

AGAINST ALL ODDS? BRITISH TRADE UNIONS IN THE NEW WORKPLACE

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INTRODUCTION

A TRADE UNION . . . is a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their working lives.

(Webb and Webb 1921b: 1)

Collective, self-help organisations of workers, as broadly defined by the Webbs, have been part of the landscape of virtually all capitalist societies since the industrial revolution. Trade unions emerged out of the need for workers to counter their subordinate role, exploitation and precarious existence as waged labour in the employment relationship. They mobilise the collective interests of sellers of labour power, and negotiate or impose conditions on the sale of labour power and terms of work within the labour process. To do so, they may adopt a variety of strategies, all of which revolve around the power of collective organisation. The most obvious is collective bargaining with employers, underwritten by the reality or threat of industrial action by striking, banning overtime or working to unilateral rules. However, unions may also regulate employer freedom of choice, and thus power, in the labour market, by exercising control over the type of labour they recruit, through apprenticeship systems or by insisting on certain professional qualifications. Moreover, within the workplace they may police job controls over both the general pace of work and the specific job descriptions of different categories of employees. Together with employment law, unions are the principal mechanisms for regulating the unfettered exercise of employer power in both market and authority relations.

While unions are found throughout the global economy, their position in the employment relationship, relative to the strength of employers, varies historically, sectorally and between capitalist societies, as do their complexion and role. Periods of union ascendancy, such as the 1890s and 1970s, and decline, as in the 1930s and 1980s, occur across countries, but significant differences nevertheless persist, as the employment relationship is constructed within very different historical contexts. National differences have created unions with distinctive religious, political and occupational forms and divisions. This is apparent even within Western Europe, where there is a Southern European model, found in France, Italy and Spain, and characterised by competing Catholic, Socialist and Communist national confederations; and a Northern European model, evident in Britain, Germany, the Netherlands and Scandinavia, of single centres under Social Democratic or Labour hegemony. Any such broad categorisation, however, conceals a myriad of local factors, such as linguistic divisions in Belgium or the relative strength of Catholic unionism in Italy. National differences produce variations in union membership, such as the high density in Sweden and low density in France. But equally, the meaning of unionism varies, from the more politicised agencies of community mobilisation of Southern Europe to the more institutionised and workplace-orientated organisations of Northern Europe. Just as, in Britain, the Royal College of Nurses (RCN) and the National Union of Mineworkers are both unions, in their own ways, so are the French CGT and the German IG Metall. For this complex web of reasons, relative union strength cannot simply be inferred from membership figures.

There are strong links between the level and character of union membership and particular categories of worker, employment conditions, sectors and other factors. Thus coal mining has produced strong and combative unions virtually everywhere, whereas the retail sector is usually an area of union weakness. Yet such generalisations are only rules of thumb, as cross-national variations and contra-cases can always be found to undermine any safe correlations. Those who would rationalise unions out of the contemporary capitalist employment relation – and they have been in many countries over the past decade (Hyman 1994) – are as quixotic as those who complacently assert that unions will always be reproduced in the same form by the abstract operation of those social relations. Unions make and

remake themselves in different historical settings in response to detailed changes in the character of the employment relationship. Therefore, it is rarely, if ever, possible to draw a precise and predictable parity between patterns of work and forms of union organisation.

Orthodox labour process theory regards trade unions as playing an ambivalent role within capitalism. On the one hand, they defend the interests of workers within the wage labour system, and force changes in the nature of control within the firm. Yet, on the other, they do not challenge the fundamentals of the capitalist employment relationship. Marx (1976) acknowledged the role of unions in mobilising to shorten the working day in mid-nineteenth-century British capitalism. This had the effect of moving work organisation into a new phase as reduced time at work required labour power to be more intensively utilised with more machinery and systematic organisation. Braverman (1974) saw in Taylorism further evidence of that process of intensifying work, and regarded unions as a shield against managerial power which, nevertheless, failed to challenge the underlying forces which create wage labour. Other writers within a labour process tradition, Friedman (1977), Edwards (1979) and Litter (1982), for example, have continued to emphasise the way in which labour unions influence managerial control within the firm, by promoting internal labour markets and greater employment security, and by modifying areas of managerial discretion. Recent writing, including the previous volumes in this series, has paid more attention to management and its agencies than to trade unions. This book explores the nature of British unions in the new workplace, an arena which is being increasingly shaped without their direct intervention and influence.

This collection limits itself to the contemporary predicament of trade unions in Great Britain. The reason for this is not undue parochialism, but a recognition of the changes particular to British society in the 1980s, and the need to analyse these specificities in their own terms without recourse to what would only be arbitrary comparative cases. British trade unionism preceded the advent of socialist ideas, and emerged at the height of the nation's economic and imperial power, and this left a lasting imprint of occupational sectionalism and industrial pragmatism and reformism (Saville 1988). This contrasts most obviously with the Southern European model of highly politicised unions. The early strength and practicality of British unions also encouraged a form of 'voluntarist

collectivism'. As late as the 1970s the principal battle cry of British union radicals was 'free collective bargaining'. Elsewhere, even in countries with a common cultural heritage, such as Australia, a much more proactive state has created quite different industrial relations institutions and modes of union action (Gardner and Palmer 1992). The post-war fragmentation of private-sector bargaining to company and workplace levels has further marked the difference between the localised *modus operandi* of British unionism and the highly centralised bargaining and national scope of their German and Scandinavian equivalents. After signs during the 1970s that Britain might be moving towards the Northern European model, with greater state regulation and more positive legal employment rights, the Thatcherite free market reform post-1979 differentiated the British experience still further from that on the continent. For all these reasons, the British trade union experience calls for a special treatment. That does not mean, however, that it is without wider relevance. On a negative note, recent years have proved a major test of the British voluntarist tradition, which in an unfavourable economic climate appears to many as less resilient than the more centralised, legalistic and bureaucratic approaches on mainland Europe and elsewhere (Terry 1994). More positive lessons arise from the likelihood that British unions, along with their US counterparts, have already encountered *laissez-faire* economic policies and new management strategies which have yet to find their way to the heart of the continental European union movement. In this respect, the argument between the 'collectivism' of the European Social Chapter and the free market, American 'individualist' alternative may be crucial to the future of trade unionism in Britain and Europe.

THE NEW AGENDA

In 1978, the historian Eric Hobsbawm (1981) pronounced, 'The Forward March of Labour Halted', and depicted a historic crisis in the British labour movement. The visible symptom of this malaise (dramatically confirmed the following year) was the declining vote of the British Labour Party. However, the heart of the matter was a controversial judgement about the state of the unions, which had just reached their highest ever membership (Marsh and Cox 1992). According to Hobsbawm, deep social changes had taken place over the post-war decades, including the declining weight of the manual

working class, and the feminisation and growing ethnic diversity of the labour force. Moreover, union industrial action had become increasingly sectionalised and socially disruptive over this same period. The upshot was that the relatively homogeneous white, male, manual union movement which had emerged from the last war was in a process of decomposition. Many of the social trends to which Hobsbawm drew attention fifteen years ago remain familiar and some have accelerated in the interim. However, the passage of time has redefined the context of these changes, and several new factors have added to or modified his diagnosis. Viewed from 1979, the election of the first Thatcher Conservative government was merely symptomatic of the underlying crisis in the labour movement (Hall and Jacques 1983). Soon, however, the New Right political agenda became an active agent of social and industrial change in its own right, with grave consequences for the legal position of unions (Wedderburn 1989). Force of economic and legal circumstance obliterated the unions' (rather exaggerated) reputation for wages militancy for an entire generation (Bassett 1987). Subsequently, the 'special case' of the British free market experiment gained a wider world currency, and connected with more fundamental trends in global capitalism. Union movements almost everywhere, even in politically protected enclaves such as Australia and Scandinavia, began to experience difficulties similar to those in Britain, albeit on a lesser scale (Gardner and Palmer 1992). Moreover, Thatcherite 'Enterprise Culture' opened the floodgates to a plethora of new American popular management concepts, such as the Business School, Human Resource Management (HRM), Total Quality Management (TQM), Employee Involvement (EI), and Empowerment. Under these influences, a management language has emerged which redefines workers as employees, individuals and teams, but not as organised collectivities with some interests separate from management. At best, the new management thinking simply ignores the role of unions in its search for other ways of winning employee consent; at worst it sets out to destroy or weaken them (Guest 1987). In a belated response to these new conditions, the mainstream union movement has promoted a 'new realist' agenda of presenting a softer, more friendly image to employers and workers alike. Arguably, the precise form of this 'new unionism' has been most apparent in its public overtures to prospective members and business collaborators, and most obscure in relation to practical workplace unionism.

Today, most unions have behind them a decade or more of severe membership loss and declining influence (Marsh 1992). This book attempts to unravel the complex range of factors, described in shorthand as the 'new workplace', which have brought them to this pass, and to provide a critical assessment of the ways in which they are responding to these changed circumstances. Most of the chapters first appeared in a specially commissioned stream on 'The New Workplace and Trade Unionism' at the 1994 International Labour Process Conference at Aston University. The remainder were deliberately sought out by the editors to ensure a rounded representation of the main issues. This introductory chapter situates these themes within a broader world and national context. The chosen approach is to begin with the widest possible angle on trends in the global capitalist workplace; then to focus on the British political and legal scene; and, next, workplace unionism itself. Lastly, we outline the contribution that each individual chapter makes to the book's major themes.

THE CHANGING WORLD OF WORK

There is a well-established debate between industrial relations and sociological approaches over the fit between class, workplace, occupations and trade unionism (Lockwood 1958; Blackburn 1967; Roberts *et al.* 1972; Bain 1970; Garter 1979). Factors which normally encourage unionisation include: large-scale and highly bureaucratic employment situations; limited scope for occupational mobility; the need to defend skill structures; and specific sectoral conditions, such as close-knit occupational and/or geographical communities. Moreover, strong unions have both helped to create and thrived upon employment security, with higher membership levels among full-time than part-time workers. There is also a well-charted literature on the types of socio-political environments which favour and impede trade unionism. In broad terms, unions flourish where management perceive benefits in their presence and are not hostile adversaries, as was the case in the public sector before 1979 (Bain and Price 1983; Clegg 1976). Finally there is an extensive literature on the relationship between particular economic conditions and unionisation, especially the way in which the business cycle and employment rates influence union membership. (See Snape 1994 for a recent evaluation of the dominance of economic and political constraints on one union's internal growth strategies.)

Using these general criteria, we can readily identify a series of structural changes which have undermined UK union membership since 1979. These include: the contraction of manufacturing employment to just over 4 million employees; the privatisation of public industries; the growth of non-manual workers; the shift towards services; the expansion of self-employment – doubling between 1979 and 1990 – and part-time work (to over 7 million); reduction in the size of enterprises and growth of small, less bureaucratised firms; and the high structural and cyclical levels of unemployment throughout the 1980s and 1990s. Altogether, these forces have made for an unfavourable union environment. However, structural arguments about the decline of trade unions and the nature of the contemporary workplace are problematic. Do they indicate a causal or historical correlation between types of worker, workplaces and trade unionism? After all, similar incremental and radical change has always characterised work within capitalism, and produced the many varied forms of unionism that exist in the global economy. Furthermore, the disparate rates of unionisation between capitalist societies which share many similar structural features highlight the contingent and historical nature of these connections. Therefore strong statements about the causes of union growth and decline which ignore national context and history should be avoided (Turner 1991).

Despite these problems many writers have chosen to characterise current changes in the labour process through a single paradigm shift, as from Fordism to post-Fordism, or from mass production to flexible specialisation. Alternatively, they have stressed the alternating fortunes of national models, such as towards American or Japanese production methodologies and employment practices. These step changes are said to require a new union agenda. Kenney and Florida (1993: 300) use Fordist and post-Fordist production neologisms to suggest that unions which are locked within a Fordist paradigm remain reactionary in the face of the new demands of work in what they call 'innovation mediated production'. At the comparative international level, Katz and Sabel (1985: 300) suggest that German and Japanese 'corporate trade union practices' accord better with new trends in flexible manufacture, which must be more responsive to product market changes, than 'job control unionism', more characteristic of British and US union environments. Katz (1988: 220) describes the agenda for trade unions in the new workplace as having two basic policy

approaches: a 'cooperatist' and a 'militant' strategy (a dichotomy explored by Bacon and Storey, and Kelly in this book). Wickens (1993: 76) argues that just as 'fordism created a type of adversarial trade unionism, the new manufacturing system of lean production will favour a more co-operative partnership'. Again at the cross-national level, Lane (1989) is one of many writers who suggest that trends towards more flexibility in the workplace and 'flexible specialisation' fit better with German industrial relations than French or British practice. Within this literature, trade unions are said to require a new *raison d'être*, which typically represents a broader responsibility for company survival, partnership with capital and less in the way of an adversarial, 'them and us' social distance and class conflict. Chapters by Storey and Bacon and Kelly in this book engage in this debate. Arguments of this kind suggest that the best-known instances of 'high performance production systems' occur in unionised workplaces where the unions have allegedly moved away from adversarialism towards partnership – Corning, Saturn, Xerox, Levi Strauss, NUMMI and AT & T (Applebaum and Batt 1994: 152; Black and Ackers 1994). Often evidence is marshalled to meet a prescriptive agenda. American exponents of partnership unionism highlight best cases rather than worst or perhaps typical cases, in which American management continue to exclude unions from the workplace, or marginalise their role through restructuring measures which fragment or bypass them (Harrison and Bluestone 1988; Guest 1990; Milkman 1991). Kochan and Weinstein (1994), in a recent overview of industrial relations in the USA, reveal that the historical hostility towards unions displayed by American employers has been actively reinforced by new trends in work reorganisation, which have seen a continued decline in union density, lowering of wages and non-wage compensation, and considerable investment in coercion against trade unionists, especially in the private sector.

For whatever political or policy reasons the agenda of matching types of production regime to types of union (or non-union) regime has become a popular project. The problems with all these 'best fit' theories and scenarios is that once we insert cross-national and historical comparison we find contra-cases, diversity and weak associations between unionism or non-unionism and particular working practices, management philosophies or production regimes. This suggests that we need to be precise about evidence, and cautious about generalisations, especially cross-national

arguments involving radically different industrial relations arrangements and traditions. It also suggests that we need more evidence, of the sort this book provides, on workers' experience of these new practices. For these reasons, we want to focus now on aspects of changes in the new workplace and how they have been empirically investigated in Britain. Three elements can be highlighted. First, there is the arrival of new overseas employers in the UK, who bring with them their own distinctive trade union and industrial relations agendas. Second, there is the impact of new technologies, especially computer-based information systems. Third, there is the wide-ranging discussion around flexible work and the flexible workplace.

The impact of overseas entrants

Manufacturing employment halved between 1979 and 1994, and its ownership composition also changed, with foreign multinationals increasing their share of investment, jobs and exports. Significant entrants have been US, Japanese and continental European, especially German, firms. There has been limited academic discussion of European entrants and virtually nothing on whether or not they are transferring aspects of their national industrial relations practices to the UK. (On German and other continental firms see Guest and Hoque 1994; on Swedish firms see Thompson *et al.* 1995). Questions of whether foreign companies act as transmitters of new practices have almost exclusively focused on US and Japanese firms. Most research has been conducted on US firms, and even surveys of UK emulators of Japanese practices have identified significant numbers of US firms (see Oliver and Wilkinson 1992: 133). US firms have figured extensively in discussions around the diffusion of Taylorism (Littler 1982), employee involvement, multi-divisional forms, measured day work, corporate culture and more recently Human Resource Management (HRM) (Stopford and Turner 1985: 142–7; Purcell and Sisson 1983; Chandler 1990; Guest 1989; Storey 1992). Non-union US firms, such as IBM, Hewlett Packard, Mars and Motorola, have featured in descriptions and research of HRM practices in the UK and have been celebrated as 'sophisticated paternalists' (Purcell and Sisson 1983) or 'sophisticated unitarists' (Scott 1994), which has tended to legitimate their non-unionism as not necessarily inimical to workers' wages or conditions.

However, the greatest attention has been lavished upon the impact of Japanese MNCs, and those firms which have consciously set out to 'emulate' the lessons of these for work organisation, personnel, manufacturing and industrial relations. Assessing the impact of Japanese firms on trade unionism is simultaneously straightforward and difficult. Of foreign employers, the Japanese, in sharp contrast to US firms, have been more pro-union and collectivist, though strongly prescriptive about the type of unionism they want. The pattern of manufacturing entry into the UK has been overwhelmingly through greenfield investment, and of those new factories about half are unionised (Millsome 1993: 93). Unionisation reflects regional labour traditions, with higher recognition in South Wales and the North-East, regions with strong trade union roots, and less recognition in new towns, such as Milton Keynes, Telford and Livingston (Scotland) (Turnbull and Delbridge 1994: 354). However, unionisation also reflects the choice of location, and therefore management strategy, and not simply the established traditions of specific regions. Of unionised Japanese workplaces, 85 per cent are single union, with the AEEU being the most favoured organisation, regardless of sector. Japanese firms employ management consultants to profile union political character for selection through union 'beauty contests' at national, regional and local levels (Bassett 1987), and have therefore reinforced inherent competitive trends within the British union movement. In the single union deals, density rates vary considerably, with some of the celebrated cases, such as Nissan's Sunderland plant, having membership coverage variously put at 33 and 45 per cent of employees (see Stephenson in this volume). On brownfield sites, the multi-union patterns have continued, but with some movement towards single centres of bargaining. Single union deals are not distinctively Japanese. Cadbury's factory in Chirk, North Wales, can be seen as a revolutionary British plant heralding, in the late 1960s, many of the aspects currently identified with the Japanese – single status, single union, flexible working, etc. (Millsome 1993: 1; Whitaker 1986; Smith *et al.* 1990). The same might be argued of the relationship between the GMWU and Pilkingtons in the 1960s (Lane and Roberts 1971), and there are more general similarities to be made between Japanese and UK paternalist employers (Ackers and Black 1991; Black and Ackers 1988). Since the early 1980s, however, Japanese firms have been the real and symbolic movers behind a more widespread adoption of single

unionism, no-strike deals, new arbitration agreements, company councils and other forms of management-directed reforms of British industrial relations which have capitalised on union weakness and inter-union competition for declining members (Oliver and Wilkinson 1992). They have also broken with custom and practice in certain areas, such as the use of temporary labour by Nissan, the first time it had been used in the British motor industry since the 1940s (Millsome 1993: 61).

The more complex aspect of the influence of Japanese transplants on labour relations relates to its meaning and significance inside the labour process. Oliver and Wilkinson's (1992: 292) discussion of what they see as 'the emergence of non-adversarial trade unionism' in Japanese firms and emulators of Japanese-style practice focuses exclusively on formal agreements, and not their implementation or execution. They highlight the need for 'flexible working arrangements . . . to operate JIT systems of production' (p. 296), but conflate agreements for flexibility with their actual operation. JIT systems also fit within environments where trade unionism is absent, and management have exclusive control over the timing of labour deployment according to production dictates. Garrahan and Stewart (1992) show how unions have been marginalised from traditional labour process controls, and this may be typical – certainly it conforms to the situation in Japan. But as Stephenson (in this volume) makes clear, even under Japanese systems marked variations arise in the meaning of trade unionism, which is conditioned not by ownership alone, but also by other influences, such as labour selection, the nature of the labour force, leadership and other factors more generally associated with union strength. More longitudinal research is needed into UK Japanese transplants before we can make definitive statements about the role unions play inside their factories. In North America, qualitative work on workers' control in Japanese car transplants suggests continued union influence in job regulation in unionised settings (Rinehart *et al.* 1994), and informal individual and collective resistance in non-union plants (Graham 1994). This research from the shop floor indicates the persistence of established work rules and customs and is in marked contrast to the managerialist or top-down literature which suggests a transformation in US labour relations (Florida and Kenney 1991). Similar research is yet to be conducted within the UK, and therefore case studies are needed to uncover the meaning of Quality Circles, Just-in-Time, or single

status for workers and the impact these practices have on trade unions over an extended period of time (Peck and Stone 1992; Elger and Smith 1994).

Information technology

Information technology (IT) is no longer new. Already it has had a wide impact on all sectors, facilitating the dramatic break-up of unionised strongholds such as Fleet Street printing, destroying occupational identities, such as boilermakers and draughtsmen, and causing redundancies in many other occupations and industries. Information technology has been investigated for its effects on labour-capital relations in three respects: first, for its potential to increase direct forms of communication, and therefore side-step union channels and networks; second, for its use in increasing monitoring and surveillance of employees; and, third, for its capability for integrating employees into the company ethos and interests through the use of video and visual communications. Moreover, IT provides opportunities for fragmenting and geographically dispersing work. For example, there are over two million 'tele' (i.e. remote) workers in Britain, and the concept of the 'virtual office' suggests further fragmentation. Homeworkers have always been difficult for unions to organise and easy for employers to dominate, though many of these remote workers are management and related staff who might not unionise anyway. Bratton (1992: 59-70), reviewing the widespread literature on new technology and unions, says that despite TUC support for comprehensive 'technology agreements', these were limited to non-manual workers, and in most workplaces new technology has been introduced using conventional procedural agreements, or introduced unilaterally by management without negotiation or consultation. Most surveys of managers' assessment of union influence over technology introduction suggest unions have not been impediments to investment. Implementation procedures dominated research on new technology in the 1980s. The effects of new technology on skills and jobs are also important and recent research suggests that union influence has tended to be non-strategic. Case studies and surveys reveal positive attitudes towards new technology, though where it impacts on job boundaries, inter-union conflicts have not been uncommon, especially in areas where there is a split between office and shop-floor staff, as with

the introduction of numerically controlled machine tools. The impact of new technology in the office, amongst clerical labour, has seen changes in the division of labour, the de-skilling and routinisation of labour, intensification of work and increasingly technical control. Unionisation has been associated with these trends (Crompton and Jones 1984), and resistance to technology which intensifies and de-skills labour is documented (O'Connell Davidson 1994). But overall, such resistance has been directed not at stopping new technology, but with alleviating some of its effects. We should note that IT is available to unions and union activists in the workplace, and may be used to further their interests. Fairbrother (1994: 347) has shown that union officers at BT used computers, VDUs and mobile telephones, 'making themselves more accessible to their members... often countering corporation newsletters within hours of their first appearance'. Arguably, IT changes the nature of the workplace, but not the nature of the capitalist employment relation, and may mean a different type of trade unionism, rather than no unionism or less unionism.

Flexibility

Flexibility has been a central watchword of the reform of company structure and work organisation in the 1980s and 1990s, signifying deregulation of labour markets; contracting out and in of services; amalgamation of skills and tasks between occupations and functions; and the segmentation and polarisation of employment between different categories of employees. Atkinson's (1985) model of the flexible firm projected a co-operative, unionised 'core' of employees, and a non-unionised 'periphery', which has parallels with labour organisation in the large Japanese firm and the Victorian split between a craft-unionised elite and a general union or non-unionised mass of unskilled workers. These and many other issues have been debated under the umbrella of flexibility (Pollert 1988; 1991). The debate around the regulation of employment contracts, occupational content and task activities is too big to review here. Instead, we consider briefly two aspects of flexibility with potential implications for unions in the workplace: the emergence of a new peripheral workforce; and the development of teamworking within the core workforce.

Evidence of the creation of a new 'periphery', through the growth of non-union, non-standard employment, and employers'

strategic use of this group to change the employment opportunities of workers and weaken or exclude trade unions is thin (see Millward *et al.* 1992; Hunter *et al.* 1993; Penn 1993; IRRR 1994). While case evidence (Smith *et al.* 1990; O'Connell Davidson 1994: 97) suggests substitution of full-timers by part-timers, and a dilution of union influence, employers overwhelmingly use atypical or non-standard employees – temporary workers, part-timers, contract workers, freelancers, etc. – not to strategically segment and weaken the bargaining position of workers and trade unions, but for conventional reasons of covering for sickness absence and short-term peaks in demand or to supply specialist skills (*Employment Gazette* 1994). The gender composition of the non-standard workforce reveals typical patterns of female employment participation and not widespread adoption of a flexible workforce (Pollert 1991). Some of the most extreme forms of flexibility occur in the retail industry, which along with construction, comes closest to the flexible firm model. In some instances (Asda, for example), full-time and part-time posts have been abolished, to be replaced by 'key-timers', workers available to cover peak times or absences and called in at two hours' notice (IRRR 1994). But such workers receive the same wages, terms and conditions as full-time/part-time staff, and only a few retail stores are experimenting in this way. Moreover, unionism within the retail sector has rarely sought to regulate the labour process, but has been limited to bargaining at national level between employers and national union offices. Felstead (1993: 198–9) discusses the vertical disintegration of the corporation and the creation of franchisees, who, while similar to employees, appear to unionise only in countries with very regulated industrial relations institutions. Moves towards further temporal segmentation may weaken attachment to work, relevant for trade unionism, but again, these new practices reprise older forms of casualisation (notably in construction) and reinforce rather than radically recast particular employment patterns. As Wrench and Virdee (Chapter 8) make clear, union organisation in these areas has historically been difficult. Clearly, the recent abolition of the Wages Councils may well increase casualisation and weaken still further the foothold unions had in these service sectors.

The contracting-out of services in the public sector has been more directly detrimental to workplace trade unionism. In contrast to private services, the public sector entered the 1980s with high union membership and a centralised, pluralist industrial relations

system. Since then the Conservative government has promoted decentralisation, stringent financial controls, compulsory competitive tendering and various forms of 'privatisation'. Ironically, for advocates of partnership unionism, the privatisation of public utilities has witnessed significant deterioration in union influence, as service ideology and genuine partnership ethos are undermined in favour of commercialism and a frequently aggressive, macho management keen to assert managerial prerogatives over union provision and interests (Ferner and Colling 1991; O'Connell Davidson 1993; Fairbrother 1994; Walsh 1995). Many of the 'efficiency' gains of privatisation and commercialisation appear to be predicated upon the weakening of union organisation, clearing the path for the adoption of non-union, private service-sector employment norms. To this end, the privatised electricity and gas companies have imposed large wage reductions to the 'market rate'. Waddington and Whitson (Chapter 5) trace these developments in the 'exposed sector'. Overall the consistency of the survey and case study evidence implies that attacks on trade unionism through aspects of 'flexibility' will be more significant in the public and former public sectors.

By far the greatest use of flexibility has been in employers' attempts to change the permanent workforce through measures such as multi-skilling and more flexible working patterns including annualised hours, team working, new shift patterns, and various attempts to stop up the pores of the working day (IRRR 1994). These changes have been as common in unionised as non-unionised workplaces, and as Waddington and Whitson reveal, union members do not see this type of flexibility as a major grievance issue, suggesting that it has not had the dramatic impact on workplace unionism predicted in certain futurological models or those committed to a 'flexible future' for the workforce. One change in the 'new workplace', especially in manufacturing, has been the growth of teamwork, teamleaders and shifts in the pattern of authority on the shop floor. Teamworking follows a long-standing effort by employers to weaken occupational consciousness and symbolises a move away from strict control hierarchies, where workers are tied to individual tasks, and paced either by foremen or technology along traditional control lines. Teamworking is supposed to delegate responsibility for task allocation and scheduling to groups of workers, and to transform the role of the supervisor from 'policeman' to 'coach' (Buchanan and Preston

1992: 71). Multi-skilled, self-regulating groups are assumed to perform tasks with more autonomy, and to be better able to respond to changes in demand without direction from above or other tight control structures which mitigate against worker responsibility and reinforce patterns of conflict which reduce performance. Such controls may or may not enhance or reduce union influence in the labour process. There is evidence that integrating workers into teams may weaken union communication networks, but as Pollert (in this volume) shows, shop steward involvement can be vital to sustain teamworking.

Comparative research between European countries and the USA reveal wide national differences in the definition of teamwork (Turner 1991; Turner and Auer 1994; Berggren 1992). Mueller (1994) has shown cross-national, cross-company and cross-plant variations in exactly how teams are put together and the different role organised worker interest plays within these structures. Applebaum and Bat (1994: 152) have shown that in the USA, teamworking is more prevalent in unionised workplaces, although the role teamwork plays in marginalising trade unions (Turner 1991) is not sufficiently highlighted by their work. Its use in Britain appears less widespread than in the USA, Japan or other European countries, such as Germany and Sweden. As Waddington and Whiston show, teamworking hardly featured as an issue in their extensive survey of trade union workplaces. A consistent finding in comparative research is the way in which national industrial relations systems and traditions continue to shape the character of teamworking experience, thus reinforcing our general point that such practices do not offer a single 'best way' of organising the new workplace, but absorb local traditions, customs and styles which are remade within the apparently common discourse on teamworking. All research indicates that the concept of teamworking remains both ambiguous and deeply controversial, referring to different units, sizes and compositions of employees, some of which are so big as to make any meaningful operation of a team impossible (see Pollert, this volume). Dawson and Webb (1989), Dawson (1991), Elger and Fairbrother (1992) and Buchanan and Preston (1992) have all investigated teamworking practices within British manufacturing and found that, like HRM, these new techniques are grafted onto existing authority relations, and that deep-seated traditions of conflict between foremen (team-leaders) and rank and file (team) workers persist (see McKinlay

and Taylor, this volume). Buchanan and Preston (1992) examined teamwork in advanced manufacturing systems engineering, and discovered that foremen persisted with policing rules, intervening in work scheduling and task allocation despite formal rules and best-practice rhetoric against such interventions. In other words, managerial authority through the teamleaders or foremen continues to run along traditional British lines, despite ideological or rhetorical claims for teamworking as a break with these practices. Promises of workers having greater discretion have not materialised; rather, as Dawson and Webb (1989) suggest, skills have become more company-specific within teams and therefore labour mobility between companies using general skills has declined, creating not multi-skilled 'teams' but a 'flexible cage'.

A NEW POLITICAL AND LEGAL FRAMEWORK

The restructuring of employment relations and work organisation in contemporary Britain has occurred in the context of an ongoing project to reform employment law, initiated by Conservative governments since 1979. This programme has constrained the power of trade unions and removed a number of important statutory rules governing the contract of employment. The result has been to increase employers' discretion to determine the terms of the employment relationship and the structure of work organisation.

When first elected the new Conservative government was determined in the aftermath of the strike movement of 1978-9, dubbed 'The Winter of Discontent', to impose 'order' in industrial relations. An immediate objective was to restrict workers' and unions' freedom to take industrial action and picket, thereby restoring power to employing organisations which, it was alleged, had been disadvantaged by the Trade Union and Labour Relations Acts 1974 and 1976, which had re-established unions' tort immunity in industrial disputes - their protection from claims for damages for inducement of breach of contract and other civil wrongs incurred in industrial action.¹ Thus the Employment Act 1980 withdrew tort immunity for inducing 'secondary' or supportive industrial action (apart from first suppliers and customers)² and for picketing except at workers' place of work, and restricted the ability to establish and enforce a union closed shop. Organisers of action outside these limits therefore became liable for damages. In addition, the scope of the unfair dismissal provisions of the Employment Protection Act

1975 was narrowed in 1979 by extending the qualifying period of employment from six months to a year, while the 1980 Act shifted the burden of proof in tribunal hearings to the employee.

Matters did not rest there, however, for in the early 1980s the Conservative government became explicitly committed to 'free market' solutions to the restructuring of the labour market and employment law (Wedderburn 1989).³ In this schema, market and contractual relations between individuals are regarded as the most efficient mechanism for the allocation of the rational preferences of utility-seeking individuals. Therefore any intervention in the pricing mechanism or reallocation of factors or products cannot increase the sum total of utility but, on the contrary, may cause its reduction. Unions are conceived as monopolistic organisations which, through their power to impose a 'rent' upon the hire of labour (that is, an additional charge above the market rate), coerce individuals who wish to dispose of labour and capital at the market evaluation. As a result, the market is distorted: either labour costs are raised and profits reduced, causing unemployment, or the wages of non-union labour are lowered (Turnbull 1991). The proper object of public policy in this free market framework is the protection and enhancement of market imperatives. This requires measures to restrict unions' liberty to take industrial action and impose their authority over members, to improve the operation of the market in labour and capital, and to reform the structure and management of the machinery of government and state services. The latter also provides an exemplar to the private sector of the viability of new structures and policies for the management of labour. A policy of union exclusion is an integral element (Smith and Morton 1993; 1994).

This perspective came increasingly to dominate the agenda of the Conservative government during the 1980s, underpinning the radicalisation of its programme of employment law reform (hence the later measures have often required amendments to earlier Acts which were once considered innovative). To date, there have been nine major statutes plus other subordinate instruments (for details, see Kessler and Bayliss 1995, Chapter 5; Dickens and Hall 1995).⁴ The cumulative effect of this incremental process has been to remove statutory and administrative supports for collective bargaining, partially deregulate the contract of employment, create statutory rights against unions for members and non-members alike (including model rules for union government), reduce

unions' freedom to take industrial action (through narrowing the definition of a trade dispute and its restriction within organisational and geographical boundaries), introduce procedural rules for the initiation of industrial action (enforceable by employers, and other companies, members and other individuals), and make union funds liable for damages actionable by employers and other companies. The Trade Union Reform and Employee Rights Act 1993 (TURERA) marked another important step in the evolution of this policy, imposing new restrictions upon unions' freedom to take industrial action and determine membership eligibility and discipline, financial autonomy and administration. Government policy now positively incites employers to abandon collective bargaining (Department of Employment 1991: 9). In the wider sphere, unions' legitimacy has been eroded by the diminution of their role as representative institutions (through the abolition of tripartite institutions, such as the National Economic Development Council) and sustained criticism of their economic impact,⁵ and by the imposition of extensive statutory rules on union government which presume the prevalence of undemocratic tendencies and practices within unions and the necessity for state intervention to eliminate them.

The Conservative project of deregulation of the labour market and employment law has co-existed uneasily with the requirements of European Union (EU) legislation (Ewing 1993). The government's policy here has been a mixed one, combining elements of obstruction, minimum compliance and acceptance. Thus the Maastricht 'opt-out' from the Social Chapter has allowed the UK government to refuse to implement a number of important EU Directives; as an alternative, it has championed deregulation along with voluntary and individualist, employer-sponsored forms of Employee Involvement (EI) (Department of Employment 1989). In other cases it has only complied with the strict letter of the Directives (and not even that in some cases), refusing to accept the incompatibility of UK law until forced to do so by court proceedings. For example, the Transfer of Undertakings (Protection of Employment) Regulations 1981 were only amended by the TURERA 1993 after they were declared in court⁶ not to be in compliance with the EU Directive 77/187 as they improperly excluded non-commercial undertakings and operations (*ibid.*: 173-6). In other cases, legislation drafted in response to the requirements of EU Directives has created a body of rules so

examples that they are of little effect – minimum regulation by new regulation – for example, the Equal Pay for Work of Equal Value Regulations 1983 (Gregory 1992) and the maternity leave provisions of the TURERA 1993. Nonetheless, important changes have been introduced into UK law, for example the TURERA's provision of a statutory right to stop work and not to be dismissed or suffer detriment as a result of action taken to pursue a health and safety issue, and the same Act's amendment of the TUPE Regulations to embrace non-commercial undertakings.

British unions engaging in industrial action today must surmount both substantive and procedural statutory obstacles in order to retain their tort immunity. Industrial action no longer requires a breach of a contract of employment but comprises any collective dispute between a UK employer and employees, or self-employees or self-employed workers, concerned with pay, terms or working conditions. Such action must be authorised by the appropriate union body after a majority of the workers have voted in favour by postal ballot under a statutory-defined procedure, supervised by an external agency. Unions must give seven days' notice of a ballot paper, details of the result, an additional seven days' notice of the commencement of any action, and information as to its nature, including details as to which workers will be involved (in some cases giving names). Unions remain liable in law for all industrial action (including unofficial and unconstitutional action) in which any official or lay officer participates, unless this is expressly repudiated under a statutory procedure. Only then can a ballot be organised. The complexity of this procedure illustrates the extraordinary, and one-sided, legal regulation of unions that has taken place in an era when Conservative governments have devoted themselves to freeing employers from legal 'red tape'. Any failure on the part of a union to remain within the law entitles a range of parties – the employer, another affected company, a member, or a citizen – to apply to court for an injunction requiring the action to cease immediately pending the largely fictional trial of the case (Wedderburn 1989: 684–704). Non-compliance may threaten the viability of the union itself through fines for contempt and sequestration (Wedderburn 1989: 705–17), as the experience of the 1984 miners' strike testifies. Other forms of action, such as limited sanctions or working to contract, have been declared by the courts to constitute contractual non-performance, and employers are entitled to respond with the complete cessation of pay.⁷

The power of employers to restructure and determine work organisation and employment relations has been directly enhanced by both statutes and case law. The policy of 'enterprise confinement' – the restriction of union tort immunity to industrial action within discrete employing organisations located in the UK, and picketing to employees' specific place of work – seeks to contain workers' collective power and action within boundaries determined almost entirely by the decisions and requirements of external agencies.⁸ The statutory rules impose a delay upon industrial action and renders union members' support more transparent, thereby facilitating the mobilisation of counter-strategies by employers. In the hands of a determined management, such as News International (Ewing and Napier 1986), P & O (Auberach (1988)) and the National Association of Port Employers (Turnbull *et al.* 1992), the legislation is a practical tool which can decisively weaken industrial action and unions. Enterprise confinement is also important in reinforcing the attempt to confine employees' perspectives and action within subordinate business units (Purcell 1989: 77) – the so-called 'decentralisation' of bargaining within multi-divisional corporations. New greenfield sites are protected against unions already established within the sector or company which wish to win recognition or comparable levels of wages and conditions. The cancellation of Ford's component factory provisionally planned for Dundee, with its single-union recognition agreement negotiated by the AEU, and pay and conditions outside the existing Ford UK agreement, when threatened by a union boycott, was expressly cited by the Conservative government in justification of the 1990 Act (Department of Employment 1989: 11). Employers' power has also been indirectly strengthened by the statutory regulation of unions' government and administration, which reduces their autonomy, flexibility and resources, lessening their ability to react effectively to employers' policies. Moreover, the sustained legal assault on their legitimacy has created a climate in which unions are not perceived to 'add value' to a business or the economy and therefore may be excluded by employers.

Finally, employers' discretion over work organisation and employment relations has increased as a result of the repeal of legislation controlling payment methods, the employment of women and young persons, and minimum pay rates. Furthermore, the TURERA 1993 empowered employers to discriminate in terms of pay and conditions between employees who wish to adhere to

collective agreements and those prepared to accept 'personal' and 'individual' contracts of employment, preventing in all but exceptional cases any appeal to a tribunal on the grounds of discrimination against union members.⁹

The law of unfair dismissal has been further liberalised in employers' favour: in 1985 the qualifying period was extended to two years, while in 1990 employers became entitled to dismiss unofficial strikers on a selective basis and industrial action taken in their defence is outside the statutory definition of a trade dispute and union tort immunity. The case law has widened the criteria of 'Some Substantial Reason' to permit 'essential' business reorganisation by employers, including offers of new contracts to workers at inferior pay and terms, as a legitimate defence against unfair dismissal (Wedderburn 1986: 241-3). Unions, of course, have no legal protection against derecognition and may as a consequence lose a number of statutory rights, for example, health and safety representation, time off for union representatives, and information for collective bargaining purposes.

Overall, more than a decade of Conservative policy and employment legislation has transformed the political and legal context of British trade unionism. Until 1979, a bi-partisan and pluralist (Fox 1966) public policy had encouraged the growth of trade unionism, particularly in the public sector. However, as we have seen, Conservative governments broke decisively with collectivism by promoting an 'individualist *laissez-faire*' political economy in which unions are regarded as an unwarranted distortion of the labour market and interference in the master and servant relationship. As a result, British unions not only have faced a difficult economic environment and great changes in the character of work, but have done so stripped of legal and institutional supports.

MANAGEMENT AND UNIONS

In the past, unions have proved highly adaptable in the face of huge changes in technology or work organisation, or major shifts in the economic, legal and political environment. Thus nineteenth-century craft societies reared in the domestic, hand- or water-powered industry, such as engineers or textile workers, were often adept at redefining and re-establishing their role for an age of huge steam-driven factories (Turner 1962). Moreover, entire new industries and occupations, such as the motor industry or clerical

workers (Hain 1970), were eventually brought into the union movement. Equally, unions in industries like cotton or coal used to lose members during the downswing of the trade cycle, but recouped their losses with the upturn. And, in the recent past, governments operating within a framework of liberal capitalist democracy have found it difficult to enact legal controls on unions. Most famously, the Industrial Relations Act 1971 was ignored by employers, flouted by unions, and appeared to confirm the 'limits of the law' (Weekes *et al.* 1975). Therefore it would be mistaken to assume that any change in the environment of unions, however 'revere', would translate straightforwardly into a loss of influence (or vice versa). As we have seen, over the past decade or more, the shape of work and its economic, political and legal climate have changed in ways which are largely detrimental to trade unionism. In this case, the sheer combined weight of negative factors may cause us to anticipate dramatic change. After all, it is one thing to face a legal offensive during a period of full employment, or to confront major changes in the character of work with the aid of a friendly political and legal regime. It is quite another to cope with the 'slings and arrows of outrageous fortune' when the state is also providing the ammunition. This said, all these external industrial relations influences are also mediated through institutions, namely the unions and the members they represent, and the companies and managers with which they deal. It is at the level of workplace strategy on both sides that the contours of contemporary unionism has been shaped. This section will consider three dimensions to this problem of agency. First, there is the espoused policy of modern management, notably that cluster of initiatives around the concept of HRM. Second, there is the survey and case study evidence on the extent of real change in the workplace. Finally, there are the strategies adopted by unions in workplace, but also in the broader labour market, to accommodate or counter these new pressures, and the problems of translating them into workplace union practice. In short, the main questions are: what is management seeking, what has it obtained, and what can the unions do about it?

The new management agenda

In the early 1980s, the new management approach was widely characterised as a crude 'Macho Management' (Edwardes 1983,

Edwards 1985). Throughout that decade, a series of tough super-bosses, Michael Edwardes at BL, Ian MacGregor at steel and coal, Eddie Shah and Rupert Murdoch in the print industry, fought bitter public battles to break or weaken unions in their previous industrial heartlands. The government provided appropriate legal instruments and police support against striking workers, and generally cheered on their efforts. Important as these strategic battles were as examples to the rest of the union movement, they were clearly not typical of what management was attempting in the bulk of British industry. Elsewhere, businesses were talking the novel, emollient language of HRM, and initiating a raft of new EI schemes such as Quality Circles, team briefing and profit sharing (Storey 1989). In common with the 'macho managers', they began to address and involve individual workers directly through these new parallel channels; not confronting the unions directly, but merely diverting the energies of people management away from union-centred conflict resolution. The true import of HRM was ambiguous and unclear. Some suspected that it was merely trivial: a relabelling of age-old personnel practices in the attractive language of American popular management. To others it was potentially benign: a long-awaited conversion of authoritarian British management to the virtue of shopfloor creativity, within the Harvard framework of pluralist union-management 'jointism' (Beer *et al.* 1984). Finally, yet other commentators perceived a more sinister trend: the insinuation of 'welfare capitalist' methods from American non-union firms, such as Hewlett-Packard and IBM, into the unionised 'mainstream' with drastic long-term implications for the future role of unions there (Guest 1987). In the USA, HRM has a strongly anti-union intent. Evidence on the impact of HRM in the UK is mixed, with surveys suggesting application rates higher in unionised firms, but with case studies indicating peaceful, and not so peaceful, co-existence between new HRM techniques and collective bargaining machinery (Millward *et al.* 1992; Sisson 1993; Storey 1992). For example, Cadbury, a company with a history of pro-unionism (Smith *et al.* 1990), has recently been reported as using HRM techniques deliberately to marginalise trade unions, which its management see as facing long-term decline within the workplace (*Labour Research* 1994: 24).

The new industrial relations

The research record proffers some support for all three prognoses, and plenty of instances of unreconstructed 'macho management'. Our problem is how to discern some overall pattern from this variety; how to attach some appropriate weighting to the various developments. Storey (1992) has shown that 'mainstream' British business has embarked on serious HRM programmes which belie talk of mere relabelling. However, while he has identified the desirability of a benign 'jointist' approach in order to gain effective workforce consent (Storey and Sisson 1993), there is limited British evidence of management seeking to breathe new life into the union relationship. The suspicion remains that the active component of HRM dualism is the non-union EI channel, and that, far from there being a symbiotic relationship, the new individualist ivy is growing by draining the lifeblood from the old collective tree. Taking a more diverse business sample, Marchington *et al.* (1992) have also vouched for the currency of EI concepts, while questioning their impact and identifying both considerable triviality and a variety of contrasting consequences for unions. The major WIRS surveys (Daniel and Millward 1983; Millward and Stevens 1986; Millward *et al.* 1992) provide an intriguing longitudinal series of aerial photographs of trends in workplace industrial relations, stretching over a decade. The first two surveys confounded simplistic talk of 'macho management' sweeping British industry, by stressing the institutional stability of continuing workplaces, in terms of union recognition and shop steward representation (Kelly 1987). On the other hand, the latest survey, which charts a significant trend towards union derecognition, suggests that sophisticated HRM has been confined to large-unionised workplaces, while the reality across a large and growing part of the economy is a 'Bleak House' combination of no unions and no new HRM techniques (Sisson 1993; Guest and Hoque 1994).

These latest WIRS results suggest that, outside established union bastions, 'generous, warm-hearted' management is not the principal obstacle to union advance, as some HRM advocates have contended (a point developed by McDoughlin in this volume). Within the existing unionised sectors, these findings would be quite consistent with the benign 'dualism' scenario, if there were any substantial evidence of management drawing the union into the centre of its HRM policies, as GM did in the US car industry in

the late 1980s (Black and Ackers 1994). More often, particularly in the public and recently privatised sectors, the current actions of management give more credence to the union by-passing scenario. Perhaps, this presents a false polarisation between coercion and consent. For companies, such as Ford UK, which initially were quite content to force through change, irrespective of union wishes, may wish to return later to a collaborative relationship with the weakened union body that remains.

Union responses

Union responses have also gone through a series of phases, each of which has occasioned major internal conflicts. The first phase, in the early 1980s, was one of disbelief, especially on the left of the union movement, bolstered by the conviction that the Thatcher government would soon be defeated, as its Heath predecessor had, and that industrial relations could return to the status quo ante (Gill 1981). Macho management was conceived in such terms as an unpleasant but short-lived shift in the 'frontier of control'. The TUC's 1980 'Day of Action' dramatised this conviction. By the mid-decade, the consolidation of Conservatism rule, the reduced importance of union strongholds in traditional heavy, manual industry, and ever-tightening legal controls provoked a much more fundamental reassessment (TUC 1988). This movement towards the 'new realism' was sealed by the defeat of the militant miners' union in 1985. However, at least three different political strands remained within the British union movement, and these may be loosely attached to some major union bodies (Martinez Lucio and Weston 1992a). First, on the left, TASS (later to merge into MSF and change its political complexion) emphasised the traditional union bargaining agenda, and saw progress mainly via deepening its existing organisation and through merger with other unions. By contrast, on the right, the 'business unionism' of the EFTPL (now part of AEEU) went furthest towards embracing the new 'Enterprise Culture', by openly courting employers into 'single-union, no-strike' deals, and trying to enlarge its 'market-share' of union membership, at the expense of other less conciliatory unions (Bassett 1987). In the broad centre, the TUC and the two great general unions, the TGWU and the GMB, emphasised more modest overtures to management, in the form of reform proposals for 'single-table bargaining', and by stressing 'link' campaigns to win

the growing peripheral workforce of part-time women and ethnic minorities - with limited success (Snape 1994). For all the furious public debate, by the late 1980s a common practical agenda emerged of opportunist mergers, overtures to employers, recruitment campaigns, and improved public images and individual services for workers (TUC 1988).

The union campaigns to win both employers and members have yielded meagre returns, and perhaps the greatest gap in all the various strategies has been their practical response to management HRM strategies in the workplace. The post-war decentralisation of collective bargaining to the workplace (Brown 1981), and the multi-union reality of union representation at that level, created a chasm between national rhetoric and workplace practice, which more than matches the same management predicament. This problematic British relationship between workplace and union stands in stark contrast to the integrated and proactive policy pursued by a continental union like IG Metall. In one view, under adverse economic and legal conditions, the militant, autonomous shop stewards' organisations of old have partially metamorphosed into the compliant 'company unions' of today (Brown 1986). More likely, the decline in the TUC's already weak authority, and the absence of mechanisms for co-ordinating or translating national union policies into workplace union strategies, has created a remarkable local pragmatism which belies official union labels. Thus regional officers of the left-wing TGWU participate in employer 'beauty contests' for single-union deals, and TGWU activists in one workplace boycott the Quality Circle programme, while their colleagues elsewhere welcome it. By contrast, some former public-sector unions, such as the UCW, have retained a closer link between union and workplace which may make them more capable of translating union policy into shopfloor practice.

For these reasons, any proper understanding of either management or union strategy cannot confine its attention to the corporate boardroom and the union head office, the company report or mission statement and the union policy document. While it is important to grasp corporate policy 'Beyond the Workplace' (Marchington *et al.* 1992), the workplace remains the crucible for the implementation of management and union policy, as the chapters in this volume testify.