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**Beyond the Enterprise? Trade Unions and the
Representation of Contingent Workers**

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Executive Summary

A persistent theme in recent writing on trade unions has been the need for unions to develop new forms of representation to cater to the needs of a changing workforce. The purpose of this Paper is to investigate a particular version of this argument. It has been suggested that the emergence of a contingent workforce, engaged in non-permanent employment, requires a form of trade unionism that breaks with the dominant workplace model and seeks to represent workers ‘beyond the enterprise’.

The Paper reports research into the methods of worker representation relied upon by unions that traditionally have organised contingent workers and reviews innovations in unions that have set out to represent agency, freelance and fixed-term contract workers in recent years.

The findings provide some support for the thesis that unions of contingent workers depart from the dominant enterprise model and include the following:-

- *Recruitment.* Unions of contingent workers rely heavily on methods of recruitment that seek to attract members at the point where they seek work or enter an occupation. They also seek to retain members through individual servicing, detached from work within a particular enterprise.
- *Government.* Unions with freelance members, in particular, rely upon geographically based forms of organisation rather than enterprise or workplace branches. A key finding is that these and other unions with contingent workers in membership rely to a great degree on central, national institutions of government that concentrate dispersed activists at key points of decision.
- *Representation.* While some sections of the contingent workforce are absorbed within enterprise unions and serviced by workplace representatives, there is much greater reliance on direct representation by paid, external officers for this group. The seeming difficulty contingent workers experience in sustaining long-term workplace organisation leads to reliance on the external union for basic representation services.
- *Servicing.* Unions have developed services for contingent workers that reduce some of the insecurity associated with this form of work and provide access to training and development and information on job vacancies. This kind of servicing of individual members tends to be regarded as more important for the contingent workforce and in recent years there has been considerable extension of the range of services and benefits that unions make available to freelance, agency and contract workers.
- *Bargaining.* Unions of both freelance and fixed-term contract staff in public services rely on multi-employer bargaining to service members. Where multi-employer bargaining has collapsed or has not been established unions have relied on attempts to regulate the labour market unilaterally, by issuing schedules of payment, and on enterprise bargaining. There is no evidence of unions of contingent workers seeking to establish new systems of multi-employer bargaining and for agency workers it seems that the best prospect for the broad regulation of the employment relationship lies in the elaboration of enterprise agreements with large labour-supply firms.
- *Legal regulation.* The unions researched had been particularly active in pressing for legal protection of contingent workers at European level, at national level and

through sponsorship of test cases. Reliance on legal regulation was the most striking recent development within the strategy of representation employed by these unions. For groups like agency workers UK unions act rather like advocacy organisations, promoting legal protection even when union membership is low.

There is evidence on six dimensions of unions of contingent workers acting in the predicted manner and developing methods of representation that break with the dominant enterprise form. However, the empirical pattern revealed by the research is complex and we also encountered situations where unions had made use of enterprise unionism to represent contingent workers. For example, enterprise collective agreements may be used to regulate the numbers of contingent workers employed together with their terms and conditions.

The research also established variation in the pattern of union representation across different types of contingent work. Departure from the enterprise model was most apparent within unions that organise freelance workers. The latter are mobile workers and unions adapt to their mobility by reliance on non-enterprise forms of representation. Amongst agency and fixed-term contract workers, however, there is more emphasis on integration of the needs of these workers in the dominant, enterprise model of union representation. In part, this reflects the fact that agency and contract workers can develop a long-term employment relationship despite the formally contingent nature of the employment contract.

The implication of these findings is that, if contingent work continues to grow in the UK economy, unions will be under pressure to shift the locus of their activity beyond the enterprise. The line of historical development for the past fifty years has been to concentrate union representation at the employing enterprise or work-site. Workers engaged in contingent and insecure work, however, may require a different approach and the reversal of this dominant trend. In the future unions may have to develop more diverse strategies of representation to accommodate the needs of a more diverse workforce, engaged in a wider variety of employment forms and with a variable employment status.

Introduction

If unions are to reverse their decline of the past two decades, it is commonly argued, they must adapt to the needs of a changing workforce and develop a ‘new unionism’ appropriate to the 21st century. A particularly influential form of this argument claims that workers are characterised by an increasing diversity of identity and interest and that consequently unions must learn to ‘represent diversity’ if they are to survive. For instance, Wever (1998: 389) urges a strategy of renewal through ‘enlargement’, in which unions ‘try to organize workers *outside* the forums of traditional industrial relations and to represent interests that may include but also go beyond the standard subjects of bargaining’ (see also Hyman 1999; Murray 1994). A strategy of enlargement of this kind may embrace social identities that express gender, ethnicity, sexual orientation, age or disability but may also arise from differences based on competing forms of employment relationship. Indeed, these two forms of diversity can overlap, most notably where the form of employment is gendered as with part-time work.

This Paper addresses the second form of diversity and considers trade union representation of the ‘contingent workforce’, comprised of workers with temporary, fixed-term, agency and other non-permanent forms of employment contract. Its central purpose is to test for a particular adaptive response among unions that aspire to represent contingent workers: a movement ‘beyond the enterprise’, such that the recruitment, organising, participation and servicing of such workers is conducted at a distance from the employing organisation that uses their labour. The dominant form of unionism in Britain is a ‘de facto enterprise unionism’ (Brown 1983), in which union representation is concentrated on and largely conducted at the employing enterprise. The very contingency of the contingent workforce, however, suggests that workplace or enterprise unionism may be ill-suited to their needs and that they require a different form of unionism. The key proposition that is evaluated, therefore, is whether unions that represent or aspire to represent contingent workers break with the dominant enterprise form and experiment with patterns of union activity that target the individual employee, the external labour market or the wider political economy in which contingent workers operate.

Contingent Work

The term ‘contingent work’ was coined by the American labour economist, Audrey Freeman, to refer to those ‘conditional and transitory employment arrangements as initiated by a need for labor – usually because a company has an increased demand for a particular service or a product or a technology at a particular place, at a specific time’ (quoted in Barker and Christensen 1998: 1). At the heart of this definition is the observation that contingent work is *non-permanent* and differs from the ‘standard’ or ‘typical’ employment relationship based on an open-ended, permanent contract (*cf.* Osterman 1999: 55). In Britain there are three main forms of contingent work:-

- Temporary work, in which the worker is hired by the user of labour for a limited or fixed-duration. Examples include casual and seasonal work and work to a fixed-term contract.

- Agency work, in which the worker is employed or sourced by an employment agency or other labour market intermediary. In this case the user of labour does not enter into a direct employment relationship.
- Freelance work, in which the worker is self-employed and sells labour services to the user of labour.

It should be noted that this list does not include part-time work, although some commentators include part-timers within their definitions of the contingent workforce (e.g. Belous 1989; Rogers 2000: 3). Although the employment of part-timers affords employers flexibility and many temporary workers work part-time, the majority of part-time workers are employed on open-ended, permanent contracts with a single employer and believe they are in secure employment (Gallie *et al.* 1998:168—72; Robinson 2000: 32). It should also be noted that the list encompasses considerable variation and that the nature of contingent work differs within and between particular forms. Contract workers may work to long contracts and have their contracts renewed repeatedly, agency workers may have a long-term employment relationship with a particular labour supplier and freelancers may similarly work on a long-term basis for a particular user of their services. Nevertheless, common to all forms is an assumption of a lack of permanence and employers have resort to these forms in large part because they want labour that is disposable (Heather *et al.* 1996; Purcell 1999).

The issue of contingent work has risen up the public policy and trade union agenda in recent years and this, in turn, reflects growth in the incidence of these forms. The current size of the temporary workforce in Britain has been estimated at about one million employees on fixed-term contracts with a further 700,000 working as seasonal or casual temporary labour (Purcell and Purcell 1999: 167)¹. This comprises between seven and eight per cent of the total workforce, though there is evidence of an increase in temporary work during the 1990s, after a period of stability in the 1980s. The increase is due to a sharp rise in the number of employees on fixed-term contracts (*ibid*). Further evidence of an increase in temporary work is available from the series of Workplace Industrial Relations Surveys (WIRS). This indicates a modest increase in the proportion of establishments employing temporary and short fixed-term contract staff in the 1980s followed by a sharper increase in the 1990s. According to the WIRS panel survey, the percentage of establishments with temporary workers increased from 25 per cent in 1990 to 44 per cent in 1998 (Millward *et al.* 2000: 46).

The WIRS series also indicates that there has been an increase in the use of agency workers, albeit on a modest scale. Data on this issue were collected in 1980 and 1998 and indicate an increase from 20 to 28 per cent in the number of establishments making use of agency labour over that period (Millward *et al.* 2000: 47). Other evidence supports this interpretation and suggests that agency work, like other forms of temporary work, may have expanded at a higher rate in the 1990s. Thus, the Department of Trade and Industry estimates that the agency or ‘private recruitment’ industry tripled in size between 1992 and 1997, with further strong growth recorded for 1998 (DTI 1999: 7), while LFS records an increase of those working for agencies from 81,000 to 227,000 between 1992 and 1997. Observers of the industry have also noted changes in its structure and mode of operation in both Britain and the United States. These include the ‘corporatization’ of the sector and the emergence of large, multinational employment agencies, the trend towards these large

suppliers negotiating ‘master contracts’ with client firms to meet all their temporary labour supply needs, and the growth of ‘insourcing’. The latter extends beyond the traditional supply of ‘temporary help’ and embraces the supply of an entire labour function, such as the staffing of a call centre complete with managers who will manage the ‘insourced’ workforce on site (Osterman 1999: 56; Purcell and Purcell 1999: 174—5).

The increase in self-employment has been one of the most striking changes in the labour market since the 1970s. According to LFS, the full-time self-employed increased from 6.5 to 9.9 per cent of those in employment between 1979 and 1997 and the part-time self-employed increased over the same period from 0.7 to 2.6 per cent (Robinson 2000: 32). The peak in self-employment was registered at the beginning of the 1990s and the past decade has not witnessed rapid growth of this broad category. The WIRS series, however, provides specific evidence on the use of freelancers. This indicates a clear though modest rise in the use of this form of labour in the 1990s; the WIRS panel survey data indicates that 16 per cent of establishments used freelancers in 1990 but 21 per cent did so in 1998 (Millward *et al.* 2000: 48). In certain industries, like television and book publishing the increase in freelance labour has been particularly apparent (Dex *et al.* 2000; Saundry 1998; Stanworth and Stanworth 1997).

Despite the evidence for an increase in contingent work, it would be wrong to exaggerate the extent or growth of these forms of employment. Most employees, about 60 per cent, remain in full-time permanent jobs (Dex and McCulloch 1997; see also Robinson 2000). According to some commentators, however, the growth of contingent work is only the most pronounced of a series of changes that are loosening the ties between worker and employer (Barker and Christensen 1998; Cappelli *et al.* 1998; Osterman 1999). On this view contingent work forms part of a broader shift towards employee insecurity, which also finds expression in the reduction of average job tenure for men and childless women and the increased use of involuntary severance by employers (Gregg and Wadsworth 1999; Schultze 2000; Turnbull and Wass 2000). One implication of this is that union attempts to represent contingent workers may have a wider relevance as the gap between contingent and permanent work narrows.

Enterprise Unionism

Nearly twenty years ago Brown (1983) argued that a ‘de facto enterprise unionism’ had emerged in the British private sector and parallel arguments about the development of enterprise-specific systems of employment relations have been proposed, *inter alia*, by Dore (1989), Gospel (1992) and Purcell (1995). Since then there has been an intensification of the pressures promoting enterprise unionism and their extension to parts of the public sector and privatised utilities. The most obvious of these pressures has been the decentralisation of collective bargaining, though Brown notes that the defining feature of enterprise unionism lies not in the bargaining unit covered but in the resources upon which it draws. It is a form of trade unionism in which the capacities of the union, in terms of collective organisation, procedural agreements, financial resources and bargaining leverage are internal to the firm, in a manner that renders union organisation dependent on the fortunes of the enterprise.

De facto enterprise unionism can be said to possess the following schematic characteristics:-

- *Recruitment* of members and maintenance of membership through processes specific to the enterprise, such as recruitment by shop stewards, a union presence at employee induction and deduction of union dues at source, or check-off.
- *Government* of the union through a network of enterprise or workplace-based branches, in which the local officers of the union are elected from amongst co-workers. In some cases these branches may enjoy considerable autonomy from the external union, which is 'invited' to provide support.
- *Representation* of union members through a hierarchy of workplace representatives consisting of shop stewards, senior stewards, convenors, joint shop stewards and combine committees. In situations of multi-unionism, these representatives and committees may be independent of the external union and be accountable to a multi-union, enterprise-specific constituency.
- *Servicing* of individual union members through representation in company disciplinary, grievance and other procedures. The primary benefit for individual members therefore is the provision of voice and protective services within procedures that are negotiated and administered by the enterprise union.
- *Bargaining* substantive and procedural collective agreements at company, establishment or business unit levels, which ensure that the economic performance of the enterprise is reflected in members' terms and conditions of employment. A feature of this form of bargaining may be what is described in Germany as 'company egotism' (Jacobi *et al.* 1998: 221); a concern with promoting the interests of economic 'insiders' at the expense of 'outsiders' who lie beyond the constituency of the enterprise union.
- *Licensing* of enterprise unionism through a system of collective employment law that permits unions to organise at this level and simultaneously discourages action that extends beyond enterprise boundaries. The primary political intervention of unions is directed at preserving and extending this legal support to operate, unhindered, as the representatives of their members within the enterprise.

While this list comprises an ideal-type there is evidence that British trade unionism has approximated increasingly to its separate elements in recent years. Thus, evidence on union recruitment indicates that most members who are actively recruited join after an approach by a shop steward, while significant proportions are recruited by friends, encouraged to join by management or take-out membership at a training or induction course (Waddington and Whitston 1997: 530). All of these are enterprise-based methods of union joining. Check-off also continues to be widely used as a means of membership retention and in 1998 was found at three-quarters of establishments that recognise unions, despite the change in the law in 1993 that required individual authorisation every three years (Millward *et al.* 2000: 151). Union government is also largely enterprise-based. The most recent data on the composition of trade union branches was collected by WIRS 1990 and indicated that just over half of manual worker branches and 80 per cent of non-manual branches were composed of workers from a single workplace or enterprise (Millward *et al.* 1992: 140—41). The equivalent figures for the 1980 survey were 47 and 73 per cent (Daniel and Millward 1983: 83—84). The majority of the basic units of union government in

Britain, therefore, are based on a single employing organisation and this pattern has become further accentuated over time.

WIRS also provides information on workplace representation through shop stewards and other lay officers. The series indicates that the proportion of unionised establishments with lay representatives has declined since the early 1980s, reflecting the general weakening of trade union organisation. This downward trend stabilised in the 1990s, however, and it remains that in 1998 stewards were present in three-quarters of establishments covered by union recognition (Millward *et al.* 2000: 115). A wealth of other data attests to the continued dependence of British unions on workplace representation through shop stewards (e.g. Fairbrother 2000; Heery and Kelly 1990; Waddington and Whitston 1997; Willman *et al.* 1993). WIRS demonstrates that the most frequent tasks of local union representatives include dealing with health and safety issues, resolving conflict between managers and employees and raising issues of management treatment of workers (Cully *et al.* 1999: 202). In other words, within the enterprise unions discharge a basic protective and representative role that seems to accord with the main reason for union joining amongst the broad mass of employees; support in the event of a problem at work (Waddington and Whitston 1997: 524). Many unions have expanded consumer and other benefits in recent years to provide a 'selective incentive' for union membership, but the combined message of the data on union joining and on the activities of representatives suggests that the primary service for individual members is basic representation within the employing enterprise.

Another key task of local representatives is negotiation over wages and conditions (Cully *et al.* 1999: 202). According to Brown (1997: 222), '[f]orty years ago it was possible to describe British collective bargaining almost completely in terms of industry wide arrangements'. In the intervening period, however, there has been a 'steady spread of enterprise-based bargaining', which is tracked in the WIRS series for all three main economic sectors, private manufacturing, private services and the public sector (Millward *et al.* 2000: 187—94). Where collective bargaining survives in the private sector it is most frequently conducted at enterprise or workplace levels and in the public sector enterprise bargaining is now dominant in more than a third of establishments. The system of collective employment law in Britain reinforces the dominance of single-employer arrangements. All forms of secondary action were rendered unlawful in the Conservatives' reform of trade union law in the 1980s and other measures, such as the outlawing of the pre-entry closed shop, sought to confine the terrain of union action to a single employer. This, in turn, has been reflected in union policy, with the primary lobbying effort under New Labour being directed at achieving a statutory procedure that will allow unions to secure recognition at the enterprise (IER 1996: 67; McIlroy 2000b: 6—9). Other aspects of this enterprise-based legislative strategy have included the right for employees to be represented in serious disciplinary and grievance cases and the repeal of the 1993 legislation requiring periodic authorisation of check-off.

Enterprise unionism is partly the creation of British employers, with their relatively weak proclivity to associate. However, it is also the creation of British workers and their unions, who reaped a number of benefits from enterprise unionism. It can allow high levels of member participation in union activity and ensure representatives are available for scrutiny by their constituency (Fairbrother 2000). It

can also ensure that economic rents are shared with employees and provide a means of negotiating over ‘managerial’ as well as ‘market’ relations within the firm (Sisson and Brown 1983).

Despite these benefits, however, the disadvantages of enterprise unionism have become apparent during the long period of union decline since the 1970s. Dependence on the employer can lead to compliance and ineffective representation and there has been a narrowing of the scope and influence of enterprise unionism under pressure of competitive product markets and more assertive management (Brown *et al.* 1998: 67—68; Millward *et al.* 2000: 168). Twenty years ago enterprise unionism was often seen as the radical cutting edge of trade unionism. Today, however, ‘wildcat co-operation’ is as likely to characterise the behaviour of union members within the workplace as ‘wildcat strikes’ (Hyman 1997). The decentralisation of the system of industrial relations is also implicated in the process of union decline, the widening of income inequality and the persistence of a relatively wide gender pay gap in Britain (Almond and Rubery 1998; Beaumont 1995: 28—29; Heery 2000).

Recognition of these weaknesses has led to a series of prescriptions for reviving trade unionism within the enterprise and a great deal of policy deliberation within the trade unions is concerned with the future of enterprise unionism. The current vogue for labour-management partnerships, for instance, acknowledges the dependence of enterprise unionism on the employer but seeks to turn that dependence to members’ advantage through the development of a new, mutual gains agenda (Haynes and Allen 1999). Alternatively, advocates of organising unionism and ‘union renewal’ look to the revival of militant forms of enterprise unionism, based on member mobilisation and the re-creation of effective workplace organisation (Carter 2000; Fairbrother 2000; Heery *et al.* 2000). Given the structure of collective bargaining in Britain and the continued attachment of most workers to enterprises through open-ended contracts, the revival of enterprise unionism is an unavoidable issue for the trade union movement. It is uncertain, however, whether contingent workers can be adequately represented through this form.

Enterprise Unionism and Contingent Work

There are perhaps three overlapping reasons why enterprise trade unionism may not suit the needs of the contingent workforce. First, to the extent that enterprise unionism rests on internal strength rather than support from the employer, it is strength that comes from recruiting and organising workers collectively within the enterprise. The very contingency of the contingent workforce, however, makes it difficult to reproduce this kind of collective organisation amongst this group. Temporary workers are more difficult to organise and have a lower level of union membership than permanent employees in both Britain and the United States (Bland 1999; Carré *et al.* 1995) and the same is true of the self-employed (Riley 1997: 273). It is also likely to be difficult to develop and fix the kind of lay organisation, with its stable network of activists and stewards, upon which enterprise unionism rests. Workers who are mobile between sites, enterprises and even sectors provide an uncertain ground on which to erect the usual forms of workplace organisation².

A second reason is that the needs of contingent workers may not coincide with those of permanent workers, whose interests are likely to predominate at enterprise level. Evidence for this can be seen in the social distance between contingent and permanent employees and the presence of informal workplace rules that deny union membership and representation to ‘outsiders’ (Allen and Henry 1997: 188—90; Geary 1992: 263; Hunter and MacInnes 1991: 60). It can also be seen in more formal policies adopted by unions. On the one hand, these may seek to exclude contingent workers because their use represents a threat to the job security and employment conditions of permanent ‘insiders’. British unions like the NUM, NUT and TGWU in the past have tried to block the employment of mining sub-contractors, agency teachers and agency drivers, respectively and there are reports of similar responses from other countries (Carré *et al.* 1994: 315; Delsen 1990: 262—4; Heery and Abbott 2000: 158). On the other hand, unions might agree to the use of contingent labour in order to provide a buffer for their core membership. Relatively secure employment and good conditions, therefore, might rest on inferior treatment for contingent workers. Reports indicate that a number of recently concluded labour-management partnerships take this form, with employment security for union members being exchanged for the right of the employer to use ‘flexible labour’ (Kelly 1999: 5; Ozaki 1999: 128—29; Towers 1997: 222-25).

A third reason is that contingent workers may have an interest in the regulation of the external labour market, which cannot readily be achieved through enterprise unionism. This interest arises directly from the contingent nature of their work and finds expression in the following needs. First, to have a framework of minimum terms and conditions of employment that applies across the labour market and prevents undercutting. Although some contingent workers have scarce skills and market power, many others work in competitive labour markets and are vulnerable to competitive pressure on wage rates and conditions (Carré *et al.* 1995: 20). Given the mobility of these workers it is essential that the wage floor extends across enterprises. Second, to have portable security benefits that allow mobility in the labour market without loss of maternity, parental, sickness, pension and other forms of allowance and insurance. The great penalty associated with contingent work is reduced security and denial of access to enterprise specific benefit schemes and this implies the strengthening of benefit provisions that are detached from a particular employment relationship (Osterman 1999: 88; see also Dean 1998: 160—61; Hipple and Stewart 1996). Third, to have access to training and development that can permit continued successful navigation of the labour market and perhaps transfer to permanent work. In Britain some, though not all, groups of contingent workers are less likely to receive training (Green 1999: 135). Perhaps of more importance, however, is the fact that training that is negotiated and delivered at enterprise level may focus on enterprise-specific skills and will therefore fail to match the needs of mobile workers. The implication is that contingent workers need occupational or industry-based systems of training that allow them to develop generic skills.

In America, where de facto enterprise unionism is similarly dominant, recognition of its limited capacity to meet the needs of contingent workers has led to calls for changes in union structure and policy (duRivage *et al.* 1998; Herzenberg *et al.* 1998). Perhaps the most developed argument has been made by Cobble (1991; 1994; 1997), a labour historian, who notes that a feature of the ‘post-industrial’ economy is the

revival of old forms of employment that were temporarily submerged during the era of Fordist manufacture (see also Cappelli 2000). Accordingly, she argues that earlier forms of trade unionism may have gained a fresh relevance and could contribute to the renewal of the labour movement. Two candidates for revival are identified. The first is occupational unionism with its reliance on control of labour supply, multi-employer bargaining over pay, portable benefits and training and direct provision of labour market services to employees. The second is ‘direct affiliation’ to the American Federation of Labour, a form of localised general unionism that flourished in the late nineteenth century. Direct affiliation involved the direct organising by the AFL of workers beyond the main crafts and enterprises and sought to achieve a degree of local labour regulation through bargaining, but also through the promulgation of work and employment standards and action through local legislatures.

Other writers have proposed additional forms of union representation for the contingent workforce. Wever (1997: 393) and others have argued that contingent workers in secondary labour markets require community support and the mobilisation of a broad coalition of interests if they are to secure recognition and concessions from employers (see also Needleman 1998; Waldinger *et al.* 1998; Weinbaum 1999). The implication is that ‘community’ or ‘social movement’ unionism is what is required for the representation of these groups.

For contingent workers in primary labour markets in contrast, it has been suggested that ‘associational unionism’ may be appropriate, in which the union takes the form of a loosely organised association that provides labour market, consumer and possibly representation and lobbying services on behalf of its membership (Heckscher 1988). Occupational and professional associations may provide a model for this kind of development. A number of US commentators, for instance, have pointed to Working Today, a New York-based organisation of freelancers that seeks to build ‘associational health and pension plans’ for its members (e.g. Osterman 1999: 131). Other examples can be found in Silicon Valley where recently formed organisations like the Systems Administrators Guild, the Graphic Artists Guild and Society for Technical Communication act as labour market intermediaries, finding jobs for their members in an extremely active labour market (Osterman 1999: 134). Finally, American writers on contingent work stress the need for a reform of employment law to facilitate collective organisation and eliminate unequal treatment of contingent workers (e.g. duRivage *et al.* 1998; Herzenberg *et al.* 1998: 155, 161—64). The clear implication is that unions seeking to represent these groups must do so in the political sphere using the method of legal regulation.

Beyond the Enterprise?

What unites all of these separate, and in certain respects competing, prescriptions is that they argue for a shift in the locus of union representation beyond the enterprise. All are convinced that *de facto* enterprise, or ‘work-site’, unionism is not a sustainable model for the representation of the contingent workforce. In the remainder of this Paper we want to explore this claim with evidence from British trade unions. Our broad purpose is to establish whether unions that organise contingent workers, or aspire to organise them, have developed strategies of representation that break with

the dominant enterprise form. In so doing we examine established methods for representing contingent workers found in unions, like Equity, the Musicians Union and National Union of Journalists, which have always had to engage with the needs of freelance and other contingent workers. In addition, we examine new developments and investigate the response of unions that have more recently had to cope with the spread of fixed-term contracts, agency labour and self-employment within established job territories.

Our investigation follows the structure laid out above for the analysis of enterprise unionism. Thus, it seeks to examine the extent and nature of any break with enterprise-based representation in the fields of recruitment, government and servicing. The specific issues addressed are as follows:-

- *Recruitment.* The dominant pattern of union recruitment in Britain is for individuals to join at their place of work and to retain membership while they continue in employment. For contingent workers, however, the route to union membership may differ. In the first place, workers of this kind may be recruited in the external labour market *before* they reach the enterprise in a manner analogous to traditional craft workers covered by the pre-entry closed shop. In the second place, they may be responsive to or require a method of recruitment that departs from the steward-dependent enterprise model. For contingent workers in secondary labour markets this may take the form of a mobilising campaign, in which community resources bolster the organising process. For those in primary labour markets, in contrast, it may be highly individualised and based on the offer of services that help the individual worker navigate the labour market.
- *Government.* In the enterprise model workers participate in the formal system of union government in the first instance through a network of branches based on single employers. A movement 'beyond the enterprise' on this dimension, therefore, would be evidenced in the reconfiguration of union branches, such that they are based on geographical location, occupation, sector or even on the form of employment contract itself. With the latter arrangement one would expect to see specialist branches for freelancers, agency and contract workers emerging alongside enterprise branches.
- *Representatives.* In the enterprise model union members are represented primarily through shop stewards based within the employing unit. There is evidence of this system weakening in recent years and of workplace trade unionism becoming more dependent on external representatives (Millward *et al.* 1992: 129). Dependence of this kind may be most acute for contingent workers who are least likely to support effective workplace organisation and for these groups one might expect extensive reliance on paid union officers to provide advisory, representational and negotiation services.
- *Servicing.* The prime service that unions offer individual members within the enterprise model is protection and representation within company grievance and disciplinary procedures. According to the American literature, however, the emphasis in individual servicing is likely to shift for contingent workers. On the one hand, unions representing these workers may become increasingly involved in the direct provision of security benefits, such as occupational pensions, indemnity and other forms of insurance. On the other, they may provide labour market services and act either as intermediaries, finding job placements for their

members, or as training providers or brokers, helping their members to develop generic skills.

- *Bargaining*. The key change in collective bargaining that American writers have advocated is a change in structure. Enterprise bargaining, it is argued, fails to meet the need of contingent workers for regulation of the external labour market and consequently they recommend the revival of multi-employer bargaining within regional labour markets (Wever 1998; Wial 1994). Bargaining at this level, it is claimed, will establish a wage floor and can be used to establish portable benefits and industry-specific training. This raises two questions for Britain. First, is it the case that unions that have long organised contingent workers have continued to rely upon multi-employer bargaining, despite its collapse in much of the economy? Second, where contingent work is growing, have unions begun to seek multi-employer agreements or equivalent arrangements to establish cross-enterprise employment standards?
- *Legal Regulation*. The reason for advocating multi-employer bargaining is that it provides a means of regulating the external labour market in which contingent workers circulate. The same end can be secured through legal regulation. Unions can engage in political action and lobbying to secure legal protection for contingent workers and ensure their entitlement to equal treatment. In Britain these goals potentially can be pursued at both domestic and European levels. A second kind of legal change that unions might pursue relates more directly to multi-employer bargaining. In the past, at least in craft labour markets, this has been dependent upon a framework of law that allowed the pre-entry closed shop and secondary industrial action, devices that ensured neither employees nor employers could free-ride but were brought within the compass of industry-level regulation. Action of this kind is currently outlawed in Britain but it is possible that unions of contingent workers may press, not just for stronger individual rights, but for a reform of collective labour law that facilitates the representation of these groups beyond the enterprise.

Research Design

The research reported in this paper is drawn from an interview survey of senior trade union officers in order to secure preliminary data on the extent and nature of union responses to the contingent workforce. The survey consisted of semi-structured interviews based around the themes of organising, participation and servicing of members with contingent contracts, supplemented by the analysis of union leaflets, journals, reports, pamphlets and websites. Where possible, the interviews with union policy officers were taped and have been analysed using the Atlas software for the analysis of qualitative data.

In selecting union officers for interview the prime consideration was to cover unions of different types, operating in different sectors of the economy where the main forms of contingent work were established or growing. The first group of officers were drawn from the media and entertainment sector, where a number of unions (Equity, BECTU, MU and NUJ) have a long tradition of organising and representing freelance workers. All reported a recent increase in the use of this form of work amongst their members and described new developments in policy in response. An additional union that was bracketed with this group was Connect, an

organisation of managers, professionals and technicians in telecommunications, that has had to cope with the recent switch from secure to contingent employment amongst a proportion of its members. The second group of officers was drawn from education, where agency and fixed-term contract work are becoming more prevalent, at both school and post-school levels. The unions visited in this sector included professional unions of teachers and lecturers (ATL, AUT, NASUWT, NATFHE and NUT) and general unions that organise ancillary and support staff (GMB, Unison). The final group of officers was taken from unions that organise in retail and distribution, where agency work is prominent amongst drivers and temporary work is common amongst shop assistants. The unions visited in this sector were GMB, TGWU, URTU and USDAW. Unifi, the finance union, was also included in this group on the grounds that increasingly its members are engaged in sales and customer service work, often through the medium of call centres. A full list of unions included in the interview survey is presented in Appendix One.

In each union visited the object was to interview a national officer who could provide an overview of policy, together with specialists who could provide insight into developments in a particular industry or for a particular group of contingent workers. In the larger unions we also interviewed a number of women's officers. This was both because women are disproportionately found within agency and temporary work and because contingent work might itself be defined as an equality issue. In a number of cases, too, we interviewed officers based at regional level, reflecting the pattern of policy making in particular unions. Although it was not our preference, in some cases officers were interviewed in pairs or small groups. In total 37 interviews were conducted with 43 union officers across 17 unions; including four interviews carried out with national and regional officers of the TUC.

Recruitment

The media and entertainment unions to varying degrees in the past had relied upon the pre-entry closed shop. Under this arrangement union membership was a pre-condition of employment and therefore union joining and work within a particular enterprise were kept separate. The abolition of the pre-entry closed shop in 1990 had caused all of these unions to review their arrangements for recruitment and attempt more actively to seek and retain membership³. For freelancers much of this effort is directed 'beyond the enterprise' and rests on the assumption that union joining is not coterminous with employment in any single organisation. In certain areas, for example, the ghost of the closed shop lives on and all four unions gave examples where union membership was informally accepted as a badge of competence both by employers and co-workers, and was a pre-condition for obtaining work. The NUJ also provided a more formal example and reported that its participation in the sub-committee that issues secure press cards on behalf of the Metropolitan Police Authority provided a powerful incentive for freelancers to join.

Reflecting this orientation, these unions reported that the physical location of recruitment activity was often removed from the workplace. BECTU and Equity both described recruitment visits to film sets to sign up members involved in large productions but they and the Musician's Union also reported recruitment at the point at which individual freelancers looked for work. The MU, for instance, distributes its

material around music shops, while BECTU places recruitment stalls at major industry events, such as film festivals. These unions also reported heavy reliance on advertising in the trade press as a means of channelling members of the occupation towards the union.

Another recruitment tactic that was used to channel workers into the union was use of student or 'entry-grade' categories of membership. Workers were recruited, therefore, as they entered the profession rather than a particular enterprise. For a number of years the NUJ has operated a student membership scheme and has about 2,300 student members who pay a fixed fee while studying journalism and media courses at university. About 10 per cent of student members transfer, in time, to full membership. The union also has a special category of 'temporary' membership, which caters to workers who are trying to break into the profession and who are employed on a casual basis. Equity and BECTU are other unions that have gone down this route. The former instituted a student membership scheme two years ago as part of a general 'liberalising' of its rules for entry, while the latter operates both student and graduate entry schemes with reduced subscriptions.

The strategies for the retention of freelance members reported by the media unions tended to emphasise the provision of member services and subscription policy and, once again, presumed no association between membership of the union and membership of a particular employing organisation. The representational and other services offered (e.g. directory services, access to training and contract advice, indemnity insurance, recovery of fees and the collection of residual payments) recognise that members will have a succession of employers but seek to provide ongoing support from the union. Subscription policy is also designed to accommodate this pattern of multiple and intermittent employment and in all four unions there are arrangements for the payment of low subscriptions by members with low and unpredictable earnings. The basic subscription for Equity is £52.00 per year, reflecting the fact that the annual income from performance of most members is less than £7,000, and the Musicians' Union operates a similar low, basic subscription policy⁴. BECTU and the NUJ have higher basic rates but operate special arrangements for low-paid workers.

Trade unions of freelancers do seek to recruit and retain their members 'beyond the enterprise', but what of other unions organising different types of contingent labour? The clearest evidence of a similar pattern was found in unions targeting agency workers for recruitment. The primary method for recruiting agency staff of ATL, GMB, T&G, Unifi and UNISON was to recruit through the agency supplier rather than the employing enterprise that used agency services. These unions had secured recognition agreements with employment agencies that permitted recruitment of members and committed management to support union membership. Agreements between a number of these unions and Manpower, for instance, contain clauses stating that the company will 'assist in the organising efforts' of the union and 'enrol into...membership, the maximum number possible at the time of interview'. There is also a commitment to distribute union literature, encourage membership and arrange for the deduction of union subscriptions at source via direct debit. In interview, several union officers conceded these arrangements were not hugely effective in generating membership⁵ but they represent an attempt to recruit at the point at which the worker seeks work rather than at the place of work itself.

However, this point requires qualification. Manpower is the direct employer of its employees and seeks to develop a permanent relationship with at least a proportion. Moreover, changes to the employment agency regulations under the Employment Relations Act 1999 have clarified the employment status of agency workers and made it clear that, where they are not classed as employees of the hiring company, they are employees of the agency. This change in the law could reinforce the trend towards long-term contracting and insourcing, described above, with the effect that agencies come to resemble other large sub-contractors, complete with permanent employment and their own internal labour markets (Baron 2000: 91; Purcell and Purcell 1999: 173). If such a pattern does emerge then a form of enterprise unionism based upon employment agencies may follow.

While targeting suppliers has been one approach to recruiting agency workers there have been others, which depend on using the existing strength of conventional enterprise unionism to extend membership to this group. A union not included in our survey, the Communications Workers' Union, has used its recognition arrangements in BT to secure the right to recruit and represent call centre employees provided by an external supplier⁶. Recognition in one enterprise, therefore, has been used as a lever to extend recognition to an associated enterprise. Another method was described by the AUT, Natfhe, the T&G, Unifi and USDAW and was applied to fixed-term contract staff (and part-timers) as well as agency workers. Four of these unions have participated in the TUC's Organising Academy (Heery *et al.* 2000) and have been influenced by its more structured or managed approach to recruitment. One of the Academy techniques they report using is workplace 'mapping', in which paid organisers and lay activists seek to identify the physical location of all employees in a targeted workplace, rate them in terms of their propensity to join and then seek to recruit them through person-to-person, 'one-to-ones'. It is unclear how extensive or successful this technique is but its significance lies in the fact that it is used deliberately in order to identify previously invisible groups of workers and integrate them within an existing enterprise union. The fact that agency workers and fixed-term contract staff may be based at a particular enterprise for an extended period clearly facilitates this approach.

While recruitment 'beyond the enterprise' is a feature of the union response to contingent work, particularly amongst freelancers it is not the sole response. Recruitment at the point of entry into the labour market has been accompanied by recruitment at the place of work. This is seen most clearly in attempts by unions to revive enterprise unionism through in-fill recruitment and 'reorganising' campaigns, which have embraced the recruitment of previously neglected workers on agency, temporary, fixed-term and other types of non-standard contract.

Method of Recruitment

The US literature on contingent work advocates two methods of union recruitment that extend beyond the enterprise. The first is based on the model of 'community unionism' and involves the use of community resources to assist contingent workers in the process of organisation (see Needleman 1998; Waldinger *et al.* 1998; Weinbaum 1999). Such assistance might take the form of reliance on community, ethnic or faith organisations to endorse union membership plus reliance on

community pressure to secure recognition from employers. The prescription assumes that contingent workers occupy secondary labour market positions and are lacking in economic power, which means they must 'borrow' resources from beyond the enterprise.

The second method starts from a very different assumption, that contingent work is freely chosen and affords a series of advantages for workers in primary labour markets. The union model that is advocated for this form of contingent work is 'associational unionism' (Heckscher 1988; 1999), in which recruitment occurs, partly on the basis of the provision of services that support contingent workers in their mobile careers, and partly because they require an advocacy group that can pressure local and national legislatures.

The interview survey of British unions furnished no examples of the first method of recruitment. British unions have used community support in organising campaigns targeted at black and Asian workers, though with varying degrees of success (Wrench and Virdee 1996). There is no evidence within our sample, however, that this method has been applied to the particular case of the contingent workforce. Moreover, although British union organising practice has been influenced in recent years by the US 'organising model', there has been relatively little take-up of the 'community' theme within American organising practice (Heery *et al.* 2000)⁷.

There is much stronger evidence from our survey of unions using recruitment methods that approximate to the 'associational' model. This is particularly a feature of recruitment in the freelance unions (BECTU, Equity, MU and NUJ) and in Connect, a managerial union. Connect's recruitment literature, for instance, stresses the union's capacity to 'add value' to an individual career through provision of a range of labour market services and all of the freelance unions emphasise services of this kind. The latter also stress their role as advocates or the providers of professional voice at the level of national government and the European Union; i.e. that combination provides for stronger voice. This model of recruitment may not be the only one used or the most effective but it is the form of 'extra-enterprise' recruitment that was most apparent across the sample of unions surveyed.

Government

The main historical alternative in Britain to systems of union government based on enterprise branches is a system based on local, geographical branches. Cobble (1997) and other American writers present the local community or local labour market as an alternative terrain for union organisation to the 'worksite'. Accordingly, the research sought to establish whether unions of contingent workers in the UK were relying upon or returning to forms of union government based on geographical units.

Amongst the freelance unions there was clear evidence of this pattern. Thus, both the NUJ and MU operate networks of geographical branches, Equity has local branches for variety artistes and BECTU has London and Regional Production Divisions, which provide the focus for participation by freelancers in feature films and television contracting companies respectively. In two of these unions, moreover, there is a clear distinction between a geographical pattern of government for

freelancers and an enterprise system for the permanently employed. In the NUJ the workplace chapel or chapel branch is the main forum for participation for the latter, while there are separate freelance branches in the main newspaper centres. Similarly, in BECTU, there are divisions and branches that cater for staff in the BBC, film laboratories and other centres of relatively permanent employment, which are separate from the geographical arrangements for freelancers.

However, reliance on geographical-based systems of government was only partial in these unions. Equity reported that the geographical, as well as employment, mobility of its members meant it was difficult to sustain effective local organisation and both NUJ and MU intimated that many of their local branches were moribund. The prime response to these problems was to concentrate the key systems of member participation at national, rather than local level. In Equity the primary institutions of member participation are the council, with its supporting advisory bodies, and the annual conference. In the NUJ the freelance industrial council has a similar purpose, concentrating freelance activists from around the country in a central committee to decide policy and influence the wider union. Arrangements in BECTU are virtually identical with their separate divisions for television and feature film freelancers.

There was some repetition of these patterns beyond the freelance unions. In the T&G, for instance, which relies primarily on enterprise branches, there are general geographical branches that enable participation by members who 'fall through' the primary network of enterprise units. Members in this category include agency workers, the self-employed and freelancers, though the main body of the latter, taxi drivers, have their own specialist geographical branches. However, not all arrangements for the formal participation of contingent workers followed this geographical pattern. In the T&G agency workers and sub-contractors are slotted into enterprise branches where this seems appropriate and this pattern of inclusion in the dominant system is also seen in the education unions, where fixed-term contract staff invariably are members of local, university or college based branches. In the AUT, for instance, fixed-term contract staff are recognised as a distinct constituency within the union but have their own sub-committees and representatives within local, enterprise-based associations. The union also has advisory committees for fixed-term contract research and teaching staff at national level and these appear to play a similar function to national committees of freelancers. They allow the concentration of activists at a key point within the union's system of government and compensate for weaknesses in organisation at local level⁸.

While local and nationally based systems of formal participation comprise one alternative to union government based on enterprise units potentially there are others. One particular method that was examined was reliance on new forms of communication for these workers that act as a supplement to, or even as a functional equivalent for, formal participation. Increasingly in recent years unions have experimented with market research, attitude surveys and focus groups in order to research workers' wants and opinions. These developments form part of a shift towards greater 'managerialism' in internal union functioning (Heery 1996) and, as such, are often perceived as a retreat from more vital and participative forms of trade unionism (McIlroy 2000a: 17). For hitherto marginal groups, however, they may provide voice and relay the needs and aspirations of contingent workers to union policy makers. Where the formal system of union government is dominated by

standard workers in permanent employment, moreover, these alternative channels may permit a greater range of interests to find expression within unions and promote the cause of 'diversity' within union policy and action.

The interview survey yielded a number of examples of unions using market research to capture the views of part-time workers. For contingent workers, though, there seemed to be little recourse to these methods. The T&G had surveyed its branches to try and map the incidence of agency labour but had not surveyed agency workers themselves. Other unions had commissioned research or co-operated with academic surveys, including the AUT and MU. These initiatives were both experimental and marginal, however, and there was little evidence of a systematic resort to 'managerial' methods of communication with contingent workers across the sample of unions. Participation for these groups was organised primarily through formal, representative systems of democracy, which in some cases were integrated with the establishment-based system used for the majority membership and in others took the form of reliance on separate local and national committees and councils.

Representation

Closely allied with the question of participation is that of representation. Within the enterprise model the representatives of workers, who negotiate with employers and deal within individual cases of grievance and discipline, are workplace representatives, shop stewards and the officers of enterprise branches. For contingent workers, however, this pattern of representation may not be sustainable. The hypothesised result, therefore, is that workers on contingent contracts will rely much more heavily on paid, full-time officers from beyond the enterprise to provide representative services.

Across the freelance unions there was strong evidence of this externalised pattern. In the NUJ it was explained that requests for advice or representation from freelance members were relayed directly to the union's freelance officer or to the central legal department. Similarly, in Equity there is a system of workplace representatives, known as deputies, who act as the first point of contact between the member and the union but who refer cases for handling to full-time officers. Finally, the Musicians' Union reported that lay branch officers occasionally acted as representatives of members but, in the main, cases were referred to the union's paid staff and, for this reason, the ratio of officers to members was relatively high. The only partial exception to this pattern of dependence on full-time officers was BECTU, which reported that all of its negotiating teams involved lay activists who also became involved in the representation of individuals⁹.

The evidence collected from the other unions on this issue was more patchy, though there were indications of a similar pattern amongst unions recruiting agency workers. In the T&G the campaign to recruit workers at Manpower has been led by two full-time officers, seconded from other duties who also provided basic representation services. The GMB also reported reliance on full-time officers in recruiting and representing this group, which meant that they were a relatively costly group of workers to have in membership of the union. ATL similarly reported that its agency membership was serviced by a national full-time officer based at the union's

head office. In other cases the absence of lay representation amongst agency workers appeared to have led to an absence of representation altogether, with one union denying they had dealt with any significant individual cases involving this category of labour.

Reliance on external representation was not total, however, and once again the clearest exception lay in the area of fixed-term contracts. Both the AUT and Natfhe have a system of specialist lay representatives for members on fixed-term contracts, who provide voice for these members within the union and in dealings with employers. In other cases it was reported that temporary and agency staff were represented, not by specialists, but by workplace representatives who covered all categories of member within a particular enterprise. In the T&G it was suggested that integration of contingent workers into a general enterprise constituency could work well but that in some cases the interests of these groups were neglected by representatives whose primary loyalty was to the permanently employed workforce.

The explanation of the dependence of at least some contingent workers on representation by paid officers seems clear. These groups find it hard to develop and sustain workplace organisation and so become reliant on the external union. Other research on the employment patterns of full-time officers complements this finding. There is evidence of a relatively high ratio of officers to members in unions that organise temporary and self-employed workers (e.g. UCATT), workers who are largely part-time and have high levels of turnover (e.g. USDAW), workers spread across small worksites (e.g. NASUWT) and workers in management positions, with relatively few members per enterprise (e.g. MPO) (Kelly and Heery 1994: 37—39). These are all groups who, for a variety of reasons, find it difficult to maintain workplace organisation. In the case of AUT, however, there is a large body of fixed-term contract staff in lecturing and research positions in universities, many of who work to relatively long contracts or have a succession of contracts. The concentration of membership, therefore, and the fact that the contingent nature of work is less pronounced, makes it feasible to develop enterprise-based lay representation among this group¹⁰.

Finally, although unions of freelancers seem to rely particularly on the representation of members by paid officers, this does not mean that these are unions with a passive membership. Respondents in Equity, NUJ and BECTU emphasised the extent of activism amongst their freelance membership and in the latter two cases it was claimed that freelancers participated more actively in the union than did permanently employed staff. Activism in these cases, however, was directed at national policy, national bargaining and national campaigns on behalf of freelancers and embraced the internal political (and factional) life of the union. It did not find expression to a pronounced degree, however, in the involvement of activists in union representative work, dealing with the issues and problems that emerge in the relationship between members and their immediate employers.

Servicing

Within the enterprise model the primary service that unions provide to individual members is representation in company grievance and disciplinary procedures. Given

what we know about the activities of shop stewards and the causes of individual employment disputes (ACAS 1999: 132; Cully *et al.* 1999: 202), it is reasonable to conclude that much of this activity arises from ‘managerial relations’ (Sisson and Brown 1983: 148). The latter include health and safety, management style and workplace discipline, issues that relate to the conditions under which labour is performed. Shop stewards representing the permanently employed are also concerned with ‘market relations’, such as the payment of and deductions from wages and job security. It can be hypothesised, however, that the latter type of issue, to do with the interests workers form in the external labour market, will assume greater importance where unions represent contingent workers.

This is certainly the view of American writers on contingent work, who argue that unions should focus on three types of labour market interest in representing these groups. The first are ‘security’ interests, which arise from the mobility of contingent labour and its exclusion from enterprise-based systems of welfare (Heckscher 1999: 54—5). The second are ‘human capital’ interests that arise from the need for contingent workers to maintain their employability (Rogers 1995: 371). The third set comprises ‘intermediation’ interests that arise from the need of contingent workers for labour market information, networks and other supports that will allow them to find work and develop a mobile career (Dean 1998: 160).

Security

Many UK unions have a tradition of supplying friendly society benefits to their members that provide additional support in the event of accident, illness or death. The development of the welfare state, however, has meant that these benefits have become marginal to the union-member relationship in many cases. What emerged from the interviews with freelance unions, however, was that benefits of this kind continue to be important and indeed are currently being elaborated. All of these unions emphasised individual services in their recruitment literature and reported that they were a significant factor in membership retention. They also stressed that the provision of insurance, through services and representation, was central to the union-member relationship for freelance workers. Security benefits that were offered included sickness and maternity benefit, private health insurance (with BUPA), benevolent funds for recuperation, access to mortgages tailored to the needs of contingent workers, and special forms of insurance, such as those for loss or damage to instruments and backstage and disfigurement cover.

Two further benefits that were stressed particularly were pension advice and provision and public liability insurance. All three entertainment unions (BECTU, Equity and MU) provide the latter and had introduced this benefit in the previous three years. These unions also employed advisers on pensions (plus taxation, National Insurance, contracts and copyright) and Equity and the MU reported that they provided pensions. In the MU’s case, this was a personal pension provided by Abbey Life, while Equity operates a scheme backed by Commercial Union with contributions from employers and the Inland Revenue¹¹.

The freelance unions, therefore, do offer security benefits for the self-employed, have tailored their package of member services to this group and regard these services as an important component of their strategy of representation. Amongst

the other unions, organising different types of contingent worker, the pattern was more mixed. ATL provides public liability insurance to its agency members and this is a major recruitment tool because education agencies insist that workers either join (and pay for) the employer's scheme or provide evidence of an alternative arrangement. The T&G also reported that the provision of services was a major element in its recruitment of agency workers, citing legal advice as the primary benefit, but had not developed a package of services specifically for this group¹². In the T&G and other unions, such as GMB, USDAW and Unifi, there was a broad set of member services available to all who joined the union or who paid the full subscription with no differentiation by employment category.

For unions of workers on fixed-term contracts there was little evidence of special steps being taken to provide security benefits. The AUT reported an arrangement with a mortgage company to secure finance for house purchase for contract workers but conceded that this was not a major benefit or a significant influence on recruitment or retention. However, the AUT and other education unions offer pension security to their members through industry-wide pension schemes that are open to all categories of employee with the exception of agency workers. The absence of equivalent cover for agency workers tended to be presented (with the exception of ATL) as a reason for opposing the spread of this category of work, rather than as a need to be met by union provision: 'As far as we are concerned, no agency will end up being a good agency because they can't supply the pension' (NAS-UWT).

Employability

The second interest of contingent workers that unions potentially can fill through services is the development of human capital or employability. Once again, there was strong evidence of the freelance unions seeking to do this. These are all unions that have retained an influential position in the system of vocational education and training, which they have used to maintain training at an appropriate level in general and transferable skills. BECTU, for instance, has representation on Skillset and Metier, the lead training bodies for the television and theatre industries and also sits on the board of the National Film and Television School. This industry-wide system of training is regarded as essential for the union's freelance membership because their training needs cannot be catered for at the level of the enterprise. Union membership also qualifies freelancers for substantial discounts on training courses offered under the Skillset umbrella.

In addition, three of these unions (BECTU, MU, NUJ) have launched specific programmes for freelance workers under the Union Learning Fund (ULF). The latter provides resources for unions to develop training initiatives provided this is done in 'partnership' with an employer, employers' organisation or training agency. The NUJ has developed two programmes that allow freelance members to acquire and up-date skills in editorial software and has used the scheme deliberately to develop a new role as a training provider to the industry. Currently the NUJ is considering another initiative that will seek to develop business skills amongst its freelance membership. The ULF programmes developed by BECTU and the MU share this objective. The MU has also run two programmes, one of which helps members develop skills in education and community-based work and the other of which has allowed for the training of Union Learning Representatives who can offer careers and learning advice

to fellow-freelance musicians. In addition, the MU has won European funding to provide training in business skills. BECTU has launched similar initiatives and has developed a programme with Skillset that provides training needs analysis and careers advice for freelancers, delivered by trained union lay officers.

These schemes embody contemporary orthodoxy on the question of employability. They are concerned to enhance but also broaden skills so that individuals can pursue a 'portfolio' career. They are also concerned with supporting the individual freelancer who is equipped with survival skills in planning and managing their career in a competitive labour market. How significant these schemes will prove for the future of freelance unions remains to be seen. The unions themselves hope they will aid retention by allowing workers to maintain a longer, and more varied, career within occupational labour markets. Members have responded keenly to the opportunities provided and courses have been fully subscribed, though to date only a small proportion of members have used them. A key issue is whether programmes of this kind will survive in the longer term and become a permanent feature of union servicing when temporary funding from the ULF and similar sources comes to an end.

Outside of the media and entertainment sector there was little evidence of unions providing skills training for their members. Natfhe has used ULF to develop training in teaching standards in further education for part-time lecturers, many of whom are also temporary or on fixed-term contracts. Other unions have used ULF or developed other programmes in basic skills that are targeted primarily at low paid, part-time workers. Unison's *Return to Learn* scheme provides an example (Munro and Rainbird 2000). These schemes, however, are concerned largely to rectify exclusion from education in earlier life and provide access to internal labour markets for workers lacking in qualifications. They differ from the freelance schemes, therefore, that are concerned to bolster the employability of contingent workers in external labour markets. When asked specifically about investment in this kind of work, officers in non-freelance unions tended to reply either that the issue had never been considered or that it would represent a distraction from the core competence of unions in representing workers through industrial relations procedures and collective bargaining.

Intermediation

The final labour market interest that unions can service is that which arises from the need to find work. Unions of contingent workers may act as labour market intermediaries, therefore, recording job vacancies and placing their members with employers who need labour. Examples of this kind of service have been reported from labour movements overseas and it has been advocated as a response of unions to labour market change (e.g. Heckscher 1999: 55). In Australia the Association of Professional Engineers, Scientists and Managers has established its own recruitment agency, while in the United States the South Bay Central Labor Council has developed a labour supply agency for Silicon Valley (Kochan 2000: 12; Vines 2000)¹³. The specific aim of the latter is to provide good quality labour to clients by offering an attractive employment package that can itself be afforded because the agency operates on a not-for-profit basis.

In the UK it was, once again, the freelance unions that had most experience of this kind of work though none had gone so far as to sub-contract the labour of its own members. All of these unions issued directories of members by trade and work area and in some cases they also produced vacancy lists from information provided by employers and advertisements in the trade press. The directories are sold and used widely by production companies, editors and others seeking skilled, freelance labour. The latest development is for these directories to go on-line.

Perhaps surprisingly, it was unions outside the freelance area that had gone furthest in assuming a labour market intermediary role. Connect has established its own recruitment consultancy, Opus II, that operates as a separate but wholly owned business of the union. This initiative originated with the restructuring of British Telecom (BT), which involved redundancy or reduced career opportunities for many BT managers and technical staff. Those seeking work elsewhere can register their CV with Opus II, which regularly receives inquiries from employers and produces a bulletin of vacancies for Connect members. More than 3,000 Connect members have made use of this service. Opus II also supplies labour on a self-employed basis, generally to overseas clients for work on fixed-term projects. This more radical initiative, however, affects only a handful of members at any one point in time.

Another union that has gone even further down this route is URTU, the road transport union. In response to the growing threat from employment agencies the union has established its own agency, which directly employs drivers. Industry's Driving Force (IDF) is at present a small operation which, like the Californian experiment, seeks to provide high quality labour to blue chip clients, on the basis of careful selection, investment in training and the offer of secure employment with generous benefits. The aim therefore is to effect an exchange between high quality service to clients and secure and attractive employment for workers. This exchange, moreover, is presented explicitly as an alternative to the low quality, casual labour trade-off that typifies much of the private recruitment industry. A problem that the union has encountered, however, has been the reluctance of workers used to casual work with high cash rewards to sacrifice this for longer-term employment with security but lower take-home pay.

Other unions had also considered action of this kind. The T&G Biennial Delegate Conference has twice debated motions proposing a union employment agency in the past fifteen years, though both have been heavily defeated, and some of the education unions have also considered the issue. For non-specialist unions with a low percentage of contingent workers in membership, however, a venture of this kind generally appeared to be too risky, too costly and too great a departure from the union's established methods of member servicing. It was also pointed out by some that there was a potential conflict of interest and that mixing the role of worker representative with that of employer or agent could prove problematic.

Summary

The purpose of this section has been to investigate whether unions of contingent workers develop a distinctive 'servicing profile' resting on the interests of such workers in 'security', 'employability' and 'intermediation'. This profile, moreover can be contrasted with that which is typical of enterprise unionism. Servicing in the

latter case is likely to focus on ‘managerial’, as opposed to ‘market’ relations, and to be conducted through enterprise-specific grievance and disciplinary procedures. The evidence gathered provides some support for this view. Unions of freelance workers provide services designed to meet each of the three needs identified and these unions report both further refinement of these services and that they matter to freelance members and underpin recruitment and retention. Across the other unions, however, there was patchy experiment with services that meet the labour market needs of contingent workers. In some cases unions had developed their servicing profile in the direction anticipated, particularly for agency workers, but in many cases this had not occurred. In general, it seemed that unions with a predominantly permanent and full-time membership had not felt under sufficient pressure to develop a distinctive and separate body of services to cater to the needs of workers whose employment status departed from this norm. It must also be pointed out that even in the freelance unions, member servicing was not confined to the offer of security benefits, training and development and labour market information. These unions also provided advice and support on ‘managerial’ issues, such as hours of work, health and safety and working practices. An important component of their representative work, moreover, was debt collection (plus the naming and shaming of non-paying companies in union journals), which parallels exactly the representation of members on unlawful deductions from wages within conventional, enterprise unionism.

Bargaining

One of the most remarked upon developments in British industrial relations in recent years has been the decentralisation of the formal institutions of collective bargaining. In the private sector industry-wide agreements have come to an end in a series of major industries and, while multi-employer bargaining remains central in the public sector it has been subject to erosion (Jackson *et al.* 1993; Millward *et al.* 2000; White 1999; 2000). A similar trend has been observed in the USA where there has been a collapse of ‘pattern bargaining’ (Kochan *et al.* 1986: 128—30; Osterman 1999: 63). In the latter, however, there have been instances of a reversal of this trend and there is a strong body of opinion advocating the revival of multi-employer bargaining to cater specifically to the needs of contingent workers (Cobble 1991; 1994; Herzenberg *et al.* 1999; Rogers 1995; Wever 1998; Wial 1994). For these writers multi-employer bargaining can benefit contingent workers by reducing competition on wage levels and establishing minimum wage and employment standards within labour markets. They can also be used to establish regional or occupational benefit and training schemes, such that contingent workers are not penalised for their mobility. Given these arguments our purpose in this section is to consider the collective bargaining policy of unions of contingent workers in the UK. In particular, our aim is to examine the extent of reliance on multi-employer arrangements and the purpose and functions of these agreements where they exist.

The three entertainment unions (BECTU, Equity, MU) do rely on multi-employer bargaining to regulate the terms and conditions of their freelance members. BECTU has lost its industry agreement in independent television (Brown and Walsh 1991) but generally these unions have stood out against the national trend and their bargaining arrangements constitute something of a ‘deviant case’ within the British private sector (*cf.* Gospel and Druker 1999). The same cannot be said for the NUJ,

however, which has suffered a major collapse of collective bargaining at both industry and enterprise levels and currently negotiates pay and conditions for only about a third of its membership.

BECTU has a national *Freelance Production Agreement* with the Producers Alliance for Cinema and Television (PACT) plus an equivalent with TAC its Welsh counterpart. Equity and the MU also have agreements with PACT and a series of other agreements with employers' associations in theatre, orchestral music, variety and light entertainment and other sections of the arts and entertainment industry. In many ways these are conventional collective agreements and contain clauses on union recognition, pay, hours of work, health and safety, equal opportunities and dispute resolution. The BECTU agreement with PACT also contains clauses on sick pay, pensions, insurance and training in the manner suggested in the US literature, though Equity's and the MU's agreements do not appear to be as elaborate in these areas. There are two distinctive features of these agreements, however, that reflect the nature of the workforce. First, and this is particularly true of Equity and the MU, they contain extensive clauses on payments for the re-use of material, reflecting the economic right to intellectual property of creative workers. Second, they provide for minimum payments with the assumption that experienced, skilled or talented workers will negotiate higher rates of pay. The support that these unions give to their members, therefore, often involves advising them on individual negotiations with production companies to secure a higher rate than that guaranteed in the national agreement¹⁴.

Reliance on multi-employer bargaining, however, is not the only collective representative strategy of these unions. To a greater or lesser degree they also engage in attempts to regulate the labour market unilaterally by issuing model contracts and rates of pay for their freelance members. The MU reported that it 'promulgates' contract rates and conditions for a number of groups, including church organists and musicians on cruise ships. There is no sanction that the union can deploy to back up this method but it was said to be effective because members seek the union rate when striking contracts and employers are generally ready to comply both to secure labour and minimise transaction costs. Given the meltdown of its collective bargaining position in the last fifteen years the NUJ seemed to be particularly reliant on unilateral regulation and the union releases a detailed *Freelances' Fees Guide* every two years. This includes recommended minimum rates of pay for various forms of journalistic work, plus advice on how to negotiate contracts. Clearly this form of labour market regulation is relatively weak and both the MU and NUJ conceded they had to be 'ultra-realistic' in setting their freelance rates. If employers are determined to avoid paying the rate then clearly they can do so. In all four unions, however, it was claimed that both negotiated and promulgated rates were followed by a broad range of companies with little direct contact with the union¹⁵.

The third bargaining strategy of these unions was to rely not on multi-employer agreements but on enterprise agreements that set restrictions on the employer's use of freelance labour and determine its rate of remuneration. The NUJ reported that historically this had been the dominant approach, with freelancers 'tailgating' on the negotiating strength of workplace chapels. BECTU has also tried to make use of this method since the collapse of industry bargaining in independent

television but currently has only one agreement of this kind with HTV. This agreement sets freelance rates 25 per cent higher than those of permanently employed technicians in order to serve two purposes. First, it is meant to discourage over-reliance on freelance labour and protect the employment of permanent staff and, second, it compensates freelances for their greater insecurity and lack of access to company benefits. Agreements of this kind, therefore, are based on enterprise unionism and seek to reconcile the interests of permanently employed union members with those in the external, contingent workforce.

For agency workers there is no system of multi-employer bargaining. The TUC has had contact with the agency trade association, the Federation of Recruitment and Employment Services (FRES), but this was largely to neutralise its opposition to the new agency worker regulations and not to negotiate a multi-employer agreement. It was explained that FRES was too opposed and too weak in relation to its membership to make a worthwhile agreement a realistic probability. Perhaps the best prospect for the broad regulation of this sector lies in the negotiation of enterprise agreements with the large, dominant agencies, such as Manpower, Adecco, ELS and others. Several unions, including ATL, GMB, T&G, Unifi and Unison, have agreements with these firms, which provide the union with recruitment and representation rights, the members with sick pay, holidays, and formal equality of opportunity and commit the employer not to use agency workers to replace strikers. In some cases unions believe there is a prospect of these agreements being elaborated to cover a broader range of substantive terms and conditions in the future. It is hoped, moreover, that co-operation with these lead companies will set standards for the sector as a whole and exert competitive pressure on smaller, less reputable agencies leading them to go out of business. However, the agreements unions currently have with these companies are weak.

At present the closest regulation of agency labour secured by unions has been at enterprise level, where agreements at a number of well-organised companies restrict the use of agency labour and insist that agency workers receive equal pay and conditions. These agreements, however, are directed largely at neutralising the threat agency work poses to permanently employed union members and are not concerned centrally with the specific needs of this category of labour. Their coverage in any case is limited as a result of the general decline of trade union strength and the fact that many workplace branches have either not attempted or not succeeded in regulating management action in this area. The ironic title of an internal T&G report on agency labour significantly was, *We Don't Have Them Here*.

The situation with regard to workers on fixed-term contracts is different again. The union bargaining agenda for this group of workers in most cases focuses on two issues. The first is the need to secure equal treatment for temporary and contract workers, such that they receive the same terms and conditions of employment as permanent workers on a *pro-rata* basis. Elements of equal treatment are already well-established in many collective agreements. However, recent legislation on working time, the rights of part-timers, the abolition of waiver clauses and the impending fixed-term contract regulations has provided a fresh impetus to this policy. As a direct result a number of unions, including AUT, Unison, NUT and Unifi reported further success in negotiating the harmonisation of fixed-term and permanent conditions in recent years. The second objective is to reduce employer reliance on insecure work

and transfer fixed-term contract workers to permanent contracts. Much less success has been recorded on this dimension, though the AUT in particular was hopeful it could begin to reverse the upward trend in temporary work in universities.

The critical point for the present discussion, however, was that this equal treatment agenda was not associated uniquely with multi-employer bargaining. The AUT and Unison have pursued their policy at this level and the latter has recently secured an industry agreement in local government that provides (rather weak) guarantees of equal treatment for temporary workers¹⁶. BECTU and Unifi, in contrast, reported agreements on fixed-term and temporary work at enterprise level, with the latter negotiating a major enhancement to the terms and conditions of 2,000 'auxiliary' workers in HSBC bank in 1999. Where industry bargaining persists, therefore, it has been used to address the interests of fixed-term contract staff but in other contexts enterprise bargaining has served equally well. Indeed, in much of the public services the union bargaining agenda on fixed-term contracts may be pursued at both levels with core principles negotiated in framework agreements at industry level to be supplemented and given effect through local bargaining. The AUT, for instance, has sought improvements for fixed-term contract staff at national level but some of its stronger local associations have negotiated supplementary agreements at enterprise level.

To summarise, unions of contingent workers in the UK have made use of multi-employer bargaining to regulate the employment relationship of their members. Unions of freelancers have used these agreements to set minimum conditions, to be supplemented by individual negotiations, and to provide for security benefits in the manner recommended in the US literature on unions and contingent work. Unions of fixed-term contract staff in the public services, in contrast, have used industry agreements to pursue equal treatment for contingent workers, often relying on developments in equality law to provide bargaining leverage. Neither of these two sets of unions, however, has relied solely on industry bargaining and this method has been supplemented by attempts to regulate labour markets unilaterally and by negotiating enterprise agreements on contingent work. If anything, this latter type of negotiation has increased in importance as a result of the break-up of industry bargaining in sectors like newspaper publishing, independent television and banking and the erosion of industry agreements in the public services through marketization and financial decentralisation. Some of the weaknesses of this latter strategy are apparent from the survey, such as uneven protection across enterprises and the tendency for local agreements to prioritise the protection of permanent employees rather than the specific needs of contingent workers themselves. Nevertheless enterprise bargaining over contingent work is significant and likely to remain so.

What is absent from the survey evidence is any extension of multi-employer bargaining to sectors or groups where it has not previously been established. This mode of representation continues to flourish and seemingly meets the needs of contingent workers, particularly in the arts and entertainment sector. Unions have been unwilling or unable, however, to reproduce the form where it was not previously used or has been abandoned. At present there is little prospect of multi-employer bargaining for agency workers and perhaps enterprise agreements with the large labour-supply agencies provide the best prospects for broad union influence through collective bargaining in this sector. Multi-employer bargaining can form part of a

system of joint regulation of contingent labour markets but with a weakened labour movement and without state support it is unlikely to spread to any significant degree beyond the ‘deviant’ sectors where it currently survives¹⁷.

Legal Regulation

One of the reasons for advocating multi-employer bargaining for contingent workers is that it results in basic employment standards that extend across enterprises. The same is obviously true of what was described by Beatrice and Sidney Webb as the ‘method of legal enactment’, that is the use by unions of political action to secure changes in employment law. In this final section we examine the extent to which the sample of unions has sought to reform and extend individual employment law to protect the interests of contingent workers.

While political action by trade unions may be targeted at individual employment law, there is also a long tradition of political action to secure a framework of collective employment law that allows unions to function and represent their members. In the UK this framework of collective employment currently licenses and largely confines lawful union action to the level of the employing enterprise. The same is true of the United States. In the States, however, there have been calls for a reform of employment law to permit unions to organise more readily at the level of the occupational or regional labour market. Reformers have advocated the legalisation of ‘pre-hire’ (i.e. pre-entry closed shop) agreements beyond the garment and construction trade, where they are currently lawful, and the restoration of the right to secondary boycotts and picketing to secure broad recognition from employers (duRivage *et al.* 1998; Wial 1994). These reforms, moreover, have been linked explicitly to the need for contingent workers to develop multi-employer bargaining and associated forms of multi-enterprise regulation. A second objective of this section, therefore, is to determine whether UK unions are developing an agenda for collective employment law that seeks to revive union activity beyond the enterprise.

The interview survey uncovered extensive union involvement in political and legal activity, which confirms the view that legal enactment has become central to the activities of UK trade unions in recent years (*cf.* Heery 1998a; Howell 1999: 46—50). This activity was directed both at a general strengthening of the legal protection for contingent workers and particular action on behalf of freelancers, agency workers and workers on fixed-term contracts. With regard to general action, the primary objective of unions has been to broaden the scope of protective legislation both by reducing qualifying periods and pressing for rights on behalf of ‘workers’ as opposed to the narrower category of ‘employees’¹⁸. These changes improve the legal position of at least a proportion of workers who are non-permanent, who do not have a contract of employment or whose employment status is in doubt. Thus, union pressure has seemingly been instrumental in reducing the qualifying period for protection from unfair dismissal from two years to twelve months and BECTU is currently challenging the 13-week qualifying period for paid holiday under the Working Time Regulations on behalf of its freelance membership. In addition, unions have helped to ensure new legislation on minimum wages, working time and equal treatment for part-timers applies to workers and not just employees. They are also lobbying for the

Secretary of State to use Section 23 of the Employment Relations Act 1999 to amend existing legislation in the same way¹⁹.

Legal action of this kind forms part of a broader 'reregulatory' current in employment law that seeks not to discourage or outlaw 'non-standard' forms of contract but to ensure that the employer's need for flexibility is balanced by protection for the worker (Fredman 1987). The same objective can be seen in union action to secure specific legal protections for different categories within the contingent workforce. Thus, the arts and entertainment unions have been active lobbyists for a strengthening of copyright law at domestic and international levels and have successfully defended the anomalous employment status of actors and entertainers who are self-employed but who pay National Insurance Contributions and are eligible for unemployment benefit. These and other unions have also lobbied successfully to clarify the employment status of agency workers, who under new regulations are to be considered the employees of the agency with a consequent strengthening of their position in law. Finally, UK unions operating through the European Trade Union Confederation, have secured the fixed-term contract directive, which is due to be transposed into UK regulations after consultation in 2001. The directive contains two key provisions: a qualified right to equal treatment for contract workers and the outlawing of the abuse of this form of employment, by concluding a series of contracts to circumvent existing employment protection legislation. In anticipation of the directive, and under union pressure, the UK Government withdrew the waiver clause on unfair dismissal in fixed-term contracts in 1999.

The pursuit of these improvements in individual employment law involved unions in three kinds of activity. First, unions were active in pressing for legal change at European level, primarily through the ETUC's 'social dialogue' with the European Commission and European employers' organisations but also through the sectoral social dialogue (see Keller and Sorries 1999) and direct lobbying of the European Commission and Parliament by individual unions. The most visible products of this involvement have been the fixed-term contract directive and the proposed directive on agency workers, but European social dialogue has also been important in establishing the principle that employment rights should be attached to 'workers'. The concern of the European Commission to promote a regulated form of labour market flexibility, in which legal protection for non-standard work is meant to increase its attractiveness to employees (see Davies 2000), has been important in providing an opportunity for unions anxious to secure tangible reforms. Indeed, this opportunity may explain union reliance on legal enactment in representing contingent workers as much as the peculiar dependence of these groups on the protection of the law.

The second and associated method has been the use of political pressure on the Labour Government. This is associated because in the field of contingent work a major concern of unions has been to ensure the transposition of European directives (e.g. on working time and part-time work) into relatively robust regulations. Other objects of policy at this level have been the reduction of qualifying periods for employment rights, the protection of the employment status of actors and entertainers, the withdrawal of the unfair dismissal waiver clause for fixed-term contracts, and the issuing of new regulations for the private recruitment industry. Two characteristics of this politics of pressure stand out. First, it has been dependent on the election of the Labour Government and the traditional financial and constitutional ties between

Labour and the unions. Opinions differ as to the strength of the bargain unions have struck with New Labour (*cf.* Brown 2000; McIlroy 2000a) but the reforms secured contrast markedly with the almost complete lack of union influence over government policy under the Conservatives (Heery 1998b: 349). Second, it has largely taken the form of ‘insider’ activity (McIlroy 2000b: 3), which has been low profile, based on acceptance as a legitimate interest group by government and conducted through behind the scenes lobbying. The TUC has sought to influence media coverage of employment agencies and has highlighted cases of abuse as part of its campaign for new regulations and Equity’s campaign on unemployment benefit has included members lobbying Parliament. What is striking about much of union political activity in this area, however, is the absence of any mobilisation of contingent workers themselves in protests, demonstrations or campaigns. With regard to at least some sections of the contingent workforce (and particularly agency workers) trade unions have acted largely as ‘advocacy’ organisations, speaking on behalf of a constituency that is poorly organised and passive in the manner of a campaigning charity.

The third method has involved what might be termed the ‘strategic use of case law’, in that it involves the deliberate selection and sponsorship of test cases with the aim of challenging the prevailing interpretation of the law. This kind of action has been one of the most fruitful for trade unions in recent years and important judgements have been obtained from the European Court of Justice, which have strengthened legal protection for workers in fields such as equal pay, sex discrimination, redundancy and the transfer of undertakings. Examples affecting contingent work include BECTU’s challenge to the qualifying period for paid holidays at the European Court and the extension of the part-timers’ regulations to ‘workers’ following the threat of legal action by Natfhe, Unison and the GMB. It is likely that legal action of this kind will continue both because further legislation on fixed-term contracts and agency staff is pending and because of the seeming preference of the Government for a cautious and minimal form of regulation. It is also likely because of the Government’s preferred method of enactment, which is through the issuing of regulations (after consultation) rather than through ‘social partnership’ or ‘social dialogue’, which draws the organisations of business and labour directly in policy implementation (*cf.* Brown 2000: 311)²⁰. State reliance on fairly minimal legal regulation of contingent work, in other words, will continue to invite challenges from trade unions in the courts that seek to extend legal protection.

While unions have attached priority to securing individual employment law for contingent workers there is very little evidence that their interests have informed policy on collective employment law. There have been important developments in the latter, including the new rights to recognition and to be accompanied in disciplinary cases, the extension of the European Works Council Directive to the UK, and the withdrawal of the periodic balloting requirement for check-off. All of these changes, however, are concerned with strengthening the union position within the enterprise and it was conceded in some interviews that they had little relevance to the situation of contingent workers. Equity, for instance, stated that the ‘recognition arrangements under the new legislation are going to be difficult. How are we going to apply it to six people working on a CD-ROM for two weeks? By the time you have gone through the recognition procedures the thing is shot and in the can and it’s away’.

The kinds of change that might have been attempted are akin to those that have been recommended in the United States, including the restoration of the pre-entry closed shop and the removal of restrictions on secondary action and picketing. However, it is likely that the former would contravene article 11 of the European Convention on Human Rights and Fundamental Freedoms, which is now incorporated into UK law through the Human Rights Act 1998, and therefore may be regarded as unattainable. The latter, on the other hand, would require the abolition of some of the main elements of the Conservative programme of labour law from the 1980s. This continues to be a goal of the left of the trade union movement but the mainstream seems to regard abolition as an unattainable, or even an undesirable, objective (McIlroy 2000a: 23). Moreover, adherence to the right to secondary action appears to be a function of ideological position rather than membership characteristics and it is not the case that unions of contingent workers have stood out against the mainstream in arguing for restoration

Conclusion

Hyman (1999: 99) has stated that the contemporary crisis of trade unionism is a crisis not of trade unionism as such but of a 'particular model of trade unionism'. Claims of this kind are extremely common in the recent literature on trade unions. They have at their core the belief that the evolution of new forms of economic activity is generating a new set of interests within the workforce, which, in turn, is exerting selective pressure for the replacement of the old with a new form of trade unionism²¹. The purpose of this Paper has been to present an initial empirical test of a particular version of this argument. It has been suggested that the emergence of a contingent workforce, characterised by its relative detachment from any particular employing enterprise, requires a form of trade unionism that breaks with the dominant workplace model and seeks to represent workers 'beyond the enterprise'. Accordingly, we have examined the methods of worker representation relied upon by unions that traditionally have organised contingent workers and reviewed innovation in unions that have set out to represent agency, fixed-term contract and other non-permanent workers in recent years.

The findings provide considerable support for the thesis that unions of contingent workers depart from the dominant model of '*de facto* enterprise unionism'. They include the following:-

- *Recruitment*. Unions of contingent workers rely heavily on methods of recruitment that seek to attract members at the point where they seek work or enter an occupation. They also seek to retain members through individual servicing, detached from work within a particular enterprise. There is no evidence within our sample, however, of unions relying on community organising when seeking to recruit contingent workers.
- *Government*. Freelance unions, in particular, rely upon geographically based forms of organisation rather than enterprise or workplace branches. A key finding, though is that these and other unions of contingent workers rely to a great degree on central, national institutions of government that concentrate dispersed activists at key points of decision.
- *Representation*. While some sections of the contingent workforce are absorbed within enterprise unions and serviced by workplace stewards, there seems to be

much heavier reliance on direct representation by paid, external full-time officers for this group as a whole. The seeming difficulty contingent workers experience in sustaining long-term workplace organisation leads to reliance on the external union for basic representation services.

- *Servicing*. There is evidence of unions developing security, employability and intermediation services for different groups of contingent workers and the elaboration of labour market services of this kind has been an important area of innovation. Several unions regard this kind of servicing as more central to the relationship with contingent workers than it is for members with conventional employment. It should be noted, however, that individual representation of contingent workers includes issues of health and safety, management style, discipline and non-payment of wages, which are directly equivalent to the protective services provided by enterprise unionism.
- *Bargaining*. Unions of both freelancers and fixed-term contract staff in public services rely on multi-employer bargaining to service members, though it is only in the former group that industry bargaining is associated directly with the setting of minimum labour market standards and the provision of security and training benefits. Where multi-employer bargaining has collapsed or has not been established these unions have relied on attempts to regulate the labour market unilaterally and on enterprise bargaining. There is no evidence of unions of contingent workers seeking to establish new systems of multi-employer bargaining and for agency workers it seems that the best prospect for the broad regulation of the employment relationship lies in the further elaboration of enterprise agreements with large labour-supply firms.
- *Legal regulation*. The unions surveyed had been particularly active in pressing for legal protection of contingent workers at European level, at national level and through the sponsorship of test cases. Reliance on legal regulation was the most striking recent development within the strategy of representation employed by these unions. There was virtually no evidence, however, of these unions or the broader UK labour movement pressing for the reconstruction of collective employment law to facilitate union action beyond the enterprise. On the contrary the thrust of policy and reform has been to secure stronger licensing of enterprise unionism.

There is evidence on each of the six dimensions, therefore, of unions of contingent workers acting in the predicted manner and developing methods of representation that break with the dominant enterprise form. However, the empirical pattern revealed by the survey is complex and the evidence is not uni-directional. For example, we encountered situations where these unions had made use of enterprise unionism to represent contingent workers. This can be seen in the use of mapping techniques to identify and recruit contingent workers at the workplace, in their integration into workplace branches with workplace representatives, and in the use of enterprise collective agreements to regulate their terms and conditions. With regard to bargaining, in particular, it seemed that unions made use of whatever structure was in place and there was no close association between the substantive agenda of bargaining and the level at which it took place. The disadvantages of enterprise bargaining for these groups lay in its uneven coverage and the tendency for the needs of permanent employees to take precedence.

The survey also revealed considerable variation in union strategy with regard to the different types of contingent work. Departure from the enterprise model appeared most clear-cut in the case of freelance workers. Unions like BECTU, Equity and the MU have developed a non-enterprise-based strategy for these highly mobile workers and despite the abolition of the pre-entry closed shop and some erosion of industry bargaining this continues to hold sway. Union representation of workers with fixed-term contracts, however, seemed to be concentrated much more at the level of the enterprise, reflecting the fact that in the public services this group is concentrated in large numbers and has a less contingent employment relationship than that of freelancers. Agency workers lay somewhere in the middle. In some cases, particularly where long-term insourcing was used, these workers were integrated into established patterns of enterprise unionism. In other situations, however, where they were highly mobile they remained acutely dependent on the external union and non-enterprise forms of representation. The enterprise collective agreements for these groups, significantly, rest almost completely on the involvement of full-time trade union officers and have not, to date, been accompanied by any significant worker activism or lay organisation based on the employment agency. Union representation of the contingent workforce is variable, therefore, though in a manner that seemingly confirms the original hypothesis. Thus, where the employment relationship is highly contingent these groups rely on non-enterprise unionism but where there is less contingency their capacity for integration with enterprise unionism and to sustain workplace organisation is higher.

There is also variation in the pattern of innovation in union strategy across the sample with change being reported most frequently in three areas. First, most unions reported increasing effort to recruit contingent workers, which in some cases was associated with the adoption of new methods. This was a noted contrast with the absence of experiment with new forms of government or new cadres of representative for these categories. Second, and particularly within the freelance unions, there was innovation in methods of individual servicing and a notable expansion in the labour market services provided for contingent workers. In several unions new security, training and information services had been established, partly in response to the Government's Union Learning Fund. Third, there was a marked high level of activity in the field of legal regulation with most unions reporting recent initiatives to enact, challenge, extend or reform aspects of employment law that affected contingent workers. Again, much of this activity was a response to opportunities for change provided by developments at European level and the election of the Labour Government in 1997. Innovation in individual servicing and legal regulation stood in contrast to the lack of change in the field of collective bargaining. Unions were seeking to negotiate with employers over the substance of contingent work, often taking the lead from changes in the law (e.g. over working time). There was an absence of attempts to develop new structures or forms of bargaining, however, with the exception of unions that were seeking to obtain and strengthen enterprise bargaining with individual employment agencies. The pattern that emerges from the data, therefore, is one of unions seeking more actively to recruit contingent workers, provide fuller and more relevant services and act as legal advocates for the contingent workforce. Recruiting, servicing, and lobbying are the areas where innovation has been concentrated.

To conclude, therefore, we can say that unions seeking to represent the contingent workforce do deviate from the dominant form of enterprise unionism, though this deviation is not absolute and is more apparent for freelance workers than for others. What are the implications of these findings? To the extent that the contingent workforce continues to grow, it suggests that UK unions will be under pressure to reverse their line of historical development of the past fifty years and develop forms of representation above the level of the employing enterprise. The strength of these trends should not be exaggerated, however, and it should also be noted that the aspiration of many in the contingent workforce is to lose this status and join the ranks of the permanently employed. Enterprise unionism will continue to be central to the future of the UK trade union movement for the foreseeable future and while this form may not be the most appropriate for some within the contingent workforce for many other workers it remains their best hope for protection at work. The revival or renewal of enterprise unionism, therefore, will remain an urgent task for the UK labour movement. Our research, however, suggests it is not the only task and that prescriptions for revitalisation that posit a single form of trade unionism are unrealistic. In the future unions may have to develop more diverse strategies of representation to accommodate the needs of a more diverse workforce, engaged in a wider variety of employment forms and with a variable employment status.

Notes

1. These estimates are taken from the annual Labour Force Survey (LFS). Further research by Burchell *et al.* (1999), however, suggests that the LFS count of particular forms of non-standard work may be inaccurate. Their alternative estimates indicate that LFS overestimates the number of seasonal workers and ‘greatly’ underestimates the number employed on fixed-term contracts.
2. The average union representative identified in the 1998 Workplace Employee Relations Survey was male, had been employed at his workplace for 11 years and had been a representative for six years (Cully *et al.* 1999: 195).
3. In BECTU it was said that under the closed shop there were ‘more committees in existence that were geared to keeping people out of membership than there were for encouraging people to come in’. Since the mid-1990s, however, the union had undergone a ‘culture change’ and developed a planned recruitment policy that is reviewed on an annual basis. Equity, MU and NUJ reported similar changes: ‘...for years we hardly had to recruit, because of the closed shop people came to us, they were banging on the door to become an Equity member. But now we are in the business of actually recruiting...’
4. In Equity, BECTU and the NUJ subscriptions are banded and are linked to income. The maximum annual subscription in Equity, for instance is £1750.
5. These agreements seemed to represent a particularly acute form of union dependence on the employer for promoting membership and perhaps for this reason were described generally as rather ineffective; one union officer said simply that agencies ‘lie’ and do not encourage people to join the union. We did encounter cases of unions trying to breathe life into these agreements, however, mainly by working with local agency managers to ensure the distribution of union recruitment material. How successful these initiatives have been remains uncertain.

6. This information comes from a parallel research project involving members of the research group, which is examining trade union recruitment and organising policy (see also Taylor and Bain 1999).
7. The union that has been most strongly influenced by US practice is the Iron and Steel Workers' Confederation (ISTC), which has re-launched itself as a community union (Wills 2000). The ISTC has tried to draw on community (and political) resources in its organising campaigns, including campaigns targeted at contingent workers. In the East Midlands and Scotland it has developed recruitment campaigns aimed at agency workers, which in at least one case has been developed in conjunction with a local community organisation. We have limited knowledge of this case, however, and are uncertain as to the outcome.
8. The existence of the national FTC committees in the AUT is supplemented by a less formal but nevertheless significant union-wide initiative. There is a very active email discussion group for FTC members, which allows discussion and contact between activists and elicits responses from union officers and elected leaders. This kind of 'virtual' organisation may be particularly important for contingent workers.
9. This pattern is reflected in law. Under the Safety Representatives and Safety Committees Regulations 1997 trade unions have the right to appoint safety representatives in workplaces where they have recognition. The regulations state that representatives should be employees employed at the workplace where they will carry out their functions. Equity and the Musicians Union are exempt from this latter provision, however, and have the right to appoint paid officials as safety representatives who will cover a number of workplaces where the union is recognised.
10. It should be noted, though that the AUT reported variable strength of lay representation of fixed-term contract staff across its branch network. Use of lay representatives from among this group to service this group seems to be most developed in the Russell Group universities, which employ large numbers of fixed-term contract research staff.
11. An additional arrangement for member security obtained by Equity should also be mentioned. The union's members occupy an anomalous position within the taxation system and are classified as self-employed for the purpose of income tax but fall within the system of National Insurance Contributions. What this means is that members can claim Jobseekers Allowance during spells of unemployment. The Inland Revenue has challenged this arrangement on a number of occasions but the union has successfully defended it by astute political lobbying.
12. An internal T&G document, for instance, reports the following: 'Individual representation, personal injury claims, the 24-hour legal helpline, and the mix of financial services, are all important benefits especially among...a dispersed and transient workforce lacking the benefit of any collective strength'. The T&G would like to introduce a Stakeholder Pension plan for agency workers but, if this does occur it is likely to be through the medium of an enterprise agreement with Manpower, rather than through an industry-wide scheme financed by contributions from multiple employers.
13. These two examples can serve as illustrations of radical and more conventional approaches to labour market intervention by unions. The APESM is modelled largely on a consumer services company and in addition to running a recruitment agency it provides its own MBA and a series of labour market services for qualified and highly paid engineers and technicians. The South Bay Labor Council

in contrast combines its 'temporary help' agency with an education and training centre for low-paid workers and functions as a mobilising force for local union organising and other campaigns.

14. The agreements negotiated by BECTU on behalf of freelancers also had another distinctive characteristic. They provide for relatively high daily rates of pay, reflecting the fact that many freelancers do not work a full year and consequently have to earn at a high rate during periods when they do have employment.
15. Many members are in a position to negotiate above the minimum rate of pay by virtue of their labour market power. All four unions provide advisory services and representation services for members involved in the negotiation of freelance contracts and, like negotiated rates, promulgated rates are meant to set minimum wages and conditions.
16. This is a clause within a broader agreement that establishes the principle of harmonisation of pay and conditions across manual and non-manual occupations. The agreement explicitly excludes casual workers and therefore the most insecure of contingent workers are not provided with equal treatment.
17. The establishment or restoration of multi-employer agreements has occurred in the UK in recent years and comparison with the industrial relations systems of continental Europe, where central bargaining persists, suggests there is no inexorable or irreversible trend towards decentralisation. Brown and Walsh (1991: 49) give two relatively recent examples of the setting up of multi-employer bargaining: in the private security industry following the bombing of the Deal army base by the IRA and in the off-shore oil industry for contract caterers. Both initiatives were motivated by an employer desire to raise labour quality and squeeze out low-cost suppliers (see also Sewel and Penn 1996).
18. For a full explanation of the meaning and significance of this distinction see Burchell, Deakin and Honey (1999).
19. Section 23 gives power to the Secretary of State to confer employment protection rights on individuals who are currently excluded from protection under existing legislation (Lockton 1999: 86). Unions are pressing the Government to use this power on behalf of the contingent workforce.
20. The exception to this pattern has been the National Minimum Wage, the level, coverage and administration of which was determined primarily through tripartite dialogue within the Low Pay Commission.
21. There are competing and opposed versions of this argument, though the basic form with its three elements of economic evolution, evolving interests and a call for 'new unionism' is common to all. Crudely, it can be said that the different versions fall into three types: 'post-industrial', characterised by a belief that new and more co-operative forms of work provide the basis for partnership unionism; 'post-Fordist', which emphasises the degradation of employment conditions, the rise of worker insecurity and the consequent need for oppositional, social movement unionism; and 'post-modern', which stresses the fragmentation of worker interests and the need for unions to 'represent diversity'. Theories of 'new unionism' in industrial relations, therefore, map onto general theories of social and economic change current within the social sciences.

APPENDIX ONE

List of Trade Unions Surveyed

Trade Unions	Number of Interviews*
Association of Teachers and Lecturers (ATL)	1
Association of University Teachers (AUT)	2
British Actors Equity Association (Equity)	1
Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU)	4
Connect	1
GMB: Britain's General Union	3
Musicians' Union	1
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1
Natfhe: The University and College Lecturer's Union	3
National Union of Journalists	3
National Union of Teachers	1
Transport and General Workers Union (T&G)	3
Unify	5
United Road Transport Union (URTU)	2
Union of Shop, Distributive and Allied Trades (USDAW)	1
UNISON	1
Trades Union Congress (TUC)	4

* In several cases interviews were conducted with pairs or small groups of officers.

References

ACAS (1999) *Annual Report 1998*, London: Advisory, Conciliation and Arbitration Service.

Allen, J. and Henry, N. (1997) 'Ulrich Beck's *Risk Society* at work: labour and employment in contract service industries', *Transaction of the Institute of British Geographers*, New Series, 22, 2: 180—96.

Almond, P. and Rubery, J. (1998) 'The gender impact of European trends in wage determination', *Work, Employment and Society*, 12, 4: 675—93.

Barker, K. and Christensen, K. (1998) 'Introduction: controversy and challenges raised by contingent work arrangements', in K. Barker and K. Christensen (eds) *Contingent Work: American Employment Relations in Transition*, Ithaca and London: ILR Press.

Baron, J.N. (2000) 'Comment', in M.M. Blair and T.A. Kochan (eds) *The New Relationship: Human Capital in the American Corporation*, Washington DC: Brookings Institution Press.

Beaumont, P.B. (1995) *The Future of Employment Relations*, London: Sage.

Belous, R.S. (1989) *The Contingent Economy*, Washington DC: National Planning Association.

Bland, P. (1999) 'Trade union membership and recognition 1997-98: an analysis of data from the Certification Officer and the Labour Force Survey', *Labour Market Trends*, July: 343—53.

Brown, W. (1983) Britain's unions: new pressures and shifting loyalties', *Personnel Management*, October: 48—51.

Brown, W. (1997) 'Bargaining for full employment', in J. Philpott (ed.) *Working for Full Employment*, London: Routledge.

Brown, W. (2000) 'Putting partnership into practice in Britain', *British Journal of Industrial Relations*, 38, 2: 299—316.

Brown, W., Deakin, S., Hudson, M., Pratten, C. and Ryan, P. (1998) *The Individualisation of Employment Contracts in Britain*, Employment Relations Research Series No. 4, London: Department of Trade and Industry.

Brown, W. and Walsh, J. (1991) 'Pay determination in Britain in the 1980s: the anatomy of decentralisation', *Oxford Review of Economic Policy*, 7, 1: 44—59.

Burchell, B., Deakin, S. and Honey, S. (1999) *The Employment Status of Individuals in Non-Standard Employment*, Employment Relations Research Series No.6, London: Department of Trade and Industry.

- Cappelli, P. (2000) 'Market-mediated employment: the historical context', in M.M. Blair and T.A. Kochan (eds) *The New Relationship: Human Capital in the American Corporation*, Washington DC: Brookings Institution Press.
- Cappelli, P., Bassi, L., Katz, H., Knoke, D., Osterman, P. and Useem, M. (1998) *Change at Work*, New York: Oxford University Press.
- Carré, F.J., duRivage, V.L. and Tilly, C. (1994) 'Representing the part-time and contingent workforce: challenges for unions and public policy', in S. Friedman, R.W. Hurd, R.A. Oswald and R.L. Seeber (eds) *Restoring the Promise of American Labour Law*, Ithaca, NY: ILR Press.
- Carré, F.J., duRivage, V.L. and Tilly, C. (1995) 'Piecing together the fragmented workplace: unions and public policy on flexible employment', in L.G. Flood (ed.) *Unions and Public Policy*, Westport, Connecticut: Greenwood Press.
- Carter, B. (2000) 'Adoption of the organising model in British trade unions: some evidence from Manufacturing, Science and Finance (MSF)', *Work, Employment and Society*, 14, 1: 117—36.
- Coates, K. and Topham, T. (1988) *Trade Unions in Britain*, third edition, London: Fontana.
- Cobble, D.S. (1991) 'Organizing the post-industrial workforce: lessons from the history of waitress unionism', *Industrial and Labor Relations Review*, 44, 3: 419—36.
- Cobble, D.S. (1994) 'Making post-industrial unionism possible', in S. Friedman, R.W. Hurd, R.A. Oswald, and R.L. Seeber (eds) *Restoring the Promise of American Labor Law*, Ithaca, New York: ILR Press.
- Cobble, D.S. (1997) 'Lost ways of organizing: reviving the AFL's Direct Affiliate strategy', *Industrial Relations*, 36, 3: 278—301.
- Cully, M., Woodland, S., O'Reilly, A. and Dix, G. (1999) *Britain at Work: As Depicted in the 1998 Workplace Employee Relations Survey*, London: Routledge.
- Daniel, W.W. and Millward, N. (1983) *British Workplace Industrial Relations*, Aldershot: Gower.
- Davies, P. (2000) 'Labour law: from servant to savant', *Plenary Paper to the Annual Conference of the British Universities Industrial Relations Association*, University of Warwick: Coventry.
- Dean, A.B. (1998) 'The road to union city: building the American labor movement city by city', in J-A Mort (ed.) *Not Your Father's Union Movement*, London and New York: Verso.
- Delsen, L. (1990) 'European trade unions and the flexible workforce', *Industrial Relations Journal*, 21, 4: 260—73.

- Dex, S. and McCulloch, A. (1997) *Flexible Employment*, Basingstoke: MacMillan.
- Dex, S., Willis, J., Paterson, R. and Sheppard, E. (2000) 'Freelance workers and contract uncertainty: the effects of contractual changes in the television industry', *Work, Employment and Society*, 14, 2: 283—305.
- Dore, R. (1989) 'Where are we now? Musings of an evolutionist', *Work, Employment and Society*, 3, 4: 260—73.
- DTI (1999) *Regulation of the Private Recruitment Industry: A Consultation Document*, London: Department of Trade and Industry.
- duRivage, V.L., Carré, F.J. and Tilly, C. (1998) 'Making labor law work for part-time and contingent workers', in K. Barker and K. Christensen (eds) *Contingent Work: American Employment Relations in Transition*, Ithaca and London: ILR Press.
- Fairbrother, P. (2000) *Trade Unions at the Crossroads*, London: Mansell.
- Fredman, S. (1997) 'Labour law in flux: the changing composition of the workforce', *Industrial Law Journal*, 26, 4: 337—52.
- Gallie, D., White, M., Cheng, Y. and Tomlinson, M. (1998) *Restructuring the Employment Relationship*, Oxford: Oxford University Press.
- Geary, K. (1992) 'Employment flexibility and human resource management', *Work, Employment and Society*, 6, 2: 251—70.
- Gospel, H. (1992) *Markets, Firms and the Management of Labour in Modern Britain*, Cambridge: Cambridge University Press.
- Gospel, H. and Druker, J. (1998) 'The survival of national bargaining in the electrical contracting industry: a deviant case?', *British Journal of Industrial Relations*, 36, 2: 249—67.
- Green, F. (1999) 'Training the workers', in P. Gregg and J. Wadsworth (eds) *The State of Working Britain*, Manchester: Manchester University Press.
- Gregg, P. and Wadsworth, J. (1999) 'Job tenure, 1975-98', in P. Gregg and J. Wadsworth (eds) *The State of Working Britain*, Manchester: Manchester University Press.
- Haynes, P. and Allen, M. (1999) 'Partnership unionism: a viable strategy?', *Paper presented at annual conference of the British Universities Industrial Relations Association*, De Montfort University: Leicester.
- Heather, P., Rick, J., Atkinson, J. and Morris, S. (1996) 'Employers' use of temporary workers', *Labour Market Trends*, September: 403—11.
- Heckscher, C. (1988) *The New Unionism*, New York: Basic Books.

Heckscher, C. (1999) 'Statement of Charles Heckscher', in *What's Next for Organized Labor: The Report of the Century Foundation Task Force on the Future of Unions*, New York: The Century Foundation Press.

Heery, E. (1996) 'The new new unionism', in I. Beardwell (ed.) *Contemporary British Industrial Relations*, Oxford: Oxford University Press.

Heery, E. (1998a) 'Campaigning for part-time workers', *Work, Employment and Society*, 12, 2: 351—66.

Heery, E. (1998b) 'The relaunch of the Trades Union Congress', *British Journal of Industrial Relations*, 36, 3: 339—60.

Heery, E. (2000) 'Trade unions and the management of reward', in G. White and J. Druker (eds) *Reward Management: A Critical Approach*, London: Routledge.

Heery, E. and Abbott, B. (2000) 'Trade unions and the insecure workforce', in E. Heery and J. Salmon (eds) *The Insecure Workforce*, London: Routledge.

Heery, E. and Kelly, J. (1990) 'Full-time officers and the shop steward network: patterns of co-operation and interdependence', in P. Fosh and E. Heery (eds) *Trade Unions and Their Members*, Basingstoke: MacMillan.

Heery, E. and Salmon, J. (2000) 'The insecurity thesis', in E. Heery and J. Salmon (eds) *The Insecure Workforce*, London: Routledge.

Heery, E., Simms, M., Simpson, D., Delbridge, R. and Salmon, J. (2000) 'Organising unionism comes to the UK', *Employee Relations*, 22, 1: 38—57.

Herzenberg, S.A., Alic, J.A. and Wial, H. (1999) *New Rules for a New Economy: Employment and Opportunity in Post-industrial America*, Ithaca and London: ILR Press.

Hipple, S. and Stewart, J. (1996) 'Earnings and benefits of contingent and non-contingent workers', *Monthly Labor Review*, 119, 10: 22—30.

Howell, C. (1999) 'Unforgiven: British trade unionism in crisis', in A. Martin and G. Ross (eds) *The Brave New World of European Labor: European Trade Unions at the Millennium*, New York and Oxford: Berghahn Books.

Hunter, L. and MacInnes, J. (1991) *Employers' Labour Use Strategies: Case Studies*, Sheffield: Employment Department.

Hyman, R. (1997) 'The future of employee representation', *British Journal of Industrial Relations*, 35, 3: 309—221.

Hyman, R. (1999) 'Imagined solidarities: can trade unions resist globalization?', in P. Leisink (ed.) *Globalization and Labour Relations*, Cheltenham: Edward Elgar.

- IER (1996) *Working Life: A New Perspective on Labour Law*, London: Institute for Employment Rights and Lawrence and Wishart.
- Jackson, M., Leopold, J. and Tuck, K. (1993) *Decentralisation of Collective Bargaining*, Basingstoke and London: MacMillan.
- Jacobi, O., Keller, B., Muller-Jentsch, W. (1998) 'Germany: facing new challenges', in A. Ferner and R. Hyman (eds) *Changing Industrial Relations in Europe*, Oxford: Blackwell.
- Keller, B. and Sorries, B. (1999) 'Sectoral social dialogue: new opportunities or more impasses?' *Industrial Relations Journal*, 30, 4: 330—44.
- Kelly, J. (1999) 'Social partnership in Britain: good for profits, bad for jobs and unions', *Communist Review*, 30: 3—11.
- Kelly, J. and Heery, E. (1994) *Working for the Union: British Trade Union Officers*, Cambridge: Cambridge University Press.
- Kochan, T. A. (2000) 'Building a new Social Contract at work: a call to action', *Presidential Address to the Annual Conference of the Industrial Relations Research Association*, Boston: USA.
- Kochan, T. A., Katz, H.C. and McKersie, R.B. (1986) *The Transformation of American Industrial Relations*, New York: Basic Books.
- Lockton, D.J. (1999) *The Employment Relations Act 1999: A Practical Guide*, London: Jordans.
- McIlroy, J. (2000a) 'New Labour, new unions, new left', *Capital and Class*, 71: 11—45.
- McIlroy, J. (2000b) 'The new politics of pressure – the Trades Union Congress and New Labour in Government', *Industrial Relations Journal*, 31, 1: 2—16.
- Millward, N., Bryson, A. and Forth, J. (2000) *All Change at Work? British Employment Relations 1980—1998, as Portrayed by the Workplace Industrial Relations Survey Series*, London: Routledge.
- Millward, N., Stevens, M., Smart, D. and Hawes, W.R. (1992) *Workplace Industrial Relations in Transition*, Aldershot: Dartmouth.
- Munro, A. and Rainbird, H. (2000) 'The new unionism and the new bargaining agenda: UNISON-employer partnerships on workplace learning', *British Journal of Industrial Relations*, 38, 2: 223—40.
- Murray, G. (1994) 'Structure and identity: the impact of union structure in comparative perspective', *Employee Relations*, 16, 2: 24—40.

- Needleman, R. (1998) 'Building relationships for the long haul: unions and community-based groups working together to organize low-wage workers', in K. Bronfenbrenner, S. Friedman, R.W. Hurd, R.A. Oswald and R.L. Seeber (eds) *Organizing to Win: New Research on Union Strategies*, Ithaca, NY: ILR Press.
- Osterman, P. (1999) *Securing Prosperity. The American Labor Market: How It Has Changed and What to Do about It*, Princeton, New Jersey: Princeton University Press.
- Ozaki, M. (ed.) (1999) *Negotiating Flexibility: The Role of the Social Partners and the State*, Geneva: International Labour Office.
- Purcell, J. (1995) 'The end of institutional industrial relations', *Political Quarterly*, 64, 1: 6—23.
- Purcell, J. (1999) 'High commitment management and the link with contingent workers: implications for strategic human resource management', *Research in Personnel and Human Resource Management, Supplement 4*, Greenwood, Connecticut: JAI Press.
- Purcell, K. and Purcell, J. (1999) 'Insourcing, outsourcing and the growth of contingent labour as evidence of flexible employment strategies', in R. Blanpain (ed.) *Non-Standard Work and Industrial Relations*, London: Kluwer Law International.
- Riley, N-M. (1997) 'Determinants of union membership: a review', *Labour*, 11, 2: 265—301.
- Robinson, P. (2000) 'Insecurity and the flexible workforce: measuring the ill-defined', in E. Heery and J. Salmon (eds) *The Insecure Workforce*, London: Routledge.
- Rogers, J. (1995) 'A strategy for labor', *Industrial Relations*, 34, 3: 367—81.
- Rogers, J.K. (2000) *Temps: The Many Faces of the Changing Workforce*, Ithaca and London: ILR Press.
- Saundry, R. (1998) 'The limits of flexibility: the case of UK television', *British Journal of Management*, 9, 1: 151—62.
- Schultze, C.L. (2000) 'Has job security eroded for American workers?', in M.M. Blair and T.A. Kochan (eds) *The New Relationship: Human Capital in the American Corporation*, Washington DC: Brookings Institution Press.
- Sewel, J. and Penn, R. (1996) 'Trade unionism in a hostile environment: an account of attempts to organise the North Sea oil industry between 1970 and 1990', in D. Gallie, R. Penn and M. Rose (eds) *Trade Unionism in Recession*, Oxford: Oxford University Press.
- Sisson, K. and Brown, W. (1983) 'Industrial relations in the private sector: Donovan re-visited', in G.S. Bain (ed.) *Industrial Relations in Britain*, Oxford: Basil Blackwell.

- Stanworth, C. and Stanworth, J. (1997) 'Managing an externalised workforce: freelance labour use in the UK', *Industrial Relations Journal*, 28, 1: 43—55.
- Taylor, P. and Bain, P. (1999) '“An assembly line in the head”: work and employment relations in the call centre', *Industrial Relations Journal*, 30, 2: 101—17.
- Towers, B. (1997) *The Representation Gap: Change and Reform in the British and American Workplace*, Oxford: Oxford University Press.
- Turnbull, P. and Wass, V. (2000) 'Redundancy and the paradox of job insecurity', in E. Heery and J. Salmon (eds) *The Insecure Workforce*, London: Routledge.
- Vines, J. (2000) 'Wizards in Oz', *Unions Today*, May: 18—21.
- Waddington, J. and Whitston, C. (1997) 'Why do people join unions in a period of membership decline?', *British Journal of Industrial Relations*, 35, 4: 515—46.
- Waldinger, R., Erickson, C., Milkman, R., Mitchell, D.J.B., Valenzuela, A., Wong, K. and Zeitlin, M. (1998) 'Helots no more: a case study of the Justice for Janitors campaign in Los Angeles', in K. Bronfenbrenner, S. Friedman, R.W. Hurd, R.A. Oswald and R.L. Seeber (eds) *Organizing to Win: New Research on Union Strategies*, Ithaca, NY: ILR Press.
- Weinbaum, E.S. (1999) 'Organizing labor in the era of contingent work and globalization', in B. Nissen (ed.) *Which Direction for Organized Labor?*, Detroit, MI: Wayne State University Press.
- Wever, K. (1998) 'International labor revitalization: enlarging the playing field', *Industrial Relations*, 37, 3: 388—407.
- White, G. (1999) 'The remuneration of public servants: fair pay or New Pay?', in S. Corby and G. White (eds) *Employee Relations in the Public Services: Themes and Issues*, London: Routledge.
- White, G. (2000) 'Determining pay', in G. White and J. Druker (eds) *Reward Management: A Critical Text*, London: Routledge.
- Wial, H. (1994) 'New bargaining structures for new forms of business organisation', in S. Friedman, R.W. Hurd, R.A. Oswald, and R.L. Seeber (eds) *Restoring the Promise of American Labor Law*, Ithaca, New York: ILR Press.
- Willman, P., Morris, T. and Aston, B. (1993) *Union Business*, Cambridge: Cambridge University Press.
- Wills, J. (2000) *Unions and Community: Geographies of Trade Union Renewal*, Working Paper One, Geographies of Organised Labour, London: Queen Mary and Westfield College.
- Wrench, J. and Virdee, S. (1996) 'Organising the unorganised: race, 'poor work' and trade unions', in P. Ackers, C. Smith and P. Smith (eds) *The New Workplace and Trade Unionism*, London: Routledge.