

## **Rapporteurs' Report**

### **Voice and Representation at Work**

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#### **Introduction**

When we called for papers on 'voice and representation at work', we noted that, in most English-speaking countries, this phrase had for many years been practically synonymous with trades unionism, but that this is no longer the case, with unions representing at best a third of the paid workforce. In Australia, the fall has been particularly marked after more than a decade of structural change and steadily growing hostility from employers and a neo-liberal state. Even in those European countries with deeply entrenched social-democratic traditions and long-standing partnership arrangements, once powerful unions now struggle to exercise power for their members. In developing countries, massive challenges are posed by changes to finance, labour and product markets along with global integration and transient labour. In all these societies, various forms and expressions of collective voice have survived and others are emerging, often underpinned by new or refashioned forms of state intervention.

The papers focussed on four areas which, as it happens, are represented by our four plenary papers. First, the largest batch examined the structures and processes of voice itself, most notably in Europe and most notably from there in regard to works councils. Second, reflecting widespread changes in the paid workforce and in gender relations, there was a set of papers about women in unions, union leadership, and gender-based research itself. Third, there was a series of papers on what (admittedly loosely) might be called agency. Papers in this category assess aspects of labour rights, the organising of migrant labour, the meanings of partnership, and decollectivisation and union avoidance. Fourth, was a smaller set of papers casting new light on an old term, solidarity, be it in terms of conceptual underpinnings, scales of mobilisation or political campaigning.

In this report, we attempt to draw two things from the papers which seem to us the most provocative: how scholars can learn from the work of others in different spaces and, more generally, what sort of useful questions are posed, or approaches suggested, for the development of research around voice and representation. Before turning to these four areas, we comment on the keynote paper delivered by Ed Heery.

#### **The keynote: Debating worker representation**

In this thoughtful piece, Heery addresses two contentious and vital issues: first, union power and identities and, second, non-union institutions of representation.

Heery shows that in the years of membership crisis, scholars have sought to explore two key issues: the ways in which unions have tried to develop new sources of power and how they have responded to identity politics. He takes an innovative and challenging approach to this familiar territory, casting union organising and coalition-building as responses to neo-liberalism, responses invited by the loss of the sources of union power – essentially state and employer recognition – for much of the twentieth century. He briefly alludes to these responses under the rubric of 'neo-syndicalism', though of course this is a form without the political intent of 'old' syndicalism. At the same time, he says, scholars have attempted to address union interactions with 'newly assertive identities' among employees and to reshape organisational shape and policy. This area, he argues, needs more analysis but, most importantly, he suggests that our understandings and practices of union democracy are

shaped by diversity in new ways. Furthermore, the two bodies of work – power and identity – have tended to develop in isolation from each other. Only by examining both of them can we understand not only current union form but also non-union forms of organisation.

The second part of the plenary paper looks at the emerging debate over non-union forms of representation, and suggests that (as indeed the papers herein show) there is a growing interest in these, be they works councils, employer-sponsored forms of participation or community organisations. Heery suggests that the relationship between these institutions and unions is not reducible to any single characteristic but that several, quite distinct patterns are emerging. In the equally contentious area of assessing the effectiveness of these forms, Heery offers a challenge, and a path, to others – using the concept of ‘interests’ rather than preferences as a way ahead. Some of the issues raised by Heery are discussed in other papers, as well they might be, because they offer important insights and promising points of departure for understanding a number of elements of voice and representation.

## **Voice**

The plenary paper by Terry *et al.* provides a stimulating entrée to the questions of voice in general and European forms of employee involvement in particular. If the introduction of information and consultation procedures in the European Union (EU) has been relatively uncontroversial in continental Europe, the same cannot be said of the UK. The Information and Consultation of Employees (ICE) directive which implemented EU policy has applied since April 2005. These regulations give employees the right to be informed on a range of business and employment issues. In the voluntarist UK setting (and by extension in other countries which have had a reluctance to legislate for employee involvement), the directive was opposed by the government and employers. Nor was it warmly welcomed by unions for whom it seemed to pose threats of marginalisation (again reflecting tensions experienced in other countries). Against this backdrop, Terry *et al.* find that the ICE has been used more as a ‘legislatively-prompted unilateralism’ than the ‘legislatively-prompted voluntarism’ which they had set out to explore. Apart from the general problem of assessing the arguably unintended consequences of public policy, how might we explain this outcome? For the authors, it reflects the long-standing desire of managers to maintain unilateral control. Managements have been *able* to prevail because of the lack of prescription in the legislation (notably the absence of formal obligations on employers) and, it is argued here, unions have not been on the offensive to try to maximise the potential for representative or organising rights. Thus, despite the emphasis on mutuality and formal adherence, ‘if employees and unions are reluctant to initiate the Regulations’ procedures, the scope for unilateral managerial action – or doing nothing – remains wide’.

Plainly, there is scope for further research into the national and local impacts of these supra-national policy directives. Gold argues that precisely such an approach is needed – going beyond institutional comparison to explore the practices developing in member states of the EU. More specifically, he proposes using the concept of ‘functional equivalence’ to compare what employee representatives actually do in specific settings ‘and how and where they do it’. Bull *et al.* have investigated the ICE regulations in another way, by survey and case studies. Their work shows that the workplace parties who are involved in ICE initiatives are typically enthusiastic about them but their paper goes on to address the fundamental question in much other research: the extent to which initiatives engender real voice on issues of substance. Their scepticism is palpable.

The growing scholarship on consultation in general and ICE in particular builds, of course, on a massive body of research in Europe on works councils, a set of institutions ranging from the workplace to the EU itself which have been as pervasive in European thought and practice as they have been rare elsewhere. Nonetheless, similar bodies *have* existed in other

times and places. Patmore reminds us of this, and by implication of the need for historically-grounded analyses of contemporary phenomena, in his study of Employee Representation Plans in the inter-war period in the USA and Canada. He examines plans which were essentially an anti-union device, and which enjoyed considerable success. State intervention undermined them and unions saw through them.

The importance of the interaction between the state and different forms of voice is clear too in several accounts given in these papers of work councils and other forms of voice. Van Wanrooy and Wright use extensive *Australia@Work* survey data to explore how bargaining voice can be muted. They show that vulnerable workers remain marginalised in bargaining and argue that this points to the ongoing importance of nationally mandated minimum standards (the award system in Australia). Mohrenweiser *et al.* provide useful insights here in their paper on the 'trigger mechanisms' for the establishment of works councils. They show that this question – which links policy intent with outcome – is both important and under-explored. They find that the 'workforce alone' is the most common trigger. Interestingly, this most frequently happens where 'organisational shock' has been experienced. Like the other papers which are suggestive of novel ways to approach familiar questions, this one provides an approach which other scholars might adopt or adapt: it uses the concepts of 'risk protection' and 'rent protection' to good effect. In a sense, the other side of the coin is studied by Lucking and Withall who, among other things, discuss why it is that employee representatives *do not* set up European Works Councils. In brief, they argue that this is because of a lack of knowledge, limited resources and cultural barriers. This immediately brings to mind other questions, notably about unionisation, to which similar answers might be given. Brewster *et al.* examine the relationship between different forms of voice, in this case works councils, joint consultative committees and unions. Their survey goes to the heart of the issue for many scholars (and for unions): they ask if these forms of voice are a threat to unions and they find no evidence that they are. Works Councils and joint consultative committees are associated with unions regardless of business systems.

Many of these papers raise (or imply) questions about the wider social context in which voice is expressed. In a paper rich with potential, Johnstone *et al.* take us in this direction in their study which urges a reconsideration of the ways in which we evaluate 'partnership' in the UK. As important a project as this is in itself, the wider value of their study lies in the approach taken. They argue that this evaluation should include understanding the processes and also the outcome of partnership – and they use Budd's 'efficiency, equity, voice' framework to do so. They argue that Budd's model is very useful, posing still greater challenges to the traditional pluralist approach to study of employment relations than might seem to be the case, most notably around the long-noted but less-analysed question of social power.

Most of the papers in this section are accounts of policy and process with either an institutional or top-down approach. Four papers attempt to examine new 'bottom-up' forms of voice, and, in so doing also offer fruitful lines of inquiry for other researchers.

One such is Heery *et al.*'s paper on civil society organisations – institutions 'that are formally independent of government, business and trade unions ... are non-profit making ... and which engage with and seek to represent the interests of people engaged in paid work'. This study focuses on such organisations in the UK, seeking to map how they represent workers but also to explore to describe their relationship with unions. Including relationships that are independent or even conflictual. This is important work because it suggests that 'an increasingly multi-form system of worker representation' requires new tools of analysis.

In a similar vein, Holgate *et al.* focus on communities as they analyse migrant workers' voice through non-union forms. In this project – which is very compelling indeed – they explore how Black and ethnic minorities workers in the UK seek support in relation to workplace issues. With 120 interviews in three local communities (of Kurds, South Asians, and Black

Carribeans) in particular regional areas, they examine the lives and labour of workers, and the experiences of advocates in the 'third sector' such as legal centres, churches, and neighbourhood centres to whom they turn in times of employment 'trouble'. For a range of reasons such as union decline, collapse of collective bargaining, and lack of funding for other advice centres, these workers have a lot of trouble accessing advice about workplace problems. These interviews reveal strong perceptions that unions are failing members who have been ineffective in taking up particularly discrimination cases. Equally, community based organisations were under-funded. Unions remain important organisations for the provision of advice and representation and, the paper suggests, need to become visible in these communities again.

The other two works in this vein are Swedish papers seeking to shed light on how voice is now being perceived in that country. Bengtsson and Bergland find, over the last decade, a slight decrease in the importance of unions for employees and a minor increase in employee willingness to negotiate individually. Overall, unions still constitute a relevant social force and are needed for successful negotiations. However, the authors suggest that the collectivism that came with class may be in decline. Furaker's more micro-study returns to core questions in the scholarship around voice to examine the extent to which employees express either exit or voice and how and when they consider working conditions to be inadequate. How *willing* are employees to express dissatisfaction – and to whom (and with whom) is that expressed? This paper answers these questions by using the concepts of commitment and fear as well as more familiar frameworks based in exit, voice and loyalty.

For others, the core questions turn on the incidence and efficacy of joint consultation. Pyman *et al.* find that for Australia it has declined in the 2000s, but it remains 'durable'. Tellingly, employees perceive a decline in the effectiveness of these processes. Jones ties the question of voice to the issue of 'employability skills'. The increasing demands by employers for particular graduate attributes such as the ability to express one's self seems to call for investigation of what this means for voice. At first, the two would seem parallel but is this so? Much of this scholarship can be tried to the work of Olivier and Kalula who argue that, regardless of specific form, voice mechanisms must meet two criteria to be effective in and outside the workplace: both stakeholders must support and seek the involvement of the other; and there must be a strong legislative framework to overcome any resistance. This is suggestive of approaches not simply to voice but also to partnership.

Finally, we turn to an interesting trio of papers which explore the connections between voice and work quality. Clark and Clark investigate the role of employee voice in the quality of healthcare and seek to probe precisely these connections. Knudsen *et al.* report on how worker voice affects the quality of the work environment. They take us back to first principles in asking whether *democracy* is really enhanced by current forms of involvement and whether (or how) this might lead to a better work environment. Most interestingly, they find that participation (direct and representative) has a positive effect on the quality of the work environment, but is no guarantee of it. Their method – based on 'participation profiles' – is original and suggestive. Some of these authors are also working with Markey *et al.* on a study of the impact of representative employee participation on the work environment and business outcomes of hotels in New Zealand and Denmark. They, too, find that representative employee participation has positive effects but they also point to major differences according to the national setting and the particular goals and strategies of any scheme.

## **Gender**

Parker and Foley's plenary paper reports on work that we find compelling because it takes a new approach to familiar questions about women workers and unions. These questions were

the focus of much attention by activists, historians and sociologists in the 1970s though perhaps less so in mainstream industrial relations. As women have come to the paid workforce in just about the same proportions as men, so too, in most countries, has their rate of union membership. Yet, in many cases, including Australia's, women's role in leadership positions may actually have declined in the recent past. Important questions about voice in unions themselves, about the 'maleness' of unions and the rise of 'equality bargaining' are being explored by a number of scholars.

Here, Parker and Foley examine the role of women's groups as formal structures in unions in the UK and Canada. By being part of the union rather than a group outside of it, participants feel that there is a positive contribution to membership (although, admittedly, finding it difficult to quantify). These groups have been important as sources of mentoring and politicisation for women, not least through courses which have encouraged women's ambitions. The progress in women's representation might best be described as 'patchy', but at the very least the groups have helped to 'limit losses', say Parker and Foley, and are perceived as having a 'springboard' effect for women's active participation in the wider union.

This plenary paper meshes nicely with the work by Baird *et al.* which goes inside university unions in Australia and the USA to analyse the processes of negotiation over work and life policies. Dealing in part with contextual, historical and structural differences, the paper follows the work of others in assessing union strategy towards flexibility. Unions may use their 'monopoly power' only to negotiate general leave benefits; they might respond more fully to membership needs and negotiate leave and schedule flexibility provisions; they may actually facilitate the adoption of these policies. The paper focuses on an additional and novel idea – that unions may 'empower' members not only by these means but also through becoming agents able to facilitate problem-solving between members and supervisors. Among the key findings are that the 'differential effects of union presence and support' are vital in how work-family is resolved. The level at which bargaining takes place also shapes the latitude that supervisors enjoy. In focussing on the bargaining approaches adopted by unions themselves, the paper also reminds us of the importance of gender politics in how internal union agendas are constructed.

The experience of women in other national union movements receives attention in papers by Yuki and by Kaminski and Yakura. For Yuki, the site of the study is Germany and the subject is the position of women in that country's labour market and, more particularly, the ongoing concerns of women unionists for equal pay. In our view this is a reminder that as well as the current research focus of work and family and flexibility, the question of decent pay rates for women in many sectors and many countries remains as important as ever. Kaminski and Yakura examine unions in the USA and ask why it is that, if the leadership of unions should look like the membership, the leadership has *not* reflected the massive influx of women and people of colour into the labour movement? Women make up 46 per cent of the labour force and 44 per cent of union members but only 21 per cent of AFL-CIO executive council and 20 per cent of the leadership in Change to Win. This paper asks the important question of why this matters and goes on to suggest that unions do improve the material conditions of women workers – 'union women' earn about 30 per cent more than non-union – that women so pursue different issues and that the current crisis demonstrates the need for new leadership styles, for transformative leadership in particular. This paper provides a good framework for similar and comparative analyses.

To conclude, we summarise one paper which provides a conceptual frame with considerable potential power. McBride *et al.* build on work which has argued for a greater engagement with feminist concepts and methodologies. After a small but significant number of interventions by feminist scholars, it does indeed seem that this work has stalled. As we have suggested, Foley and Parker suggest one way forward. In another important contribution among these papers, McBride *et al.* propose that 'intersectionality' provides a useful way to

rethink and advance the debate about gender and indeed other social divisions. These divisions can be expressed in specific organisations such as individual unions where specific relationships among people as, say, union activists and officers are played out. Equally important they argue is analysis of 'the experiential', that is, of how exclusion, disadvantage and aspirations play out. Finally, these divisions can be examined in terms of images, texts and ideologies.

## **Agency**

Although much scholarship takes the existence of unions as a given (if a shaky one), the fact is that for every employee who becomes a unionist, this is a point of beginning and the result of an active choice on their part. In his plenary paper, Budd asserts that we know little about the truly vital moment when workers first experience unionisation. To unpack this problem, Budd follows a cohort of individuals in the USA from their first job to age 40. His original research tells us that a membership and bargaining coverage system which assumes security and longevity of employment may not work in the 'new' labour market. For example, by the time they turned 40, employees in this study had held no less than eleven jobs. Because workers frequently experience 'first unionisation' very early in their working lives, being treated poorly by unions has serious knock-on effects for their subsequent opinions of unions. This study poses major questions for researchers and of course for unions. Budd suggests that a possible solution to the problems implicit in his findings is what might be called a life-cycle approach, one which also looks for 'windows of opportunity' within this trajectory. At certain moments, there are opportunities to build union influence and there is the capacity to create relationships which will lead to workers 'rusting on' to unions.

This paper nicely encapsulates the argument that neither unions nor employees (nor other social actors) come to the world of work as free agents: each has a personal and institutional history. Nonetheless, as circumscribed as they are, unions do have agency, they do act. The rest of the papers we discuss here highlight different aspects of how and why unions (and other important actors) do what they do, in a range of contexts.

How unions act (or should act) as agents of representation in a global world is, in broad terms, seen by many researchers as the key overarching industrial relations question of our era. However, exactly what globalisation means for labour is not always clearly defined nor is sufficient attention paid to the continuing specificities of industry, place and union. A core component of globalisation is of course labour mobility. One paper which does address these matters and places union agency in all these contexts is Eldring *et al.*'s investigation of membership and organising strategy in relation to newly arrived migrants from central and eastern Europe. Their comprehensive and important study of construction worker unions in the UK, Norway and Denmark suggests that it is possible for unions to build powerful and integrative relationships with migrants, but that, when migrants are used as low-wage workers, 'crucial dilemmas' arise. Important questions arise about inclusion, union resources, 'social dumping', and the building of social alliances.

Clearly other agents – including employers and the state – can exert a critical influence upon what unions do through the exercise of their own agency. Three papers, in different national settings, explore aspects of this problem. Yildirim and Uckan discuss employer attempts to avoid or to suppress unionisation in Turkey. They identify four key strategies: dismissal of activists; exploiting inter-union rivalries; strike postponements; abuse of strike ballots. Their paper highlights the important ways in which the state can enable and mould employer anti-unionism in significant ways. The resonance with other countries is striking. Gall investigates one aspect of the 'dark side' of employer agency: the victimisation of lay union activists. He argues that during the decade to 2009, this was a significant and growing problem, requiring greater legal sanction. This too speaks to a wide audience because this kind of anti-unionism

has been very important in many industries and places in the recent past – and of course continues to be so. Gonzales *et al.* describe Argentinean unions' structure and affiliations, seeking to answer the question of how the political and economic context influences union membership. In this country, the question is what explains an *increase* in union members. The authors' findings give pause for thought in the wide debate about union agency for they suggest that union strategies are not the most important part of the answer. The paper argues that 'exogenous factors are a more suitable explanation for this. In broad terms, the impact of the increase in the employment rate in the formal sector, which is covered by unions' collective bargaining agreements, is of prime importance and, at a more detailed level, the geography and strategy of major employers are also vital.

## **Solidarity**

Hansen's plenary paper argues that while solidarity has been a key term in the study of unions and the labour movement, the focus of study is much more often on 'solidarity practices' than on the conceptualisation and theorisation of solidarity. What does solidarity mean in general, and what does it mean when so much academic and popular discourse is constructed around two quite different terms – globalisation and diversity? The former is a familiar contextual problem in explanations of union decline in many countries; the latter often seen as a fatal post-modern challenge to organisations like unions.

Hansen sets out on an ambitious journey to deal with these issues. She begins with the 'meta-theoretical level' dealing with these problems, the issues of what solidarity means 'in a world of diversity'. Building on the work of sociologists, she comes back to the discipline of industrial relations to explore other, cognate terms – collectivism, community, and common interests – before going on to discuss newer conceptualisations such as 'unity in diversity', 'action communities', 'dialogical and reflexive solidarity' and 'organic solidarity'. She then addresses solidarity *practices*, concentrating on an empirical study of itinerant female domestic workers and maids in different European countries to draw out the implications of her argument. Perhaps the most important question to emerge (among many) is about how to frame solidarity both in theory and practice.

Turning more closely to the nature of solidarity amid globalisation, Greer and Hauptmeier's paper is a very interesting attempt to deal with these issues and with some of the questions raised by Hansen. There is much food for thought here as the authors explore one of the best developed examples of international solidarity in a globalised industry. The paper looks at the transnational worker cooperation strategies seen throughout General Motors in Europe. It shows that the premise of action has been to avoid workers making concessions and also to prevent plant closures and job losses. Identifying a shift in the 'ideational' underpinnings of union strategy, Greer and Hauptmeier show that traditional union identities (based on national institutions) have been undermined in Europe by internationalisation. The question is: what has appeared in their stead? The paper traces the development of a transnational identity, showing how it underpinned and led to collective action. From this conceptually rich and well-grounded paper, others may well draw conclusions (or at least ask new questions about) how worker mobilisation can develop at new scales.

For their part, Wad and Tackney point to the enormous impact which transnational companies can have on the ability of workers to achieve collective bargaining and recognition. However, this paper quite rightly cautions against seeing powerful corporations as *all* powerful. After all, local judicial and industrial frameworks as well as social and norms can be critical in mediating outcomes for unions. There is scope, they suggest for the 'integration of labor unions within a global industrial relations'.

Similarly (and again in line with some of the meanings of solidarity raised by Hansen), Greer and Turner examine union coalition-building as one response to the fundamental and enduring problems facing many union movements. This study compares German and US evidence across ten cities to examine this response. What makes this approach innovative and, we believe, compelling is that it eschews the more or less standard assumption that the nation-state is or should be the level at which comparisons are made. Instead, it is the city itself that is the unit of analysis. This means that the study can draw upon a wealth of scholarship about 'the city' in making its comparison between the experiences of English-speaking and continental European unionism. It points, as we think other scholarship could do more, to the importance of geographies of labour – that is, the question of not just how union power is built but *where* it is built.

Finally, bearing in mind that it remains the case that the nation-state *is* a scale at which solidarity is built we turn to Ellem's paper on the union campaign in the lead-up to the most recent federal election in Australia in November 2007. This paper shows how that campaign was couched in terms of community to defeat a previously invulnerable government which had introduced a series of aggressive anti-union laws in 2005. This expensive, complex three-year campaign saw unions seeking to locate and develop new sources of power and harnessing marketing, media and message in a disciplined way while, at the same time, articulating powerful rhetorics of solidarity and community. The political success of the campaign provides lessons for other unions; so, too, do its limitations, notably in failing to build sustained community links and promote union growth.

### **Concluding thoughts**

The submissions which we received revealed that, for the most part (though not universally), national or at best continental levels of analysis continued to characterise research into voice and representation, arguably reflecting the continued lived reality of both unionism and employee voice more broadly. We had anticipated that we would receive studies of what might be called 'union agency', specifically, organising, bargaining, mobilising and, on the other hand, the anti-unionism of union busting and union substitution. Likewise, we expected many papers about traditional questions: voice and the state; re-conceptualisations of theory and history; explorations of intersections of gender, class and race; studies of global representation and new forms of representation. In the event, things turned out rather differently. Interestingly, there was little on collective bargaining (though admittedly some of these issues are taken up in Track Four) and, surprisingly little on organising or mobilising; and still less on the intersection of the state and trade unions – though many papers examined the ways in which the state regulates *non-union* voice.

We are delighted to present the 'Voice and Representation at Work' papers to the Congress.