

10. Experience of Problems at Work, Responses and Actions

Key findings

Experience of employment problems in practice

Sixteen per cent of respondents reported experiencing problems at work in relation to their employment rights in the previous five years (nearly two thirds of this group had experienced only one such problem).

The commonest types of problem concerned issues of pay and written particulars of employment, followed by discrimination and working time issues.

Key features of the personal and employment characteristics of those who experienced problems are as follows:

- Non-white respondents are nearly twice as likely to report problems as their white counterparts.
- The incidence of problems decreases strongly with age.
- The highest incidence of problems is in intermediate occupations (and in jobs with a pay range of £5-7 per hour), and in the business and financial services sector.
- Temporary employees and full-time employees are more likely to report problems than permanent or part-time staff.
- Respondents with a written statement of terms and conditions are much less likely to report having experienced employment problems.

Those who had experienced employment problems were asked a further set of questions about their responses to those problems. The findings from these questions, summarised below, should be interpreted with caution, based as they are on the responses of a relatively small number of respondents experiencing problems.

Over half of those who had experienced employment problems had sought help or advice in connection with their problem. Faced with an employment problem:

- women were much more likely to seek advice than men
- those in the 46-55 age group were most likely to seek advice

- temporary employees were more likely than permanent employees to seek advice
- a higher proportion of union members than non-members sought advice
- respondents in the highest pay bracket (£10.97 per hour and more) were most likely to seek advice.

Where sought, advice tended to be sought quickly (three quarters sought advice within a week of the problem arising).

The commonest sources of advice, in order, were Citizens Advice Bureaux (CABx), personnel/HR managers and trade union representatives. Official sources were rarely used (the commonest being ACAS). The main reason for choosing particular sources related to their presumed specialist knowledge.

Those seeking advice were mainly motivated (in equal proportions) by a wish to obtain advice on their legal rights, and a wish to secure practical suggestions for solving the problem in question.

In a third of cases where advice was sought, the advice suggested that the respondent's treatment may have been unlawful, and in two thirds of the latter cases, the respondent took the matter further.

The majority of those who went for advice, support *etc.* (80 per cent) took the matter up with their employer (most of these did not contact the employer initially for advice, but did raise it with them at some stage). About half of this group made use of the employer's grievance procedure. Two thirds of those taking the matter up with their employer made contact with a senior manager (rather than their line manger or personnel department).

Around two in five of those experiencing employment problems decided (whether or not they took advice) to take steps to remedy the situation. The bulk of such further action consisted of discussions with managers or other employer representatives.

Among those who had taken some action to remedy the problem, the commonest outcome (in 44 per cent of cases) was that they left the organisation (half of these quits were voluntary, and half involuntary). Under half of those who took steps to remedy the situation said that they would take the same action again. Among those who would take different steps in future, the commonest response was that they would take expert advice (from a legal adviser or trade union).

Those who did not take steps to remedy the situation, when faced with an employment problem gave two main reasons for this: a wish to avoid the inconvenience of taking action, and a belief that taking action would not solve the problem.

Propensity to take action in a hypothetical situation

Respondents were also asked about what they would do in certain (hypothetical) situations. It needs to be borne in mind, in interpreting these findings: first that respondents describing their responses to hypothetical situations may give what they see as the 'expected' answer; and second that respondents' reported attitudes may not be

good predictors of their behaviour if such a circumstance actually occurred.

All respondents were asked what they would do if they faced a situation where their rights at work were infringed. The vast majority would take some action (only two per cent would do nothing). Two thirds would take advice, and over a quarter would talk directly to the employer (and nearly all of these would take further advice if the response from the employer was unsatisfactory).

Advice sources chosen were similar to those used in actual cases of employment problems (and were dominated by CABx, trade unions and solicitors), and the key expectations of such advice were that it would provide information about legal rights and/or practical guidance on solving the problem.

Nearly all those who would take advice, would take further action if their advisers recommended it.

Overall, faced with a hypothetical infringement of their employment rights, over half were confident or very confident of receiving justice through the system. Only 15 per cent were not confident of receiving justice. Further breakdown of these data showed that:

- Men are more confident of justice than women.
- Those with caring responsibilities exhibit higher than average levels of confidence in receiving justice.
- Those in higher level and non manual occupations are most confident of receiving justice through the system.
- Permanent and full-time staff have greater confidence than temps or part-timers.
- Union members and those with written statements of terms and conditions are more confident of justice than non-members and those without such statements, and
- Those with practical experience of employment problems are slightly more confident of receiving justice than those without.

10.1 Introduction

In this chapter, the experiences of individuals who described themselves as having encountered a problem or difficulty at work in the last five years are discussed. Respondents were asked:

'Have you personally experienced any problems at work over the last 5 years in relation to your rights at work? Please include any situation that was important to you, however minor the problems may seem.'

One hundred and sixty four individuals (16.2 per cent of the weighted sample) reported having experienced one or more problems in this time period. Of these individuals, 23 had experienced a problem with Health and Safety at work, a part of employment law that lay outside the scope of this study. These individuals were therefore filtered out of subsequent questions about the nature of their problem, as were seven individuals

whose problem(s) occurred more than five years prior to the survey. However, for the remaining 134 individuals whose problem lay in other areas of employment law, data were collected about:

- the nature of their problem
- what steps they took, if any, to resolve the situation, and
- the outcome of this action.

A key interest of this part of the study was to identify how people act in such situations, whether they pursue the matter, and whether, where and how they seek, advice and support *etc.* From the outset of the research it was anticipated (correctly) that only a minority of respondents would have recent experience of problems of this nature at work. In order, therefore, to supplement the information about what respondents did in practice when faced with an employment problem, the survey also attempted to gather information about what respondents *would do* in (hypothetical) situations where they were faced with a violation of their employment rights, whether and how they would seek advice or support, and what outcomes they might anticipate.

10.2 The nature of problems at work

As Table 10.1 shows, among those people who had experienced a problem during the past five years, nearly two thirds had experienced only one such problem.

Table 10.1: Experience of problems at work in the last five years

Experience of problems	%
Not experienced a problem in last five years	83.6
Experienced a problem more than five years ago	0.7
Experienced one problem in last five years	9.7
Experienced more than one problem in last five years (but incidents related)	1.8
Experienced more than one problem in last five years (unrelated incidents)	4.1
Don't know	0.2
Unweighted base (n = 100%)	1000

The commonest types of problem experienced related to issues of pay and written particulars of employment, followed by discrimination and working time issues. Unfair dismissal and health and safety issues were also mentioned by a significant minority of those who had experienced problems (Table 10.2). It is difficult to make a direct comparison with the findings of Genn

(1999) reported in Figure 1.3 (Chapter 1), given the different emphasis of the two studies and the different survey populations. First, it is to be expected, given our focus on people in (or recently in) employment and our coverage only of employment problems (rather than any justiciable problems, as in the case of Genn), that our study would record a higher incidence of employment problems overall. Second, the greater detail of our study, and the different categories of employment jurisdictions used to code the type of employment problem make comparisons difficult¹. The main difference is that Genn found 'losing a job' to be the most common kind of employment problem, whereas in our study 'dismissal' issues were fourth on the list after pay and conditions, discrimination and working time issues. It is likely that many of the types of problems identified by Genn as 'change[s] to terms and conditions of employment' (her second commonest problem type) will be covered by our 'pay and written particulars' category. It is also notable that 'discrimination' was not a separate category in the Genn study, and it is possible that many of the problems identified under discrimination in our survey would have been categorised elsewhere in the Genn study *eg* under 'losing a job' or 'harassment' (which accounted for a higher proportion of problems in the Genn study than the current survey).

Table 10.2: Type of problem experienced

Type of problem experienced	% of those experiencing problems
Pay and written particulars	27.6
Discrimination	18.8
Working time	18.2
Unfair dismissal	15.6
Health and safety	15.4
Unfair or unacceptable management	3.1
Family or dependant issues	2.9
Bullying/harassment	2.8
Don't know/refused/no answer	1.0
Other	1.8
Unweighted base (n = 100%)	164

Note: percentages add up to more than 100% as individuals were able to name more than one area of the law with which they had experienced problems.

¹ In particular, our research instrument allowed the respondent to describe the problem in question, and it was then coded by a researcher. In Genn's study the respondent was shown a list of seven precoded categories to choose from.

Table 10.3 looks at the reported experience of employment problems by a range of personal characteristics. The following points stand out:

- non-white respondents are nearly twice as likely to report employment problems as their white counterparts
- the reported incidence of employment problems decreases strongly with age.

There is by comparison, however, little difference in the experience of employment problems by gender, parental or caring responsibilities or disability (disabled people are, if anything, slightly less likely than non-disabled people to report such experience). There is also no clear relationship between educational levels, and the experience of employment problems.

Turning to the types and characteristics of the jobs of those who have experienced employment problems in the last five years (Table 10.4), some clear patterns do emerge, however:

- The highest incidence of problems is reported in what might be described as 'middle level' occupations, *ie* non-managerial and professional white collar occupations (technical, clerical *etc.*) as well as skilled manual and personal service occupations.
- Sectorally, the highest incidence of employment problems is found in business and financial services, followed by manufacturing and construction on the one hand, and distribution, catering and related sectors on the other.
- There is no strong pattern by establishment size, although some tendency for a lower incidence of such problems in larger establishments is observable (perhaps because larger establishments are more likely to have a personnel function and/or union representation on site).
- Temporary staff are much more likely to report such problems than their permanent colleagues.
- And full-timers report employment problems more frequently than part-timers.
- Union members are slightly less likely to experience employment problems than non-members.
- Consistent with the occupational pattern observed above, it is respondents with intermediate levels of hourly pay (in the £5-7 per hour category) who are most likely to record experience of employment problems (and the lowest incidence is found among the most highly paid respondents).
- Finally, it is interesting to note that respondents who work in a job in which they have been given a written statement of terms and conditions are much less likely to have experienced employment problems than those without.

Table 10.3: Experience of problems by personal characteristics

Personal characteristics	Experience of problem	
	Had experience	Unweighted base (n = 100%)
Gender (%)		
Male	15.7	444
Female	16.8	556
Ethnic origin (%)		
White	15.6	949
Non-white	27.8	45
Age (%)		
16-25	22.7	139
26-35	17.9	273
36-45	16.7	276
46-55	12.6	228
56-64	6.8	81
Highest qualification (%)		
No qualifications	13.3	150
NVQ 1	15.9	96
NVQ 2	13.6	221
NVQ 3	20.3	173
NVQ 4	18.1	283
NVQ 5	18.8	66
Parent or not (%)		
Yes	14.5	620
No	17.2	380
Caring responsibilities (%)		
Yes	15.7	84
No	16.2	916
Disabled (%)		
Yes	14.7	99
No	16.6	898

Note: all percentages are row percentages.

Table 10.4: Experience of problems by employer characteristics

Employment characteristics	Experience of problem	
	Had experience	Unweighted Base (n = 100%)
Occupation (%)		
Managerial/admin	13.5	183
Professional/technical	12.9	196
Assoc. professional/technical	23.2	96
Clerical/secretarial	23.4	158
Craft/skilled manual	16.7	84
Personal/protective services	18.9	71
Sales	11.8	69
Plant/machine operatives	11.7	28
Other unskilled	14.3	101
Sector (%)		
Primary & extractive	*	21
Manufacturing, utilities & construction	16.7	198
Distribution, catering, transport etc.	16.0	234
Business and financial services	19.1	99
Public admin, education and health	14.0	313
Other services	10.0	68
Size of workplace (employees) (%)		
Under 15	15.8	173
15-49	17.7	198
50-199	13.5	211
200-499	12.5	123
500-1999	13.6	105
2000+	14.6	91
Employment status (%)		
Permanent	15.3	885
Temporary	23.3	102
Working time (%)		
Under 16 hours p.w.	9.3	75
16-34 hours p.w.	16.4	174
35 + hours p.w.	16.7	751
Union membership (%)		
Member	14.1	333
Non-member	16.6	642
Hourly rate of pay (%)		
Less than £5.00 an hour	16.3	188
£5.00 to £7.40	22.9	173
£7.40 to £10.96	14.5	171
£10.97 and more	10.4	171
Have statement of terms and conditions? (%)		
Yes	14.7	820
No	21.4	155

* = fewer than five respondents in cell.

Respondents with experience of an employment problem were asked when the incident/problem/dispute in question began, and how long it lasted until it was resolved or otherwise concluded. The results are summarised in Table 10.5. A third of these respondents reported that the problem was still ongoing, and of those whose problem had ended, around half said that it had lasted between a week and three months.

Table 10.5: Duration of problem(s)

Length problem lasted	% of those experiencing a problem
One off incident	9.9
Less than a week	1.4
Between a week and a month	14.9
1 to 3 months	16.9
4 to 6 months	9.5
7 to 12 months	3.9
Over a year	5.2
Ongoing/unresolved	35.2
Don't know	3.0
Unweighted base (n = 100%)	134*

* Note in this and subsequent tables in this chapter, respondents who had experienced only employment problems related to health and safety issues have been excluded from the analysis, as have those with employment problems which occurred more than five years prior to the survey (given the many recent legislative changes, the main interest was in those people with recent employment problems).

10.3 Experience of problems, self-assessed awareness/knowledge and informed awareness

The relationship between respondents' experiences of employment problems and their own assessments of their levels of awareness and knowledge about employment rights in general was discussed in Chapter 3 above, and without repeating that analysis here it is worth noting that the data suggested that:

- Experience of employment problems did appear to be associated with an enhanced awareness (on one measure) of informed awareness of employment rights.
- It was, however, also associated with *lower* levels of self-assessed awareness/knowledge of employment rights. This suggests that while this kind of experience may increase awareness, it may also lead to a greater degree of modesty or realism among respondents in terms of their perceptions of their own levels of awareness/knowledge.

10.4 Responses to problems

In this section we provide more details relating to the responses and behaviour of those who reported employment problems. As this is a small sub-sample of the overall sample, caution needs to be exercised in drawing conclusions. In particular (depending on the number of respondents in the table in question), differences between categories of only a few percentage points are likely to fall within the bounds of sampling error and are not statistically significant. Our commentary on the tables focuses on those results which are statistically significant.

10.4.1 Seeking advice

Respondents who had experienced employment problems were asked whether they had sought any help or advice in connection with their problem, and just over half of this group said that they had (Table 10.6).

Table 10.6: Whether advice was sought

	% of those experiencing a problem
Sought advice	56.1
Did not seek advice	41.6
Don't know/refused/no answer	2.3
Unweighted base (n= 100%)	134

Although small cell sizes constrain the extent to which the proportion seeking advice can be broken down, and dictate caution in drawing strong conclusions, Table 10.7 suggests that:

- faced with an employment problem, women were substantially more likely to seek advice than men
- there was no clear age pattern, but those in the 46-55 age group were most likely to seek advice
- temporary employees were more likely than permanent staff to seek advice
- union members were more likely than non-members to seek advice
- the most well paid individuals were most likely to seek advice.

Table 10.7: Whether advice was sought by individual characteristics

Individual characteristics	Advice sought	Unweighted base (n = 100%)
Gender (%)		
Male	43.3	56
Female	69.8	78
Age (%)		
16-25	60.7	25
26-35	50.0	35
36-45	43.2	36
46-55	80.8	31
56-64	*	7
Employment status (%)		
Permanent	53.9	115
Temporary	64.3	19
Union membership (%)		
Member	67.7	36
Non- member	53.8	94
Hourly rate of pay (%)		
Less than £5.00 an hour	68.0	25
£5.00 to £7.40	51.4	37
£7.40 to £10.96	56.0	24
£10.97 and more	84.6	16

For those individuals who did seek advice (77 in total, unweighted), further details of the advice-seeking process are presented in this section.

The evidence suggested that those who sought advice tended to do so quickly (Table 10.8) — nearly a half did so immediately, and three quarters did so within a week.

Table 10.8: How soon after the incident was advice sought

	% of those seeking advice
Straightaway	48.1
Less than a week after the incident (or start)	25.2
Within one month of the incident (or start)	10.9
2-3 months later	6.3
4-6 months later	5.8
7-12 months later	2.3
Over one year later	1.4
Unweighted base (n = 100%)	77

Table 10.9 shows where those who sought advice went for such advice. The commonest source was external to the organisation (Citizens' Advice Bureaux), but this was closely followed by two internal sources — personnel/HR managers, and trade union representatives) — with the former slightly more common than the latter. Official sources were relatively rarely used (the commonest being ACAS). It should be noted that respondents were asked to cite up to two sources of advice used, and given the relatively small sample numbers, these two items of information have been combined in the table. If the source of advice *first* sought is taken alone, the most common source becomes the personnel/HR officer/manager at work, and Citizens' Advice Bureaux (the commonest second source of advice) drop to third place. The data suggest, therefore, that respondents tend to seek internal advice first, and then look outside.

Table 10.9: Sources of advice used

	% of those seeking advice
Citizens Advice Bureau	31.9
Personnel/HR officer/manager at work	29.6
Trade union	24.4
Solicitor or other legal representation	21.4
Friend or relative with specialist knowledge	9.9
ACAS	7.4
DHSS	1.7
Jobcentre	1.4
Employment tribunal service	1.0
Department of Trade and Industry	1.1
Specialist advice centre	1.0
Other source	0.7
NMW helpline	0.5
Unweighted base (n = 100%)	77

Note: respondents could cite more than one source, so totals exceed 100%.

Those who sought advice were then asked what made them think of contacting the source they *first contacted*. As Table 10.10 shows, the key reason related to the presumed specialist knowledge of the source contacted.

Table 10.10: What made them think of contacting adviser?

Reason for contacting first adviser	% of those seeking advice
They were a friend/relative/colleague with specialist knowledge	27.1
They were a friend/relative/colleague with similar problem/experience	12.6
They were suggested by a friend/relative/work	13.0
Saw or heard advertisement	19.3
I needed help/advice	4.5
I was a [union/staff association] member	4.4
My job was at stake	1.7
Don't know/no answer/refused	1.7
Other	17.7
Unweighted base (n = 100%)	77

This group of respondents was also asked what they were looking for in terms of information/advice when they contacted the first source of advice (Table 10.11). Unsurprisingly, the most common objectives were to obtain help on how to solve the problem, and also to seek information about their legal rights (both of these were cited by around half of those who sought advice).

Table 10.11: What kind of information/advice was sought?

Information/advice sought	% of those seeking advice
Information/advice about ways to solve the problem	47.8
Information/advice about my legal rights	46.7
Information/advice about procedures/what to do next	21.6
Information/advice about who to contact/where to get help	16.4
Justice/redress	17.5
Other help or advice	8.9
Advocacy	2.7
Other	3.2
Unweighted base (n = 100%)	77

Those who sought advice were asked, finally, taking into account all the advice and information they received, what the outcome of this support had been. The replies are summarised in Table 10.12.

In just over a third of the cases (36 per cent) the advice sought suggested that the treatment of the respondent may have been unlawful, and in around two thirds of these latter cases, the respondent decided to take the matter further. In the rest of the cases the situation either resolved itself (around one in five), or there was another reason not to take action (the situation in

question was not covered by law, or the respondent did not wish to take it further *etc.*).

Table 10.12: Outcome of advice (all sources)

	% of those seeking advice
Not covered by law so could not take any action	28.1
Confirmation of unlawful/unfair treatment and decided to take the matter further	25.1
Situation resolved itself	21.2
Could not take action for other reason (eg job was at stake, put up with it or leave)	14.5
Confirmation of unlawful/unfair treatment and decided not to take action	11.1
Unweighted base (n = 100%)	77

10.4.2 Other actions

Contact with employer

It was clearly of interest to establish whether those who experienced employment problems, took the issue up with their employer. This information was obtained in the survey in two ways. First, the question which asked about sources of advice used was able to establish whether a personnel or 'human resources' officer/manager at work was used as an initial advice/information source. Second, those who did not take this route were also asked whether they subsequently made contact with their employer about the problem.

From Table 10.13, which combines these two sources of information, it can be seen that the majority (80 per cent) of those who went for advice, support *etc.* in relation to their problem, did take the matter up with their employer at some stage.

Table 10.13: Contact with employer

	% of those seeking advice
Personnel/HR officer/manager at work used as initial advice source	29.6
Raised issue with employer	51.4
Did not raise issue with employer	19.0
Unweighted base (n = 100%)	77

As can be seen from Table 10.13, around half of this group raised the issue with their employer subsequently (*ie* not through using a personnel manager *etc.* as an initial advice source). These

respondents (39 in total) were then asked whether they made use of an internal grievance procedure (and Table 10.14 shows that almost half of them did), and who exactly they spoke to when they raised the issue with their employer. With regard to this latter point, it is interesting to note that in most of these cases (two thirds), Table 10.15 shows that rather than approaching a line manager or the personnel department, these respondents went directly to a senior manager or director with their concerns.

Table 10.14: Whether used grievance procedure

	% of those raising issue with employer
Used grievance procedure	47.2
Did not use grievance procedure	52.8
Unweighted base (n = 100%)	77

Table 10.15: Who spoken to at employer

	% of those raising issue with employer
Line manager/supervisor	12.6
Personnel Department	16.4
A senior manager/director	65.8
Other	5.2
Unweighted base (n = 100%)	77

Additional steps

Respondents who experienced problems but did not seek advice and those who sought advice from sources other than their personnel/HR office/manager, were asked whether they (or their representative) took any other steps to try and remedy the

Table 10.16: Whether further action was taken

	% of those experiencing problems but not seeking advice and those seeking advice from sources other than personnel
Yes, further action taken	41.7
No further action taken	58.3
Unweighted base (n = 100%)	108

situation¹. Just over two in five of this group did take further steps (Table 10.16).

Those taking further action were asked what action was actually taken, and the verbatim responses have been coded into broad categories (Table 10.17). Given the small numbers involved it is difficult to draw strong conclusions, but it is clear that the bulk of further action consisted of further discussions with managers or other employer representatives about the issue in question.

Table 10.17: Details of what other action was taken

	% of those taking further action
Talked with the manager	19.6
Spoke to my employer	14.0
Sent letters	28.0
Tried to compromise/reach an agreement	6.3
Went to senior management/head office	8.4
Resigned	6.3
Got a new job/looking for a new job	8.8
Got no satisfaction from discussions with management	5.9
Other	31.0
No answer/didn't know	6.2
Unweighted base (n = 100%)	46

10.4.3 Outcomes

All those respondents who had experienced an eligible employment problem, and had engaged in certain activities as a result of their employment problem were asked:

'What did you do as a result of your dispute? [if dispute is ongoing, what has happened so far?]'.

The following respondents were asked this question:

- a) those who sought advice from their personnel/HR officer/manager at work,
- b) those who sought advice from other sources and received confirmation of unfair/unlawful treatment and decided to take action,

¹ This question was not asked of those individuals who did not know/could not remember whether they had taken advice or not.

- c) those who sought advice from other sources, decided not to/could not take action, but took some other steps to try and remedy the situation,
- d) those who did not seek any advice but took some other steps.

Table 10.18 summarises the responses to this question. The commonest outcome (in 44 per cent of the cases) was that the individual left the organisation (roughly evenly split between voluntary and involuntary quits). In around 15 per cent of the cases, adjustments, changes or compromises were made by the employer. In only five per cent of these cases did a tribunal application result¹.

Table 10.18: What was done (or is being done if dispute ongoing) as result of dispute/problem

	% of those taking the specified actions
I found another job/left the organisation	23.6
I lost my job, was made redundant, was dismissed	20.7
Employer agreed with my position and made the necessary adjustments	13.4
Did nothing/forgot about it/carried on as before	11.0
I am looking for another job in order to leave the organisation	6.2
Made a tribunal application	5.8
It's ongoing	4.5
I moved jobs within the firm/organisation	4.4
They made changes/compromised	2.1
I did what they wanted	1.6
Someone else resigned/was dismissed	0.6
Other	4.2
No answer	2.3
Unweighted base (n = 100%)	78

Finally, this same group of respondents was asked:

'If you were in the same position again, would you take the same steps?'

As Table 10.19 shows, there was no consensus on this issue — 44 per cent would take the same steps, 36 per cent would not, and 20 per cent were not sure.

¹ These cases represented seven individuals (unweighted), of whom two were successful at tribunal, and the remaining five had not been decided at the time of the research.

Table 10.19: If in same position again, would you take the same steps?

	% of those taking matter further
Yes	44.2
No	35.7
Don't know	20.1
Unweighted base	78

Those who would not take the same steps again (24 respondents in total, unweighted), were asked what, if anything they would do differently.

While it is difficult to draw conclusions from such a small group, it would seem (see Table 10.20) that the main alternative steps (accounting for just over half of this group) involved taking expert advice (either from a legal adviser or a trade union).

Table 10.20: What different steps would you take?

	% of those who would/might take different steps
Take legal advice	34.8
Go to the union	20.1
I know my rights now/would be more assertive/forceful	19.1
Would act sooner	18.8
Get the problem in writing/have it noted by personnel	12.1
I would seek advice from other organisations	3.7
Other	38.7
Nothing	7.1
Unweighted base (n = 100%)	24

10.4.4 No action taken

Those who took no action at all (neither seeking advice nor taking other steps) were asked why not.

Table 10.21: Reasons for not taking action

Reason	% of those experiencing problem and not seeking advice/taking action
Didn't think it was worth the hassle/aggravation	46.2
Didn't think it would solve the problem	43.4
Not confident that I would be treated fairly	20.8
The whole process would just take too long	10.8
No faith in the system	10.7
Afraid that it could affect my future employment prospects	9.6
Didn't know where to go/how to go about it	3.5
Worried about potential costs of legal or other representation	3.2
Worried about potential treatment by other colleagues	0.8
Other	69.7
Unweighted base (n = 100%)	38

Note: respondents could give more than one reason so percentages sum to more than 100%.

Again the very small numbers involved dictate caution in interpreting the results, but it would seem that in most cases, inaction reflected inertia or a feeling that it was not worth the effort, rather than concerns that the system would fail the person (10.21).

10.5 Propensity to take action in a hypothetical situation

In each of the earlier chapters relating to respondents' awareness and knowledge of specific areas of employment law (Chapters 4, 6,7,8 and 9), we have looked at respondents' stated propensities to take action if faced with a hypothetical scenario involving a violation of a specific employment right.

In addition, all respondents were asked a general set of questions about what they would do in an (unspecified) situation involving a potential violation of their employment rights. In this section we summarise the main findings from this set of questions.

Two general points need to be stressed in interpreting these findings. The first point is that responses to such questions may be biased (to an unknown degree) towards what the respondent envisages is the 'expected' or 'socially desirable' answer. Specifically, respondents are presented with a hypothetical problem and may like to present themselves as acting positively and responsibly. Thus the responses recorded may not fully reflect the beliefs and intentions of the respondent about their likely actions in a particular situation.

Secondly, however, even if the responses do accurately record such beliefs and intentions (*ie* there is no ‘social desirability bias’ or other source of bias), those beliefs and intentions may not be good predictors of what they would actually do in those circumstances. Actual behaviour may be heavily constrained by other factors (*eg* social norms, habit)¹.

First respondents were asked:

‘Thinking more generally now, if you found yourself in a situation where your employer was acting unfairly or unlawfully over your rights at work, what would you do?’

Table 10.22: What action would be taken in unfair/unlawful situation at work

	%
Seek advice	63.3
Talk to employer direct	29.5
Ignore situation/do nothing	2.3
Leave the employer	3.2
Change job, but stay with same company	1.7
Unweighted base	1000

The most common response (from just under two thirds of respondents — Table 10.22) was that they would seek advice. A further 27 per cent said that they would discuss the matter directly with the employer.

Those who said that they would talk directly to the employer were then asked:

‘If your employer was not able/prepared to help sort out the situation to your satisfaction, would you seek any further advice?’

As Table 10.23 shows, the vast majority of respondents would extend their search for advice in these circumstances.

¹ For extended discussion of these issues and the extent to which attitudes and intentions can be used to predict behaviour, the reader is referred to Ajzen I and Fishbein M (1980), *Understanding Attitudes and Predicting Social Behaviour*, Prentice-Hall, Englewood Cliffs.

Table 10.23: If employer was unable to resolve the situation, would further advice be sought?

Seek further advice, if employer response unsatisfactory?	% of those whose action would be to talk to employer direct
Yes	95.2
No	4.8
Unweighted base (n = 100%)	269

It is clear, therefore, that virtually the entire sample said they would take action in the circumstances described, the only difference being between whether or not they would talk to their employer first¹. There were too few cases of individuals who would *not* take action, to merit a detailed breakdown of propensity to take action *per se* by individual characteristics. For such a breakdown, the reader is referred to the analysis of propensities to take action in the context of specific scenarios of infringements of rights, which are to be found at the end of Chapters 4, 6, 7, 8 and 9 above.

All those who said they would seek advice, either initially (*ie* the majority shown in Table 10.22 above), or after initial (unsatisfactory) contact with their employer (Table 10.23) were asked what sources of advice they would contact.

Once again (see also Table 10.9 above) Citizens' Advice Bureaux top the list of advice sources (Table 10.24). The main difference (compared with the analysis of advice sources actually used by those experiencing a problem) is that employer representatives are further down the list in this case². CABx are followed by trade unions and solicitors, and once again, official/public sources are some way down the list (with ACAS being the prime such source).

¹ Analysis of this latter distinction was undertaken by personal characteristics (not shown in the tables here), which revealed some tendency for certain groups to prefer to go straight to sources of advice other than the employer first. In particular, this was true of ethnic minority respondents, people in non-managerial and professional occupations, and trade union members.

² This partly reflects the question structure, *ie* those who initially chose the employer option, were asked here for their second advice source.

Table 10.24: Potential advice sources

	% of those who would seek advice
Citizens' Advice Bureau	54.2
Trade union	39.6
Solicitor	28.3
Personnel/HR officer/manager at work	15.3
Friend or relative with specialist knowledge	7.4
ACAS	6.2
ETS	3.9
Jobcentre	2.2
DTI	2.0
Other legal representation	1.0
EOC	0.7
DRC	0.7
Website	0.4
Other specialist advice centre	0.4
Telephone helpline	0.3
CRE	0.2
Don't know	7.0
Unweighted base (n = 100%)	933

Note: respondents could cite more than one source of advice, so percentages sum to more than 100%

And as with those who had actually experienced a problem (Table 10.11 above), when asked what they would hope to gain from the advice source in question, respondents' replies were dominated by the expectation of receiving legal advice on the one hand, and practical advice about how to tackle the problem on the other (Table 10.25).

This group were then asked, having sought further advice:

'If you were advised or decided that you would need to take the matter further, perhaps to a tribunal, would you be prepared to do so?'

Table 10.25: What they would hope to gain from contact (potential sources)

Information/advice anticipated from potential sources	% of those who would seek advice
Information/advice about my legal rights	48.2
Information/advice about ways to solve the problem	34.6
Justice/redress	30.2
Information/advice about procedures/what to do next	25.8
Information/advice about who to contact/where to get help	16.9
Someone to represent me in tribunals	9.2
Advice about how much it might cost me	6.3
Other	6.0
Unweighted base (n = 100%)	933

Note: respondents could give more than one response, so percentages sum to more than 100%.

As Table 10.26 shows, the propensity to take action in such circumstances is very high — nearly all these respondents said that they would be prepared to take the matter further if so advised.

Table 10.26: Would they take action if advised to do so?

Take action if advised?	% of those who would seek advice
Yes	96.3
No	3.7
Unweighted base	933

Respondents who said that they would not take action, either initially (see responses in Table 10.22 above), or after receiving an unsatisfactory response from their employer (see Table 10.23), or after having been advised to take action (Table 10.26), were asked why they would not take action.

Table 10.27 shows that, as in the case of people who had had a real life employment problem and not taken action (Table 10.21), the most commonly cited reason was that respondents did not think that taking action ‘would be worth the hassle or aggravation’. And, as before, the second most common reason related to lack of confidence that taking action would solve the problem — this scepticism was more extensive among those who had actually experienced employment problems (Table 10.21) than among all respondents when asked to imagine such a situation (Table 10.27).

Finally, all respondents, having been asked about their likely responses in a situation in which they believed their employment rights were violated, were asked how confident they felt that they would receive justice through the system.

Table 10.28: Reasons why respondent would not take action (potential situation)

Reason	% of those who would not take action
It wouldn't be worth the hassle/aggravation	45.3
Don't think it would solve the problem	13.9
I'd be afraid that it could affect my future employment prospects	12.5
Alienating other employees/management	10.9
I'd be afraid of losing my job	10.2
I would be worried about the potential costs of legal or other representation	7.6
No faith in the system	5.1
I'd be afraid of receiving a bad reference	4.6
Not confident that I would be treated fairly	3.8
I'm prepared to accept some degree of discrimination as the norm	2.8
I'd be worried about potential treatment by other colleagues	2.6
Other	10.8
Don't know	6.0
Unweighted base	110

Note: respondents could give more than one response, so percentages sum to more than 100%.

Over half were confident or very confident, a third were not sure and only around 15 per cent were not confident of receiving justice (Table 10.28).

Table 10.27: Confidence in obtaining justice through the system

	% (all respondents)
Very confident	10.7
Confident	41.5
Not sure	33.1
Not very confident	9.9
Not confident at all	4.7
Unweighted base (n = 100%)	1,000

Table 10.29 looks at confidence in receiving justice by respondents' personal characteristics, and shows:

- men are generally more confident than women
- similar proportions of white and non-white respondents report being either 'confident' or 'very confident' of obtaining justice, and non-white respondents are especially likely to report being 'very confident' (but small cell sizes among non-white respondents dictate caution in interpreting this finding)
- there is no strong age pattern, but generally speaking older respondents are slightly more confident of obtaining justice

- there is no clear pattern by educational level
- there is no clear pattern by parental status — parents are less likely than non-parents to report being ‘confident’ of obtaining justice, but more likely to report being ‘very confident’
- those with caring responsibilities exhibit higher than average degrees of optimism about receiving justice through the system, and
- there is no difference between disabled and non-disabled people in their expectations of justice through the system.

Table 10.29: Confidence in obtaining justice by personal characteristics

Personal characteristics	Degree of confidence					Unweighted base
	Very confident	Confident	Not sure	Not very confident	Not confident at all	
Gender (%)						
Male	13.6	42.3	29.8	10.2	4.1	444
Female	6.9	40.5	37.4	9.5	5.7	556
Ethnic origin (%)						
White	10.2	42.2	33.3	9.8	4.5	949
Non-white	20.4	33.3	31.5	13.0	1.9	45
Age (%)						
16-25	9.2	31.2	45.4	5.0	9.2	139
26-35	10.8	39.2	37.1	9.0	4.0	273
36-45	9.3	41.3	36.4	10.0	3.0	276
46-55	12.6	54.3	18.4	10.8	4.0	228
56-64	13.7	34.2	24.7	20.5	6.8	81
Highest qualification (%)						
No qualifications	16.3	35.7	30.6	15.3	2.0	150
NVQ 1	11.4	43.2	28.4	13.6	3.4	96
NVQ 2	10.8	41.3	36.8	8.0	3.1	221
NVQ 3	7.8	45.1	32.7	7.2	7.2	173
NVQ 4	9.1	41.6	33.2	10.5	5.6	283
NVQ 5	14.5	39.1	27.5	10.1	8.7	66
Parent? (%)						
Yes	12.8	37.9	33.8	10.6	4.9	620
No	7.3	47.6	32.0	8.9	4.3	380
Caring responsibilities? (%)						
Yes	18.3	43.9	20.7	14.6	2.4	84
No	10.0	41.4	34.2	9.5	4.9	916
Disabled? (%)						
Yes	10.7	41.3	36.2	7.7	4.1	99
No	10.6	41.7	32.4	10.4	4.9	898

Note: all percentages are row percentages.

Table 10.30: Confidence in obtaining justice by employer characteristics

Employment characteristics	Degree of confidence					Unweighted base
	Very confident	Confident	Not sure	Not very confident	Not confident at all	
Occupation (%)						
Managerial/admin	12.2	40.7	31.4	10.5	5.2	183
Professional/technical	7.1	53.6	24.3	9.3	5.7	196
Assoc. professional/technical	14.3	40.8	36.7	3.1	5.1	96
Clerical/secretarial	13.9	32.1	32.1	11.7	10.2	158
Craft/skilled manual	8.8	34.2	43.9	9.6	3.5	84
Personal/protective services	9.9	49.5	24.2	12.1	4.4	71
Sales	8.3	38.1	46.4	6.0	1.2	69
Plant/machine operatives	*	40.8	32.9	*	*	28
Other unskilled	7.9	42.9	31.7	15.9	1.6	101
Sector (%)						
Primary & extractive	*	42.1	47.4	10.5	*	21
Manufacturing, utilities & construction	10.2	44.5	34.8	7.8	2.7	198
Distribution, catering, transport etc.	13.8	41.4	27.2	12.1	5.4	234
Business and financial services	7.5	43.0	41.9	7.5	0.0	99
Public admin, education and health	12.2	42.4	29.7	10.5	5.2	313
Other services	10.0	45.0	26.7	8.3	10.0	68
Size of workplace (employees) (%)						
Under 15	10.3	34.2	35.6	15.8	4.1	173
15-49	9.7	48.9	21.6	13.1	6.8	198
50-199	13.5	44.4	32.4	6.8	2.9	211
200-499	6.9	43.8	38.2	8.3	2.8	123
500-1999	7.2	53.2	29.7	6.3	3.6	105
2000+	18.1	37.3	30.1	7.2	7.2	91
Employment status (%)						
Permanent	11.2	44.0	31.0	9.7	4.1	885
Temporary	8.5	24.0	47.3	11.6	8.5	102
Working time (%)						
Under 16 hours p.w.	3.8	39.6	45.3	11.3	-	75
16-34 hours p.w.	9.0	49.6	29.3	9.0	3.0	174
35 + hours p.w.	11.5	40.4	32.8	10.0	5.2	751
Union membership (%)						
Member	12.4	50.0	24.8	9.2	3.6	333
Non-member	10.5	37.8	36.5	10.0	5.2	642
Hourly rate of pay (%)						
Less than £5.00 an hour	9.2	38.7	35.3	9.2	7.5	188
£5.00 to £7.40	13.9	44.8	28.5	9.1	3.6	173
£7.40 to £10.96	9.6	47.8	29.8	10.1	2.8	171
£10.97 and more	14.1	36.8	32.5	12.3	4.3	171
Statement of terms & conditions? (%)						
Yes	11.5	42.9	32.4	8.6	4.7	820
No	8.0	34.8	34.8	16.7	5.8	155

Note: all percentages are row percentages.

Table 10.30 repeats the analysis by employment characteristics, showing:

- Those in higher level and non-manual occupations have generally higher confidence in receiving justice than those in lower skilled and manual occupations.
- Permanent and full-time employees have more confidence in receiving justice than do temporary and part-time staff.
- Union members are more confident than non-union members.
- Those with written statements of terms and conditions are more confident than those without.
- There is no clear pattern by sector, size of workplace or hourly pay rate.

Lastly, there is no evidence that experience of employment problems damages people's faith in receiving justice through the system (Table 10.31). The proportion of those who have experienced such problems who are confident or very confident of receiving justice is virtually identical to the proportion among those with no experience of problems; and, if anything, the former group is somewhat skewed towards those who are very confident.

Table 10.31: Confidence in obtaining justice by experience of employment problem

Experience of problem	Very confident	Confident	Not sure	Not very confident	Not confident at all	Unweighted base
Had experience of a problem (%)	15.0	35.6	29.4	8.8	11.3	164
No experience of a problem (%)	9.9	42.7	33.8	10.1	3.5	836

Note: all percentages are row percentages.