEDDERBURN & P.L. DAVIES, EMPLOYMENT GRIEVANCES AND DISPUTES PROCEDURES IN BRITAIN 192-210 (1969).

Wages Resolution of 1946, which will be discussed in section III.

Between the First and Second World Wars, from 1920 to 1938, 1,669 arbitral awards were made by the Industrial Court, with an additional 315 awards made either by single arbitrators or by *ad hoc* boards of arbitration appointed by the Minister of Labour.[15] These awards were disproportionately concentrated in certain industries: engineering, shipbuilding, railroads and other forms of transportation, the civil service, and public utilities. Together these awards accounted for 791 of 963 awards made by the Industrial Court between 1921 and 1932.[16] It should be noted that the non-industrial civil service was removed from the jurisdiction of the Industrial Court when a separate Civil Service Arbitration Tribunal was established in 1936.[17] While this tribunal issued 385 awards during the period between 1936-1959,[18] there has been a subsequent decline in the number of references to arbitration. This change is alleged to be the result of policies of wage restraint, the most vigorously enforced restraints in the public sector, and has compromised the independence of the arbitral body.[19] A number of other groups of public sector employees, such as the railroads, have long had independent arbitral bodies.

An indication of the potential use of arbitration in the British system of industrial relations was provided by a study conducted by the Ministry of Labour in the mid-1950's.[20] This study of 152 industries, excluding those with statutory wage fixing arrangements or with the central Government as the employer, revealed that fewer than one-half (75) had procedural agreements which stipulated the referral of unresolved disputes to arbitration;[21] the remaining 24 included agreements that disputes might be so referred.[22] Appendix A indicates the extent to which such potential usage was realized by showing the number of arbitration awards and conciliation settlements made under the auspicies of the Ministry of Labour between 1939 and 1959. During this period, compulsory arbitration was used more frequently than voluntary arbitration. However, the more important finding is that the number of conciliation settlements typically exceeded the total number of arbitrtation awards in any given year. In the traditional, voluntarist system of British industrial relations, conciliation has always been the preferred form of third-party interven-

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[15] A. FLANDERS, *supra* note 3, at 94.

[16] *Id.* at 95.

[17] *Id.* at 95.

[18] These figures are taken from Frankel, *Arbitration in the British Civil Service,* 38 PUB. AD. 200 (1960).

[19] *See generally* Beaumont, *The Adverse Effect on Incomes Policy on the Acceptability and Use of Arbitration in the British Civil Service,* 54 PUB. AD. 1 (1976).

[20] ANNUAL REPORT OF THE TRADES UNION CONGRESS 239 (1954) (verified by author).

[21] A. FLANDERS, *supra* note 3, at 100.

[22] *Id.*

tion to arbitration; the majority of arbitration awards have always emanated from a failure to produce a settlement at the prior conciliation stage.[23]

A useful indication of the extent to which arbitration has been used to settle disputes, with particular attention given to wage issues, is provided by the Ministry of Labour annual estimates of the proportion of total weekly wage increases brought about by the various available methods of settlement. The relevant figures for the years between 1945 and 1966 are presented in Appendix B. These figures indicate that during the period from 1946 to 1955, less than nine percent of wage increases resulted from arbitration awards. In the next decade, 1956 to 1965, the proportion dropped to three percent. It is evident upon analysis of Appendices A and B that, both in practice and in numerical terms, arbitration played a relatively small role in the traditional system of industrial relations in Britain.

It is useful to briefly note some of the major issues of discussion surrounding the traditional operation of arbitration arrangements in Britain. The distinction between dispute of "interests" and those of "rights," which has been so important in the United States, has been of relatively little practical interest in Britain. The first relevant issue is whether arbitrators should provide reasoned arbitral awards. Traditional British practice has been not to give such reasons, primarily because this could exacerbate the existing conflict between the parties in dispute.[24] On a related point, there has been considerable discussion as to whether an arbitrator adopts a "judicial" or "political" attitude toward the dispute in question. Does the arbitrator attempt to determine who is right and award accordingly, or does he make an award which reflects the relative bargaining strengths of the two parties in dispute?[25] Finally, much consideration has been given to the question of whether Government-appointed arbitrators can, or should, give an independent award during a time when Government policy explicitly seeks to limit the size of wage increases negotiated and awarded within the framework of industrial relations.[26] These difficulties stemmed from existing Department of Employment (formerly the Ministry of Labour) practices and played an important role in the creation of the ACAS, in 1974.[27]

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[23] Hunter, *Economic Issues in Conciliation and Arbitration*, 15 BRIT. J. OF INDUS. REL. 238-39 (1977).

[24] *See, e.g.*, Hepple, *super* note 1, at 102.

[25] *See, e.g.*, Lockwood, *Arbitration and Industrial Conflict*, 6 BRIT. J. OF SOC. 336 (1955).

[26] Beaumont, *supra* note 19, at 206.

[27] Hunter, *supra* note 23, at 228.

III. Arbitration Trends in the 1970's

The establishment of the ACAS in 1974,[28] and its subsequent codification in the Employment Protection Act of 1975, was very important. For the first time since 1896,[29] the provision of conciliation and arbitration facilities was removed from a Government department and placed in a publicly-financed organization under the control of an independent, non-governmental council.[30] The ACAS council consists of a full-time chairman, appointed by the Secretary of State for Employemnt, and nine part-time members.[31] Of the part-time council members, three are nominated by the central trade union federation (TUC),[32] three by the central employers federation (CBI),[33] and three are independents drawn from the academic sector.[34] The specific purposes of the ACAS were: "to provide conciliation and mediation as a means of avoiding and resolving disputes, to make facilities available for arbitration, to provide advisory services to industry on industrial relations and related matters and to undertake investigations as a means of promoting the improvement and extension of collective bargaining."[35] The ACAS provision of arbitration facilities is provided by the terms of Section 3 of the 1975 Employment Protection Act.[36]

Unlike the conciliation procedure, the ACAS appoints arbitrators rather than use its own employees. Both parties to the dispute must consent to arbitration, a procedure which is used only as a last resort. Re-

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[28] Kessler, *The Prevention and Settlement of Collective Labor Disputes in the United Kingdom*, 11 Indus. Rel. J. 17 (1980).

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *Id.* at 18.

[36] (1) Where a trade dispute exists or is apprehended the Service may, at the request of one or more parties to the dispute and with the consent of all the parties to the dispute, refer all or any of the matters to which the dispute relates for settlement to the arbitration of:

(a) one or more persons appointed by the service for that purpose (not being an officer or servant of the service); or

(b) the Central Arbitration Committee constituted under Section 10 below

(2) In exercising its functions under subsection (1) above, the Service shall consider the likelihood of the dispute being settled by conciliation and where there exist appropriate agreed procedures for negotiation or the settlement of disputes, shall not refer a matter for settlement to arbitration under that subsection unless those procedures have been used and have failed to result in a settlement or unless, in the opinion of the service, there is a special reason which justifies arbitration under that subsection as an alternative to those procedures.

quests for arbitration typically arise as a result of a failure to reach a settlement at the prior conciliation stage, although, in some cases, disputes are referred directly to arbitration under the terms of the parties' particular procedure agreements. The ACAS regional office in Scotland, accounting for some 10 percent of the total arbitration workload of the service, estimates that some two-thirds of their arbitration cases have previously attempted conciliation, the remaining one-third arising out of direct requests for arbitration. Awards arising from voluntary arbitration are not legally binding, but since arbitration can proceed only with the consent of all parties to the dispute, it is presumed that the award will be accepted; in practice, this invariably seems to be the case.[37]

The size of the ACAS arbitration workload is strongly influenced by the extent to which settlements are reached at the prior conciliation stage. The latest available figures for 1980, indicate that settlement, or progress towards a settlement, was achieved in 77 percent of the disputes conciliated in that year;[38] the figure for the previous year was 78 percent.[39] Because of this relatively high percentage of conciliation settlements, it is not surprising that references to conciliation far outnumber those to arbitration. In 1980, the ACAS received 2,091 requests for collective conciliation as compared to 291 cases which went to arbitration. By contrast in 1979, of the 2,667 requests received, 363 cases went to arbitration.[40] These collective conciliation figures are distinguished from conciliations of individual employee complaints alleging infringement of specified employment rights, such as unfair dismissal. The number of arbitration cases handled by the ACAS is substantially greater than the number which were heard by the Department of Employment. In 1973, the last full year during which the arbitration function was carried out by the Department of Employment, the number of cases heard was only 54.[41] Since the ACAS has assumed this function, the number of arbitration cases heard has increased.[42] Generally, these cases have been heard by single arbitrators and not full arbitral boards. For example, of the 291 arbitration awards made in 1980, 237 of them were made by single arbitrators.[43] The number of conciliation cases in any given year varies significantly and is influenced by economic factors such as unemployment and decreases in real wages.[44] Such factors undoubtedly influence the arbitration workload since the majority of arbitration cases arise out of prior

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[37] KESSLER, *supra* note 13B, at 21.

[38] ACAS ANNUAL REPORT 1980 14 (1981) (verified by author).

[39] *Id.*

[40] *Id.* at 14 and 23.

[41] Kessler, *supra* note 28, at 21.

[42] Concannon, *The Growth of Arbitration Work in ACAS*, 9 INDUS. REL. J. (1978).

[43] ACAS ANNUAL REPORT 1980 *supra* note 38, at 107.

[44] Hunter, *supra* note 23.

conciliation requests.

The primary causes of disputes referred to arbitration include subsidiary pay issues such as grading, holiday pay and bonus payments, as well as issues regarding dismissals and discpiline.[45] The 1980 *ACAS Annual Report* noted that most of those disputes referred to arbitration in 1979 involved local issues arising in individual companies or plants; conversely, in 1980, the Service was responsible for referring over twenty national pay issues to arbitration, including seven major cases. Annual pay settlements for approximately 1.3 million workers, nearly six percent of those employed, predominantly in the public sector, were determined in this manner.[46]

There has been much discussion in U.S. industrial relations literature concerning the possibility of a "narcotic effect" occurring under compulsory arbitration arrangements.[47] The essence of the "narcotic effect" is that dispute resolution procedures, " . . . often tend to the overused; they may become too accessible and as a consequence, the responsibility and problem solving virtues of constructive negotiations are lost. Dispute settlement procedures can become habit-forming and negotiations become only a ritual."[48] Similar concerns have been expressed about the operation of voluntary arbitration arrangements in Britain:

> [the dispute procedure] may provide for arbitration as a final stage in the procedure. Such a provision might be particularly helpful if used to resolve disputes at [sic] local level on issues which are not regarded by the parties as appropriate to go beyond more than one external stage of procedure. *However, it must be recognised that an excessive reliance on arbitration can weaken the effectiveness of the negotiating procedures in resolving disputes.*[49]

In order to provide a preliminary examination of the possible existence of such an effect in Britain, Appendix C shows the industrial distribution of arbitration cases heard by the ACAS between 1976 and 1980.

Correlation coefficients indicate that these industry groups which accounted for a relatively high or low proportion of the ACAS arbitration workload in 1980, for example, were the same as those which accounted for a high or low proportion in previous years. The "percentage of users" figures are admittedly not the ideal measure for testing this effect; a more appropriate basis of measurement would be the percentage of impasses or

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[45] ACAS ANNUAL REPORT 1980, *supra* note 38, at 23.

[46] *Id.* at 24.

[47] *See, e.g.*, Wheeler, *Compulsory Arbitration: A Narcotic Effect?*, 14 INDUS. REL. 119 (1975).

[48] Kochan & Baderschneider, *Dependence on Impasse Procedures: Police and Firefighters in New York State*, 31 INDUS. AND LAB. REL. REV. 431 (1978).

[49] TUC, GOOD INDUSTRIAL RELATIONS: A GUIDE FOR NEGOTIATIONS 15 (1971).

disputes in a given industry, within a limited period of time, that went to arbitration. The central question is whether union-management disputes in those industries which use arbitration extensively are disproportionately concentrated among a relatively small number of individual union-management relationships, or, whether these disputes are a more widespread phenomenon within each of the industries. The former pattern of usage would be more consistent with the traditional notion of a narcotic effect which is an individual relationship, rather than an industry-based phenomenon. No nationwide figures are available on the number and characteristics of individual employment establishments that have been repeated users of arbitration through 1980. However, figures provided by the ACAS regional office, in Scotland, do provide some evidence to support the finding that a disproportionate number of arbitration cases have involved a relatively small number of employment establishments. During the 30-month period extending to mid-1980, the ACAS Scottish regional office handled 107 arbitration cases,[50] of which 24.3 percent were in the food, drink, and tobacco industries,[51] and 14 percent in mechanical engineering.[52] Moreover, 43 percent of these 107 cases had come from only 17 employment establishments that had been to arbitration more than once in this period of time. These figures indicate nearly three arbitration cases per establishment in less than three years.[53] Only 21.8 percent of the employment establishments that had used the ACAS arbitration services in Scotland accounted for 43 percent of the arbitration caseload within a 30-month period of time.[54]

The other body which has been responsible for British arbitration in the 1970's is the Central Arbitration Committee (CAC), created by section 10 of the Employment Protection Act of 1975.[55] The CAC replaced the Industrial Arbitration Board.[56] It consists of a chairman, several deputy chairmen, and members who are experienced union and employer representatives. The CAC had two basic functions during the 1970's: those inherited from the Industrial Arbitration Board, and new functions based on various provisions of the 1975 Employment Protection Act and the Equal Pay Act of 1970.[57] Furthermore, the CAC also inherited the responsibility for ensuring compliance with the terms of the Fair Wages Resolution of 1946, as passed by the House of Commons.[58] The Resolu-

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[50] Information provided through author's personal communications.
[51] Information provided through author's personal communications.
[52] Information provided through author's personal communications.
[53] Information provided through author's personal communications.
[54] Information provided through author's personal communications.
[55] Kessler, *supra* note 28, at 25.
[56] *Id.*
[57] *Id.* at 26.
[58] For a review of the operation of this clause see, Beaumont, *The Use of Fairways*

tion states that a union has a unilateral right to bring an employer before the CAC if it believes that an employer is not paying "fair wages."[59] Fairness is defined by comparing rates, hours, and conditions established in the relevant industry and district by negotiations or arbitration, with the general level observed by comparable employers in the industry.[60] Such fair wage clauses have also been incorporated into a number of statutes over which the CAC has jurisdiction; these statutes include the Civil Aviation Act of 1949,[61] the Films Act of 1960,[62] and the Independent Broadcasting Act of 1973.[63]

The new functions of the CAC differ from the traditional British voluntary arbitration process in that one party has a unilateral right to seek arbitration, with the resulting awards being legally enforceable as implied terms of the contract of employment. The CAC was empowered, under the terms of the Equal Pay Act of 1970, to amend any collective agreements or pay structures that were discriminatory in nature, but most of its new functions are derived from various provisions of the Employment Protection Act of 1975.[64] Under Schedule 11 of this Act, a union could bring a claim before the CAC to ensure the observance of recognized terms and conditions or, if there were no recognized terms and conditions, a claim could seek compliance with a general level of terms and conditions.[65] Under sections 19 through 21 of the Employment Protection Act of 1975, a union could file a charge with the CAC stating that an employer had failed to disclose information necessary for collective bargaining purposes to that union's representatives.[66] If the CAC found the claim well-founded, a declaration would be made specifying the information which should be disclosed. If there were still no disclosure, the union would have the right to take the employer to unilateral binding arbitration by the CAC on the terms and conditions of employment.[67] Finally, under section 16 of the Act, an independent trade union could complain to the CAC that an employer was not observing an ACAS recommendation to recognize that union. The union again would have the right to take the employer to unilateral binding arbitration by the CAC on the

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Clauses in Government Contracts in Britain, 28 LAB. L. J. 148 (1977).

[59] K.W. WEDDERBURN & P.L. DAVIES, *supra* note 14, at 193.

[60] *Id.* at 194.

[61] Civil Aviation Act, 1949, 12, 13,14, Geo. 4, ch. 67.

[62] Films Act, 8, 7 Eliz. 2 ch. 57 (1960).

[63] Independent Broadcasting Act, 1973 ch. 19.

[64] Equal Pay Act, 1970, ch. 41 § 3; Employment Protect Act, 1975, ch. 71, pts. I, III.

[65] For a review of the CAC role in this regard *see* generally, Beaumont, Arbitration the Extension of Terms in Britain, 34 ARBITRATION JOURNAL 32 (1979).

[66] The general duty is imposed by Employment Protection Act, 1975, c. 71, § 18.

[67] For a review of the CAC role in this regard see, A. MARSH & R. HUSSEY, DISCLOSURE TO UNIONS-HOW THE LAW IS WORKING (1979) (verified by author).

terms and conditions of employment.[68] Appendix D indicates the CAC's arbitration workload for the period between 1977 and 1980.

There has been a dramatic decline in the workload of the CAC in 1979 and 1980; the total number of references between 1979 and 1980 (1,067) was slightly more than one-half the number between 1977 and 1978 (2,095). The basic reason for this dramatic decline was the absence of a formal income policy or policy of wage restraint. An artificially high number of claims under Schedule 11 of the Employment Protection Act of 1975 and the Fair Wages Resolution of 1946 were put forward in 1977 and 1978 in an attempt to circumvent the constraints of a wage policy. By the end of this policy implementation, the number of claims decreased considerably. This workload decline will undoubtedly continue, if not actually worsen, in the future. In 1980, the Conservative government passed the Employment Act which repealed Schedule 11 and section 16, concerning union recognition, of the Employment Protection Act of 1975.[69] This vulnerability to legislative change has caused the CAC to reconsider its future role.

IV. The Future Position of Arbitration

The CAC's obvious concern for its declining workload has encouraged it to consider upgrading its role as the standing body for voluntary arbitration in Britain. Its 1979 *Annual Report* states:

> The value of arbitration in the process of dispute resolution is acknowledged but not utilized to the extent that would be expected in a modern industrial society. The various modes of arbitration are not fully understood, for example the problem solving approach applied both by the CAC and arbitrators in general which removes many of the risks inherent in the reference of a major issue to arbitration. Further, it permits an extension of the arbitral process by giving opportunity for the parties to present their cases for assessment prior to further negotiation or for the parties to benefit by awards which exploit both sides of the effort-reward bargain. Arbitration has rather more to offer than just an award which bisects claim and offer. The role of arbitration is not as established as in some other countries. Support for the constitutional approach to the resolution of disputes has declined as less emphasis has been placed upon procedures. This decline can, in part, by reversed by the establishment of one organisation as the focal point for all industrial arbitration. This national arbitration service, together with the conciliation services of ACAS, would serve as the basis of the machinery which the Government

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[68] For a review of the CAC role in this regard see, Doyle, *A Substitute for Collective Bargaining? The Central Arbitration Committee's Approach to Section 16 of the Employment Protection Act 1975*, Indus. L.J. (Sept. 1980) (verified by author).

[69] Employment Protection Act.

> makes available to parties to resolve the issues between them without recourse to costly and damaging action.[70]

It remains to be seen whether this focus will result in an augmented CAC role, although, at the present time, it seems unlikely. Predictably, this proposal has not found a great deal of favor within the ACAS:

> There are differences between the procedure for arbitration provided directly by ACAS and that provided by the CAC. When arbitration is arranged directly by ACAS, acceptance of arbitration is often secured by allowing the parties to nominate or select their side members and to be consulted about the choice of a chairman. This can make the parties more ready to accept arbitration and can sometimes provide a channel of communication with the arbitrator through side members. It can also be a consideration that the award from an ACAS arbitration board is private to the parties. In contrast, the CAC draws its side members from a list of 56 appointees, 28 for each side, and is required to publish its awards.[71]

The ACAS insisted that there were considerable advantages to maintaining the present flexibility of arbitration arrangements due to procedural differences between it and the CAC. The likely future for arbitration in British industrial relations is that it will continue to have a relatively small role numerically, but, within certain sectors of industry, it will have considerable importance as a dispute settlement technique. The *ACAS Annual Report* for 1980 clearly expressed the hope that arbitration will be used more frequently in the public sector.[72] The increasing use of arbitration seems to be a likely development, and a desirable one, in view of the current unrest concerning the general state of public sector industiral relations in Britain.[73]

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[70] CAC ANNUAL REPORT 1979 25 (1980).

[71] ACAS ANNUAL REPORT 1980 26 (1981).

[72] ACAS ANNUAL REPORT 1980 25-6 (1981).

[73] For a recent union statement, *see generally,* TUC HEALTH SERVICES COMMITTEE, IMPROVING INDUSTRIAL RELATIONS IN THE NATIONAL HEALTH SERVICE 65-77 (verified by author) (1981).

Appendix A

ARBITRATION AWARDS AND CONCILIATION SETTLEMENTS UNDER THE MINISTRY OF LABOUR — 1939-1959*

Year	Industrial Court	National Arbitration Tribunal or Industrial Disputes Tribunal	Single Arbitrators, Boards of Arbitration etc.	Civil Service Arbitration Tribunal	Conciliation Settlements
1939	25	—	10	11	100
1940	38	50	26	6	300
1941	71	120	43	3	550
1942	39	121	62	5	390
1943	41	195	95	7	350
1944	62	188	58	6	240
1945	46	142	34	4	220
1946	39	91	37	1	200
1947	43	132	29	2	227
1948	76	154	34	9	362
1949	48	188	51	16	403
1950	43	201	27	21	299
1951	68	222	47	36	330
1952	71	215	31	33	320
1953	64	178	31	33	353
1954	59	185	23	32	255
1955	40	128	16	34	243
1956	46	151	24	16	276
1957	40	113	16	15	217
1958	36	131	27	20	190
1959	46	88	27	17	173

* *Taken from* A. FLANDERS, TRADE UNIONS 101 (1968).

Appendix B

AMOUNTS AND METHODS OF SETTLEMENT OF WAGE INCREASES 1945 - 1966***

Year	Total Amount Secured in Weekly Wage Increases in £m	Number of Workers Affected in Millions*	Percentage Attributed to			
			Voluntary Negotiations	Sliding Scales	Statutory bodies	Arbitration and Mediation
1945†	1.8	7.3	59	3	10	28
1946†	2.9	8.0	85	1	10	4
1947†	1.7	5.0	56	1	30	13
1948	1.9	7.8	82	6	9	3
1949	1.1	5.2	43	11	33	13
1950	2.0	7.4	65	8	19	8
1951	6.6	12.3	72	6	17	5
1952	4.5	11.5	53	15	19	13
1953	2.4	9.0	25	19	36	20
1954	3.5	10.1	72	8	8	12
1955	5.1	11.9	74	6	15	5
1956	6.6	12.7	69	6	21	3
1957	5.3	12.3	70	7	21	2
1958	3.5	11.2	63	10	17	10
1959	1.3	4.7	63	18	16	3
1960	4.3	11.1	82	2	15	**
1961	4.1	7.9	69	8	21	2
1962	5.2	12.7	58	9	23	9
1963	5.1	10.3	81	5	13	1
1964	5.0	9.2	75	7	18	**
1965	6.1	10.8	71	8	19	1
1966	4.5	8.6	76	10	14	**

* Of about seventeen million wage-earners, roughly thirteen million are employed under collective agreements (with two million covered by sliding-scale agreements) and another four million under statutory regulations.

† Particulars relating to employees in government establishments and to shop assistants were first introduced in 1948, so that 1945 to 1947 are not strictly comparable with subsequent years.

** Less than one per cent.
*** *Taken from* A. FLANDERS, TRADE UNIONS, 112 (1968).

Appendix C

Cases Referred to Arbitration
Mediation and Investigation by Industry Group, 1976-1980*

Industry	Percentage of Cases				
	1976	1977	1978	1979	1980
Agriculture, forestry + fishing	0.6	—	—	0.3	0.3
Mining and quarrying	0.3	0.6	1.0	1.5	—
Food, drink and tobacco	14.9	17.4	16.0	17.0	12.8
Coal and petroleum products	0.6	1.8	3.3	1.5	1.8
Chemicals and allied industries	6.2	5.2	3.6	5.1	5.5
Metal manufacture	5.6	5.2	7.8	8.4	3.8
Mechanical engineering	6.5	7.1	16.5	11.9	6.5
Instrument engineering	0.3	0.3	2.9	—	0.3
Electrical engineering	5.0	3.4	2.9	5.1	3.8
Shipbuilding + marine engineering	2.2	3.7	1.0	0.8	0.9
Vehicles	10.2	10.1	8.6	3.8	5.9
Metal goods not elsewhere specified	4.0	5.5	5.6	5.8	4.0
Textiles	3.1	0.6	2.6	3.5	1.5
Leather, leather goods + fur	0.3	0.3	0.2	—	—
Clothing and footwear	0.9	1.2	0.2	0.5	0.6
Bricks, pottery, glass, cement, etc.	2.2	1.8	4.0	4.6	3.8
Timber, furniture, etc.	1.9	0.6	0.2	1.0	1.8
Paper, printing and publishing	2.5	2.8	1.2	2.8	2.3
Other manufacturing	3.7	3.7	3.1	2.5	3.8
Construction	1.2	2.1	0.7	1.0	0.9
Gas, electricity and water	0.6	1.2	—	2.0	6.3
Transport and communication	7.4	7.6	5.2	6.3	9.9
Distributive trades	6.2	4.9	3.2	3.5	2.8
Insurance, banking and business services	0.9	1.8	0.2	2.3	2.8
Professional + scientific services	5.6	7.1	6.9	3.8	8.6
Miscellaneous services	4.0	3.4	1.7	2.5	5.5
Public administration + defence	3.1	0.6	1.4	2.5	3.8
Total	323	327	421	395	322

* *Taken from* Annual Reports of ACAS 1976-1980

Appendix D

REFERENCES TO THE CENTRAL ARBITRATION COMMITTEE — 1977 to 1980*

	1977		1978		1979		1980	
	References	Awards	References	Awards	References	Awards	References	Awards
EPA Schedule 11 - Terms and Conditions of Employment	742	149	529	519	346	307	323	139
Fair Wages Resolution	230	115	414	271	201	243	19	25
EPA Schedule 16 Recognition	7	2	9	7	5	5	8	10
EPA Schedule 19 Disclosing Information	13	—	62	10	38	13	21	15
Equal Pay Act	21	16	13	9	2	5	—	1
Other Acts **	7	—	32	15	14	11	67	9
Voluntary Arbitration	10	8	6	3	11	9	10	10
	1030	290	1065	834	617	594	450	209

* *Taken from* CAC Annual Reports — 1977-80

** These are Acts that embody a Fair Wages Clause.