Worker Representation through Civil Society Organizations: Evidence from Britain

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INTRODUCTION

This paper examines a neglected actor in industrial relations (IR), civil society organizations (CSOs) that are non-profit seeking and formally independent of the state (Hutter and O'Mahoney 2004). Organizations of this type include charities, campaigning and advocacy bodies and other non-government organizations. British examples are Age Concern, The Age and Employment Network, Amnesty International UK, Arthritis Care, Carers' UK, Citizen's Advice, the Fawcett Society, London Citizens, the Migrant Rights Network, RNID, Stonewall and Working Families. CSOs of this ilk warrant examination because increasingly they engage with the interests of working people and seek to improve both substantive employment conditions and the complex of regulation in which employment is embedded. They are institutions of worker representation, though of course the activities of many CSOs extend well beyond the world of work and they are not concerned solely with the workaday selves of the clients and constituents they aspire to represent.

Although CSOs have suffered relative neglect they have been the focus of a growing body of IR research. This has included studies of individual organizations, such as Citizen's Advice and London Citizens (Abbott 2004; Holgate and Wills 2007), and of wider social movements that have generated CSOs, such as the living wage movement (Luce 2004; Pollin et al. 2008). In the literature on trade union revitalization, moreover, there has been a strand of research that has examined union-community coalitions (Frege, Heery & Turner 2004; Tattersall 2005). CSOs have also begun to feature in IR theory. Piore and Safford's (2006) argument that we have witnessed a transition from a collective bargaining to an 'employment rights regime' allots a central role to identity-based CSOs in generating this change, both by pressing government to legislate and ensuring employers comply with new statutory requirements. Another example is Freeman's (2005) attempt to theorize CSOs themselves, institutions that he characterizes as 'non-worker organizations'. Their defining feature, he suggests, is that they are not membership organizations of workers but rather seek to act on workers' behalf – 'fighting for other folks' wages' – and this shapes their goals, modes of action, forms of leverage, and social legitimacy.

The examination of CSOs in Britain that follows is exploratory and is of necessity descriptive. The purpose is to map the pattern of worker representation through institutions of this kind. To this end, seven discrete features of the representative role of CSOs are explored. We consider, in turn, the extent to which CSOs seek to represent workers, the factors that prompt representation, the types of worker they seek to represent, the types of relationship they develop with these workers, the main methods of representation that are used, the relationship of CSOs to trade unions, and the outcomes of their activities within the British IR system.

While these questions are exploratory and descriptive they are not completely innocent of theoretical speculation. To provide one example, the question of the origins of the workplace role of CSOs has been conceived of in two main ways. For writers like Piore and Safford (2006), the engagement of CSOs with worker interests forms part of a broader shift in the 'axes of social mobilization'. On this view, CSO attempts to shape the employment relationship are an expression of deep-seated social change and the emergence of identity-based social movements. A different, though not necessarily opposed, position can be seen in the politics literature on new forms of governance (Marinetto 2007: 57-63). Governance in the 'decentred state', it is suggested, relies upon the participation of extended networks of institutions that share in the process of policy formulation and implementation. The involvement of CSOs in employment regulation may therefore be regarded as an adaptation to this changing form of governance; a response to an opportunity furnished by the state. With regard to this specific question therefore there are distinct propositions that can be derived from the theoretical literature: one emphasising 'push' from underlying social change and the other pointing to 'pull' from the changing structure of the state.

RESEARCH

The research on which the paper is based has embraced three main elements, with data collection taking place in 2006-2008. First, we carried out a survey of the websites and published reports of UK CSOs, collecting standard data on 357 cases. Second, we carried out a postal survey of 422 CSOs, which yielded 139 responses, equivalent to a response rate of 32.9 per cent. Finally, we developed interview based case-studies of clusters of CSOs that deal with particular issues. The four clusters were equality and anti-discrimination, employment rights and worker advocacy, work-life balance, and employer regulation. The interview research was focused on chief executives and key policy officers and consisted of 47 interviews, with 51 respondents, drawn from 34 separate CSOs. Our study therefore embraced both a broad coverage of worker representation through CSOs and more detailed, comparative analysis of CSOs engaged in the same types of activity. The main data sources used in this paper are the questionnaire survey and the interview-based case material.

EXTENT OF REPRESENTATION

Of the CSOs that responded to the questionnaire survey, more than 90 per cent reported that they were involved in work and employment issues and three-quarters said that work of this type was a 'major', 'primary' or 'sole' concern of their organization. Among those engaged in work and employment issues, 45 per cent reported that activity of this kind had become more important in recent years, while fewer than one in ten claimed the reverse: that work and employment were becoming less important. In some of the larger CSOs, this aspiration to represent was backed by the allocation of resources – the development of formal employment policies and the appointment of staff with dedicated responsibility in this area.

Our research therefore established that the workplace had salience for many CSOs and that involvement in this sphere was growing. They emerge as institutions with an expanding commitment to representing the interests of working people. There is a growing interest at present in 'new actors' in industrial relations (Freeman et al. 2005; Heery and Frege 2006; Michelson et al. 2008) and CSOs clearly can be placed within this designation. While many of the organizations we examined had a long history, others were newly created and collectively their involvement in IR was growing. More speculatively, it can be suggested that their expanding role is indicative of an institutional fragmentation within IR, part of a broader

'disorganization' of established national systems. Within the field of worker representation, in particular, there is now greater institutional complexity with a range of institutions, including CSOs, statutory bodies and employer-created systems, jostling to provide voice alongside trade unions.

ORIGINS

If CSO involvement in worker representation was growing, what lay behind this development? One answer is that institutions abhor a vacuum and that CSOs are filling a niche left vacant by trade union decline (Freeman 2005). While this may be true of some organizations, particularly those that provide a general advisory and advocacy service, there are limits to this explanation. CSOs often operate alongside trade unions and are not confined to the non-union segment of the economy and they frequently engage with interests that unions have either failed to address or are not equipped to deal with. To provide one example, RNID provides employment services to the British Sign Language community, a group that is widely dispersed and requires tailored representation. Arguably, large unions, dealing with the generality of employment issues, are not in a position to provide this.

One of the arguments outlined above is that CSOs are the institutional expression of new social movements and that their workplace role reflects this broader mobilization. Clearly there is much truth in this. As is demonstrated below, many CSOs define their constituency in terms of gender, disability, age, sexual orientation and other identities that have formed the basis of new social movements. There was only limited evidence, however, of CSOs being pushed into their employment role by mobilization from below within the current context. Of greater significance in explaining the development of employment-focused policies and activity was the emergence of new political opportunities. Government consultation, the development and implementation of legislation, the creation of public agencies and attempts to use third-sector organizations to deliver policy all created scope for CSOs to engage in worker representation. Many of these organizations monitor the activities of the state at European, UK and national levels and are attuned to opportunities to expand their role.

This monitoring aspect of the work of CSOs also points to another stimulus for their employment role. The three main reasons for getting involved in worker representation according to the questionnaire survey were that: key individuals in the organization's leadership had initiated policy, research findings had identified a policy need to be filled, and policy had emerged from the regular process of strategic planning. The CSOs that we researched were reflexive and strategic organizations that interacted with their environments. Some were aggressively entrepreneurial. Seeking out a role within worker representation therefore was a product of the nature of these organizations as well as of their environments.

CONSTITUENCIES

The existing literature on CSOs suggests that they tend to represent two types of constituency. The first of these is based upon 'work-mediated' social identities, such as gender, sexual orientation, age, disability, ethnicity or faith. Piore and Safford's (2006) emphasis on changing axes of social mobilisation provides an example. The second, overlapping category is comprised of workers in marginal or 'vulnerable' employment, such as casual and home-work. Migrant workers occupying secondary positions in labour markets are a notable example and have been the target of CSO activity in Britain and other countries (Fine 2006; Holgate and Wills 2007).

Both of these categories featured prominently amongst the types of worker represented by the CSOs we researched. The latter included organizations concerned with the interests of women workers (Fawcett Society, Wainwright Trust), lesbians, gays and bisexuals (Stonewall), older workers (Age Concern, The Age and Employment Network), migrants (Joint Council for Welfare of Immigrants, Migrant Rights Network), homeworkers (National Group on Homeworking) and the disabled (Arthritis Care, RNID). In addition to these two types, however, there was a third, notable category. These were carers' organizations (e.g. Carers UK, Daycare Trust, Working Families), concerned to represent interests at the intersection of working and domestic life. Their prominence arises from an important change in the substantive content of industrial relations, to embrace the relationship between the institutional spheres of home and work rather than to focus narrowly on the latter.

In contrast to these three types of constituency, relatively few CSOs reported that they represented workers on the basis of their occupation, industry or sector. The 'identities' that have lain at the heart of much trade union representation were not central to these organizations. Moreover, when constituents were defined in terms of occupation or industry this characteristic was often allied to another identity feature (e.g. Association of Women in Science and Engineering, Women in Manual Trades, Gay Police Association). CSOs are institutions of worker representation, therefore, but they define their constituencies – the interests they exist to represent – in ways that differ systematically from trade unionism. There is an emphasis on representing interests that encompass work and non-work roles and speaking for marginal workers whose interests have often been neglected by established institutions of worker representation.

RELATIONSHIP TO WORKERS

The literature on CSOs contains a sharp division on the relationship they develop with their constituents. On the one hand, Freeman (2005) has emphasised the fact that these are 'non-worker' organizations and act on behalf of rather than expressing the democratic wishes of working people. On the other hand, studies of particular CSOs have emphasised their capacity to mobilise workers in social movements (Holgate and Wills 2007). For Piore and Safford (2006), moreover, CSOs have played an important role in developing identity-based networks in employing organizations that play a part in mediating equality law.

Our research identified a complex pattern in this area with support for both positions. CSOs like London Citizens, with its campaign for a living wage, or the gay rights organization Outrage!, are committed to mobilizing their constituents in direct action to pressure government and employers. Stonewall, a more mainstream gay rights organization, was active in developing employer-specific networks amongst its activist-supporters. Moreover, several of the health and disability organizations that we studied had taken steps to strengthen their internal democracy and ensure stronger representation from their constituent group. Perhaps the commonest ways in which CSOs saw to involve constituents in their employment work were by encouraging self-help, a feature particularly of disability organizations, and the development of loose networks, that could form the basis of mutual help and support.

There is an emphasis on activism and engagement of workers in many of these organizations therefore and they did not seek to represent a passive constituency. Nevertheless, there is a notable difference with trade unions. Many CSOs are not member organizations or, when they are, do not restrict members to those we have called constituents; i.e. they include individual supporters, employers, trade unions, and other CSOs as well. Our survey evidence, in particular, pointed to

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a relative absence of peer-based representation, developing workplace organization and training activists for a representative role. Some CSOs approximate to unions in these areas but in the main their relationship to those they represent is very different.

METHODS

It has also been suggested that CSOs differ from trade unions in the methods they use. Heery et al. (2004) suggest that organizations of this type are likely either to concentrate their representative activity at the level of the individual worker, in the form of advisory or other services, or to focus on the state and engage in political action to secure favourable employment law. Unlike unions, with their strong emphasis on bargaining and dealing directly with employers at workplace, enterprise or industry levels, it is argued that CSOs will refrain from this 'meso-level' of representation. The distinctive feature of worker representation through CSOs, on this view, is that they will largely refrain from activity directed at employers.

Much of our evidence supports this argument. Many CSOs provide employment services to individual clients or members. These assume a variety of forms, which include: providing information on rights and services via leaflets, websites and helplines, acting as an advisor or advocate for workers with problems, providing development, mentoring, networking and other labour market services and providing workplace services, particularly to disabled workers that allow them to maintain their paid employment. It is common for particular CSOs to specialise in this area. There are dedicated advocacy organizations, organizations that emphasise skills and development, and those that concentrate on workplace support. In many cases though CSOs offer a broad set of individual services to their constituents to improve different aspects of their working lives.

CSOs are also very active at the level of the state. Methods used at this level include trying to shape the policy agenda through research and public relations, responding to government consultation on policy, and seeking to shape law as it is drafted and implemented. The dominant orientation to the state was that of an insider organization that was trusted by government and involved in policy formulation. Notwithstanding this, a proportion of CSOs reported taking test cases to challenge government policy and had engaged in demonstrations and other protest activity. Outsider organizations, however, committed to mobilising constituents and supporters against state policy, were a very small minority of the CSOs researched.

Possibly the most surprising finding of the research was that alongside individual and state level representation we encountered extensive dealings with employers. There was a meso-level dimension to the strategies developed by CSOs. The form of this encounter, however, differed from that seen in trade unionism. CSOs generally did not bargain with employers or negotiate collective agreements and while many advised employees and offered representation this was typically outside the workplace, not within company procedures. The most distinctive way in which CSOs sought to influence the behaviour of employers was by formulating standards of good practice, auditing management policies in the light of these standards, providing consultancy and guidance on how to raise standards and reinforcing and diffusing standards through award schemes.

Arrangements of this type can be quite elaborate. Gay rights organization, Stonewall, for example, runs a Diversity Champions programme, to which employers can subscribe and which is supported by training, advice and consultancy provided by Stonewall staff. The programme is backed by an award scheme, which attracts considerable publicity, and is in many cases supported by an LGBT network within

member firms. Several hundred UK employers have signed up to Diversity Champions. In other cases, arrangements are less elaborate and less extensive but standard-setting of this type is a distinctive and seemingly growing method of worker representation developed by CSOs

RELATIONS WITH TRADE UNIONS

Much of the IR literature on CSOs is concerned with their relationship with trade unions and the potential for coalition (Frege et al 2004; Tattersall 2005). Within this work, however, there is often an emphasis on the difficult relationship between unions and CSOs and the conflict that can arise from competing objectives, cultures and forms of organization (Fine 2006). In the literature on changing axes of social mobilization, moreover, there is a suggestion that CSOs will compete with and replace unions. Existing work therefore suggests a range of possible relationships.

The dominant orientation towards trade unions reported by our CSOs was one of partnership. Joint campaigning and collaborative work within policy networks are fairly common and in many cases unions and CSOs are joint members of umbrella organizations, such as End Violence Against Women or the Equality and Diversity Forum. Although joint working is common, union membership of CSOs is less so though some organizations have established trade union networks (e.g. AIUK). It is also the case that much joint work is episodic, taking place on ad hoc basis rather than through permanent structures. When it does occur it is typically at the level of the TUC or with the headquarters of major trade unions. Sub-national or workplace collaboration is fairly rare. This is because it is through joint policy and political work that unions and CSOs are mainly drawn together.

While partnership was the most frequently encountered relationship, other patterns were also observed. In some cases CSOs reported conflict with unions. This though tended to be a feature of pro-union CSOs who were frustrated by the failings of their intended allies. Anti-unionism was extremely rare. What was much more common, however, was a pattern of non-contact and seeming indifference. Many CSOs, particularly those focused on service provision and with limited political engagement, reported little or no contact with unions. Their activity was orthogonal to that of the labour movement, conducted in non-adjacent fields.

Even CSOs which reported positive relationships with unions acknowledged there were limits to these connections. A minority of CSOs placed themselves in the labour movement and viewed unions as natural allies. It was more common though for CSOs to seek partnership relations with a range of other institutions and not to prioritise links with trade unions. Typically, CSOs sought relations with government, employers, other CSOs and trade unions – in that order. The decline of the trade union movement and its exclusion from much of the UK economy meant that often it was not the focus of CSO attention. CSOs had other, and bigger, fish to fry.

OUTCOMES

Gauging the impact of CSOs on the system of IR is not easy and there are widely differing assessments in the literature. For Piore and Safford (2006), CSOs have played an important part in building a new, post-industrial IR system, founded upon an 'employment rights regime'. Their contribution, in this regard, has lain in pressing government for new law and pressing employers, through local activist networks, to develop compliance mechanisms. Freeman (2005), in contrast, is sceptical about the contribution of CSOs, claiming that their redistributive effect is trivial compared to that

of the labour movement and arguing that they need to 'up-scale' their activities if they are to become significant actors on the employment scene.

Our approach to this question was based on an implicit comparison with unions. We sought to establish which forms of job regulation CSOs were developing and which types of power resource they were accumulating. Their impact on income distribution or other hard assessments of their effects were impossible to ascertain given the nature of the study and the diversity of the institutions examined.

With regard to job regulation, there was evidence of CSO effectiveness in shaping employment, welfare and other relevant bodies of law and associated public policy. They used the method of 'legal regulation', in precisely the same way that unions have done, to establish and refine the legal rights of their constituents. Most frequently, this was achieved through lobbying and 'insider' politics but occasionally, external pressure and the use of test cases were also significant. The other way in which CSOs were regulating the labour market was through 'soft' or 'voluntary' regulation. This is exemplified in the codes of practice for employers described above. Codes, standards, manuals, advice are all forms of unilateral regulation that rest, not on coercion, but on the willing cooperation of those actors whose behaviour is being regulated. Many of the CSOs we researched were creating regulation of this kind. What was absent, and what separated CSOs from unions, was joint regulation created through negotiation and collective agreement.

With regard to power resources, CSOs also differed from unions. The emphasis on building up membership and activist organization was much less pronounced in CSOs and reliance on workplace organization was rare. In contrast, CSOs developed partnerships, networks and coalitions and sought to shape the terms of public policy, particularly through the deployment of expert knowledge and research and their moral legitimacy. An emphasis on soft regulation, therefore, was accompanied by attempts to build soft power, the capacity to influence rather than coerce.

CONCLUSION

This paper has presented descriptive, exploratory information on the role of CSOs in representing the interests of workers. Using data from British CSOs, it has shown that organizations of this type are increasingly engaged with workplace issues. They emerge as 'new actors' in industrial relations, influencing the behaviour of established IR institutions and generating legal and other, softer forms of regulation. In a more fragmented or 'disorganized' system of worker representation they appear as significant players, worthy of attention from IR researchers. The other main conclusion that can be drawn is that CSOs are distinctive representation institutions, particularly when compared with trade unions. Their constituents, methods and relationships with workers, government and employers are all distinct. They are often grounded in non-work identities, eschew workplace organization and collective bargaining in favour of unilateral regulation and tend to develop non-adversarial, partnership relations with other actors they are seeking to influence. Relations between CSOs and unions are often cordial but the forms of interest representation developed by these two types of institution are divergent.

ACKNOWLEDGEMENT

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