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HR Bulletin: Research and Practice

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Edited by David Hall

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A message from the editor

The HR Bulletin aims to disseminate research, practice and thinking in the field of people management. Contributors are academics, managers, consultants and students who wish to transfer their knowledge for the benefit of readers of the Bulletin.

Although the focus is HR, many articles featured in the HR Bulletin will be relevant to line managers who specialise in other areas of management and, academics and students interested in business and management studies. These articles may inspire managers to think about policy and practice in their organisations. Students who carry out research as part of their studies may find the spark of an idea for their project in these articles.

Many of the articles featured in the HR Bulletin make excellent case studies which can be used as learning resources in the classroom and, for distance and Work-Based Learning. As an academic or manager, you may wish to use an article from the Bulletin to base a seminar or workshop on, to inform and stimulate debate.

The HR Bulletin provides an opportunity for experienced and not so experienced writers to publish a piece about something they find interesting and feel others might too. The HR Bulletin publication 'process' is quite informal - draft articles are accepted and can be finalised by the editor and author working together.

If you are interested in this opportunity by contributing an article for a future issue, please contact me and we can discuss your idea.

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An investigation into an alternative transactional HR model

Emma Gooch and Gary Rees

Introduction

Whilst much has been expanded upon in academic literature on the “ideal” HR model for business practices, to what extent has there been an unquestioning acceptance of an Ulrich style HR model? Perhaps the major focus should be about how Ulrich and associated models have been interpreted then applied to the HR function.

An investigation was carried out on a large public sector organisation employing approximately 37,000 staff, comprising of varying departments, accountable to service users, community, elected Members and various stakeholders therefore conflicting priorities exist.

In terms of the organisational context, as a local government organisation it has been affected by the Comprehensive Spending Review announced in October 2010 and the Localism Act 2010 which has led to the need for major transformation. A combination of change initiatives are underway including restructuring, outsourcing, implementation of shared services and the increased use of technology, with the aim of providing a more effective and efficient council. Priorities and objectives were changing which meant all departments needed to change and meet the new priorities.

In relation to the HR function, not only did this mean supporting departments in transformations, it had to consider its own strategy and structure and review whether it was fit for purpose to meet the current and future challenges. Budget cuts, reduced funding and competition from private sector and in fact other local authorities were all drivers for change.

The HR function reviewed its strategy and developed a number of work streams to be considered to meet the challenges ahead. One of which being the possibility of an alternative transactional HR delivery model in the form of a HR helpdesk.

The intentions being to deliver savings, create efficiencies, maintain customer focus, improve service delivery standards and support the strategic HR function; with a further potential focusing on entering into a shared service function with other organisations in the future.

The Transactional/Strategic HR link

It was clear from academic literature, in particular the work from Ulrich 1997, Ulrich and Brockbank 2008, Truss (2008), to name but a few, that the HR function needed to evolve to meet the ever changing landscape and it was suggested that ‘three legged stool’ model should be adopted.

The main purpose of the research was to investigate and evaluate the link between transactional and strategic HR and attempt to establish whether transactional HR has a direct impact on the Strategic HR elements, whether this was positive or negative.

The organisation was facing stringent budget constraints and reduced funding, which resulted in a focus on the HR function and its strategic capacity. A range of work streams were identified and one of which was the investigation into the possibility of an alternative transactional HR delivery model in the form of a HR helpdesk.

The existing HR structure comprised of various HR Centres focusing on recruitment, employee relations, payroll and policy and Business partners. All of which operated in isolation with some degree of joined up working. Although all were working to the HR strategy, it could be argued that it was not as effective as it could have been and at times, the HR department were extremely disjointed.

Shared-services are a popular avenue public sector organisations are considering in light of the challenges they now face. This Council, in particular, were keen to ensure its existing structures were resourced and had the ability and capacity to enter into such an arrangement.

The idea of introducing a helpdesk responsible for the transactional elements of HR is a different concept to how some HR functions are organised and the ideology is loosely based around the three legged stool model which is attributed to David Ulrich. The model, comprising of Business Partner, Centres of Excellence and Shared services is said to centralise and streamline transactional HR services in order to create capacity for Strategic HR, resulting in a positive impact for the organisation.

The aims of the research were:

- Investigate the drivers to implement alternative transactional HR delivery models in local government organisations.
- Considering the drivers explored above, detail the benefits, if any, this has had on the strategic HR element of the HR function.
- Detail the actual outcomes realised of those organisations implementing alternative transactional HR delivery models.

A detailed review of current and historic literature was undertaken which evidenced that a changing HR function is a growing concept that is high on the agenda of organisations. In order to retain competitive advantage and continue to compete in markets organisations need to change and evolve, Human Resource Management (HRM) plays a key part in this.

The Council were keen to explore whether a HR helpdesk would be a viable option, however to do this it was agreed a review of other County Councils HR structures should take place to learn from their experiences and true benefits of a helpdesk model.

Research Methodology

An interpretivist (qualitative) approach to the research was adopted, allowing for variations according to the individual and organisation that was being questioned. Interpretivism treats research as unique which makes generalisable conclusions difficult. However, organisational

practices and behaviours are dependent upon many variables, changing rapidly in the current climate, it would be short-sighted to conclude and assume that the position would remain in place for a period of years, or be applicable to every organisation. This could however impact on the reliability and credibility of the data. However, this was known from the start and all assurances were taken to ensure the research was conducted in the same manner no matter which organisation was being questioned.

The Council were keen to learn from other organisations' experiences, therefore a combination of a case study, interviews and a robust literature review were adopted. Semi-structured telephone interviews were the preferred method for this research. It was felt this still provided the interviewer with an element of control over what questions were asked whilst providing the interviewee with a degree of freedom. Each interview however varied depending on the respondents therefore the semi structured interview provided an element of flexibility.

A pilot interview was undertaken, which resulted in amended questions and a different interview style adopted. This proved extremely helpful as it allowed for further questions to be asked which at first appeared difficult to explore.

As described above, the purpose of the research was to consider the development of transactional HR and whether it supports the strategic HR function. The information was therefore best delivered from HR staff who had been involved in the implementation of a HR helpdesk. Purposive sampling was undertaken and access was gained to 'key informants' (Anderson, 2009) who had unique knowledge and experience in relation to the research topic. As the 'key informants' were already in discussion and contact with the organisation purposive sampling was the most sensible option. Key informants were emailed prior to the actual interview ensuring consent was received and were aware of the nature of the forthcoming questions. The access to key informants was of great help however it was important to consider the sensitivities of asking such questions and ensuring the informants were aware the purpose of the questions. Some organisations were not keen to divulge all the details due to the difficulties they experienced and this was a challenge to build effective relationships quickly.

Investigation Findings

It can be deduced from the research that development of an HR Helpdesk delivers financial savings and improvements in HR Service provision. The major benefits for customer service were the consistency of advice, accessibility of the service and speed of response. The savings were generated by efficient processes, increased customer self-service and removing more senior staff from the need to provide routine advice. The main drivers for implementing such alternative HR transactional delivery models included to *"contribute to savings, improve customer service and service delivery, increase flexibility in the deployment of HR staff, encourage manager ownership and to focus HR professional time on more complex work"*.

Whilst the benefits included efficient and effective resolution of queries without the need to speak to a dedicated HR team, furthermore the utilisation of one central HR number *"improves the customer journey"*.

From an HR perspective, the following benefits were realised:

- Consistency of HR advice achieved through one point of contact working against common script/assessment framework.
- Efficiency in reduced duplication of effort and defining clear and consistent means of answering routine enquiries.
- Eliminating the need for senior/specialist staff to be engaged in answering routine queries and enabling these staff to be more appropriately focused upon complex and strategic advice.
- Greater availability of business information to inform performance management, customer reporting and identification of the need for proactive HR interventions.
- Presents HR as a modern and efficient service which would be attractive to new customers or partner organisations in shared services.

In contrast however the implementation of a HR helpdesk was explained with caution as there were a number of challenges that arose. Credibility of the HR service is heightened during the transition therefore it is imperative that organisations 'get it right first time'. Furthermore the implementation of a HR helpdesk affects customers as well as the HR function itself; communication and engagement were key, and if any one of these were omitted, the consequences have a serious impact on the success of the HR transformation.

Conclusion

The research into an alternative transactional HR delivery model provided a useful insight into other organisations approaches and experiences. It was evident from the onset that each organisation had different drivers for the HR transactional helpdesk model however there were some strong similarities with the benefits and challenges experienced.

The reduction, automation and rationalisation of transactional HR activities allowed HR professionals to work closely with the business aiming to achieve strategic alignment, whilst ensuring consistency and best practice across the organisation.

Although difficult to measure, organisations also reported HR staff themselves felt able to contribute more strategically to the business and deal with more complex professional work. It was established that the implementation of a helpdesk drove greater self-service for routine questions and advice, although this impacted to some extent on the time of supervisors and managers accessing self – service, devolution aids the transition to an alternative HR delivery model.

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The glass ceiling in China – ‘it is a virtue for women to have no capability’

Stephen Pilbeam and Yi Huang

This MSc Business and Management Dissertation research examined obstacles that women face in business and management, the reasons for the ‘glass ceiling’, the strategies being used to access senior positions and the HR strategies adopted by employers to address the ‘glass ceiling’. Fundamentally, it is focused on the challenges faced by women in aspiring to senior management positions in a Chinese context. There is evidence to suggest that HR practice is being westernised, principally driven by multi-national companies (MNCs) in China and ethnocentricity in HR practice. Interestingly, diversity and equality of opportunity policies, according to Nakajima and Harry (2006), are an example of the ‘imposition of ethnocentric HR practice by MNCs and are often perceived by the host country nationals (HCNs) as a means of domination’, but perhaps this is something for a future article. China is, of course, a large and diverse environment for business practice and general trends in women in management are not claimed in this research, but interesting insights are garnered and presented.

The glass ceiling

First used in 1986, the ‘glass ceiling’ described a corporate world in which access to positions for women were blocked by corporate traditions and prejudices. The term ‘glass-ceiling’ has come to mean the invisible barriers that keep women from rising past certain levels in organisations. These barriers potentially ‘stymie advancement opportunities’ for women by preventing them from achieving top level positions. Women represent more than 50 per cent of the world’s labour force (Warning and Buchanan, 2009), however, ‘their share of management positions, world-wide remains unacceptably low’ (Ismail and Ibrahim 2008, p.53). A significant influence on under-representation of women in senior management positions remains the fact that women still carry the primary responsibility for child rearing and family care, creating difficulties in balancing career and family. This influences attitudes about the role of women in business, and their potential for senior management positions.

Glover and Kirton (2006) argue that women are under-represented in management due to gender stereotyping and emphasise that although many women are well qualified, and work in organisations purporting to have policies which provide equal opportunities, the career ladder for women in large companies is often foreshortened, while the male ladder extends to the top of the career tree. Furthermore, the career progress of women in management is likely to lag when they become mothers due to the ‘fertility clash’ of biology and career. Other factors include traditional working patterns, stereotypical assumptions, the ‘old boy’ network the Queen-bee syndrome and threats from male counterparts (Benson and Yukongdi (2005); Gammie *et al.*, 2007).

Working women in China

Rowley and Yukongdi (2009) identify that in the last twenty years the rapid social, political and economic changes in China have resulted in an increasing proportion of women achieving higher educational qualifications and also engaging in professional and managerial jobs. There is an increasing awareness towards gender equality in China and the

more market-oriented economy has brought more opportunities for women to develop their careers. However, although equal opportunity legislation has been introduced by the state, the effectiveness and fairness of the implementation is highly debatable (Cooke, 2006).

According to Won (2007) Confucianism is an illustration that women's role in society is historically predetermined and that beliefs associated with Chinese social structure are exported into managerial spheres. Bu and Roy (2005) identify the Confucian saying that *'it is a virtue for women to have no capability'*, and if women are perceived as having no capability Chinese working women may be hesitant to seek career advancement in competition with their male counterparts. Additionally, it is hard for Chinese working women to build up networking (guanxi) with their male colleagues and though women spend time in social activities, the outcome is less effective than their male counterparts. Therefore, building up networks and achieving social capital become a challenge for women to reach senior positions. Despite Confucian values being embedded in Chinese society the acceptance of women in managerial positions is becoming more favourable. According to Rowley and Yuktongdi (2009), the number of women possessing higher qualifications has increased in the past twenty years. Knowledge@Warton (2011) identifies that woman at graduate level account for more than 45 per cent of the total. However, although women are achieving a similar education level to men, it is still not an equal playing field for women seeking a senior position (Nolan, 2008). There is an over-representation of women in low pay positions in the service and manufacturing sectors. And, the increase in Chinese women entering into the labour market has not been reflected proportionately in the number achieving executive positions and 'organisations have done little to counteract negative stereotypes and discrimination against women' (Won, 2007).

Research method and objectives

Semi-structured, in-depth interviews with questions based around 4 research objectives were conducted with 8 women managers in the workplace in China. The interviews were conducted in Chinese and then translated into English. The research objectives were to:

- To identify the challenges of being a woman in business and management in China
- To investigate why women may encounter the glass ceiling
- To expose some of the strategies women use to address workplace barriers
- To examine how employers use HR strategies to address the barriers.

What we found out

The challenges of being a woman in business and management:

The 'glass ceiling' was evident in this sample and the study uncovered several challenges that Chinese women face in business and management. These included gender discrimination in recruitment and the promotion process based on overt gender stereotyping. Women managers were more likely to be questioned and challenged by colleagues, and have less energy than male counterparts to devote to a competitive working environment. Despite similar qualifications, career advancement opportunities were limited with family commitments cited as a defining factor. One of the more interesting findings to emerge was that although family commitments were a constraint for working women who married and had children, the support of their parents or parents-in-law to share domestic work and child

rearing was a significant facilitator in enabling opportunities to devote more energy to work, and to balance life and work more effectively. An enlightening observation was that some working women are making a considered decision to remain single in order to increase their career chances, and their quality of life. This was coupled with an observation that 'a shortage of desirable men' made career aspirations a more attractive pursuit!

The reasons why women may encounter the glass ceiling:

Respondents reported gender discrimination in recruitment and promotion processes and negative attitudes towards women aspiring to management positions. The evidence from the study indicates that there are three main reasons why the 'glass ceiling' exists. First, *gender stereotyping* because China remains a male dominated country and roles are traditionally segregated into the husband dealing with external affairs and the wife staying at home with family duties as her top priority. Clearly this social attitude is a constraint on the advancement of women in the workplace. Second, *masculine traits* are perceived to be more promotable, whereas, women managers who expressed a more assertive manner were perceived as 'failing to perform their feminine role properly'. This contributed to women lacking in self-confidence in the workplace. Third, *occupational segregation* perpetuates the situation of women working in the positions which are traditionally deemed by society as more suitable for them. This results in fewer women working in decision-making positions in organisations, and the ability to influence the 'glass ceiling' and bring about change is diminished.

Strategies which women use to address workplace barriers:

There was some evidence of women using strategies to address perceived barriers to progression. These included having clear work objectives and an acknowledgement that a career plan is beneficial for long-term professional development. It was recognised that ambitious women need a deep understanding of what a company requires and what training, experience and skills would lead to success. Equipping themselves with capabilities and qualifications was seen as essential, as was recognising the imperative of continuously renewing their competencies in a fast changing world. There was some recognition of the need to 'play the game' by seeking to combine the merits, or otherwise, of both masculine and feminine managerial styles and using them to strengthen personal leadership. Lastly, being adept in 'selling' yourself combined with a strong desire to gain promotion were seen as essential features of being able to access managerial positions.

How employers use HR strategies to address the barriers:

There was no evidence that employers were enacting a strong sense of duty in relation to gender equity in the workplace. However, this research found some evidence that employers seek to address gender stereotyping, and thereby capitalise on the potential and capabilities of working women by building a diverse organisational culture which has the potential to benefit both working women and the long-term development of organisations. Career development opportunities specifically for women together with flexible working policies were identified as ways forward. However, flexible working policies in China were thought to be at an embryonic stage and will present considerable challenge to deep rooted perceptions and traditional working patterns. Employers are not yet convinced that not only will flexible

working practices contribute to gender equality, but will also release talent which will benefit organisations. In one case an employer was doing something for women, but the perception appears to be misplaced. This employer provided working women with one day's sick leave per month in order to address 'the burden of physical difference between men and women'. There were also examples of developments in areas such as 'free of discrimination promotion processes', the provision of training for women who return from maternity leave and the importance of affordable child-care facilities in or near the organisation were also work in progress. So, there is some evidence of a direction of travel in seeking to eliminate the invisible barriers for working women to achieve career development.

Conclusion

It is recognised that this is a small sample; hence the findings are presented as insights and a possible direction of travel. Although the gender equality terrain in China is clearly somewhat variable, it would appear that at least there is some recognition that the potential talent pool can be better utilised. However, the evidence from this research suggests that there remains a tension between women in management and the role of women in a Chinese society influenced by Confucianism, and is an illustration of the power of prevailing social attitudes in the workplace.

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This is “my” job: feelings of ownership at work – a summary of possible causes and effects

David McConville

The HR issue

The focus of this article is on psychological ownership (PO) in a work setting. The aim is to provide a summary of some of the key themes to have emerged in the academic research literature relating to how managers may be able to help employees develop feelings of PO at work, and (as some evidence would suggest) lead to enhanced levels of commitment, satisfaction and performance behaviours. It is worth noting that, as with most areas of research, knowledge is evolving and there is still very much in this area that is unknown. It is therefore difficult to conclude with absolute certainty exactly how or when PO may be most likely to develop, or when it is most likely (if at all) to lead to attitudinal or behavioural effects. However, on the basis of the evidence, some conclusions do appear more likely than others; this article will present a succinct overview of some of the more convincing themes to emerge.

What is Psychological Ownership?

The empirical application of this concept in the literature to date has been inconsistent to say the least (McConville et al., 2013a)¹. The term ‘psychological ownership’ has taken on a number of (mutually exclusive) definitions (e.g. Avey et al., 2009; Pendleton, 2001; Wagner et al., 2003). One of the most consistent strands of PO literature can be described best as viewing PO as a ‘feeling of possession’. Pierce, Kostova and Dirks (2001, p. 305) explained this very clearly, stating that ‘PO answers the question: what do I feel is mine?’. Measures typically emphasise possession and use possessive vocabulary, as often reflected in everyday associations with property and possessions, e.g. ‘This is MY organisation’, ‘This is MY job’, ‘I sense that this organisation is OUR company’ (Van Dyne et al., 2004, p. 449). This article concentrates on PO conceptually defined by feelings of possession.

There is evidence, and some good theoretical reasons, to think that employees can develop feelings of PO over a range of factors (targets) within the organisational setting, both tangible and intangible (managers may recognise this by identifying possessive language, e.g. ‘this is my desk’). The majority of research has focused on employees’ feelings of PO towards their job (job based PO), or the organisation as a whole (organisation based PO), but this is changing. Recent work for example, has found employees can experience ‘brand psychological ownership’ (Chiang, Chang, Han, and McConville, 2013)² – PO over product/company brands. Scholars of PO have postulated a range of potential targets,

¹ Currently under review for publication, this research paper includes a thorough review of the development of the concept of PO, and is critical of the empirical application of this concept in the literature to date.

² This paper is currently under review for publication. A key contribution of this paper resides in the finding that brand psychological ownership was found to have a positive effect on brand citizenship behaviour (employees who demonstrate brand citizenship behaviour express brand-oriented behaviour (e.g. to protect, promote, and develop brand image) beyond the formal requirements of their job; see Sun et al. 2007).

including the organisation, jobs, products/outputs, specific practices/procedures, and teams (e.g. Pierce et al., 2001; 2003).

Effects of feeling ownership at work

Why would managers want employees to feel PO at work? There is convincing empirical evidence to suggest this may (sometimes – not always) be a good thing. For example, some studies (see VandeWalle et al., 1995; O'Driscoll et al., 2006; Mayhew et al., 2007) have suggested that PO over the organisation can have a positive effect on employees' affective commitment - the 'employee's emotional attachment to, identification with, and involvement in, the organisation' (Allen and Meyer, 1990, p. 1). Some research has also concluded that PO can lead to enhanced levels of employee satisfaction at work. VandeWalle et al. (1995) and Van Dyne et al. (2004) for example, found a positive relationship between overall satisfaction and PO for the organisation, and Mayhew et al. (2007) found PO for the job was significantly related to job satisfaction.

With regards to behaviours, again, there is reason to think that PO (towards the job or organisation) has the capacity to change not just how employees think, but what they do (although, it is not a given that attitudes will always convert into behaviours). PO has been found to positively influence organisational citizenship/extra-role behaviours - discretionary work behaviours that can contribute to organisational well-being but are not part of formal job expectations. PO has also been found to influence in-role behaviour – employees' willingness to perform the formal requirements of their job (PO's impact on behaviours is evident in Chang et al., 2012; Chiang et al., 2013; O'Driscoll et al., 2006; VandeWalle et al., 1995; and Van Dyne et al., 2004).

O'Driscoll et al.'s (2006) study is one of the more detailed examples to explore behavioural effects emerging from different types of PO (towards the job and organisation), finding that PO for the job and PO for the organisation are not synonymous. In situations where employees felt PO over their job, employees tended to display behaviours which related more specifically to job-related activities (looking after their work environment, helping colleagues with specific aspects of their work). In contrast, when experiencing organisation based PO, employees demonstrated behaviours 'which served to promote the welfare of the organisation', such as serving on committees, assuming leadership, and taking on tasks which had no obvious advantage in terms of the individual's specific job (O'Driscoll et al., 2006, p. 413).

All in all, there are some reasons to think, on the basis of the evidence (albeit limited, and in need of development), that PO can lead to changes in how employees think and behave at work – and that the target of ownership (e.g. the organisation or job) can affect the types of behaviours which may follow from PO. The question is, how can managers create an environment in which employees are able to develop feelings of ownership at work?

The HR challenge: How can employees develop a sense of psychological ownership?

What could be described as a common misconception is that in order for employees to feel ownership at work – they need to be given ownership (e.g. shares). The research evidence is really quite clear on this; employees can feel ownership at work without owning the

company or a share of it. Furthermore, there is little evidence to support the claim that giving employees legal ownership has any significant effect on PO – especially when the motivation for being an employee owner is financial (i.e. to make money). Instead, the evidence supports the notion that there are a set of feelings which, when experienced, give rise to a feeling of possession over the target. Legal ownership can in some cases (if it was to provide, or allow for, the experiences which satisfy the feelings thought to give rise to PO) assist in the creation of PO, but the evidence suggests, convincingly, that PO does not *depend* on actual (legal) ownership of the target.

So, what are the feelings which employees may need to experience in order to develop a sense of PO at work? As with the attitudinal and behavioural consequences of PO, there is currently a lack of empirical evidence examining in detail the antecedents of PO – however, three key themes emerged in the research literature in the early 1990's and remain central to theoretical propositions and studies of how PO can be created. Pierce et al. (2001; 2003) describe PO's proposed antecedents perhaps most clearly. It is proposed that feelings of PO arise from certain processes of association of the individual with the target (of ownership). Through these processes it is suggested that individuals become psychologically tied to the target, and the target becomes 'part of their extended self' (Pierce et al., 2001, p. 301; 2003, p. 92). The three routes through which PO is proposed to emerge include: (a) the amount of control an employee has over a particular organisational factor (control), (b) the extent to which an employee intimately knows a particular organisational factor – e.g. access to business information (intimate knowledge), and (c) the extent to which an individual employee invests himself or herself (i.e. their time, effort, energy, attention) into the potential target of ownership (investment of the self) (Pierce et al., 2001; 2003). Feelings of PO are proposed to develop over that which the employee feels control over, knowledge of, and able invest themselves into. By experiencing these three routes (not all are necessarily needed, or in equal proportion) PO scholars theorise that employees may be *more likely* (not guaranteed) to develop feelings of PO. The brief explanation in this article has of course been simplified considerably, and there is complexity in explaining how, to what degree and in what proportion these routes may need to be satisfied, and by what, in order to produce a sense of PO. Nevertheless, at a basic level, these three routes describe the principle on which PO is thought to be based.

Evidence is generally supportive of these experiences and their relationship with PO. Chi and Han (2008) for example, found that all three routes were positively related to the employees' PO for the organisation. Of the three routes, the 'control' route has been the focus of most research exploring causes of PO, and findings are generally supportive of the claim that this may be one of the more important routes to satisfy in order for PO to develop. These studies have tended to explore how low levels of work environment structure (providing employees with more autonomy and opportunity to participate in decision making) satisfies the control route and helps give rise to PO (e.g. O'Driscoll et al., 2006; and Pierce et al., 2004).

Conclusions

This article has provided a brief snapshot of some of the areas being discussed in the academic research literature, focusing on psychological ownership (PO). Whilst PO is an interesting area to consider in an organisational setting, and one that managers may attempt

to encourage as a way of enhancing employees' attitudes and behaviours at work, it is possible (as hinted in the research literature, e.g. Pierce et al., 2001; 2003; Pierce et al., 2009), that too much PO may be a bad thing. Empirical evidence is lacking, but theoretically, there are convincing arguments to think that PO could, in some circumstances, lead to counter-productive behaviours; unwillingness to share knowledge, and behaviours which generally are not in the best interests of the organisation. This is an area in need of more research, but is one that managers might want to keep in mind when trying to embrace an ownership culture – especially if very strong feelings of ownership are developing for targets within the organisation (e.g. an employee's job, responsibility, equipment, and workspace, etc) – as opposed to the organisation/company brand itself.

It is also worth noting that, the experiences which are proposed to lead to feelings of PO do not necessarily represent what employees are provided with (in an objective sense). Instead, they refer to what employees *feel* they have at work. Whilst a manager may feel an employee has access to all the information he or she thinks the employee might want or need (information route), and may think the employee has 'enough' autonomy or control over/within their job (control route), and enough opportunity to apply their energy and attention at work (investment of self route) – the employee may feel differently.

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Upwards bullying in an employing organisation

Siân Katy Thomas and David Farnham

Introduction

Understanding bullying at work, how it is operationalised, and how to address it, is now a mainstream topic in HR research and practice. In the UK, there is no specific law against bullying, so individuals wishing to pursue a case of bullying against an employer may be forced to seek legal redress at an employment tribunal. This may be through anti-discrimination, health and safety, whistle-blowing or constructive dismissal legislation. The ACAS (2009) Code of Practice on disciplinary and grievance procedures provides guidance for dealing with grievances, including complaints of bullying. Grievance procedures are an important cornerstone in the industrial relations edifice, ensuring that every employee can legitimately protest contract violations in a just and fair way. Furthermore, employment tribunals are legally required to take this Code of Practice into account when considering how allegations of bullying have been dealt with. Indeed tribunals are legally required to adjust any compensatory awards made in such cases by up to 25 per cent for any unreasonable failure to comply with the Code. The Code further emphasises that employers should always seek to resolve grievance issues in the workplace, with managers taking operational responsibility for hearing them.

This research is motivated by the inevitability of conflict within the employment relationship and the necessity to install effective procedures by which that conflict can be resolved. Einarsen *et al* (2011) note that it is left to the employer to ensure that any complaints of bullying are dealt with fairly as well as ethically and in a legally correct manner, ensuring the rights of both targets and alleged perpetrators are maintained. An organisational policy presents the mandate for the investigation. As far as the investigators are concerned, their overall responsibility is to conduct an assessment of the extent to which the complaint is upheld or supported, after carrying out a reasonable investigation, which is proportionate to the severity of the allegations and size of the organisation. The evidence of course, must be assessed against any relevant statutory regulations. Of course, when it comes to investigating allegations of bullying an investigator's need to establish reasonable grounds to uphold an allegation is juxtaposed with the statutory right of individuals to determine for themselves if conduct is 'unwelcome, unwarranted and causes a detrimental effect' (ACAS Code). Nevertheless, the grievance procedure applies to genuine complaints about bullying. As Einarsen *et al* (2011) state, false or malicious complaints signify complaints that are fabricated or not rooted in reality and deliberately set out to harm one or more individuals. However, given that bullying is a psychological phenomenon, it is understandably very difficult for investigators to establish grounds to believe that complaints have been raised maliciously.

There are a number of definitions of bullying but three common elements distinguish bullying from other negative, counterproductive behaviours at work. First, bullying is often defined as inappropriate or unreasonable behaviour conducted by a person or group of people, involving the repetition of negative behaviours, with the potential to cause harm. Second, the power distance between the bully and the target is also an essential component, as well as the difficulty by the recipient to defend herself/himself. Third, unlike other forms of conflict at work, bullying is viewed as an escalating process, where the target is placed more and more

in an inferior position over time. Rayner and Hoel (1997: 17) categorise workplace bullying into five classes: 'threat to personal status, threat to personal standing, isolation, overwork and destabilisation.'

Much of the literature in the field focuses on the issue of 'downward' bullying (Rayner *et al* 2002). This study is concerned with 'upwards' bullying (managers as targets of bullying by their employee(s)) and explores the extent to which a formal workplace grievance procedure contributes towards the upwards bullying of managers within a case-study organisation. It breaks away from the long tradition of workplace bullying research being informed only through victims' accounts as it draws on the insights of alleged perpetrators. Of particular interest in this study is how employees can manipulate a grievance procedure by presenting themselves as victims, to ultimately lead to and permit behaviours, which would meet the definitional elements of bullying.

Hoel *et al* (2001) find that supervisors are the most vulnerable managerial group to be bullied by subordinates, with senior and middle managers being less likely to experience it. The reasons for the apparent vulnerability of supervisors being bullied are that staff may be resentful towards the supervisor and, compared with higher-level managers, there is less hierarchical distance between them and their subordinates. The overall purpose of this study was to identify the extent to which a formal grievance procedure within the case-study organisation contributes to the upwards bullying of some managers.

Research questions and research methods

There were three research questions in this study. First, what actions on the part of managers trigger an allegation of bullying against them, and do these actions fit with recognised definitions of bullying? Second, to what extent does the grievance administration process influence managerial perceptions and feelings of being victimised? Third, what are the consequences for managers of being accused of bullying?

Given this research focused around the experiences and perceptions of individuals, data were collected through in-depth semi-structured interviews, using an interview schedule. Only managers who had allegations of bullying raised against them were eligible to participate in the study and the research was focused on managers who had informally discussed incidents of upwards bullying with the interviewer earlier. The respondents were drawn from a vertical cross-section of senior and line managers in the organisation.

Following a pilot study, face-to-face semi-structured interviews were conducted with five senior managers and 10 first-line managers. The interviews sought to evaluate the experiences of these managers of a grievance procedure used in dealing with allegations of bullying against them. All respondents were male, but it was not the intention of the research to draw any conclusions on bullying in relation to gender. Interviews were recorded on a digital voice recorder and the interviews subsequently transcribed.

Findings

The challenge of making sense of large amounts of qualitative data, as in this study, is to reduce the volume of raw data and develop a framework for communicating what the data

reveal. Cross-sectional analysis was adopted to classify the data into meaningful categories and to search for common themes.

1. Actions triggering allegations of bullying against managers:

One trigger was unpopular organisational procedures, and behaviours by managers labelled as bullying. For example, two members of staff had not received overtime payments retrospectively. They couldn't accept that their manager needed approval from his manager before the overtime was worked. This manager said: *'Consequently, they submitted a formal grievance claiming that I was bullying them and treating them unfairly. They believed that if I liked them, I would have authorised payment.'* Thus these employees were trying to get the manager change his decision. In another incident, a female employee, who had been allocated to a new work group, said she was being bullied by her manager. According to this manager, the employee *'claimed that I was making her life hell and that she was being forced to look for another job ... She would spend hours of her days asking colleagues what they thought of me as a manager, so that she could gather further evidence to support her allegations.'* In both these cases, the employees may have perceived themselves as victims and were using a legitimised course of action to emphasise this.

A second trigger was bullying allegations being used to circumvent or delay disciplinary proceedings against subordinate staff. In these cases, in order to assess work performance or inappropriate behavioural issues, managers would start disciplinary proceedings. But a common response by these employees was to accuse the manager of bullying. According to one manager: *'One minute we are discussing his performance and next all proceedings have been suspended whilst a written grievance is investigated, alleging that I have breached the Company's Dignity at Work policy.'*

A third trigger was using bullying allegations as a form of payback against managers. Thus one managerial respondent described allegations made against him after he had deducted 'bonus points' from an employee for poor quality. *'For two consecutive weeks, I deducted points from an employee for poor quality work. Within a week ... he raised an allegation of bullying against me, claiming that I was treating him unfairly ... because he was Polish.'*

A fourth trigger was lack of respect for the manager by the employee. A majority of respondents implicitly or explicitly referred to lack of respect to their authority by employees: *'The way he spoke to me, he obviously had no respect for me'; 'I would say "hello" to her in the morning and she would blank me'; 'He would come in late and not even apologise; he didn't respect me.'* Managers in these situations were vulnerable to bullying behaviours, since employees perceived all kinds of managerial behaviours as signs of personal hostility towards them.

2. How grievance administration influences managerial perceptions and feelings of victimisation:

Again four observations were noted here. First, the principle of procedural fairness was absent in the allegations made against managers. As one manager reported, *'The written grievance just alleged that I was bullying him, the incidents were only recalled at a later date, after he had time to think about it.'*

Second, methods of investigating complaints of alleged bullying were commonly perceived by managers as perfunctory. One respondent said: *'I felt that the whole process treated me as guilty and it was up to me to prove my innocence.'* For another: *'I wasn't given the opportunity to be accompanied at meetings ... [but] I was aware that his union representative accompanied him at every meeting.'*

Third, the involvement of 'third parties' meant that some employees went 'over the heads' of their managers. One manager reported: *'He raised allegations of bullying against me because he didn't like the decisions I made. He basically went "over my head". It was a case of Daddy said "no", so ask Mummy.'* In another case, a manager claimed: *'I felt the investigating manager was using the process to demonstrate that he was a better manager than me ... [and wanted to show] he was superior to me.'*

Fourth, some managers felt that there was no satisfactory outcome to their situations. One said: *'The whole grievance process is labour intensive, time consuming and too one-sided ... It is always about trying to appease the employee to thwart the threat of legal action'* For another: *'The investigating manager advised mediation ... despite the fact there was no evidence ... raised against me.'*

3. The consequences of being accused of bullying:

Four main consequences were noted here too. First, accused managers felt lack of support in the organisation, leading to feelings of isolation and powerlessness. For example, one manager *'felt bullied by the process, like an outcast.'* In another instance, a manager felt that he *'could not raise allegations of bullying against one of my employees through the grievance procedure. The procedure is not for us managers.'*

A second common theme was that alleged perpetrators were left feeling that they were poor managers. One *'started to question myself'*, whilst another began asking: *"Am I a bully?" "Am I a bad manager?"*

Third, there was reluctance within the organisation to deal with performance or behavioural issues. In one case, the manager felt *'that our jobs as managers have become impossible knowing that we do not have the protection of the senior management team or the HR department.'* For someone else: *'The rude and abusive behaviour was throughout the investigation and has continued for over a year now.'*

Fourth, no action was taken for malicious or frivolous grievances by subordinates. As one manager commented, why should staff be permitted *'to raise allegations which negatively impact on our reputation and health, without any sort of reprimand?'* For another manager, such serious allegations *'could lead to someone losing their job.'*

Conclusion

The roles of managers and subordinates are relational and, therefore, power is a dyadic construct, where one role player has power over the other. At the start of any dispute between them, managers have access to formal power, through access to disciplinary

sanctions, which should provide means to protect them against upwards bullying. Yet analysis of the interview data reveals that a trigger event, which leads to an employee feeling that their needs have not been met, such as the implementation of an unpopular organisational practice, may prompt a dispute. One way this dissatisfaction may be expressed is by raising allegations of bullying against a manager through a grievance procedure. In this way the employee directs their dissatisfaction towards their manager, who is a member of the 'out-group' and more importantly represents the organisation (Einarsen 1999). According to social identity theory, such action by employees attempts to reduce the uncertainty caused by change. Once allegations of bullying have been raised, the employee may seek to accumulate power and increase their coercive potential by taking on the role of victim. The ways in which grievance procedures are used hastens this process. Analysis of the interview data reveals that as the grievance process is administered, we begin to see the effects of unbalancing the power relations on the manager and subordination relationship. Interestingly, accused managers would describe experiencing behaviours which would meet the definitional elements of bullying, but did not themselves label their experiences as 'bullying'. Moreover, the frequency in which these behaviours were described increased throughout the grievance process.

By failing to recognise and respond to abuses of the grievance procedure, organisations provide a sense of 'permission' to manipulate the procedure in this way. A reluctance to find that a grievance is malicious or frivolous means that such action is likely to become implicitly validated and norms emerge where such behaviour becomes institutionalised throughout the organisation. Strengthening the grievance procedure requires balancing the need to encourage victims of workplace bullying to come forward, whilst developing a system which prevents malicious claims.

Most importantly, there is a need to recognise the existence of 'upwards bullying' and to create policies to assist managers faced with this behaviour. This means making both managers and subordinates aware that *all* bullying behaviours are unacceptable and they will not be tolerated within an organisation.

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Employment Law - update on recent developments

Nicola Brown and Stephen Pilbeam

Employment law is an area where there are always changes, but even by these standards 2013 is set to be a particularly busy year. In this article we will cover the latest developments on the proposed ACAS Code of Practice in relation to Settlement Agreements, the amendments to the Enterprise and Regulatory Reform Bill, the guidance issued following the Eweida case, and a recent case on whether an obese person meets the legal definition of disability.

Settlement Agreements to replace Compromise Agreements

The Advisory, Conciliation and Arbitration Service (ACAS) released a consultation document which includes a draft statutory Code of Practice on Settlement Agreementsⁱ. The draft Code is only 10 pages long and currently includes some template letters for employers to use and adapt for their own purposes. ACAS say that “the Code is designed to help employers, employees and their representatives understand the negotiation of settlement agreements prior to any potential termination of employment.” Statutory Codes of Practice such as this one are taken into account by Employment Tribunals when considering relevant cases, although they are not legally binding.

‘Settlement Agreement’ is the new, and ‘improved’ name, for ‘Compromise Agreements’ which many readers will be aware of and, as reported in a previous updateⁱⁱ. Compromise Agreements settle employment disputes and an employee will usually receive a sum of money in return for waiving their rights to bring claims in the Employment Tribunals or courts under such an agreement.

The sums of money offered and other terms are often points of negotiation between the employer and employee and this is usually conducted on a ‘without prejudice’ basis. This means the discussions around the offer and terms of the agreement cannot be used as evidence in legal proceedings. However, strictly speaking the ‘without prejudice’ rule only applies where there is an existing dispute between the parties. This leaves a gap for employers where there is no employment dispute, but the employer and/or employee still want to discuss and enter into a Settlement Agreement to terminate the employment relationship.

The Government previously considered introducing the concept of ‘protected conversations’. This term is not being used any more, but the Government does intend to introduce a new section to the Employment Rights Act 1996 which will allow greater flexibility in the use of confidential discussions as a means of ending the employment relationship. This new section would mean parties may still offer and discuss a Settlement Agreement in the knowledge that their conversations cannot be used in any subsequent unfair dismissal claim. This will not apply if other claims are involved, such as discrimination or whistle-blowing claims. The protection will also be invalidated if any party behaves ‘improperly.’ The draft Code provides examples of improper behaviour such as harassing or putting undue pressure on an employee to sign the Settlement Agreement, discriminating against the employee or an employee threatening to damage an employer’s reputation if they do not agree.

The draft Code also refers to allowing a cooling off period of a minimum of 7 working days for the parties to consider the offer of a Settlement Agreement, which seems entirely sensible. Employees will also still need to seek independent legal advice to understand which employment rights they will be waiving by signing a Settlement Agreement.

The draft Code is short but fairly clear and logical and along with the new section of the Employment Rights Act 1996, should assist employers and employees alike to feel more comfortable when approaching Settlement Agreements. That said, the concept of ‘improper behaviour’ may lead to increased litigation and also there may be an increase in discrimination or whistle-blowing claims which fall outside of the new rule.

The period of consultation on the Code ended on 9 April 2013 and it is intended that the Code will come into force in summer 2013.

Enterprise and Regulatory Reform Bill – dismissal relating to political opinions and employer penalties

The Enterprise and Regulatory Reform Bill has been rather exciting for us all by keeping employment law in the public eye for a number of months. It represents a big shake-up of employment law and a timetable of the many changes anticipated in the Bill (amongst others) can be found in the update from January 2013ⁱⁱⁱ. The Government recently announced some more amendments to the Bill which are summarised below:

Following the decision in the case of *Redfearn v The United Kingdom (2012)*^{iv}, the Government proposes to amend the Employment Rights Act 1996 to make unfair dismissal claimants exempt from the 103 week qualification period for such claims where they allege that the reason or principal reason for their dismissal relates to their political opinions or affiliation. This change will come in force two months after the Bill becomes law and will apply to dismissals after that date. Another amendment concerns the proposal to impose financial penalties on employers that lose an Employment Tribunal case. We reported on this in the update on reforms^v. The amendment will provide that in deciding whether to impose a penalty, a Tribunal must have regard to an employer’s ability to pay. As already indicated in the original proposal and now set out in the amendment, there will be a minimum penalty of £100 and maximum of £5,000.

Interestingly the House of Lords has rejected the Enterprise and Regulatory Reform Bill and it is due for a second reading in the House of Commons on 16 April 2013. We will need to wait and see which, if any, of the Bill’s provisions become law. It is of course highly likely that the changes detailed above will be brought into effect.

Guide of good practice following Eweida – expression of religion or belief in the workplace

The Equality and Human Rights Commission (EHRC) has produced a guide of good practice for employers. The guide aims to help employers understand how to comply with the decision of the European Court of Human Rights in the case of *Eweida and ors v UK (2013)*^{vi} when recognising and managing the expression of religion or belief in the workplace. The Eweida case dominated the media in January as Ms Eweida’s complaint was upheld. She had temporarily been prevented from wearing a cross in her job with British Airways due to a dress code.^{vii}

The Equality Act 2010 provides protection to individuals (whether they are employees, workers, agency workers, apprentices, consultants, job applicants, etc) against being subjected to less favourable treatment, directly or indirectly, as a result of their religious or philosophical beliefs. Religious belief, as the guide recognises, is more easily defined but philosophical belief is not. Case law has shown that the Tribunals will interpret this quite widely. This can also include political beliefs as shown in the recent case of *Redfearn v UK (2012)* (see above).

The guide^{viii} is quite practical and provides examples of the requests employers are likely to receive from employees. For example an employee could ask to wear particular clothing at work or for time off for religious practice. Employers are not obliged to grant every request, but do need to consider any request seriously and respond reasonably. If they do not do so, then it is possible for claims to be brought by employees. Such claims do not require an employee to have any qualifying service with an employer and there is no statutory limit on compensation for successful claims, so the guide is well worth a read.

Is being obese a disability – cause and effect?

Questions are often asked whether overweight or obese people have legal protection against discrimination. The answer is usually no – but the issues were carefully examined in the recent case of Walker v Sita Information Networking Computing Ltd.^{ix}

Mr Walker was suffering from a number of health problems and weighed over 21 stone. He brought a disability discrimination claim and the first thing the Employment Tribunal had to decide was whether he met the definition of disability in the Equality Act 2010.

For the purposes of the Equality Act, someone is disabled if they suffer from a physical or mental impairment which has a substantial adverse impact on their ability to carry out normal day to day activities. The difficulty in Mr Walker's case was that there was no recognised cause for his various conditions. It was argued that he was suffering from 'functional overlay' which is where emotional reaction exacerbates or prolongs symptoms of an existing condition – but there was no suggestion that the functional overlay was caused by mental illness.

The employer did not seek to question whether Mr Walker's health problems were genuine, but argued that the various problems could not amount to a disability where the cause had not been identified. That view was accepted by the Tribunal Judge, but Mr Walker appealed to the Employment Appeal Tribunal (EAT). The EAT found that Mr Walker did meet the definition of disability, and that the judge should have looked at the effect of Mr Walker's conditions, rather than the cause. If the genuineness of the symptoms was in issue, the lack of a cause might be of significance, but that did not apply in this case.

In our view it has to be correct that the Tribunal look at the effect rather than the cause – given his long list of conditions and the significant effects on his life, it would be a strange result if Mr Walker were not considered disabled. The same approach applies where health problems are caused by addictions. Although addictions are specifically excluded from the definition of disability, the effects are not – so if someone with alcoholism is suffering from liver problems, the liver problems can still mean they meet the definition in the Equality Act.

For employers this is a useful reminder that if there is doubt, it is generally safest to treat an employee as a disabled person. Where possible it is always best to take legal and medical advice, as the liabilities for disability discrimination can be significant.

Conclusions

We hope that this selection of topics helps bring you up to date and further information about these and many other employment law topics can be found in the references below. Pure Employment Law is a specialist firm of solicitors advising on all areas of employment law. It offers a free monthly e-bulletin and free employment law seminars and workshops, and details of these, and how to subscribe to the mailing list, can be found at www.pureemploymentlaw.co.uk/updates. Further professional development opportunities are available through HR-Connect, a networking group which meets the Chichester area,

and a LinkedIn discussion group. These are free and aimed at anyone with an interest in HR and employment law:

<http://www.linkedin.com/groups/HRConnect-Networking-273851/about?trk=anet ug grpupro>

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ⁱⁱ <http://www.pureemploymentlaw.co.uk/2012/06/28/compromise-agreements-protected-conversations-no-fault-dismissals-now-settlement-agreements/>

ⁱⁱⁱ <http://www.pureemploymentlaw.co.uk/2013/01/23/coming-up-in-2013/>

^{iv} <http://www.bailii.org/eu/cases/ECHR/2012/1878.html>

^v <http://www.pureemploymentlaw.co.uk/2012/06/28/the-enterprise-and-regulatory-reform-bill-what-does-it-mean-for-employers/>

^{vi} <http://www.bailii.org/eu/cases/ECHR/2013/37.html>

^{vii} <http://www.pureemploymentlaw.co.uk/2013/01/23/a-cross-to-bear-religious-belief-discrimination-and-human-rights/>

^{viii} http://www.equalityhumanrights.com/uploaded_files/RoB/religion_or_belief_in_the_workplace_a_guide_for_employers.pdf

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An investigation into an alternative transactional HR model

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The glass ceiling in China – ‘it is a virtue for women to have no capability’

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This is “my” job: feelings of ownership at work – a summary of possible causes and effects

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Upwards bullying in an employing organisation

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Employment Law - update on recent developments

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