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What role for trade unions in future workplace relations?

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The role of trade unions has changed significantly over the past 30 years. Global competition, a growing trend in outsourcing, legal constraints, and employer sponsored forms of employee participation have combined in precipitating a significant fall in union membership and the coverage of collective bargaining. The coming decade promises to be equally challenging for the trade union movement. How they respond to the challenges and opportunities over the next few years will be crucial in determining their level of influence at work and beyond in the future.

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This paper looks at membership trends and examines how unions are shaping relations between workers and their employers in today's workplaces, union responses to labour market fragmentation, and the strategies that unions are pursuing to revitalise membership and restore their influence in the workplace.

Introduction

Trade unions play a significant role in directly shaping people's working lives in Britain today, although their influence in this respect has diminished in recent times. The proportion of workers who are members of unions fell in the first decade of the twenty-first century, although this decline was modest, and far less dramatic than the decline of the preceding two decades. The exposure of British firms and industries to greater market pressures, a growing trend in outsourcing and the growth in atypical employment, employer sponsored forms of participation and representation, and the imposition of legal constraints on the ability of unions to recruit, organise, collectively bargain and take industrial action, has all contributed to a sharp fall in membership. Despite the adoption of various internal strategies and the introduction of laws encouraging employers to recognise unions, the downward trend in membership nevertheless continued in recent years, albeit at a slower pace. How unions respond to the challenges and opportunities presented by the changing nature of work and employment relations will be decisive in determining their level of influence within the workplace in the coming years.

This paper provides an assessment of the future opportunities and prospects for British unions. After looking at recent membership trends more closely, it examines how unions are shaping relations between workers and their employers in today's workplace, particularly with respect to employee representation and conflict. The paper then gives an overview of how unions have responded to a more fragmented labour market and their efforts

in reaching unorganised workers in a more diverse workforce. Attention then turns to the effectiveness of the various strategies developed by unions in recent years, such as organising, partnership, the learning agenda, and strategies around procurement and assesses the likely future role of unions in the British workplace and employment relations.

Recent trends in union membership

Unions in virtually all developed economies have lost membership in recent decades, but the decline has been especially sharp in Britain. Union density stood at 27 per cent in 2010, compared to 30 per cent in 2000, and 50 per cent in 1980. This downward trend has been especially pronounced among certain groups of workers, notably manual workers, male workers, younger workers, and those in the private sector, although membership has remained relatively stable among non-manual workers, female workers, public sector workers, and older workers (Bryson and Forth, 2010: 2-5).

In 2010, there were considerable gaps in union membership between workers in the public and private sectors (56 per cent compared to 14 per cent respectively), those in smaller workplaces versus larger ones (17 per cent among those in workplaces of less than 50 employees versus 35 per cent in those with 50 or more), and younger and older workers (10 per cent among those aged 16 to 24 compared to 33 per cent of those aged 50 and above). Low density among young workers reflects the rise in the number of workers who have never been members. This is an alarming development for unions. The proportion of workers in this category rose from one in five in the

mid-1980s, to one in two in the late 2000s (Bryson and Forth, 2010: 10).

While a woman with a higher education qualification working as a professional or associate professional is much more likely to be a union member than a male, manual worker, the high proportion of older, white, male workers in the ranks of workplace representatives conforms more to a stereotypical image of unionists. Moreover, the decline in the number of union workplace representatives from 335,000 in 1984 to less than 150,000 in 2004 (representing a steeper fall than membership levels) is a perturbing trend for unions, since workplace representatives provide a vital link between a union's officials and its members (Darlington, 2010).

The most recent figures published show that membership levels remain high in industries such as education (52 per cent), public administration and defence (52 per cent), electricity, gas, steam and air conditioning supply (44 per cent), transport and storage (42 per cent), and human health and social work (41 per cent), but very low among workers in accommodation and food services (four per cent), professional and administrative services (10 per cent), wholesale, retail trade and motor repair (12 per cent), and information and communication (13 per cent) (Achur, 2011). General unions experienced large membership losses over the past decade, as did those covering industries such as manufacturing and mining (where unions had once been strongest), continuing a downward decline that began many years earlier. Positive membership trends over the past decade were evident among professional unions, notably those covering teachers

and health workers, and industry unions representing workers in the civil service, railways, construction and retail (Bryson and Forth, 2010: 5-6; Nowak, 2009: 134-135). However, the recent downturn adversely affected membership in construction and retail, and a similar trend is likely to follow the impending job losses in the public sector.

The changing nature of employment relations: Opportunities and challenges for unions

Restrictions on industrial action and the break-up of national bargaining structures, and legislative changes introduced to end the 'closed shop' (an arrangement whereby an employer and a recognised union could agree for union membership to be a prerequisite to employment), resulted in a decline in the proportion of workers covered by collective agreements, with individual contracts and enterprise-level bargaining consequently becoming the main way of regulating workers' pay and conditions (Brown et al., 2009). Union activity is now focused more directly on the enterprise level as a result of these developments.

Union recognition

The Employment Relations Act 1999 represented a more favourable legal development for unions. By allowing unions to apply for statutory recognition, the Act notionally provided them with an opportunity to gain a foothold following the shift towards enterprise-level bargaining. These new laws halted the rise in employer efforts to derecognise unions, and resulted in the signing of some 3,000 new recognition agreements covering 1.3 million workers between 1995 and 2005 (and most

likely many more voluntary recognition agreements) (Nowak, 2009: 133). While derecognition had waned by the mid-2000s, so too had recognition, and the number of statutory recognition applications has fallen sharply in recent years, from 106 in 2003-04 to 28 in 2010-11 (Central Arbitration Committee, various years). An obvious explanation for this is that the lowest hanging fruits (ie the workplaces where workers or employers were relatively receptive to voluntary recognition) had already been picked. Moreover, achieving statutory recognition has proved difficult for unions for various reasons. Smaller workplaces (those employing 20 or fewer) are not covered by the law; unions are required to get support from a majority of all workers voting in the bargaining unit, and the number voting in favour must represent at least 40 per cent of all workers regardless of whether or not they have voted; and the rather adversarial nature of the recognition process can fuel antagonism from employers (Gall, 2003: 14; Gall, 2006: 14). It is difficult to see the statutory recognition process offering much salvation to union organisers in the future in light of these constraints.

Employee voice and representation

Whatever the specific impact of legal reforms, economic changes, such as the opening of British markets to international competition and the introduction of market pressures across much of the public sector, may have had a greater impact on the decline in union membership and influence within the workplace. According to William Brown and David Marsden, "firm by firm and sector by sector, employers have responded to tougher competition by tightening controls over work, and either refusing to deal with

trade unions at all or doing so only on the basis that their role is one of passive consultation or of positive contribution to improved productivity" (2010: 3).

The rise in employer-sponsored forms of employee participation and representation is also symptomatic of this trend. Over the past quarter century there has been a large increase in the proportion of workplaces using non-union worker voice mechanisms (from 16 per cent in 1984 to 46 per cent in 2004), a sharp decline in those using union-only forms (from 24 per cent to five per cent), and a less dramatic decline in workplaces using 'dual voice' regimes, ie a combination of union and non-union mechanisms (from 42 per cent to 33 per cent). The number of workplaces with some form of worker voice mechanism remained stable over this period, suggesting that appetite for employee participation and representation has not diminished, but rather shifted away from the forms involving unions (Willman et al., 2009: 101).

While the decline in unionised workplaces helps to explain the trend away from union voice mechanisms, it also reflects a shift in employer preferences. It has been suggested that the propensity of employers to substitute union-based voice mechanisms for non-union ones indicates a belief among employers that union-only voice does not 'add value' to their business or organisational objectives. However, various studies have found that unions continue to be the most effective mechanisms for representing worker interests, and also that non-union mechanisms produce limited benefits for management in terms of productivity (Butler, 2009; Heery, 2010). This suggests that employers use non-union channels more to maximise control than to enhance employee

voice. But given the much larger proportion of workplaces with dual voice regimes than those using union-only mechanisms, unions might have been expected to embrace forms of participation and representation that allowed both employer and union objectives to be pursued. The introduction of the Information and Consultation of Employees (I&CE) Regulations in 2004 offered unions an opportunity in this respect.

The I&CE Regulations give workers in firms of more than 50 employees the right to make a request to establish a body that would have the right to certain information about the firm's economic situation and activities, and consultation over likely changes to staffing, contractual arrangements and work organisation. While the regulations do not explicitly mention unions, it was widely envisaged that unions would use their introduction to promote employee representation and dialogue with employers, although there were also fears among unions that employers would use the regulations as a union substitution mechanism. The impact of the I&CE Regulations on workplace dialogue has been minimal according to one recent study. With some exceptions, unions were found to have "generally shown no interest" in using the regulations to their potential advantage. Employers have not taken much advantage of their introduction either, but I&CE mechanisms have been established in some non-unionised workplaces in response to applications for statutory recognition, suggesting that the regulations have been used for union avoidance purposes as feared (Purcell and Hall, 2011). A forthcoming paper in the series will explore this issue in more detail.

Workplace conflict

A major fall in working days lost due to strikes over the past two decades has followed the diminishing capacity of unions to take industrial action, both legally and organisationally. However, the rise in employment tribunal applications suggests that union decline has not necessarily led to less workplace conflict per se (Dix et al., 2009).

Recent studies point to the positive role played by unions in helping to resolve workplace disputes. Research by Richard Saundry and colleagues found that autonomy from management and greater dispute resolution skills and expertise allowed union representatives to play a more constructive role than non-union representatives in disciplinary proceedings. Managers in union-recognised workplaces generally felt that union representatives helped to ensure that disciplinary hearings operated in a more procedurally fair and efficient manner than might otherwise have been the case. Such outcomes were most likely in workplaces where there were high levels of trust between union representatives and managers (Saundry et al., 2011: 203-208).

A recent survey conducted for Acas revealed that union officials were far more inclined to take a conciliatory rather than antagonistic approach when negotiating with employers. Over 50 per cent of officials agreed strongly that they would seek a compromise solution, whereas 15 per cent agreed strongly that they would opt for positive outcome on behalf of their members at any cost (Ruhemann, 2010: 15). This inclination to seek solutions of compromise was evident during the 2009 recession, when unions in

the manufacturing sector used concession bargaining to reduce working time in exchange for fewer job losses.

It appears that unions are having a more positive impact with respect to workplace conflict than in earlier periods. Managers and workers perceived relations in unionised workplaces to be less positive than those in non-unionised ones in the 1980s, but this gap has since diminished. The negative impact of unions on workplace financial performance identified in the 1980s has also disappeared. Unions may also be heartened by the positive attitude of workers in unionised workplaces about their effectiveness. Whereas 64 per cent of members and 56 per cent of non-members agreed that the union was doing its job well in the mid-1980s, this has since risen to 71 per cent and 65 per cent respectively (Bryson and Forth, 2010: 18). In the context of this softening of attitudes, there is potential for unions to assert themselves as agents of conciliation and conflict resolution, particularly since the rise of mobile technology has made workplace grievances potentially more difficult to manage (Podro, 2011).

Wages

The association between union membership and higher wages remains an attractive reason for workers to join. Unions continue to play an important role in setting wages, in that a significant wage premium is attached to union membership in both the public and private sectors (Blanchflower and Bryson, 2010: 107). However, this premium has fallen significantly in recent years: union members received five per cent higher wages on average than non-members in equivalent

jobs in 2009, compared to 10 per cent in the mid-1990s (Bryson and Forth, 2010: 12). By contrast, the wage premium attracted by occupational licensing stands at 13 per cent.

Occupational licensing requires workers to be licensed by a government or professional body to perform some part of their jobs. It was traditionally used to regulate entry to various higher-skilled professions, including medical and legal practitioners and skilled manual trades. Occupational licensing is a labour market institution that has grown substantially at the same time as unions have declined. Some 14 per cent of the workers in Britain had to be licensed in 2008, compared with around eight per cent in 1997. Membership of organisations responsible for certifying, accrediting and licensing occupations is highest among workers aged between 20 and 39, among whom union membership is low. Occupational licensing is becoming more prevalent among lower-skilled service sector occupations, such as security workers and secretaries, and is therefore no longer confined to high-skilled professions (Humphris et al., 2011; Koumenta, 2011). While some unions have sought to appeal to workers on the basis of their professional identity, the large growth of occupational regulation in Britain and elsewhere, such as the United States, may force unions to develop more comprehensive strategies in this respect.

Union responses to labour market fragmentation

A more fragmented labour market has been a consequence of weakened union power, the shift towards individual contracts and enterprise bargaining, and the trend among firms to outsource non-core activities to

other firms (such as cleaning, security, catering and payroll) (see Table 1). The growth in the number of bargaining units within the civil service from one to 229 between 1994 and 2008 is an illustration of this fragmentation (Daniels, 2009: 264). There has also been a growth in short-term contracts and ‘atypical’ and ‘indirect’ forms of employment, such as agency labour and ‘dependent self-employment’. Higher levels of workforce participation, due to rising migration and ‘welfare to work’ policies, has facilitated growth of these forms of employment over the past decade or so. Representing workers and creating effective labour standards in areas where atypical and indirect employment is used widely has been a major challenge for unions, as well as other labour market factors, as will be shown in a forthcoming paper on the impact of the growth of outsourcing on employment relations.

Table 1
Workplaces of 25 or more employees sub contracting building services (per cent), 1990–2004

	Private sector			Public sector		
	1990	1998	2004	1990	1998	2004
Cleaning	55	71	72	56	61	66
Security	33	46	45	13	29	31
Catering	20	22	19	36	52	50
Building maintenance	66	71	72	54	67	73
Printing/photocopying	29	25	18	10	14	15
Payroll	13	17	25	5	25	41
Transport documents/goods	47	52	43	21	29	23

Source: Blanchflower and Bryson (2010): 96

Atypical employment

In cases of indirect employment, a worker’s employment conditions may be shaped by the decisions of a firm that is not their direct employer. However, the line of accountability and perhaps even legal responsibility for these workers is likely to be vague. The persistence of the direct employment relationship as the cornerstone of British employment law means that workers have very limited if any legal recourse if the actions of a firm other than their employer serves to undermine their employment rights (Marchington et al., 2005).

This development presents a challenge for regulators and enforcement bodies seeking to uphold labour standards, as well as for unions, which have experienced difficulties trying to organise these workers. As elsewhere, atypically employed workers have always presented dilemmas for unions in Britain. On the one hand, organising these workers can be seen to legitimise forms of employment at odds with the traditional union preference for stable and secure (ie full-time and permanent) jobs. Devoting resources to these workers also invariably means fewer resources for permanent workers and existing members. But on the other hand, failing to organise workers in atypical employment can lead to further growth in these types of work, as well as workers without support. Furthermore, while allocating resources solely to members might allow a union to consolidate support among its membership base, this will weaken the union’s capacity to expand, and thereby undermine its legitimacy among non-members.

The large growth in unorganised workers has compounded these dilemmas, especially

for unions in the private sector with low membership coverage. British unions have paid more attention to organising these workers in recent years, despite a history of marginalising atypical workers from their membership structures and resisting their entry to the labour market (Gumbrell-McCormick, 2011: 300-307). Having said that, some unions have gone to greater lengths than others and there remains considerable scope for unions to develop their work in this area. Nonetheless, there has, according to Edmund Heery, “been a definite shift in formal union policy on contingent work from exclusion and subordination to inclusion and engagement” over the past three decades (2009: 432).

The negotiation of recognition agreements with various large employment agencies, such as those that Unite have signed with Manpower and Adecco, are good examples of union activity around workers in atypical employment, although it should be said that these agreements have been somewhat limited both in substance and in their reach into contingent labour markets (Heery, 2009: 434). Other examples include GMB’s establishment of a Polish workers branch in its Southern Region with the help of local community organisations, and the links that UNISON and Unite have cultivated with advocacy and community groups to organise and deliver support and education to migrant workers. The wide involvement of unions in the TUC’s Commission on Vulnerable Employment in 2007-08 was another demonstration of the rising concern about the consequences of atypical work across the union movement (Moore and Watson, 2009; Wright, 2010). The growth of union strategies aimed at organising atypically employed workers suggests that this trend will continue.

Alliances with civil society organisations

The creation of alliances between unions and community groups and civil society organisations (such as charities and advocacy groups) to reach atypical workers has also been seen in other areas. The ‘living wage’ campaigns in various cities (notably London) are good examples of coordinated action between unions and community groups in this respect. These campaigns have called for better pay and working conditions for contract cleaners, and typically have a community as well as a workplace dimension. Community organisations have pressured banks, universities, hospitals, museums, hotels and government authorities to oblige cleaning contractors to pay their employees enough to live in relative comfort, while cleaners have been organised and mobilised at their place of work. Some notable wins have been achieved through this process, and there are now over 100 ‘living wage employers’ across Britain, including the Olympic Development Authority, KPMG, Barclays, the City of London, and various local authorities. UNISON, Unite, RMT and other unions have been involved in these campaigns, but there are also cases where workers have won the living wage without union participation, such as at Queen Mary, University of London. This has led writers such as Jane Wills to argue that while living wage campaigns benefit from union involvement, it is not necessarily a critical ingredient for success (Wills, 2009: 448-457).

Citizens UK (an alliance of community and faith groups) has been the protagonist in the living wage campaigns, and it seems that unions need to use the strong community ties of such organisations to reach the growing number of workers that

are atypically employed. This is easier said than done. Tensions between unions and these community groups have manifested around differences in their objectives and philosophies, campaigning approaches and internal structures. Some unions have perceived community and civil society organisations to be encroaching upon their territory (Holgate: 2009; 58-71). But there are practical limits to the capacity of civil society organisations to influence employer practice because, unlike unions, they do not have a direct presence in the workplace. Furthermore, these groups are primarily campaign organisations that seek to raise awareness about worker vulnerability and achieve one-off victories, rather than provide continuous bargaining and workplace representation (Givan, 2007; Williams et al., 2011: 79-82). The activities of civil society organisations such as Citizens UK therefore tends to complement, rather than supplement the role of unions, and as such it is likely that the two will work closely along these lines in the future, despite any initial teething problems that may have existed to date.

Responses to new employment rights and statutory bodies

The weakening of union power and a rise in low paid workers were key factors prompting greater intervention by the state to protect workers from the late 1990s onwards. The concentration of such workers in largely unorganised industries led the TUC and its affiliates to reconsider their long-held ambivalence towards state intervention in the labour market. Unions seem to regard the introduction of the National Minimum Wage and creation of the Gangmasters Licensing Authority (GLA) as positive developments. The TUC has praised the GLA

for helping to improve labour standards and curbing the activities of rogue employers, and argued for the GLA to be given more resources to strengthen its enforcement capacity. Unions have also called for the GLA's remit to be extended to other low-wage sectors where low paid and atypical work is prevalent, such as construction, hospitality, and home care (TUC Commission on Vulnerable Employment, 2007).

Various studies show that workers in enterprises where unions are present are likely to have greater capacity to assert their rights and improve their conditions beyond the statutory minimum than those in non-unionised workplaces (Brown et al., 2000; Colling, 2006: 144-145). Although this might imply that the expansion of statutory rights provides unions with scope to organise workers, writers such as Trevor Colling claim that limited resources, potential litigation costs, and the practical difficulties of using individual rights to mobilise workers collectively, have constrained the ability of unions to develop effective legal strategies as an avenue for revitalisation (2006: 159-160). It has been conversely suggested that unions have incorporated the expansion of worker rights around issues such as equal pay and part-time work into their traditional collective bargaining strategies with some success to create what Heery calls a "post-voluntarist system of interest representation" (2011: 82-90; see also Dix et al., 2009). As such, union support of state intervention to protect workers' rights and interests looks set to continue, despite the supplanting of collective bargaining by statutory rights as the predominant form of employment protection.

Revitalisation strategies

Unions have responded to membership losses and the emergence of a more fragmented labour market in various ways. The decline in the number of unions from 326 in 1988 to 167 in 2008 shows that many have merged to consolidate resources and improve their economies of scale (EIROnline, 2009). Strategies focused on partnership, organising, workplace learning and the procurement process have been other key responses. Most recently, Unite announced that it will offer 'community memberships' to students, single parents and the jobless for 50 pence a week, and is considering using the scheme to offer legal support and education facilities in exchange for collective community action (The Guardian, 2011).

Partnership

Governments in the late 1990s used the principle of mutual gains through cooperation between workers and managers to encourage unions to sign voluntary 'partnership agreements' with employers. This approach assumed that cooperation would produce more efficient working practices and improved financial performance, which firms would then share with employees through better wages and conditions (Terry, 2003: 462-467). The 248 partnership agreements signed between 1990 and 2007 covered around 10 per cent of all workers in Britain (Samuel and Bacon, 2010: 431). A recent study of these agreements found that most were "substantively hollow", and not instruments for exchanging greater employment security for more flexible working practices, as their proponents intended. Partnership agreements tended to achieve a more modest trade-off of guaranteed union involvement in managerial decisions in return for commitment to

work towards the firm's success. As such, partnership agreements were not mechanisms for employer dominance over employee interests, as many had predicted (Samuel and Bacon, 2010). The election of several prominent critics of the partnership approach to union leadership positions in the early 2000s marginalised it as a central renewal strategy, and partnership is unlikely to be re-embraced across the union movement any time soon.

Organising

If British unions have grown rather ambivalent about partnership, they remain far more committed to the organising agenda, which was also advanced as a key strategy for union renewal in the late 1990s. Beyond recruitment, the emphasis of this approach is to empower workers, rather than simply 'servicing' them, by instilling a culture of workplace activism and giving workers the skills to maintain organisational strength with minimal reliance on union officials. Investment in and reorientation towards organising by most British unions suggests that the organising agenda has been successful. Many either train their officials and activists through the TUC's Organising Academy (established in 1998) or their own academies. However, employer resistance, particularly at unorganised workplaces, has acted as a brake on organising activity.

According to a recent study, employers' responses to organising are largely path dependent: while they are largely supportive of organising campaigns if a union already has an established presence within the workplace, hostility can be expected if there is a weak union presence or no presence at all (Heery and Simms, 2010). Moreover, the resource intensity of organising,

an embedded culture of servicing, and decentralised internal structures have contributed to internal opposition to organising in a number of unions, and this has made it difficult for their national offices to get a 'buy in' across local and regional branches (Heery et al., 2003: 84). The organising agenda has nonetheless been embraced widely. However, much activity remains focused on core areas of existing strength, despite the stated intentions of many unions to 'organise the unorganised', particularly those groups of workers that have traditionally been underrepresented, such as young, women and black and minority ethnic workers (Daniels, 2009: 266; Simms, 2010).

The TUC's embrace of both partnership and organising led a number of unions and commentators to construct an either/or approach to these two strategies. It was said that organising and partnership were fundamentally incompatible and that unions had to choose one or the other. But there was logic to pursuing both strategies: partnership was more appropriate for unionised workplaces where managers were happy to maintain a cooperative approach, whereas organising was necessary to gain a foothold in non-union workplaces where managerial hostility could be expected (Heery, 2002: 31). Some unions seemed to combine both strategies with some success. For instance, Usdaw signed partnership agreements with large retailers such as Tesco, which then provided extended release time for workplace representatives to attend recruitment and development training at the union's own organising academy. A growth in membership of 17 per cent between 1999 and 2009 appears to support Usdaw's claim that partnership and organising can be

complementary (Nowak, 2009: 140; Simms, 2010). However, there are few signs that other unions are willing to follow Usdaw's lead in this respect.

Learning and skills

The establishment of various bodies such as the Union Modernisation Fund (UMF), the Union Learning Fund, and the Partnership Fund has facilitated the expansion of union activity into new areas. The UMF has led to cultural change within unions and helped them to connect with workers in the contemporary labour market more effectively. For instance, UMF projects have allowed unions to develop strategies for representing the needs to a more diverse workforce, and improved their communication structures through greater use of new technology (Stuart et al., 2009; Stuart, Martinez Lucio et al., 2010). The creation of Unionlearn, the Union Learning Fund, and a statutory role for union learning representatives (ULRs) in 2002 has led to major growth in the delivery of workplace-based skills and learning, a previously underdeveloped area of union activity.

A recent comprehensive evaluation of learning agreements indicated that the learning agenda is an area of union activity with much promise. The study found that learning agreements are 'consistently associated with higher levels of reported learning and business outcomes', and have been a positive-sum game for workers, unions and employers alike. They have delivered learning opportunities to workers that they otherwise would not have received; unions are increasingly using learning as an issue to organise around and to broaden their bargaining dialogues with employers; and a significant proportion of employers

reported that union learning has a positive impact on organisational performance and skills gaps. Moreover, while union learning is most likely to take place in workplaces where unions are recognised, around 40 per cent of employers surveyed said that it has led to improvements in employee engagement, staff morale and relations with unions, with only a small fraction reporting negative impacts (less than four per cent in each case) (Stuart, Cook et al., 2010).

A number of academic commentators assert that the learning agenda offers a potential avenue for union revitalisation, as it allows unions to position themselves around broadly appealing themes, such as skills improvement, dignity and inclusion (Martinez Lucio and Stuart, 2009; Munro and Rainbird, 2004). One study identified cases where union learning had created or reinforced positive associations of unions among both member and non-members, encouraged workers with no previous involvement to become ULRs, and generated a 'roles escalator' in union activism by turning non-members into members, members into ULRs, and ULRs into health and safety and workplace representatives (Warhurst et al., 2007). In addition, more than one-third of ULRs have never previously held a union position, and ULRs are more representative of the broader workforce, since they are much more likely to be younger, female workers, and from an ethnic minority background than union workplace representatives (Darlington, 2010: 126-135). With around 22,000 ULRs trained and more than 1,500 learning agreements signed between unions and employers over the past decade or so, union learning is likely to flourish as an area of union activity, especially since it could help address some of

the lingering problems in British skills policy more generally (for example, see Keep et al., 2006).

Supply chain and procurement strategies

The single-employer model of employment law gives employers operating in cost-competitive, non-unionised industries a large financial incentive to resist union recognition campaigns. In response to these constraints, some unions have attempted to use the procurement policies of large firms to influence the employment practices of their suppliers. Getting these firms to agree to only use contractors and suppliers that comply with basic labour standards as a condition of their commercial contracts is the main aim of these strategies. The Communication Workers' Union adopted this approach to win better pay and conditions for agency workers at BT (Labour Research Department, 2009). In a similar case, Asda responded to an extensive campaign from Unite to improve conditions in the meat processing industry by compelling its 29 suppliers to engage agency workers on the same terms and conditions as directly employed workers (The Guardian, 2010). Public sector unions have also used these strategies with some success by getting various public sector employers to extend the terms of their collective agreements to the employees of private contractors. The abolition of the Two-Tier Code in December 2010 is likely to lead to a decline in collective bargaining coverage across the public sector workforce in the event of future privatisations (Bach, 2011). Maintaining membership if such a scenario eventuates, as appears likely, will be a major challenge for unions. This may lead to a greater focus on the procurement process as a strategic

device for defending working conditions among public service contractors, especially given the development of such strategies by unions such as UNISON in response to earlier privatisation waves (for example, see UNISON, 2008).

The increased international integration of production and supply chains prompted some unions to use international regulatory instruments as a way of maintaining and improving employment conditions in recent years. For instance, GMB played a central role in helping to establish an International Framework Agreement between the security firm G4S and the global union federation UNI, in order to protect basic labour standards across the firms' international operations (Telljohann, 2009). Unions were able to use the OECD Guidelines for Multinational Enterprises, which promote responsible conduct among multinational firms based or operating in any OECD member state, to encourage Peugeot to consult its workers over corporate restructuring. And British unions worked with their counterparts abroad through the General Motors European Works Council to negotiate an alternative restructuring of the firm's operations and avert the closure of its Luton site (da Costa and Rehfeldt, 2007: 314). Aside from these exceptional cases, British unions have not made extensive use of international instruments, seemingly due to a lack of awareness as to how they could be employed. The voluntary nature of these instruments means that they have only limited potential to improve employment conditions, but they do offer unions an additional lever to strengthen or extend their presence within the workplace.

Conclusion

Labour market fragmentation, the international integration of product markets and production systems, and a single employer model of employment law have combined to make it more difficult for unions to maintain a strong presence in the British workplace of today than in previous eras. Unions have adapted nonetheless, and will need to rely more on international regulatory instruments, strategies based around supply chains and procurement, and alliances with civil society organisations as part of their future attempts to protect and improve wages and labour standards across the workforce. Unions may continue to have difficulty appealing to new groups of workers unless they continue to adapt to the ever-shifting contours of the labour market, particularly in light of challenges such as hostility from employers in unorganised enterprises and industries, and emerging institutions such as occupational licensing. The likely negative impact of public sector restructuring on union membership further underlines this imperative. Nevertheless, the positive-sum benefits of the union learning agenda, the expertise that unions can bring to resolving workplace disputes, and their willingness to seek compromise solutions during the 2009 recession, all show that unions are likely to play a constructive role in finding solutions to labour market challenges in the future.

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